

# Trial Court Revenue Distribution Guidelines Urgency Legislation



*California State Controller's Office*

## Revision 25 Addendum

Updated as of *November 13, 2015*

## Preface

This Addendum to Trial Court Revenue Distribution Guidelines Revision 25 provides direction on the distribution of fines, fees, forfeitures, penalties, and assessments that have changed between January 1, 2015 and November 13, 2015, and should be used in concurrence with Revision 25. Statutory codes may be modified by the legislature after this date. Current code may supersede any guidelines provided in this document.

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## Legend

Abbreviation	Code	Abbreviation	Code	Abbreviation	Code
B&P	Business and Professions	F&G	Fish and Game	PRO	Probate
CC	Civil Code	F&A	Food and Agriculture	PRC	Public Resources
CCP	Code of Civil Procedure	GC	Government	R&T	Revenue and Taxation
CORP	Corporations	H&N	Harbors and Navigation	VC	Vehicle
ED	Education	H&S	Health and Safety	WC	Water
ELEC	Elections	IC	Insurance	W&I	Welfare and Institutions
FC	Family Code	LC	Labor		
FIN	Financial Code	PC	Penal		

## How to Use Trial Court Revenue Distribution Guidelines

The Trial Court Revenue Distribution Guidelines consist of nine distribution tables that provide guidance on the distribution of many trial court revenues that are required by California Code. Each table is preceded with a narrative that identifies the code section within the table, as well as any special rules or background that may apply. The purpose of the narrative is to provide guidance to questions that may arise when working with the code sections within the table; the narrative may also apply to code sections in other tables. While a few tables have additional specialized columns, the basic organization and the definition of terms used in the tables are shown below.

**Note: This Addendum to Revision 25 contains only those tables and code sections which have been added or amended after January 1, 2015. Please see Revision 25 for the Trial Court Revenue Distribution Guidelines effective as of January 1, 2015.**

<b>Code Section</b>	The California code section, with a descriptive title. Each code section will be cited using the legend above for the code, followed by the section number. For example, PC 1464 refers to Penal Code Section 1464.
<b>Violation/Situation</b>	The California code under which the conviction occurred (unless the code is the same as the distribution code) and/or a description of the situation that resulted in the charge.
<b>Arresting Officer/Jurisdiction</b>	The jurisdiction of the arresting officer (“city” versus “county”) is included when relevant for distribution purposes.
<b>Distribution</b>	The entity or entities to which the revenue is distributed (State, county, city, other agency, or victim) and the percentages of and/or conditions for the distribution.
<b>Applicable Fund</b>	The fund to receive the distribution, as designated in the statute. “Not specified” means no specific fund is designated in the statute; the general fund of the receiving agency is the default fund in such cases.
<b>Fund Use</b>	The use of funds as restricted in the statute. “Not specified” means that a use is not specified in the statute.
<b>Priority of Installment Payments</b>	Court-ordered installment payments are disbursed according to the priorities set by PC 1203.1d. For more information, see <i>Trial Court Revenue Distribution Guidelines, Revision 25, page C-7</i>

### Table 3 – Specific Fine and Forfeiture Distributions

Table 3 includes fines and forfeitures that have a specific charge and/or distributions to a specific party, fund, or purpose. If a fine or a part of a fine is distributed pursuant to PC 1463.001, the details of the distribution are shown in Table 1.

For example, F&G 12009 is a fine assessed on illegal abalone fishing. The money collected from any fine or forfeiture imposed or collected is specifically distributed 50% to the Abalone Restoration and Preservation Account and 50% to the county treasury of the county in which the violation occurred.

The following apply to the fines and forfeitures in Table 3:

- State and local penalties
- 2% deposit for automation
- State surcharge

**Table 3  
Specific Fine and Forfeiture Distributions**

CODE SECTION	VIOLATION/SITUATION	DISTRIBUTION	APPLICABLE FUND	FUND USE/SPECIAL PROVISION	PRIORITY OF INSTALLMENT PAYMENTS
<p>VC 42008.8 — Amnesty Program</p> <p>Added June 24, 2015 Effective October 1, 2015 – March 31, 2017</p>	<p>Unpaid infractions and violations under VC 40508 (a) or (b) or PC 853.7.</p> <p>This program may be extended to VC misdemeanors, if the county and court jointly agree.</p> <p>Revenue collected under this program is deposited into the County Treasury or an account established under GC 77009.</p>	<p>The distribution is the same as a partial payment via PC 1462.5, except for the State Penalty Fund distributed per PC 1464(f).</p>	<p>See PC 1464 (Table 6).</p>	<p>See PC 1464 (Table 6).</p>	<p>3</p>

## Table 6 – Penalty and Assessment Distributions

Table 6 includes penalties and assessments which are subject to the 2% deposit for automation. The lists below are not all-inclusive lists.

2% deposit for automation (GC 68090.8) – **Applies to:**

- 1) The state penalty (PC 1464)<sup>1</sup>
- 2) The local additional penalty (GC 76000)
- 3) The state court construction penalty (GC 70372)
- 4) The Proposition 69 DNA Identification Penalty (GC 76104.6)
- 5) The DNA Additional Penalty Assessment (GC 76104.7)

2% deposit for automation (GC 68090.8) – **Does not apply to:**

- 1) 20% state surcharge (PC 1465.7)
- 2) The conviction assessment (GC 70373)

GC 76000.10<sup>2</sup> is an additional penalty of four dollars (\$4) that shall be imposed upon every conviction for a violation of the Vehicle Code or a local ordinance adopted pursuant to the Vehicle Code, except parking offenses subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

The state construction penalty assessment is levied pursuant to GC 70372(a) in an amount equal to \$5 for every \$10 or forfeiture imposed and collected by the courts for all criminal offenses, including, but not limited to, all offenses involving a violation of a section of the Fish and Game Code, the Health and Safety Code, or the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. Per GC 70372(b), the state construction penalty assessment is also levied upon every parking fine, forfeiture, and penalty in the amount of \$4.50.

Pursuant to GC 70375, on the June 30th following any transfer of court facilities ownership from the county to the State (Judicial Council), the local penalty (GC 76000) will be reduced by the percentage of the square footage transferred to the State to the county's total square footage of court facilities plus an amount sufficient to service any bonded indebtedness on the court facilities. If all of the county's courthouse facilities are transferred and there is no remaining bonded indebtedness, the local penalty pursuant to GC 76000 will be reduced from \$7 for each \$10 (for most counties) to the amount specified in GC 76000(e).

**Footnotes:**

<sup>1</sup>Although the 34% of the proof of correction fee (VC 40611) is included in the state portion (70%) of the PC 1464 distribution, the 2% deposit for automation does not apply because it is a fee and not a fine, penalty, or forfeiture.

<sup>2</sup>GC 76000.10 is not separated from the "total bail" amount in VC 42007 for traffic school cases.

**Table 6  
Penalty and Assessment Distributions**

CODE SECTION	VIOLATION/SITUATION	DISTRIBUTION	APPLICABLE FUND	FUND USE/SPECIAL PROVISION	PRIORITY OF INSTALLMENT PAYMENTS
PC 1464 — State Penalty; Criminal Offenses	A penalty of \$10 per \$10 (or fraction) upon every fine, penalty, or forfeiture imposed and collected. The penalty is assessed on criminal offenses and Vehicle Code or local ordinance violations; parking and Fish and Game Code violations are excluded.	70% to the State.	State Penalty Fund — Penalty amounts included as a result of Fish and Game Code violations must be noted on the State Remittance Advice (TC 31).	Monthly distribution by the State Controller to the Fish and Game Preservation Fund, Restitution Fund, Peace Officers’ Training Fund, Driver Training Penalty Assessment Fund, Corrections Training Fund, Local Public Prosecutors and Public Defenders Training Fund, Victim Witness Assistance Fund, and Traumatic Brain Injury Fund; and \$250,000 per year to Motorcycle Safety Fund.	3
		If paid for violations of H&S 105250- 105257 related to lead abatement, 70% to the State.	General Fund.	Not specified.	
		30% to the County.	County General Fund.	Not specified.	
	A penalty of \$10 per \$10 (or fraction) upon every fine, penalty, or forfeiture imposed and collected; assessed on Fish and Game Code violations.	70% to the State.	State Penalty Fund, Fish and Game Assessment — 100% of the penalty amounts levied on Fish and Game Code violations must be reported as a separate line item on the State Remittance Advice (TC 31).	The larger of 0.33% of the total State Penalty Fund or 100% of the State Penalty Fund, Fish and Game Assessments, distributed monthly by the State Controller to the Fish and Game Preservation Fund.	
		30% to the County.	County Fish and Game Propagation Fund.	Propagation and conservation of fish and game; educational and youth activities relating to fish and game.	
	<p><b>A penalty of \$10 per \$10 (or fraction) upon every fine, penalty, or forfeiture imposed and collected.</b></p> <p>Pursuant to VC 42008.8, a one-time amnesty program has been established for all unpaid infractions and specified misdemeanors, if the county and court jointly agree.</p> <p>Effective October 1, 2015 – March 31, 2017</p> <p>If eligible for this program, the distribution is as follows:</p>	70% to the State.	<b>State Penalty Fund</b>	<p><b>The initial \$250,000 in amnesty revenues collected will be sent to the Judicial Council by the State Controller for reimbursing the Department of Motor Vehicles.</b></p> <p>Monthly distribution by the State Controller of 82.20% to the Peace Officers’ Training Fund and 17.80% to the Corrections Training Fund during the amnesty program period.</p>	
		30% to the County.	County General Fund	Not specified.	

Table 8 – Civil Fine and Penalty Distributions

Table 8 includes administrative or civil penalties and fines. Because they are not criminal, state and local penalties (PC 1464, GC 70372, GC 76000, GC 76104.6, and GC 76104.7), the 2% deposit for automation (GC 68090.8), and the state surcharge (PC 1465.7) do not apply to the fines and penalties in this table.

<b>Table 8 Civil Fine and Penalty Distributions</b>				
<b>CODE SECTION</b>	<b>VIOLATION</b>	<b>DISTRIBUTION</b>	<b>APPLICABLE FUND</b>	<b>FUND USE/SPECIAL PROVISION</b>
<b>F&amp;G 12025.1(b) — Obstructing the passage of fish in specified districts in connection with production or cultivation of a controlled substance</b>  <b>Effective March 27, 2015</b>	<b>Violations of F&amp;G 5901 are subject to civil penalty of no more than \$8000 per violation</b>	30% to county	Not specified.	County shall first use revenues to reimburse costs incurred by district attorney or city attorney in investigating and prosecuting violation
		30% to investigating agency	Not specified	To reimburse cost of any investigation directly related to violations listed in section.  If Department of Fish & Wildlife is reimbursed for activities funded by loan from Timber Regulation and Forest Restoration Fund, monies to be deposited in fund to repay loan.
		40% to the State	Timber Regulation and Forest Restoration Fund	To fund grants that improve forest health by remediating former marijuana growing legislation.
<b>F&amp;G 12025.1(c) — Obstructing the passage of fish in specified districts; not in connection with production or cultivation of controlled substance</b>  <b>Effective March 27, 2015</b>	<b>Violations of F&amp;G 5901 are subject to civil penalty of no more than \$8000 per violation</b>	30% to county	Not specified.	County shall first use revenues to reimburse costs incurred by district attorney or city attorney in investigating and prosecuting violation
		30% to investigating agency	Not specified	To reimburse cost of any investigation directly related to violations listed in section.  If Department of Fish & Wildlife is reimbursed for activities funded by loan from Timber Regulation and Forest Restoration Fund, monies to be deposited in fund to repay loan.
		40% to the State	Fish and Game Preservation Fund	Protection and preservation of birds, mammals, reptiles, and fish.

**Table 8  
Civil Fine and Penalty Distributions**

CODE SECTION	VIOLATION	DISTRIBUTION	APPLICABLE FUND	FUND USE/SPECIAL PROVISION
WC 377 – Water Conservation Civil Penalty  Effective June 24, 2015	Violations of WC 376 and emergency regulations adopted under WC 1058.5, unless the regulation otherwise provides, civil penalty not to exceed \$10,000. Violations lasting longer than 30 days subject to second penalty not to exceed \$10,000, plus \$500 for each day violation continues. First violations by residential water users shall be subject to penalty not to exceed \$1000, except as provided.	100% to the public entity adopting the water conservation ordinance, resolution, or regulation	Not specified	Civil penalties shall be expended solely for the purposes of enforcing WC 375-378.
WC 1058.5 – Water Conservation Emergency Regulations  Effective June 24, 2015	Civil liabilities imposed under WC 1845 and WC 1846 for violations of emergency conservation regulations adopted pursuant to this section shall be distributed as follows:	100% to State	Water Rights Fund	Funds collected under this section shall be separately accounted for, and shall be available upon appropriation for water conservation activities and programs.
WC 1846 – State Water Resources Control Board; violations  Effective June 24, 2015	Violations of a term or condition of a permit, license, certificate or registration issued under WC 1000-5976, or of a regulation or order adopted by State Water Resources Control Board, subject to civil liability not to exceed \$500 per day.	100% to State	Water Rights Fund	Upon appropriation by the Legislature, for expenditure by the State Board of Equalization or the State Water Resources Control Board pursuant to WC 1552.

### Table 9 – Civil Fee Distributions

Table 9 reflects civil fees which are civil filing and reporting fees, and other fees not related to criminal conduct. The Uniform Civil Fees and Standard Fee Schedule Act of 2005 (AB 145 Chapter 75, Statutes of 2005) establishes a uniform schedule of civil filing and other civil fees. Government Code section 68085.1(b) requires each superior court to deposit all fees and fines listed in subdivision (a), as soon as practicable after collection and on a regular basis, into a bank account established by the Administrative Office of the Courts (AOC), now known as the Judicial Council (JC). The Judicial Council will further distribute portions of these fees to the county, trial courts, and to the SCO for distribution to the proper State funds.

**Table 9  
Civil Fee Distributions**

CODE SECTION	VIOLATION/ SITUATION	BANK ACCOUNT GC 68085.1	DISTRIBUTION	APPLICABLE FUND	FUND USE/SPECIAL PROVISION
GC 70602.6 — Supplemental First Paper Fee  Extended to June 30, 2018	\$40 fee added to \$355 fee for filing first paper under GC 70611, 70612, 70650, 70651, 70652, 70653, 70655, 70658, and 70670.	Yes	See GC 68085.3 (Table 9).	See GC 68085.3 (Table 9).	See GC 68085.3 (Table 9).
GC 70616 — Complex Case Fee  Extended to June 30, 2018	\$1000 complex case fee in addition to the first appearance fees required under GC 70611, 70612, 70613, or 70614, for a case designated as a complex case as specified in the California Rules of Court. The total complex fee collected from either plaintiffs or all defendants, interveners, respondents, or other adverse parties cannot exceed \$18,000.	Yes	To the State.	Trial Court Trust Fund	To fund trial court operations.
GC 70616.5 — High Frequency Litigant Fee  Effective October 10, 2015	\$1000 high-frequency litigant fee in addition to the first appearance fees required under GC 70611 or 70613, if plaintiff is a high-frequency litigant as defined by Code of Civil Procedure 425.55, and the complaint alleges a construction-related accessibility claim.	Yes	\$500 to the State (per GC 68085.35).	General Fund	Upon appropriation, for use by California Commission on Disability Access
			Remainder to the State (per GC 68085.35).	Trial Court Trust Fund	To fund trial court operations.

CODE SECTION	VIOLATION/ SITUATION	BANK ACCOUNT GC 68085.1	DISTRIBUTION	APPLICABLE FUND	FUND USE/SPECIAL PROVISION
GC 70617(a) — Motion Fee Extended to June 30, 2018	\$60 fee for filing a motion, application, or any other paper requiring a hearing, as specified.	Yes	To the State.	Trial Court Trust Fund.	To fund trial court operations.
GC 70657 — Filing Fee Subsequent Paper in Probate Court Extended to June 30, 2018	\$60 filing fee for motions, applications or other papers requiring a hearing subsequent to the first paper as specified under the Probate Code, other than a petition or application or opposition described in GC 70657.5 & 70658; petitions for temporary letters of conservatorship or guardianship, or petitions filed subsequent to issuance of such temporary letters, objections or other opposition to such petitions.	Yes	To the State.	Trial Court Trust Fund.	To fund trial court operations.
GC 70677(a) — Motion Fee in Family Law Cases Extended to June 30, 2018	\$60 motion fee in family law cases as specified.	Yes	To the State.	Trial Court Trust Fund.	To fund trial court operations.
VC 42008.8 (i)(1) — Amnesty Program Fee Added June 24, 2015 Effective October 1, 2015 – March 31, 2017	Each collections program (court or county) may charge an amnesty program fee of fifty dollars (\$50) per participant	No	To the County or Court responsible for implementing program.	County General Fund or an account established by GC 77009.	To offset any administrative costs.