

Revenue Distribution Training

December 2016



Presented by the
State Controller's Office
and the
Judicial Council of California

Training Agenda

Opening and Introduction

- Welcome by Colin Simpson
- Faculty and staff contact info
- Housekeeping
- Training expectations and goals

Training Topics

- Franchise Tax Board
 - COD and IIC Program Information
- State Controller's Office
 - Urgency Legislation and Updates
 - New/Updated Legislation for Guidelines
 - TC-31 Submission
 - Listserv Notifications



Training Agenda

Training Topics

- **Judicial Council**
 - *Proposed* Uniform Bail and Penalty Schedule
 - Court Legislation
 - Other Activities
 - Statewide Amnesty Program
 - Commission on the Future of the Calif. Court System
 - Overview of RevDist and Amnesty FAQs
 - Audit and Distribution Issues (SCO)

Information Items

- Spring 2017 Revenue Distribution Training

Wrap Up

- Pending Questions
- Training Certifications



Faculty and Contacts

Franchise Tax Board:

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State Controller's Office:

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JUDICIAL COUNCIL
OF CALIFORNIA

Faculty and Contacts

Judicial Council:

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JUDICIAL COUNCIL
OF CALIFORNIA

Housekeeping Information

- Place your phone on “Mute”
- Do not place the call on hold
- Use of WebEx “Chat” feature
- Send “chat” questions to “Rose Butler”
- Provide contact information (name, email and phone)
- “Pauses” between sections
- Questions submitted through the “chat” should also be submitted to SCO and Judicial Council email boxes at:
LocalGovPolicy@sco.ca.gov and
RevenueDistribution@jud.ca.gov



Housekeeping Information

- Evaluation Questionnaire:
 - Complete evaluation questionnaire via SurveyMonkey after the training. Your feedback is important to us as we would like know how we are doing and how to improve our trainings. Complete evaluation by December 23.
- Training PowerPoint and Audio on Website
 - Will be posted by Friday, December 9, 2016 at:
<http://www.courts.ca.gov/revenue-distribution.htm>
- Training Completion Certificate
 - A 90-minute training completion certificate will be sent to registered participants upon request at RevenueDistribution@jud.ca.gov.

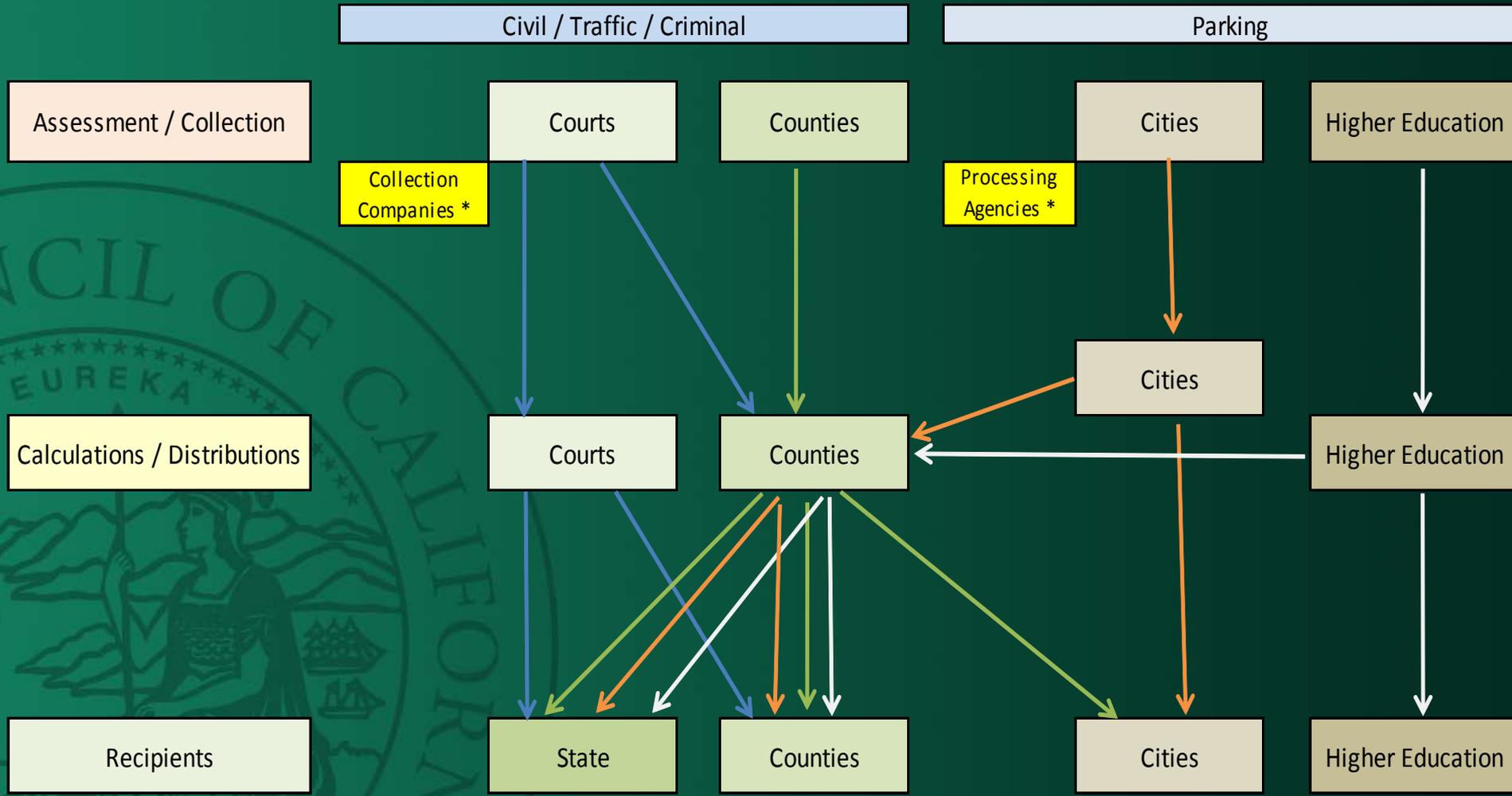


Training Goals

- Review changes to *Trial Court Revenue Distribution Guidelines* (formerly *Appendix C*)
- Identify changes to the *Proposed 2017 Uniform Bail and Penalty Schedules*
- Review and discussion of frequently asked questions related to revenue distribution
- Provide an overview of audit and distribution issues
- Discuss Spring 2017 training



ASSESSMENT, COLLECTION, AND DISTRIBUTION COMPLEXITY OF THE PROCESS

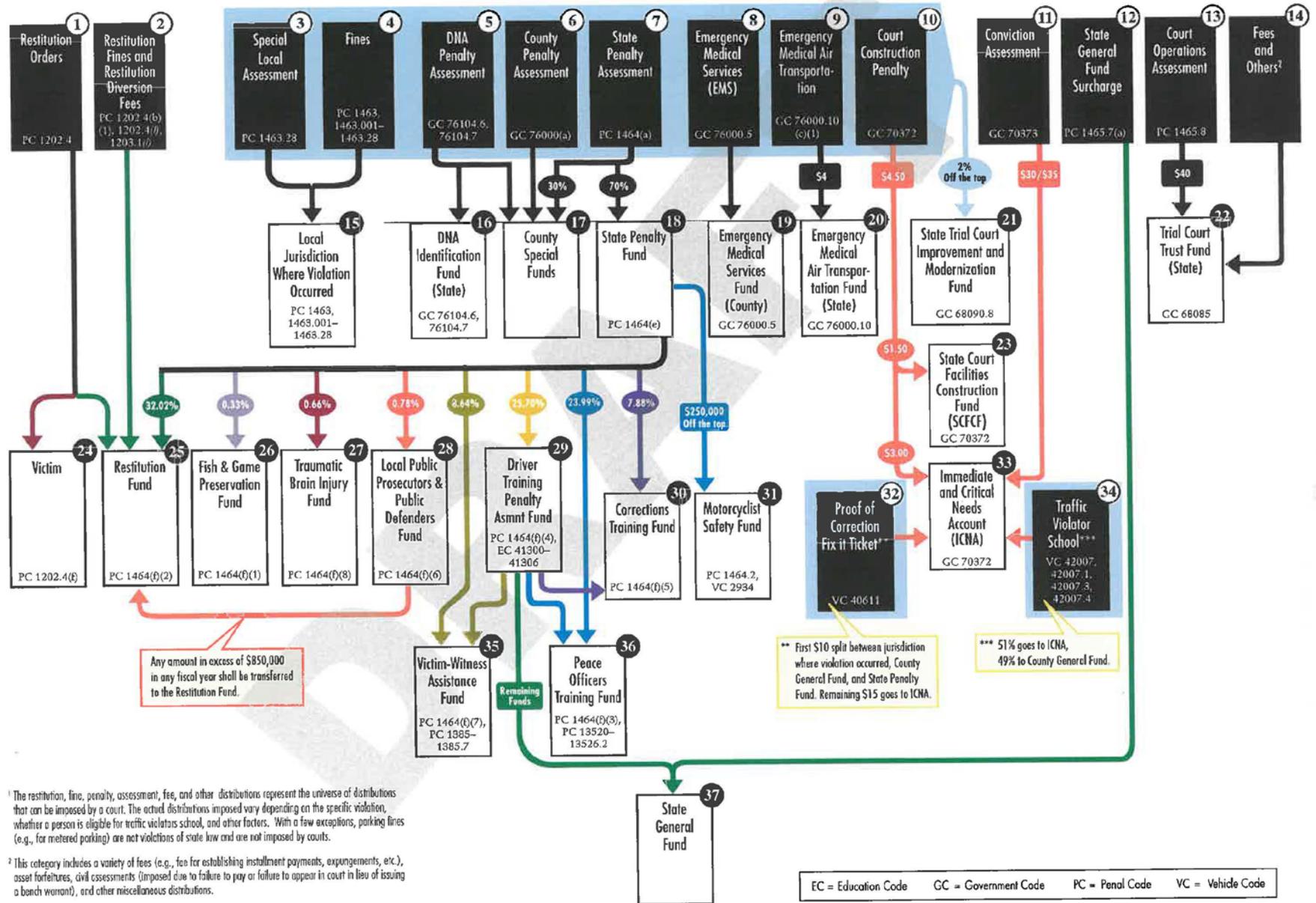


* Entities under contract to perform collections.



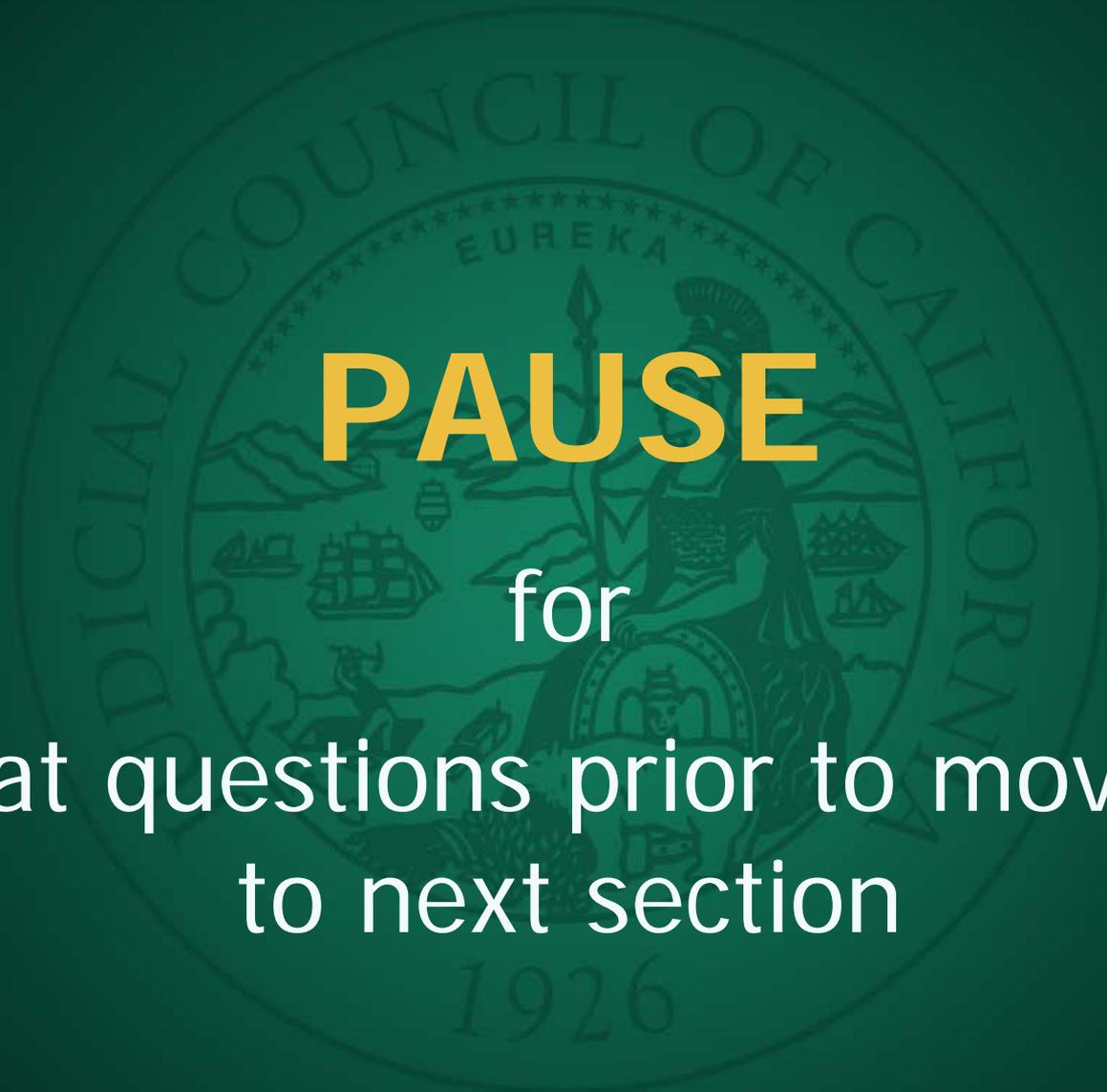
JUDICIAL COUNCIL
OF CALIFORNIA

Distribution of Criminal and Traffic Fines, Fees, and Penalties¹



¹ The restitution, fine, penalty, assessment, fee, and other distributions represent the universe of distributions that can be imposed by a court. The actual distributions imposed vary depending on the specific violation, whether a person is eligible for traffic violators school, and other factors. With a few exceptions, parking fines (e.g., for metered parking) are not violations of state law and are not imposed by courts.

² This category includes a variety of fees (e.g., fee for establishing installment payments, expungements, etc.), asset forfeitures, civil assessments (imposed due to failure to pay or failure to appear in court in lieu of issuing a bench warrant), and other miscellaneous distributions.

The background of the slide features a large, faint, circular seal of the Judicial Council of California. The seal contains the text "JUDICIAL COUNCIL OF CALIFORNIA" around the top edge and "1926" at the bottom. In the center, there is a figure holding a scale and a sword, with the word "EUREKA" above it. The seal is rendered in a light green color that blends with the dark green background.

PAUSE

for

chat questions prior to moving
to next section



STATE OF CALIFORNIA
Franchise Tax Board

Non-Tax Debt Collection

An Overview of FTB's Non-Tax Debt Programs



Carrie Deterding, Gretchen Moe, Jennifer Jacobsen and
Kasia Killgore

Non-Tax Debt (NTD)

Statewide Collection Bureau

December 6 and 7, 2016

FTB Non-Tax Debt Program Basics

COD Program

- In 1994, the State Legislature authorized the FTB to collect delinquent court-ordered debt as a pilot program.
- In 2004, the Legislature made the program permanent and expanded it statewide. (California Revenue and Taxation Code Sections 19280–19282).
- Funding is provided by the participating courts and agencies. These costs cannot exceed 15 percent of the amount FTB-COD collects (RTC Section 19280) on behalf of their clients.

Collection Process

COD Program

- Our clients issue a series of delinquent notices and sometimes pursue license suspension prior to submitting the case to us.
- We accept the case and run it against: National Change of Address (NCOA), DMV, Social Security Number (SSN) validation.
- We create an account for the case and begin the collection cycle:
 - Issue Demand Notice
 - After 45 days we send an EWO or OTW
 - If no payment is received in 45 days, we repeat the process
 - We keep the case up to 24 months
- We will return the case sooner if:
 - Case is deemed uncollectable
 - Client withdraws the case

Case Referral Criteria

COD Program

- Court Fines and Fees
- Vehicle Code Violations
- Civil and Probation Assessments
- Juvenile Offenses
- Restitution
- Bail

| 2015-16 Fiscal Year Collection Totals | | | |
|---------------------------------------|-----------|----------------------------|----------------------|
| <i>Case Inventory</i> | | <i>Collection Activity</i> | |
| Beginning Inventory | 1,690,476 | Demand Notices | 14,445,371 |
| Accepted Cases | 497,362 | Installment Agreements | 10,242,458 |
| Withdrawn Cases | 119,792 | Bank Levies | 3,703,101 |
| Returned Cases | 722,308 | Wage Levies | 74,369,167 |
| Ending Inventory | 1,346,760 | Misc Levies | 287,867 |
| | | Dishonored Checks | 119,037 |
| | | Payments in Courts | 5,727,083 |
| | | Total Collected | \$108,894,084 |

FTB Non-Tax Debt Program Basics

IIC Program

- Began in 1975 (Govt. Code Sections 12419.2-3, 12419.5, 12419.7-12).
- FTB administers the Program on behalf of the State Controller's Office.
- FTB redirects state:
 - Tax refunds
 - Lottery winnings
 - Unclaimed property disbursements
- The participating agencies fund the Program at a cost of approximately \$2 per offset.

Case Referral Criteria

IIC Program

- State agencies
 - Any type of debt such as delinquent vehicle registration, sales, and employment taxes.
- Counties and cities
 - Property taxes, delinquent fines, bails, vehicle parking penalties, court-ordered payments, or other permitted debts.
- California colleges
 - Delinquent registration, tuition, bad check fees, library fines, federally subsidized student loans, or other permitted debts.
- Special districts
 - Water bills, waste disposal fees, and fire inspection fees.

Client Process

- Criteria:
 - Debt type must qualify under IIC authority.
 - Pre-Intercept Notice mailed at least 30 days prior to submission.
 - Debt amount is at least \$10.
 - One sum total debt amount (for each debtor).
- Submit debtor accounts via Secure Web Internet File Transfer (SWIFT).

IIC Process

- Flag accounts with an offset indicator.
- Reject debtor accounts that do not meet our criteria and send a report of these accounts back.
- Send a weekly report of intercepts that took place.
- Send a check around the middle of the subsequent month.

| 2015-2016 Fiscal Year Collection Totals | | |
|---|------------------------------|-------------------------|
| | <i>Successful Intercepts</i> | <i>Amount Collected</i> |
| PIT Intercepts | 901,466 | \$300,871,223 |
| Lottery Winnings | 5,796 | \$4,448,364 |
| Unclaimed Property | 43,682 | \$9,963,483 |
| BOE | 268 | \$373,618 |
| EDD | 524 | \$683,874 |
| | | \$316,340,562 |

Non Tax Debt Collection Contact Information

COD

Carrie Deterding, Program Manager

Phone: 916.845.5326

Email: carrie.deterding@ftb.ca.gov

Jennifer Jacobsen, Supervisor

Phone: 916.845.5118

Email: jennifer.jacobsen@ftb.ca.gov

IIC

Gretchen Moe, Program Manager

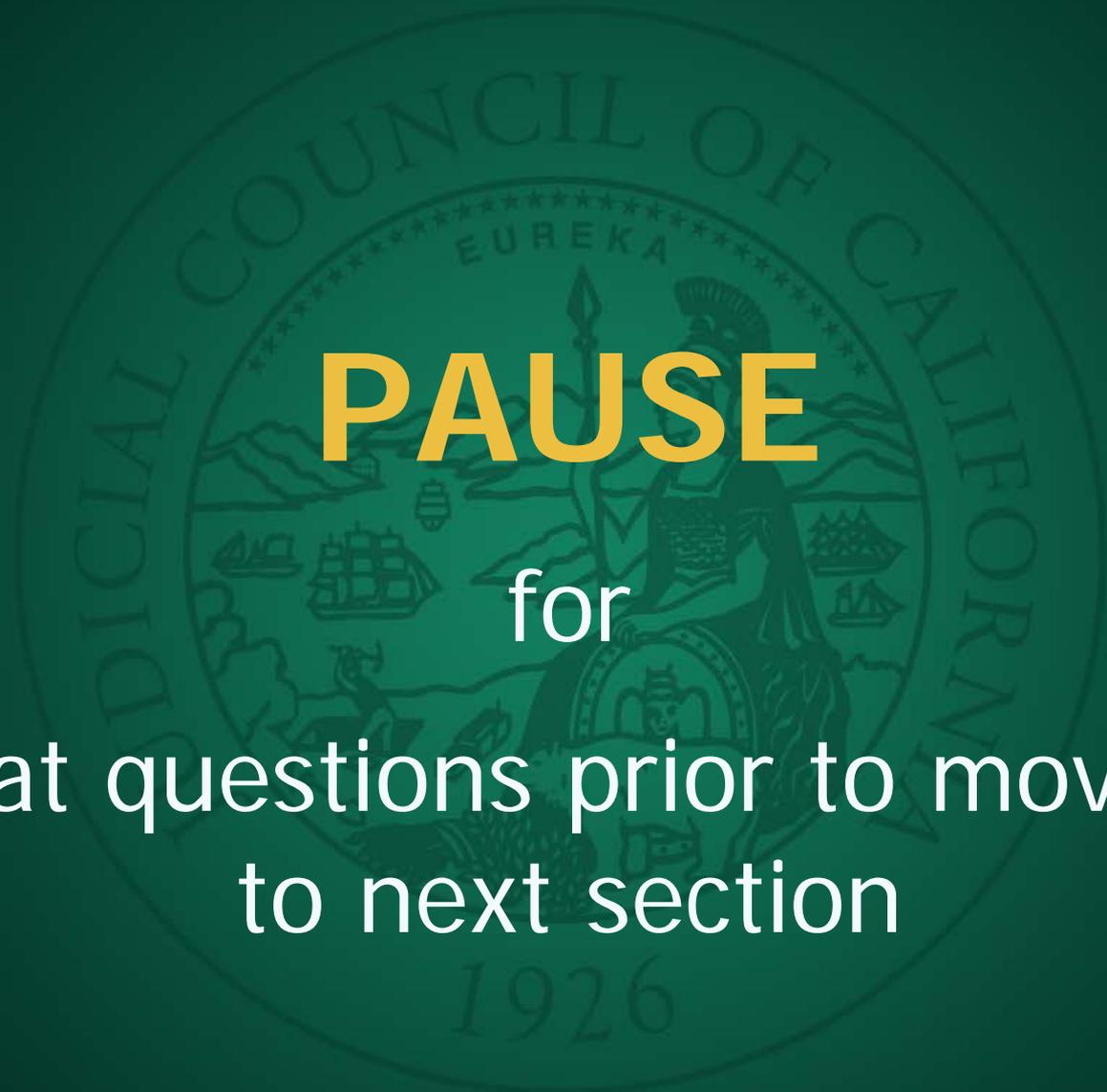
Phone: 916.845.5504

Email: gretchen.moe@ftb.ca.gov

Kasia Killgore, Supervisor

Phone: 916.845.3134

Email: kasia.killgore@ftb.ca.gov

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chat questions prior to moving
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Court Revenue Distribution Training

December 2016



Controller Betty T. Yee
California State Controller's Office

Introduction

Trial Court Revenue Distribution Guidelines

- Michael Gungon, Fiscal Analyst
- Don Lowrie, Fiscal Analyst

If you have any questions related to trial court revenue distribution, please email LocalGovPolicy@sco.ca.gov.



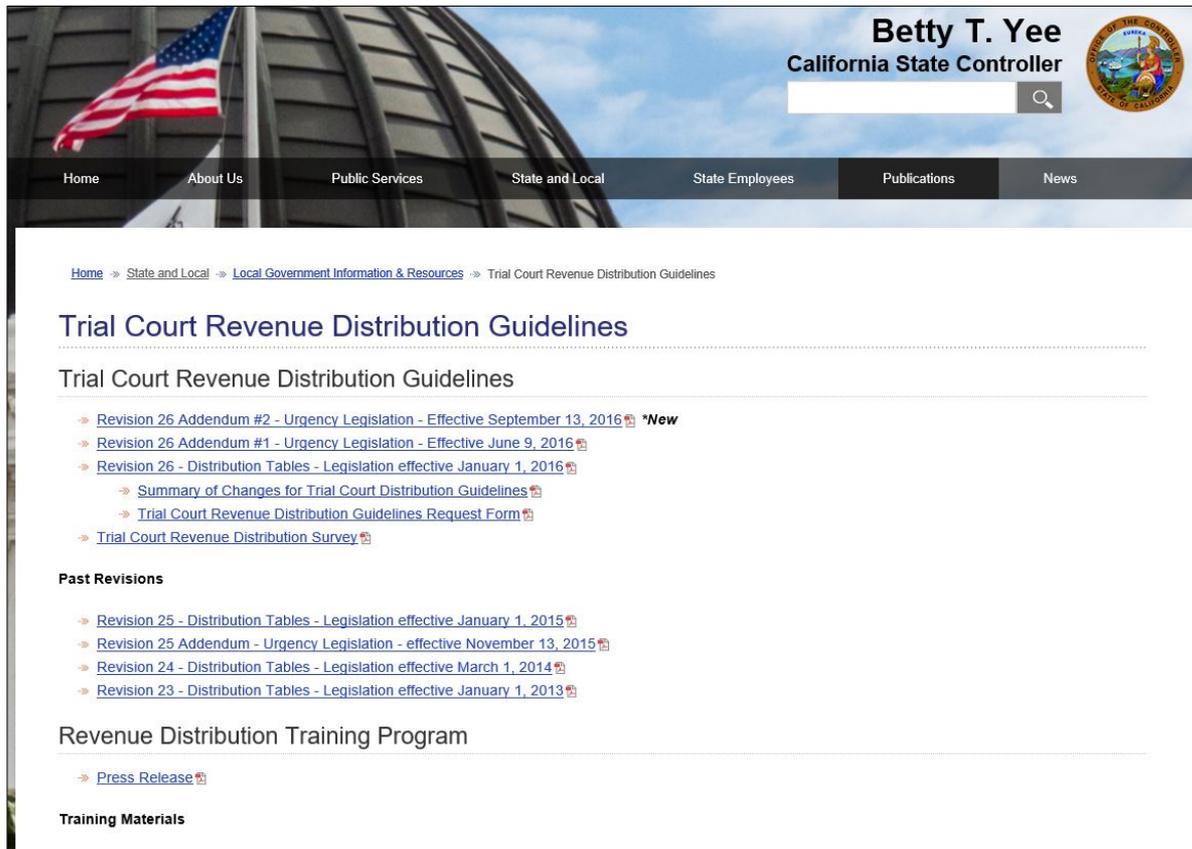
Overview of SCO Guidance

- Current Urgency Legislation
- Key Legislative Updates to *Trial Court Revenue Distribution Guidelines*, to be published in Revision 27.
- TC-31 Submission
- Listserv Notifications



SCO Trial Court Website

The Trial Court Revenue Distribution Guidelines can be found at:
http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html



The screenshot shows the website header for Betty T. Yee, California State Controller. The navigation menu includes Home, About Us, Public Services, State and Local, State Employees, Publications, and News. The main content area displays the breadcrumb trail: Home > State and Local > Local Government Information & Resources > Trial Court Revenue Distribution Guidelines. The title is "Trial Court Revenue Distribution Guidelines". Below the title, there are several links with external icons:

- [Revision 26 Addendum #2 - Urgency Legislation - Effective September 13, 2016](#) *New
- [Revision 26 Addendum #1 - Urgency Legislation - Effective June 9, 2016](#)
- [Revision 26 - Distribution Tables - Legislation effective January 1, 2016](#)
 - [Summary of Changes for Trial Court Distribution Guidelines](#)
 - [Trial Court Revenue Distribution Guidelines Request Form](#)
- [Trial Court Revenue Distribution Survey](#)

Past Revisions

- [Revision 25 - Distribution Tables - Legislation effective January 1, 2015](#)
- [Revision 25 Addendum - Urgency Legislation - effective November 13, 2015](#)
- [Revision 24 - Distribution Tables - Legislation effective March 1, 2014](#)
- [Revision 23 - Distribution Tables - Legislation effective January 1, 2013](#)

Revenue Distribution Training Program

- [Press Release](#)

Training Materials



Controller Betty T. Yee
California State Controller's Office

Urgency Legislation

The codes below take effect immediately upon enactment. Additional information about the changes may be found on our website at

http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html.

These codes will also be included in Revision 27 of the *Guidelines*.

| Added, Amended Or Removed | Code Section | Description |
|---------------------------|--------------|--|
| Removed | B&P 19318 | Violations of Medical Cannabis Regulation and Safety Act; repealed June 27, 2016. |
| Amended | B&P 19360 | Violations of Medical Cannabis Regulation and Safety Act; fines to be deposited in Medical Cannabis Fines and Penalties Account. |
| Added | B&P 22958 | Raised the legal age to sell tobacco products to 21, except for active duty military personnel 18 or over. |
| Added | B&P 22963 | Prohibits use of mail or delivery services to deliver tobacco products to persons under the age of 21. |
| Added | CC 1789.37 | Prohibits operating a check-cashing business without a permit. |
| Added | F&G 1615 | Civil penalties for violations related to the protection and conservation of fish and wildlife. |
| Added | F&G 12008.1 | Prohibits the import, export, taking, possession, purchase, or sale of any endangered, threatened, or candidate species, or part thereof. |
| Added | F&G 12157 | Proceeds from sale of forfeited devices, apparatus, or vehicles, as specified, to be distributed to State Fish and Game Preservation Fund. |
| Amended | GC 70626 | \$25 or \$30 fees for specified court actions; June 30, 2017 sunset date of fee increase removed. |
| Amended | LC 2699 | Civil penalties for Labor Code violations when action brought by employee pursuant to Private Attorney Generals Act. |
| Amended | PC 308 | Raised the legal age to sell tobacco products to 21, except for active duty military personnel 18 or over. |
| Amended | PC 2085.5 | Collection of restitution fines & orders from prisoners and parolees. |
| Amended | PC 2085.6 | Collection of restitution fines & orders from released prisoners. |
| Added | WC 1845 | Failure to comply with cease and desist orders issued related to specified violations of the Water Code. |
| Added | WC 1847 | Violations related to the diversion or use of water for cannabis cultivation. |
| Added | W&I 1752.81 | Collection of restitution fines or orders from trust accounts or civil suit awards of juvenile wards. |
| Added | W&I 1752.82 | Deduction of restitution fines or orders from juvenile ward wages. |



Urgency Legislation, *continued*

The codes below take effect immediately upon enactment. Additional information about the changes may be found on our website at http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html.

These codes will also be included in Revision 27 of the *Guidelines*.

| Added, Amended Or Removed | Code Section | Description |
|--|--------------|--|
| Amended | GC 70626 | \$25 or \$30 fees for specified court actions; June 30, 2017 sunset date of fee increase removed. |
| The change to GC 70626 also impacted the following code sections: | | |
| Amended | CCP 683.150 | Fee for filing application for renewal of judgment; June 30, 2017 sunset date of fee increase removed. |
| Amended | CCP 724.100 | Fee for filing application for certificate of satisfaction of judgment; June 30, 2017 sunset date of fee increase removed. |
| Amended | CCP 1134 | Fee for filing an entry of judgment; June 30, 2017 sunset date of fee increase removed. |
| Amended | F&A 31622 | Fee for filing appeal of the determination of a dangerous dog; June 30, 2017 sunset date of fee increase removed. |
| Amended | PRO 13201 | Fee for filing an affidavit pursuant to PRO 13200; June 30, 2017 sunset date of fee increase removed. |



Legislation added by Propositions

The codes below take effect the day following election, except as specified. Additional information about the changes may be found on our website at

http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html.

These codes will be included in Revision 27 as well.

| Added, Amended Or Removed | Code Section | Description |
|---------------------------|--------------|---|
| Amended | B&P 19360 | Violations of Medical Cannabis Regulation and Safety Act; fines to be deposited in Medical Cannabis Fines and Penalties Account of the Marijuana Control Fund , pursuant to passage of Proposition 64 . |
| Added | B&P 26038 | Violations of the Adult Use of Marijuana Act ; fines to be deposited in the General Fund, except as specified, pursuant to passage of Proposition 64 . Effective January 1, 2018. |
| Amended | PC 2085.5 | Collection of restitution fines & orders from prisoners and parolees. Added 70% deduction of wages or trust accounts of condemned inmates , pursuant to passage of Proposition 66 . |
| Amended | PRC 42285 | Prohibits the distribution of single-use carryout bags. Effective November 9, 2016, pursuant to passage of Proposition 67 . |
| Added | R&T 34016 | Failure to allow inspection of business premises or other locations by peace officers , as specified, or the filing of false or fraudulent reports to the Board of Equalization by seller of marijuana products, pursuant to passage of Proposition 64 . Effective January 1, 2018. |



Updates due to Legislation

In addition to the urgency legislation and proposition-related changes, the codes below have been added or amended in 2016, and will become effective January 1, 2017. The following codes will be included in the forthcoming Revision 27 of the *Trial Court Revenue Distribution Guidelines*.

| Added, Amended Or Removed | Code Section | Description |
|---------------------------|--------------|--|
| Added | B&P 18890.4 | Violations regarding notice requirements for online child care job posting services and background check services. |
| Added | CCP 1010.6 | Service fees for filing documents electronically or for processing payment of court fees. |
| Added | FC 9001 | Fee, not to exceed \$700, to reimburse costs of conducting investigation in stepparent adoption, if performed by court or county employee. |
| Added | GC 6159 | Fees for accepting payment of court charges using credit card, debit cards, or electronic funds transfer. |
| Amended | GC 70615 | Fees for filing appeals of specified rulings by administrative agencies. Added appeal under PC 186.35. |
| Amended | GC 76000.5 | Additional penalty funding local emergency medical services. Sunset date extended to January 1, 2027. |
| Added | GC 84222.5 | Campaign contributions or expenditures made by publicly funded nonprofit organizations in violation of code section. Replaced GC 54964.6, which had similar language. |
| Amended | H&S 1797.98a | Distribution of funding for emergency medical services in county. Sunset date extended to January 1, 2027. |
| Added | H&S 43154 | Violations regarding the importation or sale of a motor vehicle that does not comply with emissions control laws subject to civil penalties up to \$37,500 for each action. |
| Amended | PC 1305.3 | Reimbursement of actual costs, including attorney's fees, by prosecuting agency for opposing a motion to vacate forfeiture of bail. Added attorney's fees as reimbursable cost. |
| Amended | PC 2085.5 | Collection of restitution fines & orders from prisoners and parolees. Amended to change administration fee to cover costs of collection. |
| Added | PC 2085.7 | Collection of restitution fines and orders from released county prisoners. Added as a separate code section. |
| Added | PC 2085.8 | Collection of restitution fines and orders from damages awarded to prisoners, parolees, or released prisoners resulting from civil actions brought against jails or correctional facilities, or the officials or agents thereof. Added as a separate code section. |
| Amended | R&T 30473.5 | Fines on the sale or purchase of false, fraudulent, or unaffixed cigarette tax stamps or meter impressions. Added unaffixed stamps as a violation. |



Controller Betty T. Yee
California State Controller's Office

Cannabis: Medical and Non-Medical Marijuana

SB 837

- Repealed **Business & Profession Code (B&P) §19318**.
- Rewrote **B&P §19360** to expand its scope and change the state-level recipient fund for civil penalties to the Medical Cannabis Fines and Penalties Account.

Proposition 64

- Changed the name of the Medical Cannabis Regulation and Safety Act Fund to the Marijuana Control Fund.
- Added **B&P §26038**, which is similar to **B&P §19360**, for non-medical marijuana producers and distributors.
- Note: The distribution is very different. Rather than the Medical Cannabis Fines and Penalties Account, penalties under **B&P §26038** go to the General Fund.



Restitution Fines & Orders

SB 836

- Changed the name of the California Victim Compensation and Government Claims Board to California Victim Compensation Board.
- Led to changes in **Penal Code (PC) §2085.5** and **PC §2085.6**, covering adult offenders.
- We added **Welfare & Institutions Code (W&I) §1752.81** and **W&I §1752.82**, covering juvenile offenders.

SB 1054

- In **PC §2085.5** the administration fee retained by the agency changed from 10% to the actual costs of collection.
- Added new code sections **PC §2085.7** and **PC §2085.8**, with language removed from **PC §2085.5**.

Proposition 66

- Added **Penal Code §2700.1**, raising the amount of deduction for condemned inmates to 70%.



TC-31 Submission

Remittance to the State Treasurer (TC-31) forms can be found at

http://www.sco.ca.gov/Content-Images/ARD/Remittc_tc31_online_1215.xlsx

Please submit your TC-31s to:

State Treasurer
 Cash Management Division
 915 Capitol Mall, Room 319
 Sacramento, CA 95814
 OR
 State Treasurer
 Cash Management Division
 P.O. Box 942809
 Sacramento, CA 94209-0001

NOT to the State Controller's Office.

Note that the TC-31s include only the most commonly used codes. If you have any questions about how to report a remittance that is not included on the form, please email FiscalControl@sco.ca.gov and they will be happy to assist you.

| CODE MONTH | | REMITTANCE ADVISOR NUMBER | | | |
|---|---------|---------------------------|-------------|--------|--|
| | | CO _____ | | | |
| REPORT TO STATE CONTROLLER OF REMITTANCE TO STATE TREASURER - TC-31 COUNTY NAME - NUMBER: COLLECTIONS FOR THE MONTH OF (MM) / (YY) | | | | | |
| STATE CONTROLLER'S USE ONLY | | | | | |
| FUND | AGENCY | FY | REV. CODE | AMOUNT | DESCRIPTION |
| 0 0 0 1 | 0 2 5 0 | | 1 6 1 4 0 3 | | General Fund - Penal Code 1465.7, AB 3000 - 20% surcharge on criminal fines |
| 0 0 0 1 | 0 8 2 0 | | 1 3 1 5 0 0 | | General Fund - Health & Safety 11372.5 - Criminalistics Lab Fee, Health & Safety 11502 - State Fines |
| 0 0 0 1 | 9 9 9 0 | | 1 3 0 9 0 1 | | General Fund - Penal Code 290.3 - First Conviction |
| 0 0 0 1 | 9 9 9 0 | | 1 3 0 9 0 2 | | General Fund - Penal Code 290.3 - Second & Subsequent Convictions |
| 0 0 0 1 | 9 9 9 0 | | 1 6 0 5 0 0 | | General Fund - Health & Safety 11489 - Asset Forfeitures (24%) |
| 0 0 0 1 | 9 9 9 0 | | 1 6 4 0 0 0 | | General Fund - Penal Code 1483.22(c) - Uninsured Motorists (\$10 Conviction) |
| 0 0 0 1 | 9 9 9 0 | | 1 6 4 2 0 1 | | General Fund - Vehicle Code 40225(d) |
| 0 0 0 1 | 9 9 9 0 | | 1 6 4 3 0 1 | | General Fund - Health & Safety 105257 - State penalty on lead abatement fines |
| 0 0 4 4 | 2 7 4 0 | | 1 1 4 3 0 0 | | Motor Vehicle Account - Vehicle Code 11208(c), AB 2499 - Traffic violator school (\$3 Certificate of Completion fee) |
| 0 0 4 4 | 2 7 4 0 | | 1 6 4 0 0 0 | | Motor Vehicle Account - Penal Code 1483.22(b) - Uninsured Motorists (\$3 conviction) |
| 0 1 0 2 | 3 5 4 0 | | 1 2 5 2 0 0 | | State Fire Marshall Lic Cert Fund - Health & Safety 12105 - Explosive Permit Fees |
| 0 1 5 9 | 0 2 5 0 | | 1 6 4 6 0 2 | | Trial Court Improvement Fund - Government Code 68090.6 - 2% Automation |
| 0 1 5 9 | 0 2 5 0 | | 1 6 4 6 0 3 | | Trial Court Improvement Fund - GC 77205 - 50% Excess |
| 0 2 0 0 | 3 6 0 0 | | 1 2 5 6 0 0 | | Fish & Game Preservation Fund - Fish & Game 711.4 - Environmental Document Filing Fees |
| 0 2 0 0 | 3 6 0 0 | | 1 3 1 0 0 0 | | Fish & Game Preservation Fund - Fish & Game 13003 - Fish & Game Preservation Fund |
| 0 2 0 0 | 3 6 0 0 | | 1 3 1 3 0 0 | | Fish & Game Preservation Fund - Fish & Game 12021, 13000 - Secret Witness Program |
| 0 2 1 4 | 7 8 7 0 | | 1 3 0 8 0 0 | | Restitution Fund - Penal Code 1202.4, W&I 730.6 |
| 0 2 1 4 | 7 8 7 0 | | 1 3 0 8 0 3 | | Restitution Fund - Penal Code 1001.90 - Diversion Restitution Fee |
| 0 2 1 4 | 7 8 7 0 | | 1 3 0 8 0 6 | | Restitution Fund - Penal Code 1202.44 - Conditional Sentence Restitution Fines |
| 0 2 1 4 | 7 8 7 0 | | 1 6 4 4 0 0 | | Restitution Fund - Penal Code 1463.18 - DUI Fines |
| TOTAL | | | | | |
| TO STATE CONTROLLER: I hereby certify that the foregoing report, as it relates to the agency I represent, is a correct statement of the State's share of collections deposited for the month stated above in accordance with Section 68101 of the Government Code. Remittance has been made to the State Treasurer. | | | | | STATE TREASURER'S ENDORSEMENT |
| SIGNED: _____ DATE: _____ | | | | | |
| CONTACT PERSON: _____ | | | | | |



Controller Betty T. Yee
 California State Controller's Office

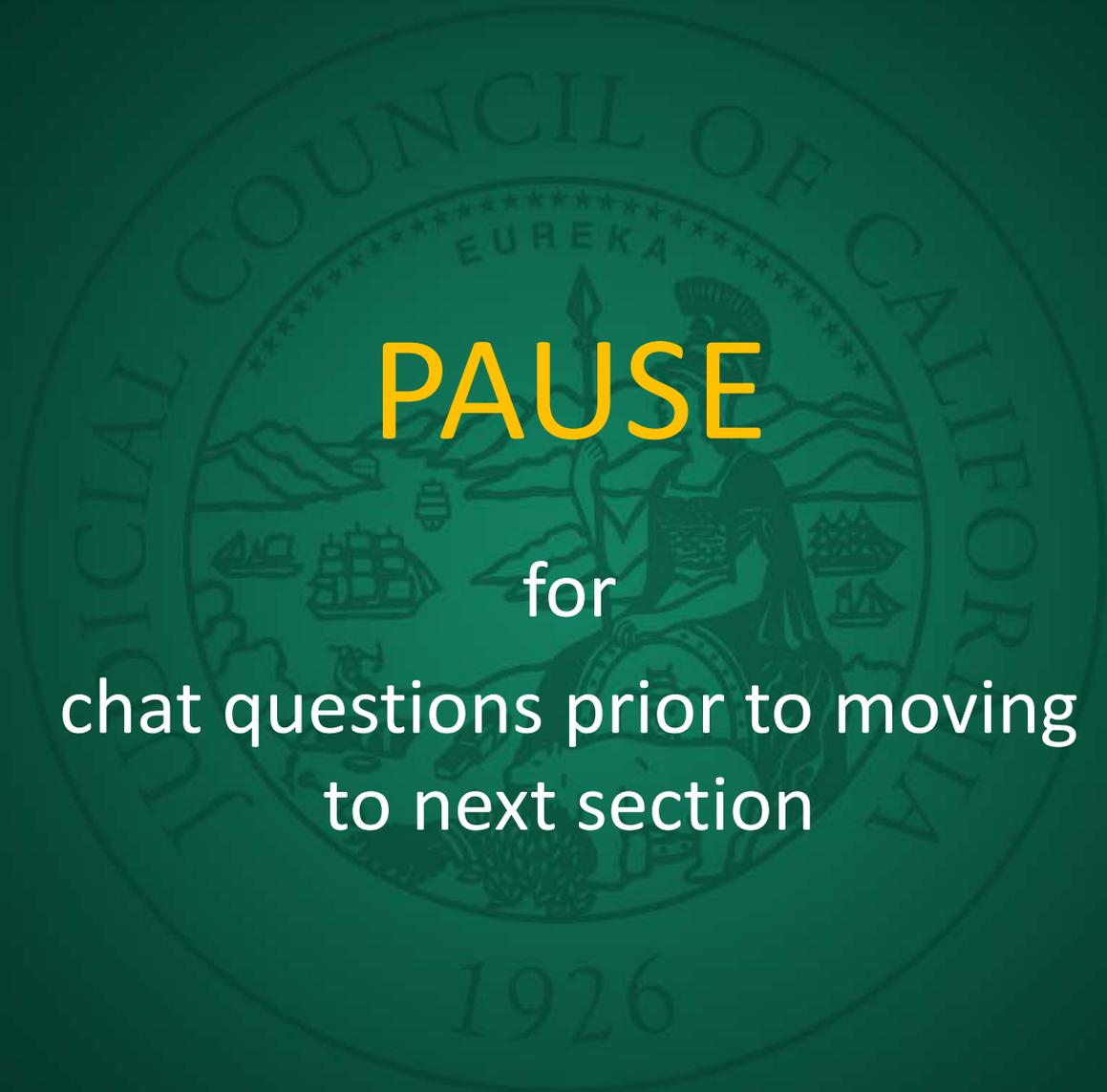
Listserv Notifications

To receive automatic notification of updates to the Trial Courts Revenue Distribution Guidelines, including Urgency Legislation updates, please visit our website at:

http://www.sco.ca.gov/ard_trial_courts_notification_email.html

The screenshot shows the website header for Betty T. Yee, California State Controller. The header includes the name, title, a search bar, and the state seal. A navigation menu contains links for Home, About Us, Public Services, State and Local, State Employees, Publications, and News. The main content area features a breadcrumb trail: Home » About Us » Subscribe to Emails and Newsletters » Trial Court Revenue Distribution Updates Email Subscription Service. The title is "Trial Court Revenue Distribution Updates Email Subscription Service". The text explains that the list notifies subscribers of updates to the Trial Court Revenue Distribution Guidelines webpage and asks users to provide their information to sign up. Below this, instructions for subscribing are listed: enter email and name, click the "Subscribe" button, and follow the email instructions. A subscription form follows, with fields for "List Name" (pre-filled with "Trial Court Revenue Distribution Updates"), "Email Address", and "First and Last Name". At the bottom of the form are "Subscribe" and "Unsubscribe" buttons.



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JUDICIAL COUNCIL

UNIFORM BAIL AND PENALTY SCHEDULES



JUDICIAL COUNCIL
OF CALIFORNIA

Judicial Council Uniform Bail and Penalty Schedules (Rule 4.102)

- PC 1269b(c): requires that courts prepare, adopt, and annually revise a uniform countywide schedule of bail for **all bailable felony offenses** and for **all misdemeanor and infraction offenses except Vehicle Code infractions**.

The penalty schedule for **infraction violations of the Vehicle Code** shall be established by the Judicial Council in accordance with Section 40310 of the Vehicle Code.

- VC 40310: requires Judicial Council to annually adopt a uniform traffic penalty schedule for all non-parking Vehicle Code infractions.



Countywide Bail Schedules

- The judges in each county adopt a countywide bail schedule that sets bail based on the requirements that apply to that jurisdiction, including adjustment of the county penalty and EMS penalty for the traffic infraction schedule.
- Under Penal Code section 1463.28, in 30 counties, a traffic infraction bail schedule may exceed the bail amounts that are set in the council's schedule if the board of supervisors adopts a resolution to increase the bail.



JC Uniform Bail and Penalty Schedules

<http://www.courts.ca.gov/documents/2016-JC-BAIL.pdf>

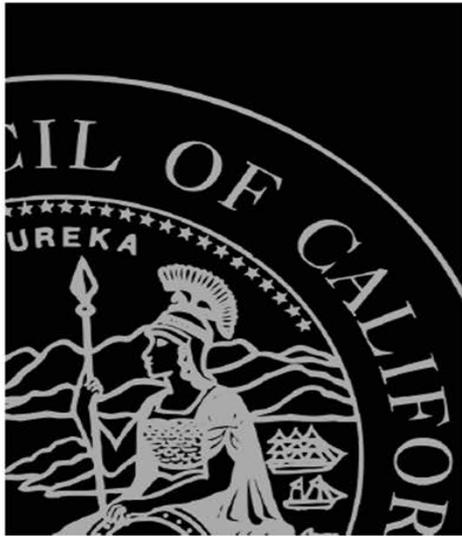
The Uniform Bail and Penalty schedules are revised to conform to recent legislation. The Judicial Council adopted the 2016 Uniform Bail and Penalty Schedules at the December 2015 council meeting.

Purpose of schedules:

1. To provide the standard bail amount, which for Vehicle Code offenses is the amount that may be used for a bail forfeiture instead of further proceedings.
2. Serve as a guideline for the imposition of a fine as all or a portion of the penalty for a first conviction of a listed offense where a fine is used as all or a portion of the penalty for such offense.



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Uniform Bail and Penalty Schedules

~~2016~~ 2017 EDITION

1461

(Cal. Rules of Court, rule 4.102)

TRAFFIC

BOATING

FORESTRY

FISH AND GAME

PUBLIC UTILITIES

PARKS AND RECREATION

BUSINESS LICENSING



JUDICIAL COUNCIL
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- F. "Total Bail" shall not exceed statutory limits. Vehicle Code section 40310 specifies that the "fine" amount of the total bail shall not exceed the limitations specified by Vehicle Code sections 42001 and 42001.5.
- G. Rule 4.105 of the California Rules of Court provides that with certain exceptions deposit of bail is not required to appear for arraignment or trial for an infraction case. Deposit may be required: by statute, such as trial by written declaration; if a person does not sign a promise to appear as ordered by the court; or a judicial officer states a reason for a deposit to schedule a trial.

In cases where a court appearance is required by a court, the amounts set forth in the Uniform Bail and Penalty Schedules do not necessarily indicate the appropriate total penalties; rather, they ensure that, in most cases, when bail is posted, sufficient funds will be available to meet the defendant's obligations. Upon conviction, however, "additional penalties" are added to any fine. It is incumbent upon the judge who hears each case to determine the proper total penalty (fine and "additional penalties") based on the particular facts presented.

With the exception of juveniles under age 18, there shall be no mandatory court appearance for any infraction of the California Vehicle Code punishable by fine only. A court may require a mandatory appearance for an infraction violation of the Vehicle Code when a statutory driver's license restriction, suspension, or revocation is authorized; community service or proof of payment or correction is mandatory; or a violation requires specific action under the Vehicle Code in addition to a fine. This paragraph does not apply to violations of local ordinances based on Vehicle Code sections.

- H. The "Total Bail" for an offense *not specifically listed* in the Uniform Traffic Infraction Bail and Penalty Schedule is the amount set for the general category of that offense unless a California code or regulation specifies otherwise. The court operations assessment and criminal conviction assessment are collected in addition to the "Total Bail." The suggested minimum "Total Bail" for an offense *not specifically listed* in the Uniform Traffic Misdemeanor Bail and Penalty Schedule, unless a California code or regulation specifies otherwise, is:

| | Base | + Additional Penalties*& | Surcharge | + | Fees | = Total Bail*/Fees (*See sections II-IV) |
|-------------|-------|--------------------------|-----------|---|------|--|
| Misdemeanor | \$ 75 | + | \$251 | + | \$70 | = \$396 |
| Infraction | \$ 35 | + | \$127 | + | \$75 | = \$237 |

The suggested minimum "Total Bail" for an offense *not specifically listed* in the Uniform Public Utilities Bail and Penalty Schedule, unless a California code or regulation specifies otherwise, is:

| | | | | | | |
|-------------|-------|---|-------|---|------|----------------|
| Misdemeanor | \$185 | + | \$588 | + | \$70 | = <u>\$843</u> |
|-------------|-------|---|-------|---|------|----------------|

The suggested minimum "Total Bail" for an offense *not specifically listed* in the Uniform Boating, Business Licensing, Fish and Game, Forestry, or Parks and Recreation Bail and Penalty Schedules, unless a California code or regulation specifies otherwise, is:

| | | | | | | |
|-------------|-------|---|-------|---|------|---------|
| Misdemeanor | \$100 | + | \$310 | + | \$70 | = \$480 |
| Infraction | \$ 35 | + | \$123 | + | \$75 | = \$233 |



TRAFFIC INFRACTION FIXED PENALTY SCHEDULE

(*See Preface, Section III) (**See Preface, Section IV)

(Vehicle Code)

| Section | Notes | Offense | Base Fine /Fee | State PA* | County PA*/10 | DNA PA* | Court PA* /10 | Surcharge* | EMS PA* /10 | EMAT PA* | Fine Surcharge & PA Subtotal | Court OPS | Conv./Assess. | Night Court | TAP Fee | "Total Bail" ** / Fee | Category DMV Points |
|---------|-----------|---|----------------------|--------------|------------------|------------|---------------------|------------|----------------|----------|---------------------------------------|-----------|---------------|----------------|------------|-----------------------------|------------------------|
| 4455 | B | Failure to Display Temporary Permit-Foreign Commercial Vehicle | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 4456 | A | Reporting Vehicle Sale to the DMV | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 4456 | B | Reporting Vehicle Sale to the DMV | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 4456 | A | Reporting Auction Vehicle Sale to the DMV | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 4456 | B | Reporting Auction Vehicle Sale to the DMV | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 4457 | A | Failure to Replace Lost, Damaged Cards and/or Plates | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 4457 | B | Failure to Replace Lost, Damaged Cards and/or Plates | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 4458 | A | Both Plates Lost or Stolen | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 4458 | B | Both Plates Lost or Stolen | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 4459 | A | Failure to Replace Lost or Damaged Owner's Certificate | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 4459 | B | Failure to Replace Lost or Damaged Owner's Certificate | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 4461 | (a) | Improper Use of Evidence of Registration | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 4462 | (a) | Failure to Present Evidence of Registration to Officer | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 4462 | (a) | Failure to Present Evidence of Registration to Officer | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 4462 | (b) | Registration Presented for Wrong Vehicle | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 2 | 119.00 | 40 | 35 | 1 | 0.00 | 195.00 | 1a 0 |
| 4462 | (b) | Registration Presented for Wrong Vehicle | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 4463 | (e) (1-4) | Unlawful Act With Clean Air Sticker | 150 | 150 | 105.00 | 75 | 75 | 30 | 30 | 4 | 619.00 | 40 | 35 | 1 | 0.00 | 695.00 | 4a 0 |
| 4464 | A | Altered License Plates Displayed on Vehicle | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 4464 | B | Altered License Plates Displayed on Vehicle | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 5011 | A | Display of Special Construction Identification Plates | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 5011 | B | Display of Special Construction Identification Plates | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 5017 | (a) | Failure to Attach Identification Plate/Give Notice of Sale or Destruction of Vehicle or Equipment as Required | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 5017 | (a) | Failure to Attach Identification Plate/Give Notice of Sale or Destruction of Vehicle or Equipment as Required | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 5017 | (b) | Failure to Attach Permanent Identification Plate as Required | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 5017 | (b) | Failure to Attach Permanent Identification Plate as Required | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 5017 | (c) | Failure to Present Identification Certificate as Required | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 5017 | (c) | Failure to Present Identification Certificate as Required | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 5017 | (d) | Failure to Apply for Transfer of Ownership of Vehicle Within 10 Days of Sale | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 5017 | (d) | Failure to Apply for Transfer of Ownership of Vehicle Within 10 Days of Sale | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 5030 | A | Motorized Bicycle Required to Display Plates | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 5030 | B | Motorized Bicycle Required to Display Plates | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 5032 | A | Operation of Motorized Bicycle Without Applying for a License Plate Within 5 Days of Purchase | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 5032 | B | Operation of Motorized Bicycle Without Applying for a License Plate Within 5 Days of Purchase | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 5037 | (a) | Motorized Bicycle Without Assigned Plates (post-7/1/81) | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 5037 | (a) | Motorized Bicycle Without Assigned Plates (post-7/1/81) | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 5037 | (b) | Motorized Bicycle Without Assigned Plates (pre-7/1/81) | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 5037 | (b) | Motorized Bicycle Without Assigned Plates (pre-7/1/81) | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 5109 | A | Transfer or Retention of Environmental Plates | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |
| 5109 | B | Transfer or Retention of Environmental Plates | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a 0 |
| 5200 | (a) | Two License Plates-Display Specified | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a 0 |



Addition or modification of infraction offenses for violation of Vehicle Code sections:

- 4456(a), reporting vehicle sales to the Department of Motor Vehicles;
- 4456(b), reporting auction vehicle sales to the Department of Motor Vehicles;
- 5011, display of identification plates;
- 11754, rental of vehicle subject to recall;
- 13386(i), prohibition of disclosure of individuals required to install ignition interlock device;
- 21113, unlawful driving on public grounds;
- 21655.1(a), driving in restricted use designated public transit bus lane;
- 22354, failure to abide by speed limits;
- 22500(m), stopping or parking in designated public transit bus lane;
- 23123.5, driving while using a wireless device;
- 24603(a–h), stop lamp requirements and specifications;
- 24612(c), failure to display reflective material on trailer or semitrailer;
- 25300(d)(2), display on warning device near disabled commercial vehicle;



Addition or modification of infraction offenses for violation of Vehicle Code sections:

- 25300(d)(3), placement and display of warning device near disabled commercial vehicle;
- 25300(d)(4), use of flame producing emergency signal near vehicles transporting explosives, flammable liquid, or gas;
- 27000(a), adequate horn required;
- 27003, unlawful use of siren by armored car;
- 27007, use of sound amplification systems;
- 27150.1, sale of exhaust system restricted;
- 27315(d, e), mandatory use of seat belts;
- 27360(a), use of child passenger restraint systems for children under 8;
- 27360.5(a), mandatory use of child passenger restraints for children 8–16;
- 27363(b), transportation for child in emergencies;
- 27363(f), transportation of child in rear-facing child passenger restraint systems in front seat;
- 27400, limitations on use of headsets while driving or biking;



Addition or modification of infraction offenses for violation of Vehicle Code sections:

- 27425(a), charter bus emergency lighting;
- 27500(a), pneumatic tire standard regulations;
- 27906, improper display of school bus sign;
- 29200(c), repealed;
- 31407, farm labor vehicle in motion with sharp tool unsecured;
- 34500.3, cargo securement standards;
- 34501(c), multiple safety violations on tour bus;
- 34505.8(a), charter bus trip safety briefing;
- 35401.9, overlength-driveaway-towaway combination; and,
- 38374(a), sirens on off-highway motor vehicles.



Addition or Modification of misdemeanor offense for violation of Vehicle Code section:

- 22513.1(a)(1), failure to maintain required information for tow and storage of vehicle;
- 22513.1(b), business taking possession of a vehicle from a tow truck after hours;
- 22513.1(c), failure to maintain and provide required information for tow and storage of vehicle;
- 23152(e), driving under the influence of drug;
- 23152(f), driving under the influence of drug;
- 23152(g), driving under the influence of alcohol and drug;
- 23153(e), driving under the influence of drug causing injury;
- 23153(f), driving under the influence of drug while causing injury;
- 23153(g), driving under the influence of alcohol and drug while causing injury;
- 27317(a), manufacture or sell counterfeit or nonfunctioning airbag; and
- 27317(b), sell or install device that disables a vehicle's counterfeit airbag indicator.



Addition or modification of Business and Professions Code sections:

- 25623(b), sale of powdered alcohol; and
- 25623.5(b), possession of powdered alcohol.
- Revision of a sample calculation in section IV. H on page vii of the preface regarding “total bail” for misdemeanors in the Uniform Public Utilities Bail and Penalty Schedule.
- Revision of a sample calculation in section VII. D.3 on page x of the preface regarding the number of court operations fees and conviction assessments assessed in cases involving multiple offenses.



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Additional Resources

Judicial Council Reports:

<http://www.courts.ca.gov/jcmeetings.htm>

Judicial Council Bail Schedules:

<http://www.courts.ca.gov/7532.htm>

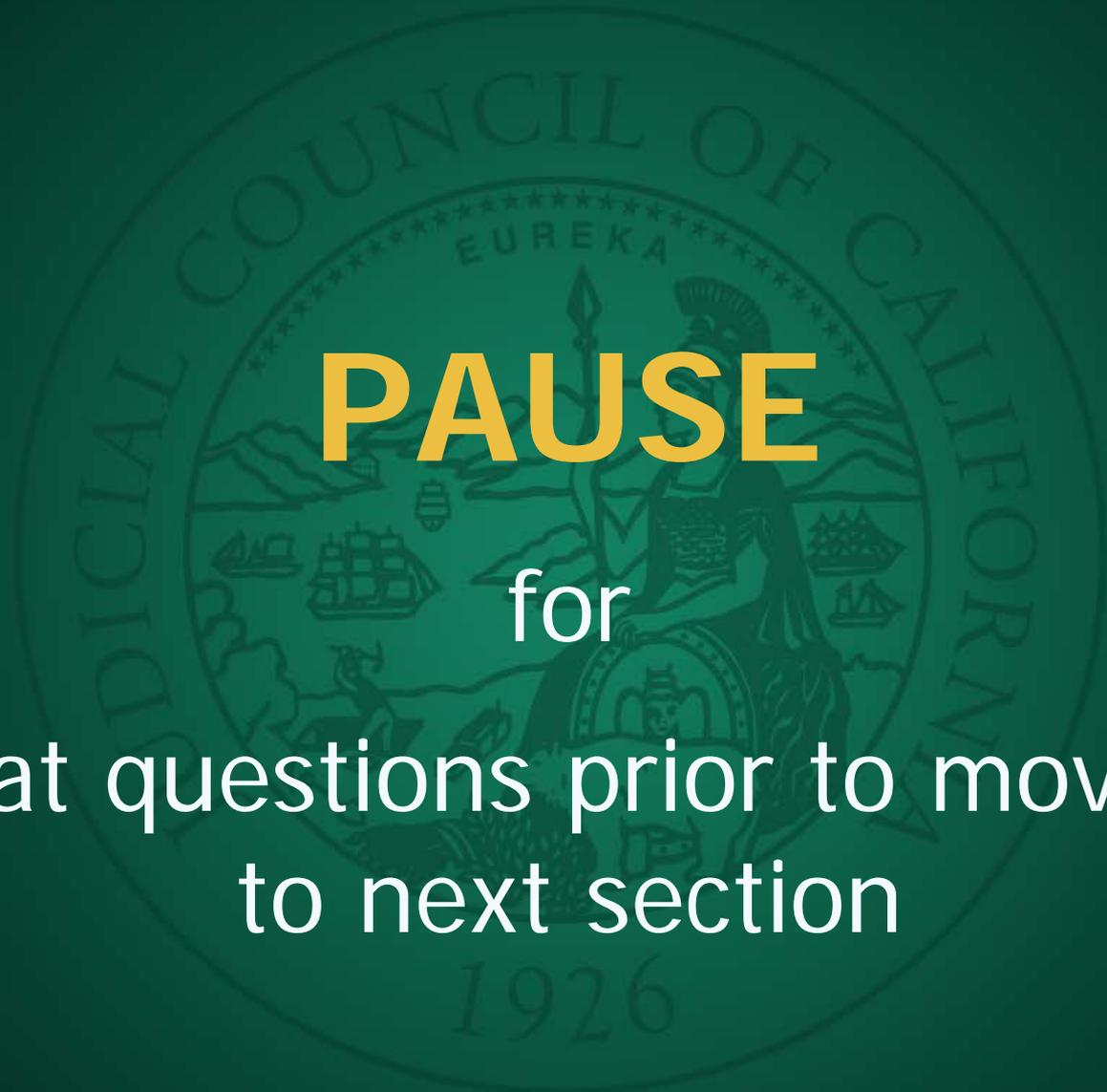
Contacts

Any questions about bail schedules may be directed to:

- Kimberly DaSilva
 - Phone: (415) 865-4534
 - Email: Kimberly.dasilva@jud.ca.gov



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The background of the slide features a large, faint, circular seal of the Judicial Council of California. The seal contains the text "JUDICIAL COUNCIL OF CALIFORNIA" around the top edge, "EUREKA" in the center, and "1926" at the bottom. The central image of the seal depicts a figure holding a scale and a sword, with various symbols of justice and law around them.

PAUSE

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chat questions prior to moving
to next section

Judicial Council Governmental Affairs

“Court-Related Legislation” 2016

http://www.courts.ca.gov/documents/2016_LegSummary.pdf



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“Court-Related Legislation” 2016



Summary of Court-Related Legislation

JUDICIAL COUNCIL OF CALIFORNIA • GOVERNMENTAL AFFAIRS

NOVEMBER 2016

During the first year of the 2015–2016 Legislative Session, the Legislature and Governor enacted numerous bills that affect the courts or are of general interest to the legal community. Brief descriptions of the measures of greatest interest follow, arranged according to subject matter. The document also includes a table summarizing new laws that create or expand crimes, as well as an index listing all the bills and the page numbers on which their descriptions can be found. Legislation that requires more detail is available as an appendix in the back of the document.

The effective date of legislation is stated with each measure. Urgency measures normally take effect upon enactment, and some other measures have delayed operative dates.

This *Summary* is intended to serve only as a guide to identify bills of interest; the bill descriptions are not a complete statement of statutory changes. Code section references are to the sections most directly affected by the bill; not all sections are necessarily cited.

Until the annual pocket parts are issued, bill texts can be examined in their chaptered form in *West's California Legislative Service* or *California Deering's Advance Legislative Service*, where they are published by chapter number. In addition, chaptered bills and legislative committee analyses can be accessed on the Internet at <http://leginfo.legislature.ca.gov>. Individual chapters may be ordered directly from the Legislative Bill Room, State Capitol, 10th Street, Room B32, Sacramento, California 95814, 916-445-2323.

- 2 Appellate
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JUDICIAL COUNCIL OF CALIFORNIA

“Court-Related Legislation” 2016

APPENDIX A

2016 NEW AND EXPANDED CRIMES

| BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE | CODE SECTION(S) | SUMMARY DESCRIPTION OF NEW LAW |
|---|--|---|
| <p>AB 287 (Gordon), CH. 682 <i>Effective/Operative Date:</i> <i>January 1, 2017</i> Vehicle safety: recalls</p> | <p>VEH 3065, 11705, 11750–11762</p> | <p>Enacts the Consumer Automotive Recall Safety Act, which would prohibit a dealer or rental car company with a motor vehicle fleet of 34 or fewer loaner or rental vehicles from loaning, renting, or offering for loan or rent a vehicle subject to a manufacturer’s recall after receiving a notice of the recall until the vehicle has been repaired, except as specified. Requires the Department of Motor Vehicles (DMV) to obtain a recall database report before mailing a notice of registration renewal to the registered owner of a vehicle and, if the recall database report indicates that the vehicle is subject to a manufacturer’s recall, to include a specified recall disclosure statement with the notice of registration renewal. Expands the definition of a crime by creating new prohibitions, the violation of which would be a crime under existing law.</p> |
| <p>AB 516 (Mullin), CH. 90 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Vehicles: temporary license plates</p> | <p>VEH 1685, 4456, 4456.2, 4456.5, 4462, 4463, 5201, 5202, 5901, 6100, 11714, 38080</p> | <p>Commencing January 1, 2019, prohibits a person from displaying on a vehicle or presenting to a peace officer a temporary license plate that was not issued for that vehicle, as specified; makes counterfeiting a temporary license plate a felony; requires temporary license plates to be securely fastened to the vehicle for which they are issued; and requires a person, upon receipt of permanent license plates, to replace and destroy the temporary license plates.</p> |
| <p>AB 701 (Garcia, Cristina), CH. 848 <i>Effective/Operative Date:</i> <i>January 1, 2017</i> Sex crimes: rape</p> | <p>PEN 263.1</p> | <p>States the findings of the Legislature that all forms of nonconsensual sexual assault may be considered rape for purposes of the gravity of the offense and the support of survivors, and states that this is declarative of existing law.</p> |
| <p>AB 796 (Nazarian), CH. 493 <i>Effective/Operative Date:</i> <i>January 1, 2017</i> Health care coverage: autism and pervasive developmental disorders</p> | <p>H&S 1374.73; INS 10144.51</p> | <p>Deletes the January 1, 2017, sunset date on the requirement that every health care service plan contract and health insurance policy provide coverage for behavioral health treatment for pervasive developmental disorder or autism, thereby extending the operation of these provisions indefinitely. By extending the operation of these provisions, the violation of which is a crime by a health care service plan, creates a new crime.</p> |



Other Activities

- Statewide Amnesty program update
- Collections
- Commission on the Future of California's Court System
- Frequently Asked Questions (FAQs)



Statewide Amnesty Program

Status update

- Collections, costs
- Driver's license hold/suspension release

Reporting

- Last periodic report due May 31, 2017
- Report due to legislature August 31, 2017
- Amnesty figures in Collections Reporting Template (CRT)



Collections Activities

- Minor revisions to intercounty probation case transfer fiscal procedures
- Review and potential revisions to CRT, Performance Measures and Benchmarks



Commission on the Future of California's Court System

The goal of the Futures Commission is to catalyze change. It will take a fresh look at legal and structural challenges to long-term efficiency and stability for the judicial branch and develop practical, achievable recommendations that may be implemented by the Judicial Council, the Legislature, or the Governor.

— Chief Justice Tani G. Cantil-Sakauye



JUDICIAL COUNCIL
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Concept 1: Fines and Fees: Judicial Discretion and Court Adjudication

- Increasing judicial discretion to strike, modify, or waive criminal fees and civil assessments based on a defendant's ability to pay
- Establishing an alternative means to pay fines, fees, and assessments, accessible 24 hours a day
- Allowing conversion of fines, fees, and civil assessments to jail or community service
- Creating an alternative method to facilitate the conversion of fines, fees, and civil assessments to jail or community service

Public Comment Session, August 29, 2016



JUDICIAL COUNCIL
OF CALIFORNIA

Concept 1: Fines and Fees: Judicial Discretion and Court Adjudication

Why is this concept being considered by the
Futures Commission?

1. Limited judicial discretion to strike, modify, or waive criminal fees and civil assessments
2. Limited ability to access courthouse to pay court-ordered debt
3. Limited ability to convert all fines, fees, and assessments into community service or jail time
4. Conversion requests must be made in person

Public Comment Session, August 29, 2016



JUDICIAL COUNCIL
OF CALIFORNIA

Concept 1: Fines and Fees: Judicial Discretion and Court Adjudication

Goals and Strategies

1. Increase judicial discretion to strike, modify, or waive criminal fees and assessments and limit the number of civil assessments
2. Establish alternative methods of payment and make them accessible 24 hours a day
3. Allow conversion to jail time or community service for all fines and fees, including civil assessments, and increase the conversion rate
4. Create alternative methods to facilitate conversion of fines and fees to jail time or community service

Public Comment Session, August 29, 2016



JUDICIAL COUNCIL
OF CALIFORNIA

Concept 3: Restructuring Criminal Fines and Fees

- Increasing base fines for infractions and misdemeanors while eliminating surcharges, penalties, and assessments
 - Depositing fine revenue into a single fund for distribution to the courts and state and local programs
 - Placing overall responsibility for collecting delinquent court-ordered debt in the state executive branch and not the courts and counties

Public Comment Session, July 22, 2016



JUDICIAL COUNCIL
OF CALIFORNIA

Concept 3: Restructuring Criminal Fines and Fees

Why is this concept being considered by the Futures Commission?

1. Fines/fees are no longer commensurate with underlying offense
2. Current fines/fees structure presents the appearance of impropriety and is a declining source of revenue.
3. Current fines/fees structure is an inappropriate and inflexible mechanism for funding state and local programs
4. Current delinquent collections structure lacks consistent standards and presents the appearance of impropriety

Public Comment Session July 22, 2016



JUDICIAL COUNCIL
OF CALIFORNIA

Concept 3: Restructuring Criminal Fines and Fees

Goals and Strategies

1. Increasing base fines and eliminating all add-ons
2. Depositing fine revenue in a special deposit fund
3. Shifting collection responsibility out of the courts and counties

Public Comment Session July 22, 2016



JUDICIAL COUNCIL
OF CALIFORNIA

Concept 4: Decriminalize Traffic Infractions

Decriminalize traffic infractions and move adjudication of these violations to a non-criminal judicial forum.

Why is this concept being considered by the Futures Commission?

- Currently, minor traffic violations are adjudicated as infractions in the California criminal courts.
- The adjudication of minor traffic cases under formal rules of criminal procedure places a tremendous burden on the criminal justice system and can impair access to justice.
- In exploring how traffic infractions may be adjudicated differently, the Criminal/Traffic Working Group (working group) is guided by the goal of establishing a traffic adjudication process that preserves due process for motorists, while offering a more intuitive and efficient adjudication forum.

Public Comment Session, August 29, 2016



JUDICIAL COUNCIL
OF CALIFORNIA

Concept 4: Decriminalize Traffic Infractions

Goals and Strategies:

Adjudication of traffic infractions should be processed in a civil forum. Appropriate legislative language and procedures should be created to facilitate these changes and to follow the guidelines.

Public Comment Session, August 29, 2016



JUDICIAL COUNCIL
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Commission on the Future of California's Court System

- The commission held public comment sessions on December 8, 2015, February 8 and 9, July 22, and August 29, 2016 on its four concepts. Information regarding these sessions is available on the California courts website at:
<http://www.courts.ca.gov/futurescommission.htm#tab33562>



Revenue Distribution FAQs

Check trial court revenue distribution resources on the SCO and JCC websites.

- FAQs: Revenue Distribution Training Consolidation
- Questions received today via “chat” will be considered for possible inclusion in the FAQs document.



FAQs

- **Revenue Distribution**

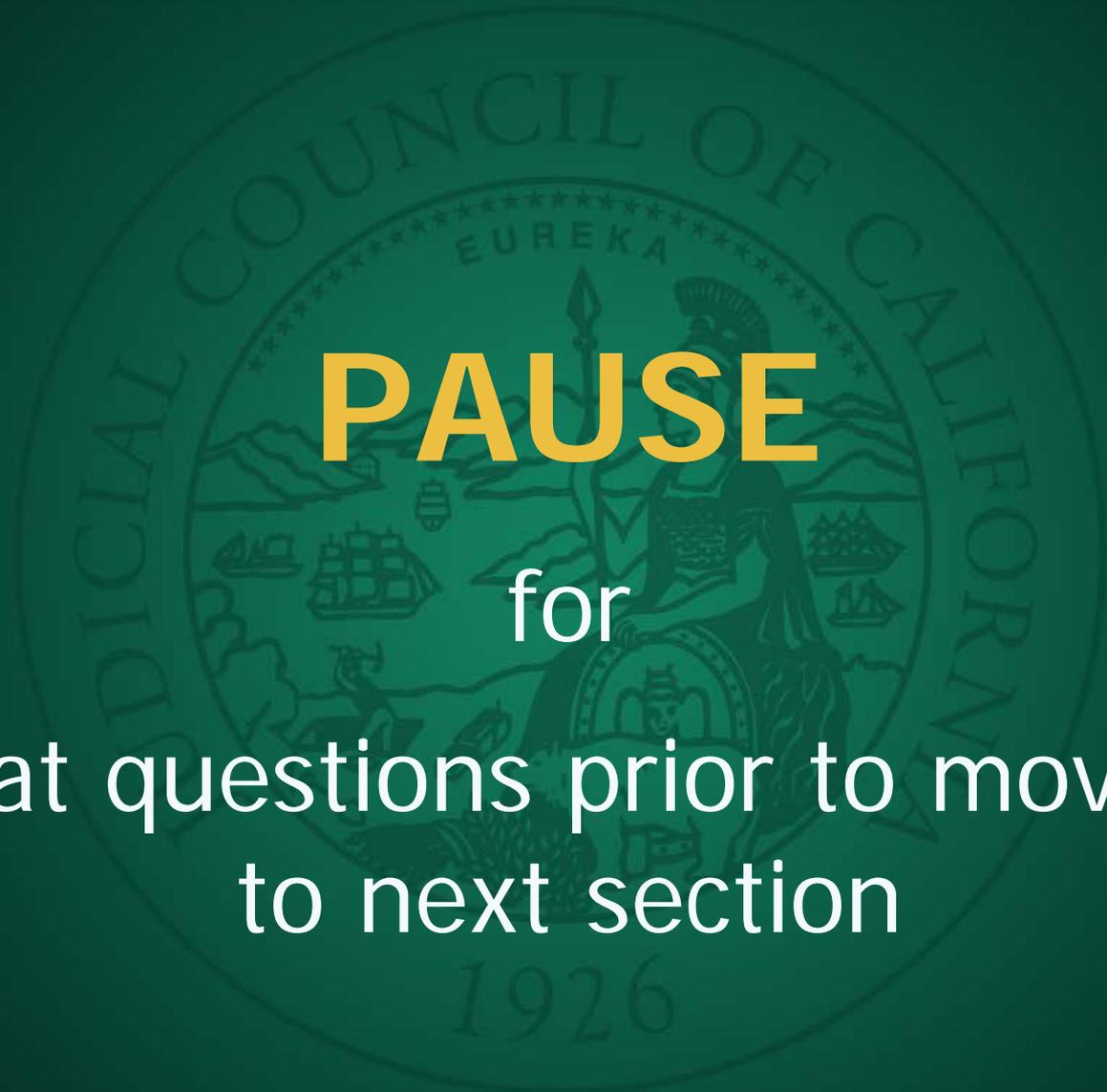
<http://www.courts.ca.gov/revenue-distribution.htm>

- **Amnesty**

<http://www.courts.ca.gov/partners/documents/rc-amnesty2015-FAQs.pdf>



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The background of the slide features a large, faint, circular seal of the Judicial Council of California. The seal contains the text "JUDICIAL COUNCIL OF CALIFORNIA" around the top edge and "1926" at the bottom. In the center, there is a figure holding a scale and a sword, with the word "EUREKA" above it. The seal is rendered in a light green color that blends with the dark green background.

PAUSE

for

chat questions prior to moving
to next section

Court Revenue Distribution Training

December 2016



Controller Betty T. Yee
California State Controller's Office

SCO Court Revenue Audits

Court Revenue Audit Reports can be found at:
http://www.sco.ca.gov/aud_court_revenues.html

The screenshot shows the website of Betty T. Yee, California State Controller. The header includes her name and title, a search bar, and the state seal. A navigation menu lists: Home, About Us, Public Services, State and Local, State Employees, Publications, and News. The main content area displays a breadcrumb trail: Home → State and Local → Local Government Reports → Revenue Audit Reports → Court Revenue Audit Reports. Below this, the title 'Court Revenue Audit Reports' is followed by a list of links for reports issued from 2007 to 2016.

Betty T. Yee
California State Controller

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Court Revenue Audit Reports

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Controller Betty T. Yee
California State Controller's Office

SCO Common Audit Issues

- Issues regarding:
 - Red Light Violations and EMAT Penalties
 - EMAT Penalties and TVS Bail
 - Distribution of Additional Parking Penalties
 - Equipment/Tag Violations
 - 50-50 Excess of Qualified Revenues



Red Light Violations and EMAT Penalties

EMAT penalty is being excluded from first 30% allocated to the city/county general fund

| CODE SECTION | VIOLATION | DISTRIBUTION | |
|-----------------------------------|--|--|---|
| | | FROM | TO |
| PC 1463.11 — Red Light Violations | Any of the following: VC 21453(a) and (c) VC 21454(c), VC 21457(a). | After deducting the 2% automation, 30% of PC 1463.001, PC 1464, GC 70372(a), GC 76000, and GC 76000.10 moneys. | If a County arrest, to County General Fund. |
| | | 30% excludes state surcharge and other penalty assessments, such as: GC 76000.5 (EMS), GC 76104.6 (DNA), and GC 76104.7 (DNA). | If a City arrest, to City General Fund. |
| | | Balance of PC 1463.001, PC 1464, GC 76000, and GC 70372(a) moneys. | Distributions pursuant to PC 1463.001, PC 1464, GC 70372(a), and GC 76000, on a pro rata basis. |

- PC 1463.11 requires certain revenues collected for red light violations to be allocated:
 - **First 30%** to the general fund of the city/county general fund
 - **Remaining 70%** is deposited by the county treasurer under PC 1463 and 1464
 - EMAT Penalty (GC 76000.10) should be included in the 30% allocation, same as PC 1464
- *p.10 of SCO's [TCRDG](#)



EMAT Penalties and TVS Bail

EMAT penalty is being excluded from Traffic Violator School (TVS) Bail

- When the defendant elects to take traffic school, the total bail is converted into a TVS fee. (VC 42007)
- EMAT penalty (GC 76000.10) **not an exception** to VC 42007 and should not be excluded from TVS bail
- Leads to findings in the TVS portion of the 50-50 Excess of Qualified Revenues

| CODE SECTION | VIOLATION/SITUATION |
|---|---|
| <p>VC 42007 — Uniform Fee for Attending Traffic Violator School (TVS) or Court-Supervised Driving Instruction</p> <p>TVS Fee equals (total bail): Step 1: county base fine + state penalty + local penalty + DNA penalty (Prop 69) + Add'l DNA penalty (AB 1806) + EMAT penalty</p> <p>Step 2: city base fine + EMS penalty + state court facilities construction penalty+ additional EMS Penalty</p> | <p>Fee equal to the total bail for the eligible offense from every person ordered to attend a traffic violator school or other court-supervised program of driving instruction.</p> |
| <p>Excluded from Total Bail: The 20% state surcharge, the court security fee, the criminal conviction assessment, and the Add'l TVS fee (VC 42007.1) are imposed and collected in addition to the TVS fee; they are not components of the TVS fee itself. They are distributed pursuant to their own codes.</p> | <p>Additional fee up to \$35 if TVS fee is collected in installments</p> |



Distribution of Additional Parking Penalties

Parking penalties are not being distributed as required

- **VC 40200.4** requires processing agencies to deposit with county treasurer all sums due to the county from parking violations.

| Additional Parking Penalties per Parking Offense | |
|---|--|
| \$3.00 | Trial Court Trust Fund Parking Penalty (GC 76000.3) |
| \$4.50 | State Court Construction Penalty (GC 70372(b)) |
| <u>Depending on County BOS Resolution and Bonded Indebtedness</u> | |
| \$2.50 or 1.00 | Courthouse Construction Fund (GC 76100) |
| \$2.50 | Criminal Justice Facilities Construction Fund (GC 76101) |

- These parking penalties are not being collected from universities, colleges, and agencies designated to process parking violations.
- Leads to incorrect calculation of 50-50 Excess of Qualified Revenues



Equipment/Tag Violations

50% of qualified penalties not being distributed to the State

| CODE SECTION | VIOLATION/SITUATION | DISTRIBUTION | APPLICABLE FUND |
|---------------------------------|---|---|--------------------|
| VC 40225 — Equipment Violations | The civil penalty for each equipment violation is the amount established for the violation in the Uniform Bail and Penalty Schedule, as adopted by the Judicial Council, except that upon proof of the correction to the processing agency, the penalty shall be reduced to \$10. | 50% to the State Treasurer | To State Treasurer |
| | | 50% to the issuing agency and processing agency | Not specified |

*p.86 of SCO's [TCRDG](#)

- **VC 40225(d)** allows equipment and registration tag violations entered on notices of parking violations to be processed as civil penalties
- Additionally, the additional parking penalties (GC 76000(b), GC 76000.3, GC 70372(b)) are not being applied to these parking violations
 - Incorrect calculation of 50-50 Excess of Revenues



50-50 Excess of Qualified Revenues

Underremittances to the State, due to incorrect calculation of total collections of qualified revenues

| CODE SECTION | VIOLATION/SITUATION | DISTRIBUTION | APPLICABLE FUND | FUND USE/SPECIAL PROVISION |
|---|--|--|---|--|
| GC 77205 — Excess Revenue Amount <i>Specified counties base year remittances were adjusted pursuant to subdivision (c).</i> | The essential process is to calculate the revenue the county general fund has received from the eight specified fines, fees, and forfeitures stated in GC 77205; compare that amount to the statutory threshold listed in GC 77201.1; and remit 50% of the difference. <i>Note: The revenue calculation is to be based on the applicable statutes as they read on December 31, 1997.</i> | The excess amount shall be divided between the county or city and county and the state, with 50% of the excess transferred to the state for deposit in the State Trial Court Improvement and Modernization Fund. | State Trial Court Improvement and Modernization Fund. | To assist in improving and modernizing the State Trial Courts. |
| | | The excess amount shall be divided between the county or city and county and the state, with 50% of the excess transferred to the county for deposit in the County General Fund. | County General Fund. | Not specified. |

*p.61 of SCO's [TCRDG](#)



50-50 Excess of Qualified Revenues

| QUALIFIED REVENUE IN GC 77205 | AMOUNT TO BE CALCULATED INTO MOE PAYMENTS |
|--|--|
| PC 1463.001 Base Fines | For county arrests, 75% of base fines and forfeitures (other than parking). For city arrests, 75% of base fines and forfeitures (other than parking) from the county percentage as listed in PC 1463.002. |
| PC 1464 - State Penalty | 30% of collections deposited into the County General Fund. |
| VC 42007 - Traffic Violator School Fee | 77% of collections deposited into the County General Fund. |
| VC 42007.1 – Additional Traffic Violator School Fee | 49% of collections of the \$49 fee deposited to the County General Fund. |
| GC 27361(b) - Recording and Indexing Fee | 100% of collections of the \$1 fee pursuant to GC 27361(b) deposited to the County General Fund. |
| PC 1463.07 - Administrative Screening and Citation Processing fee *Formerly GC 29550(f) | 100% of collections deposited to the County General Fund. |
| GC 76000(c) – County General Fund portion of county parking penalty | 100% of collections of the \$2 portion of every parking fee deposited to the County General Fund. |
| VC 42008 - Amnesty fees | 100% of funds that would have been remitted to the State General Fund on December 31, 1997. (distribution repealed) |



50-50 Excess of Qualified Revenues

Underremittances to the State, due to incorrect calculation of total collections of qualified revenues

VC 42007 – Traffic Violator School Fee

- **Only 77% of the TVS Bail** to the County General Fund (CGF) shall be calculated into the MOE (Maintenance of Effort) limit before 50-50 split
- Counties have been issued two findings for **excluding EMAT penalties from TVS bail**, resulting in an underremittances of excess qualified revenues

GC 76000(c) – County General Fund portion of parking penalties

- GC 76000(c) requires **\$1.00 from each** of these \$2.50 additional penalties collected in subdivision (b) to be sent to CGF (\$2.00 total)
- Those \$2.00 are to be calculated into the GC 76000 total collections of the MOE before 50-50 split
- Counties have received multiple findings for not distributing parking penalties, resulting in an underremittances of excess qualified revenues



SCO Common Audit Issues

- Issues regarding:
 - Red Light Violations and EMAT Penalties ✓
 - EMAT Penalties and TVS Bail ✓
 - Distribution of Additional Parking Penalties ✓
 - Equipment/Tag Violations ✓
 - 50-50 Excess of Qualified Revenues ✓



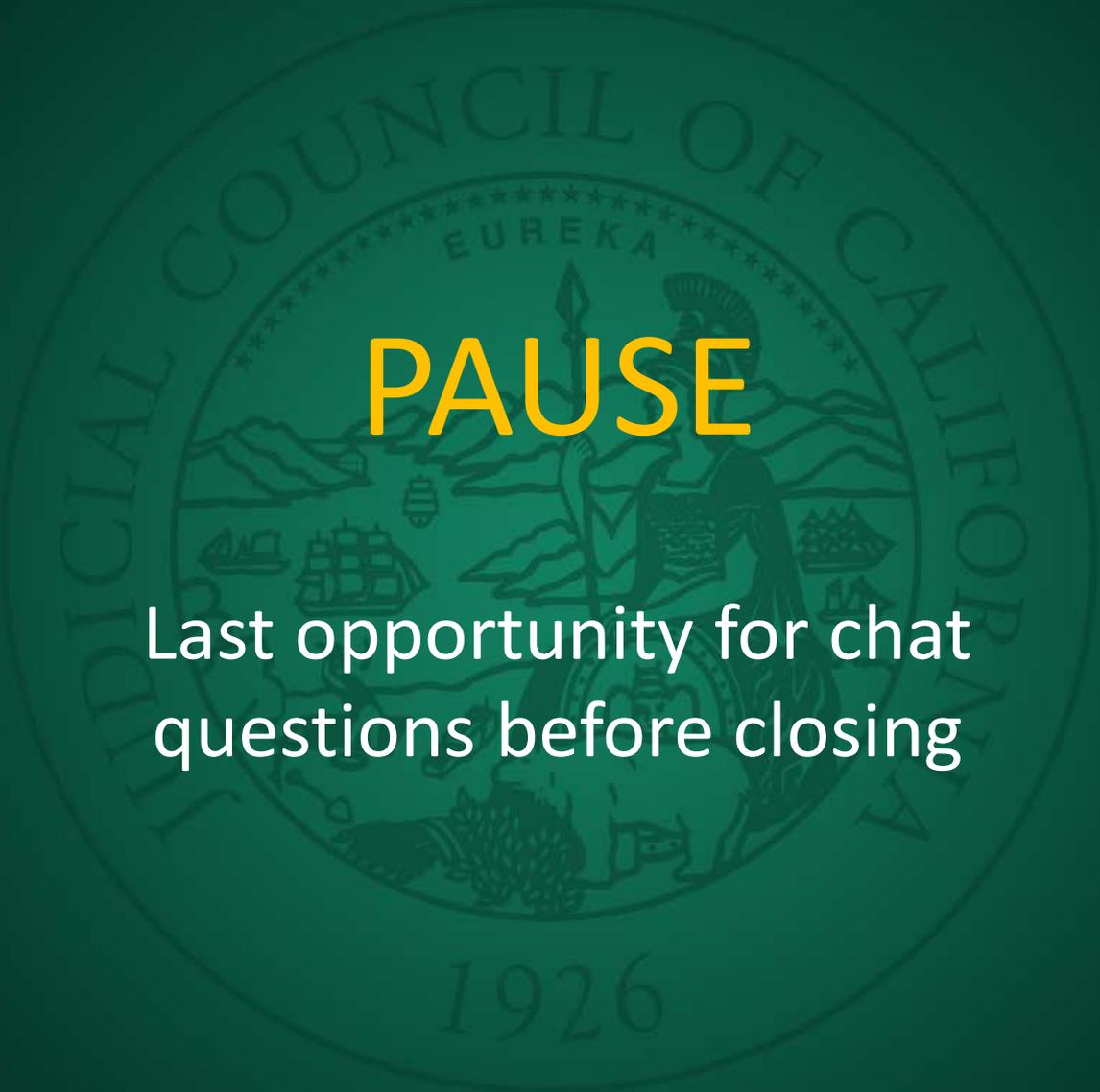
SCO Contact Information

Trial Court Revenue Distribution Guidelines

- Michael Gungon, Fiscal Analyst
- Don Lowrie, Fiscal Analyst

If you have any questions related to trial court revenue distribution, please email LocalGovPolicy@sco.ca.gov.



The background of the slide features a large, faint, circular seal of the Judicial Council of California. The seal contains the text "JUDICIAL COUNCIL OF CALIFORNIA" around the top edge and "1926" at the bottom. In the center, there is a figure holding a scale and a sword, with the word "EUREKA" above it. The seal is rendered in a light green color that blends with the dark green background.

PAUSE

Last opportunity for chat
questions before closing



CLOSING

5th Annual Revenue Distribution Training

- Dates pending (late May and/or early June)
- In-person
- Plenary session, breakout groups
- What do you want to see?
Send suggestions to
RevenueDistribution@jud.ca.gov



Steps to follow if you have distribution questions

1. Review statute.
2. Review the Trial Court Revenue Distribution Guidelines
3. Review the Uniform Bail and Penalty Schedules
4. Review FAQs to check if question has already been posed and answered
5. If answer not found, submit question(s) to SCO or Judicial Council email boxes at:
LocalGovPolicy@sco.ca.gov and RevenueDistribution@jud.ca.gov



Other Resources & Links

SCO Revenue Distribution Home Page

http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html

Trial Court Revenue Distribution Guidelines, Revision 26 (current revision)

http://www.sco.ca.gov/Files-ARD-Local/Appendix_C_Rev_26.pdf

Revision #26 Addendum #2 – Urgency Legislation – effective September 13, 2016

<http://www.sco.ca.gov/Files-ARD-Local/Rev%2026%20Addendum%20-%20Urgency%20Legislation%20-%2009.13.16.pdf>

Updated TC-31 Form

http://www.sco.ca.gov/Content-Images/ARD/Remittc_tc31_online_1215.xlsx

Revenue Distribution FAQs

http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html

Listserv Notification Sign-Up

http://www.sco.ca.gov/ard_trial_courts_notification_email.html



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CHAT QUESTIONS RECEIVED

Final Comments

- Training evaluations via SurveyMonkey by December 23
- Request training certificate at RevenueDistribution@jud.ca.gov
- PowerPoint and audio posted on Friday, December 9 at <http://www.courts.ca.gov/revenue-distribution.htm>
- Expect email notification when materials posted at: <http://www.courts.ca.gov/revenue-distribution.htm>.



The End

Thank you!



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