

Judicial Council of California • Administrative Office of the Courts

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INVITATION TO COMMENT

SPR11-11

Title	Action Requested
Infraction Amnesty Program Guidelines	Review and submit comments by July 13, 2011
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Senate Bill 857 (Stats. 2010, ch 720) amending Vehicle Code section 42008.7	January 1, 2012, thru June 30, 2012
Assembly Bill 1358 (Stats. 2011, ch ____) amended Vehicle Code section 42008.7	Contact Jessica Sanora, 818 558-3068 collections@jud.ca.gov
Proposed by Administrative Office of the Courts (AOC) Enhanced Collections Unit, in collaboration with Collections Amnesty Program Working Group	

Summary

A one-time, mandatory infraction amnesty program has been authorized by legislation to operate for a six-month period effective January 1 through June 30, 2012, for bail and fines meeting the eligibility requirements. An amendment to include certain misdemeanor violations is currently in the Legislature and would extend the scope of cases that would qualify for the amnesty program. Therefore, the Enhanced Collections Unit of the AOC will be requesting the Judicial Council to approve two sets of amnesty program guidelines in August 2011 to assist court and county collection programs as they develop local policies and procedures to implement the amnesty program.

Discussion

Current and proposed legislation requires that the Judicial Council establish statewide guidelines for the amnesty program. The guidelines will be presented to the Judicial Council for approval in August 2011 to give the court and county collection programs time to develop local guidelines and procedures.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Background

In October 2010, Senate Bill 857 (Committee on Budget and Fiscal Review; Stats. 2010, ch. 720) added section 42008.7 to the Vehicle Code. The statute sets the general guidelines for a one-time, mandatory infraction amnesty program, effective January 1 through June 30, 2012, for bail and fines meeting the eligibility requirements. On approval, Assembly Bill 1358 (Stats. 2011, ch. __) would amend Vehicle Code section 42008.7, to include infractions with a misdemeanor violation added to an underlying infraction violation under Vehicle Code section 40508(a) or (b) or Penal Code section 853.7. In addition, the court and the county may jointly agree to extend the one-time amnesty program to include bail and fines imposed for certain misdemeanor violations to the mandatory infraction amnesty program (as approved in Sen. Bill 857 (Stats. 2010, ch. 720)).

Rationale

The purpose of the one-time infraction amnesty program is to provide relief to individuals who have found themselves in violation of a court-ordered obligation because they have been unable to pay a delinquent court-ordered bail amount or fine balance resulting from a traffic infraction that is more than three years past due.

The infraction amnesty program may provide increased revenue at a time when revenue is scarce by encouraging debtors to pay older debt in a lump-sum payment to be paid in full satisfaction of any eligible fine or bail at 50 percent of the total fine or bail that has remained unpaid and due. This program will allow court and county collection programs to resolve older delinquent cases and focus future collection efforts on cases that have greater likelihood of success.

The AOC Enhanced Collections Unit proposes two sets of amnesty program guidelines for court and county collection programs to consider when developing local policies and procedures for Vehicle Code infractions and misdemeanor violations. The Infraction Amnesty Program Guidelines are based on current law. The Amnesty Program Guidelines are pending enactment of Assembly Bill 1358.

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