

AB 199: Civil Assessments Frequently Asked Questions

Assembly Bill 199 (Stats. 2022, ch. 57), made changes to the imposition of civil assessments, by amending Penal Code section 1214.1. This bill decreased the maximum civil assessment from “up to \$300” to “up to \$100” effective July 1, 2022. It further requires that revenue collected be transmitted to the State Treasurer for deposit into the State General Fund, rather than the Trial Court Trust Fund. This legislation also requires courts to vacate any civil assessments imposed prior to July 1, 2022, and makes any amounts owed prior to this date uncollectable, by amending Penal Code section 1465.9.

The Legislature passed AB 199 on June 29, 2022, and the Governor signed it on June 30, 2022, and the changes are effective as of July 1, 2022.

1. What do we do with civil assessments collected on or before June 30, 2022, which have not been distributed?

Civil assessments which have been collected on or before June 30, 2022, will continue to be reported on the TC-145 form and deposited in the special account established by Government Code section 68085.1. They will in turn be deposited in the Trial Court Trust Fund.

2. What do we do with civil assessments imposed prior to July 1, 2022, but not collected by that date?

As of July 1, 2022, the balance of outstanding court-imposed civil assessments is unenforceable and uncollectible. Any portion of a judgment imposing those assessments shall be vacated.

3. Can we modify civil assessments outstanding as of July 1, 2022, lowering the amount to \$100?

No. As of July 1, 2022, all outstanding civil assessments are uncollectible and shall be vacated, as stated above.

4. What do we do with civil assessments imposed on or after July 1, 2022?

Civil assessments imposed on or after July 1, 2022, and later collected, are to be reported on the TC-31 form and included with criminal-related fines, fees, penalties, and assessments. The funds are to be deposited in the state General Fund.

5. What do I do if there isn't a line on the TC-31 form for reporting the civil assessment remittance ?

The TC-31 form includes blank lines for reporting remittances not listed on the form. Until a line is added to the form, use one of the blank lines and enter the code number 001-250-164400. You may also contact the State Controller's Office at lgpsdtaxaccounting@sco.ca.gov and verify the proper code number.

6. If a defendant failed to appear or pay before July 1st, 2022, but the court has not yet imposed a civil assessment, can the court impose a civil assessment of up to \$100?

No. A civil assessment may be imposed only if the failure to appear or failure to pay occurs on or after July 1, 2022. Courts should not impose a civil assessment if the failure to appear or pay occurs prior to that date.

7. How should the court change civil assessment notices?

Courts should change the notices to reflect the new amount *is up to* \$100 - wherever applicable—i.e., “the court may impose a civil assessment of up to one hundred dollars (\$100)....” This language reflects the new maximum civil assessment amount under AB 199.

As before, the assessment shall not become effective until at least 20 calendar days after the court mails a warning notice to the defendant. Courts should continue to advise defendants of their right to petition the court to vacate the civil assessment for good cause. Courts also continue to have discretion to vacate or reduce the amount of the civil assessment for reasons other than good cause. Notices should be reviewed in consideration of the requirements provided for in Penal Code section 1214.1 and Rule of Court, rule 4.106.

8. My court has gone live with MyCitations. How does this impact our reporting of amounts forgiven through Ability to Pay determinations for the purposes of backfill (per GC 68645.7).

Effective July 1, 2022, the balance of all civil assessments imposed in previous fiscal years will be \$0. Civil assessment charges will no longer be applicable to Ability to Pay backfill reporting as civil assessments going forward will be deposited to the state general fund. On the 2022-23 Collection Reporting Template, civil assessments will be reported as an adjustment.

9. What is the role of judicial officers in civil assessments?

Judicial officers have discretion under Penal Code section 1214.1(a) to determine whether a civil assessment should be imposed and, if so, the amount of the assessment. For at least 20 calendar days after a court mails the defendant notice of the assessment under Penal Code section 1214.1(b)(1), and before the civil assessment imposed may become effective, the defendant has the right to request that the court vacate the civil assessment for good cause. A judicial officer who receives such a request must vacate the civil assessment upon a showing of good cause. Even if the defendant does not establish good cause, a judicial officer may still exercise their discretion to vacate or reduce the civil assessment. In exercising discretion, judicial officers may consider such factors as a defendant's due diligence in appearing or paying after notice of the assessment has been given and the defendant's financial circumstances.

10. Has the Judicial Council updated its policies for courts regarding civil assessments after AB 199?

Yes. At the Judicial Council's July 15, 2022 meeting, the Judicial Council rescinded its August 2005 policy regarding statewide criteria for civil assessments (<https://jcc.legistar.com/View.ashx?M=M&ID=869107&GUID=7982B915-4E53-4539-9B54-8536AB5EF9A1>). Accordingly, documents or resources currently available on individual court websites affected by rescission of the August 2005 policy should be revised or removed.

The Judicial Council has been working for several years to alleviate financial pressures for individuals struggling with court debt—including most recently with the passage of AB 199, which eliminated all outstanding civil assessment debts and resulted in additional funding for trial courts to end the need for courts to assign these late fees.

11. Whom do I contact if I have questions about civil assessments?

If you have questions about traffic notices and forms email: crimjusticeoffice@jud.ca.gov.

If you have questions about the collection or reporting of civil assessments email: collections@jud.ca.gov.

