



JUDICIAL COUNCIL  
OF CALIFORNIA

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## FACT SHEET

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April 2019

### Distributions-A Legislative Update

As of the date of this document, several bills are being tracked by the Judicial Council for their potential effects on revenue collections and distributions. We are highlighting the following bills due to the significant impact they would have on revenues and distributions if passed. Please see the additional resources link at the end of this document to track changes in these and other pieces of legislation currently being considered by the California Legislature.

- AB 227 (Jones-Sawyer)
- AB 330 (Gabriel)
- AB 927 (Jones-Sawyer)
- AB 1076 (Ting)
- SB 144 (Mitchell)
- SB 164 (McGuire)

#### **AB 227 (Jones-Sawyer) Crimes: assessments: restitution: ability to pay**

Codifies the Duenas decision into law by making a defendant's inability to pay a fine a compelling and extraordinary reason for a court to not impose a restitution fine upon a conviction of a misdemeanor or felony. Also requires the court to impose the court facility and court operation assessments unless the court determines that the defendant does not have the ability to pay. This bill is currently on the Assembly Appropriations Committee suspense file.

#### **AB 330 (Gabriel) Appointed legal counsel in civil cases**

Expands the Sargent Shriver Civil Counsel Act program by increasing specific civil court fees. Further, requires the increased funding to be used by the Judicial Council for the Shriver program. This bill is awaiting a hearing in the Assembly Appropriations Committee

**AB 927 (Jones-Sawyer) Crimes: fines and fees: defendant's ability to pay**

Requires ability to pay determinations for all adult and juvenile misdemeanor and felony proceedings. Includes specific factors in which a defendant is presumed to not have the ability to pay including if a defendant is homeless, lives in a shelter, or lives in a transitional living facility, receives need-based public assistance, is very low income, or is sentenced to state prison for an indeterminate term or a term of life without the possibility of parole. This bill is currently on the Assembly Appropriations Committee suspense file.

**AB 1076 (Ting) Criminal records: automatic relief**

Requires the Department of Justice, on a weekly basis, to review the records in the state summary criminal history information database and to identify persons who are eligible for relief by having their arrest records, or their criminal conviction records, withheld from disclosure. Requires relief to be granted to an eligible person, without requiring a petition or motion (this would also eliminate any existing filing fees).

Requires DOJ, on a weekly basis, to electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which relief was granted. Prohibits the court from disclosing information concerning an arrest or conviction granted relief, with exceptions. Finally, this bill has ambiguous provisions which a court could interpret to mean that an individual is no longer responsible to pay any outstanding monetary penalties associated with the conviction(s) for which the DOJ is granting relief. This bill is currently on the Assembly Appropriations Committee suspense file.

**SB 144 (Mitchell) Criminal fees**

Repeals the authority to collect various existing fees including fees contingent upon a criminal arrest, prosecution, or conviction for the cost of administering the criminal justice system, including administering probation and diversion programs, collecting restitution orders, processing arrests and citations, administering drug testing, incarcerating inmates, facilitating medical visits, and sealing or expunging criminal records. (the bill as currently in print amends 137 code sections)

Makes the unpaid balance of any court-imposed costs unenforceable and uncollectible and requires any portion of a judgment imposing those costs to be vacated. Prohibits the imposition of trial court filing fees or costs related to a person's underlying criminal conviction.

Deletes the authority of the court to impose liens on a defendant's property. Deletes the authority of the court to require a person convicted of a nonviolent drug

possession offense to contribute to the cost of their placement in a drug treatment program.

Repeals the authority of the court to impose a civil assessment of up to \$300 against a person who fails, after notice and without good cause, to appear in court or who fails to pay all or any portion of a fine ordered by the court.

Deletes the requirement that a parolee pay for the costs associated with being monitored by a global positioning system. Deletes the requirement that the person pay the costs of the ignition interlock device program and the requirement that the person pay the fee to the DMV. This bill is set for a hearing in the Senate Public Safety Committee on April 23, 2019.

**SB 164 (McGuire) Infractions: community service**

Allows individuals that are performing community service, in situations where they have demonstrated that paying the fine will be an economic hardship, to complete that community service in either the county in which the infraction violation occurred, or in the county of the person's residence. This bill is in the Assembly Chamber pending referral to the appropriate committee(s).

*Contact:*

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*Additional resources:*

Legislative research site: <http://leginfo.legislature.ca.gov/>  
JCC Annual Legislative Tracking: <http://www.courts.ca.gov/4121.htm>