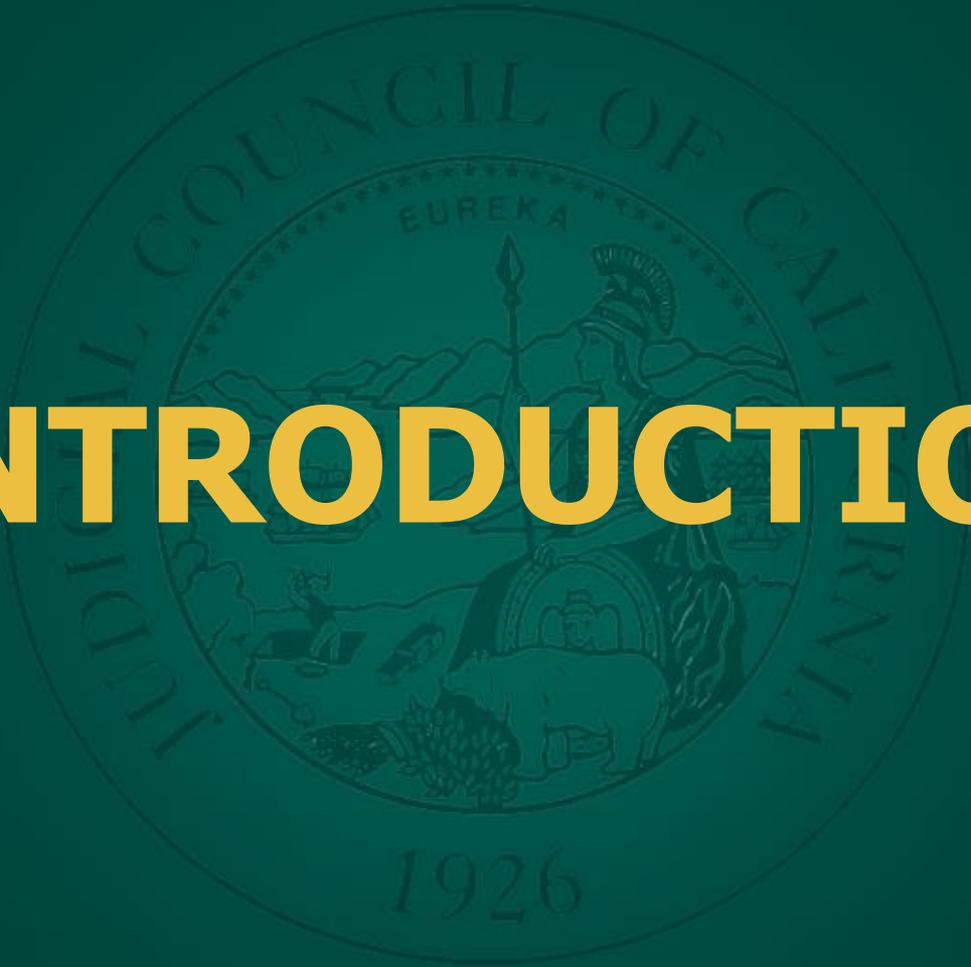


Revenue Distribution Training

March 2013



Presented by the
State Controller's Office
and the
Administrative Office of the Courts

The seal of the Judicial Council of California is centered in the background. It features a central figure of Minerva holding a spear, with a grizzly bear at her feet. The text "JUDICIAL COUNCIL OF CALIFORNIA" is written in a circular path around the central image, with "EUREKA" at the top and "1926" at the bottom.

INTRODUCTION

Presented By

State Controller's Office

- Jim Reisinger
- Darryl Mar
- Sandeep Singh

Administrative Office of the Courts

- John Judnick
- Robert Cabral
- Ryan Mendoza

If you have any questions
please contact
LocalGovPolicy@sco.ca.gov

Housekeeping Information

- Breaks: 15 minutes
- Lunch: 60 minutes, lunch will be provided.
- Restrooms: Hallway, same floor
- Questions:
 - Please ask at any time and use the microphone.
 - Please use index cards to submit written questions, and include your name in case we need more information.
- Evaluations: Please complete and return after each break.



Training Agenda

9:30 – Opening and Introduction

- Complexity of Revenue Collection and Distribution Process
- Court Ordered Debt Task Force

9:45 – Distribution Resources

- Judicial Council - Uniform Bail and Penalty Schedule
- State Controller's Office - Appendix C

11:00 – Morning Break

11:15 – Revenue Distribution Audits

11:45 – Statutes

12:30 – Lunch Break

Times are approximate.



Training Agenda

1:30 – Breakout Sessions – A

- Parking
- Basic Distributions

2:45 – Afternoon Break

3:00 – Breakout Sessions – B

- Special Distributions
- Hands On Specific Issues

4:15– Closing

- Evaluations
- Questions and answers
- WebEx training

4:30 - End

Times are approximate.

ADMINISTRATIVE OFFICE
OF THE COURTS



"Since prisons are full, I'm sentencing you to 5 years of jury duty."

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phone: (216) 371-8600 / e-mail: ft@funnytimes.com

Attendee Expectations

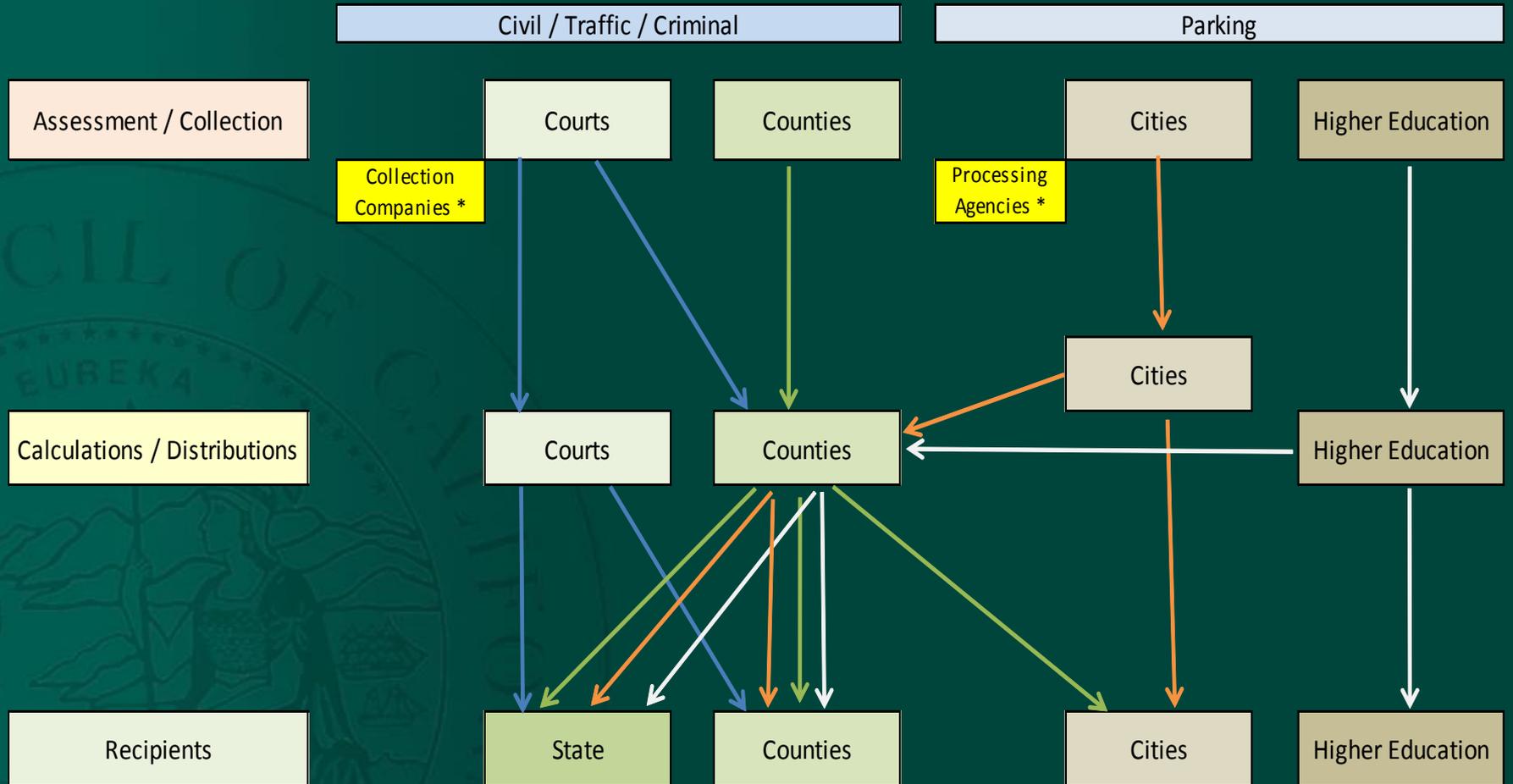


ADMINISTRATIVE OFFICE
OF THE COURTS

Instruction Goals

- Identify sources of resource materials for distribution calculation, analysis, and research.
- Walk-through and explain calculations of distribution examples for select case types using worksheet tools.

ASSESSMENT, COLLECTION, AND DISTRIBUTION COMPLEXITY OF THE PROCESS



* Entities under contract to perform collections.

Court-Ordered Debt Task Force

Court-Ordered Debt Task Force (CODTF)

- Established by Penal Code 1463.02(b)
- Representatives from various
 - State entities, agencies, and organizations
 - Counties, cities, and other external organizations

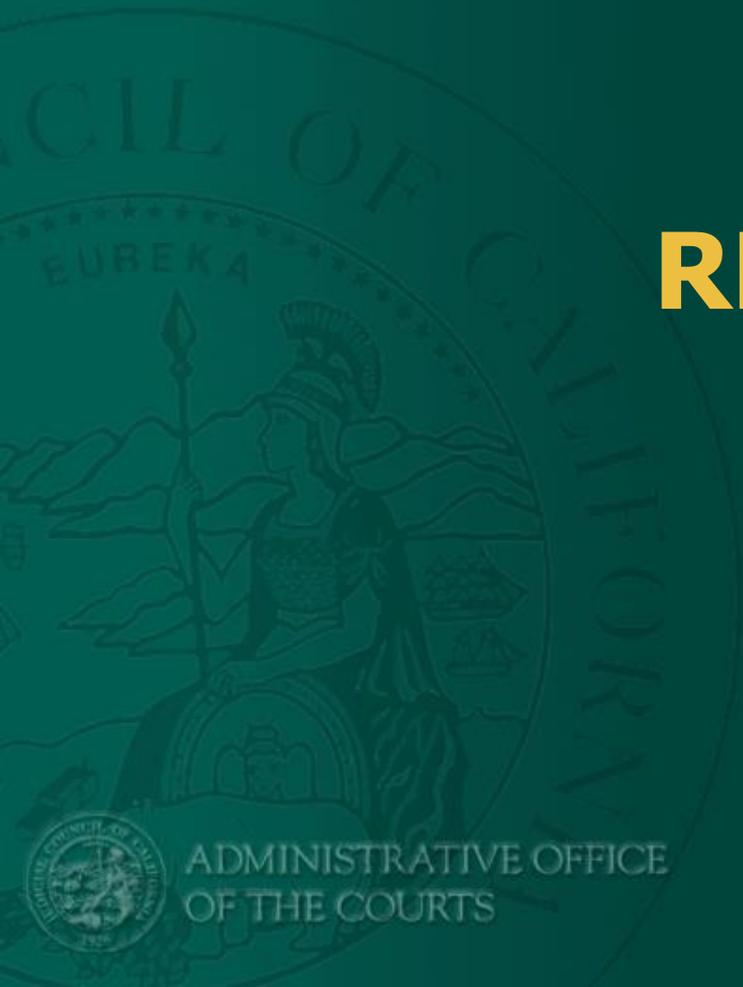
CODTF PRIMARY GOALS (PC 1463.02(b))

1. Identify all criminal and traffic-related court-ordered fees, fines, forfeitures, penalties and assessments imposed under law.
2. Identify the distribution of revenue derived from those debts and the expenditures made by those entities that benefit from the revenues.
3. Consult with state and local entities that would be affected by a simplification and consolidation of criminal and traffic-related court-ordered debts.
4. Evaluate and make recommendations to the Judicial Council and the Legislature for consolidating and simplifying the imposition of criminal and traffic-related court-ordered debts **and the distribution of the revenue** derived from those debts with the goal of improving the process for those entities that benefit from the revenues, and recommendations, if any, for adjustment to the court-ordered debts.

CODTF ACTIVITIES

- Current activities of CODTF subgroups:
 - Survey to determine revenue streams to state, counties, cities, etc., and associated financial information
 - Evaluation of SCO Appendix C
 - **Sponsor training on revenue distribution**

RESOURCES



ADMINISTRATIVE OFFICE
OF THE COURTS

Distribution Resource Interrelationships

- Statutes
- SCO Revenue Distribution Guidelines, Appendix C
- Judicial Council Uniform Bail and Penalty Schedule
- Revenue Distribution Audit Worksheets



Distribution Resource Sites

California Statutes: leginfo.legislature.ca.gov/faces/codes.xhtml

Distribution Resources/Guides:

JC Uniform Bail and Penalty Schedules www.courts.ca.gov/documents/2013-JC-BAIL.pdf

Email Distribution Questions to AOC DistributionQuestions@jud.ca.gov

SCO Appendix C Guidelines www.sco.ca.gov/ard_trialcourt_manual_guidelines.html

Distribution Training Materials www.sco.ca.gov/ard_trialcourt_manual_guidelines.html

Local Court Websites: www.courts.ca.gov/find-my-court.htm

County Websites: www.csac.counties.org/county-websites-profile-information

Audit Reports:

State Controller's www.sco.ca.gov/aud_court_revenues.html

AOC www.courts.ca.gov/12050.htm

JUDICIAL COUNCIL



ADMINISTRATIVE OFFICE
OF THE COURTS

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 Schedule of Bail

- The judges in each county adopt a countywide bail schedule that sets bail based on the requirements that apply to that jurisdiction.
- Each countywide bail schedule may have bail amounts that are different from the council's bail amounts.
- You must contact the court where a case is filed to get local bail information for that court.

JC Uniform Bail and Penalty Schedules

www.courts.ca.gov/documents/2013-JC-BAIL.pdf

The Uniform Bail and Penalty Schedules are revised to conform to recent legislation. The Judicial Council adopted the proposed 2013 Uniform Bail and Penalty Schedules at the December 2012 council meeting.

JC Uniform Bail and Penalty Schedules

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.





Uniform Bail and Penalty Schedules

2013 EDITION

(Cal. Rules of Court, rule 4.102)

TRAFFIC
BOATING
FORESTRY
FISH AND GAME
PUBLIC UTILITIES
PARKS AND RECREATION
BUSINESS LICENSING



JUDICIAL COUNCIL
OF CALIFORNIA

JUDICIAL COUNCIL OF CALIFORNIA

Administrative Office of the Courts

455 Golden Gate Avenue

San Francisco, California 94102-3688

Rule 4.102. UNIFORM BAIL AND PENALTY SCHEDULES

**TRAFFIC, BOATING, FORESTRY, FISH AND GAME,
PUBLIC UTILITIES, PARKS AND RECREATION, BUSINESS LICENSING**

The Judicial Council of California has established the policy of promulgating uniform bail and penalty schedules for certain offenses in order to achieve a standard of uniformity in the handling of these offenses.

In general, bail is used to ensure the presence of the defendant before the court. Under Vehicle Code sections 40512 and 13103, bail may also be forfeited and such forfeiture may be ordered without the necessity of any further court proceedings and treated as a conviction for specified Vehicle Code offenses. A penalty in the form of a monetary sum is a fine imposed as all or a portion of a sentence imposed.

To achieve substantial uniformity of bail and penalties throughout the state in traffic, boating, fish and game, forestry, public utilities, parks and recreation, and business licensing cases, the trial court judges, in performing their duty under Penal Code section 1269b to annually revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions, must give consideration to the Uniform Bail and Penalty Schedules approved by the Judicial Council. The Uniform Bail and Penalty Schedule for infraction violations of the Vehicle Code will be established by the Judicial Council in accordance with Vehicle Code section 40310. Judges must give consideration to requiring additional bail for aggravating or enhancing factors.

After a court adopts a countywide bail and penalty schedule, under Penal Code section 1269b, the court must, as soon as practicable, mail a copy of the schedule to the Judicial Council with a report stating how the revised schedule differs from the council's uniform traffic bail and penalty schedule, uniform boating bail and penalty schedule, uniform fish and game bail and penalty schedule, uniform forestry bail and penalty schedule, uniform public utilities bail and penalty schedule, uniform parks and recreation bail and penalty schedule, or uniform business licensing bail and penalty schedule.

The purpose of this uniform bail and penalty schedule is to

1. Show the standard amount for bail, which for Vehicle Code offenses may also be the amount utilized for a bail forfeiture instead of further proceedings; and
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. The amounts shown for the misdemeanors on the boating, fish and game, forestry, public utilities, parks and recreation, and business licensing bail and penalty schedules have been set with this dual purpose in mind.

Unless otherwise shown, the maximum penalties for the listed offenses are six months in the county jail or a fine of \$1,000, or both. The penalty amounts are intended to be used to provide standard fine amounts for a first offense conviction of a violation shown where a fine is used as all or a portion of the sentence imposed.

The bail amounts in the Uniform Bail and Penalty Schedules are calculated by using the maximum county and emergency medical services penalty amount authorized by Government Code sections 76000 and 76000.5. When a court adopts a countywide bail schedule under Penal Code section 1269b for infraction offenses, the local schedule should be adjusted to reflect the specific penalty assessments that apply to a particular county under Government Code sections 76000 and 76000.5. If a court does not have night or weekend sessions for traffic cases, the countywide bail schedule should omit the \$1 fee under Vehicle Code section 42006. The Safety Enhancement – Double Fine Zone schedule applies only to specific counties as expressly authorized by statute.

Note: Courts may obtain copies of the Uniform Bail and Penalty Schedules by contacting

Administrative Office of the Courts
Legal Services Office
455 Golden Gate Avenue
San Francisco, California 94102-3688
Ph: 415-865-7611

www.courts.ca.gov/7532.htm

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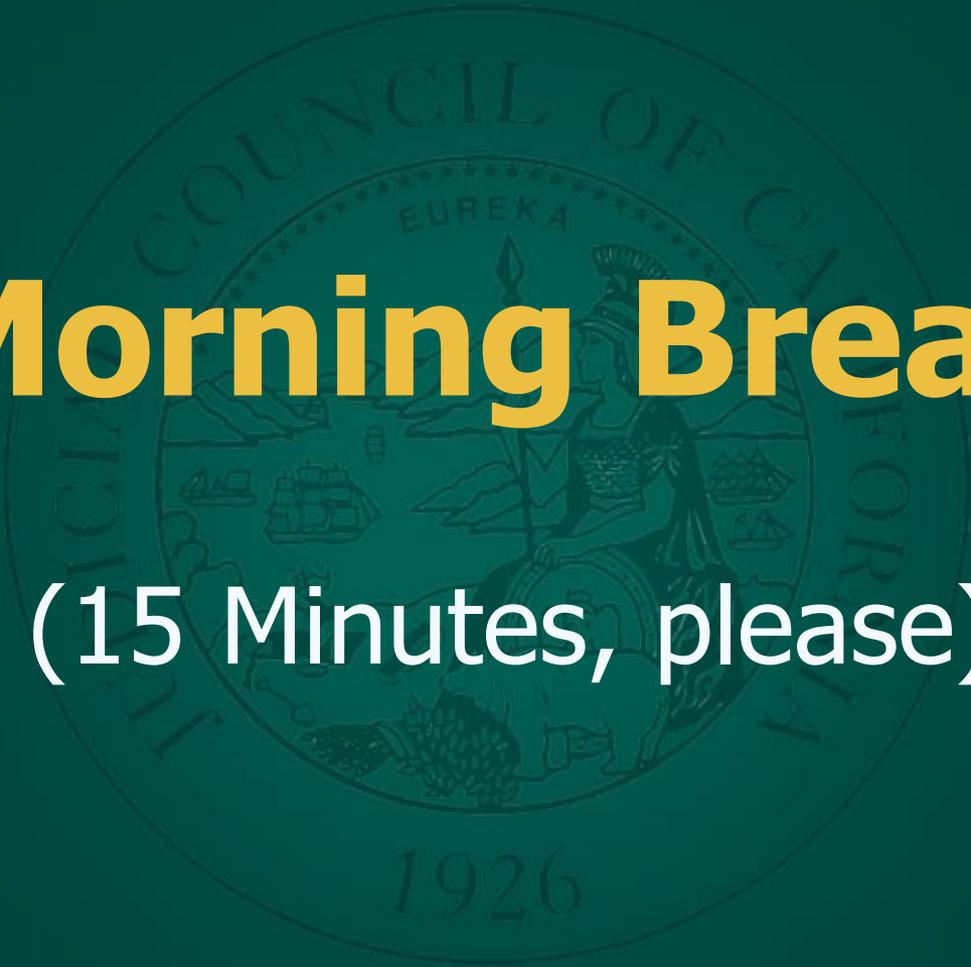
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Questions?

The seal of the Judicial Council of California is a circular emblem. It features a central figure holding a scale of justice, with a sun rising behind a mountain range. The words "JUDICIAL COUNCIL OF CALIFORNIA" are inscribed around the perimeter, and "EUREKA" is written above the central figure. The year "1926" is at the bottom. The seal is rendered in a light, semi-transparent blue color.

Placeholder for State Controller's Office Slides



Morning Break

(15 Minutes, please)

The seal of the Judicial Council of California is faintly visible in the background. It features a central figure holding a scale of justice, surrounded by various symbols of law and order. The text "JUDICIAL COUNCIL OF CALIFORNIA" is written around the perimeter, and the year "1926" is at the bottom.

AOC Internal Audit Services Audits

www.courts.ca.gov/12050.htm

Audit Comments

- Minimize Under-Remittance Penalties
 - Penalties for Under-Remittance to the State
- Destruction of Records Between Audits
(FIN Manual - Record Retention, Policy FIN 12.01, 6.1)
 - Records: Receipts for Fines, Fees, Penalties Collected and other collection receipts
 - Retention: Current year plus four additional years (or from the close date of the State Controller's Office audit, whichever is longer)
 - Suggestion: Confirm with SCO before destroying records

News & Reference

Newsroom

Reports & Publications

- » Access & Fairness Reports & Publications
- » Alternative Dispute Resolution Reports & Resources
- » Annual Reports/Strategic Plans
- » Capitol Connection
- » Civil Fees
- » Civil Law
- » Courts: General
- » Criminal Law
- » Fact Sheets
- » Family and Juvenile Law
- » **Finance**
 - Budget Resources and Information
 - Policies and Procedures Manual
 - Judicial Branch Fiscal Information
 - Judicial Council Finance Reports
 - **Audit Reports**
- » Judges
- » Judicial Council Reports
- » Legislative Reports
- » Self-Represented Litigants
- » Trial Court Unification
- » Vexatious Litigant List

Research & Statistics

Video Library

Audit Reports

 [Print](#)

On August 27, 2010, the Judicial Council approved the following recommendations:

1. Audit reports will be submitted through the Executive and Planning Committee to the Judicial Council. Audit reports will not be considered "final audit reports" until formally accepted by the council.
2. All final audit reports will be placed on the California Courts public website to facilitate public access. This procedure will apply to all reports accepted by the Judicial Council after approval of this recommendation.

Audit reports are posted by on this website after the Judicial Council meeting at which they are presented and accepted. The reports are in Adobe Acrobat format and are reported by Judicial Council meeting date. The reports presented and accepted can be seen by clicking on the link below. Audit reports dating prior to August 2010 can be requested using the [Public Access to Judicial Administrative Records](#) procedures.

Fiscal Year 2011-2012

October 26, 2012 Judicial Council meeting

- [Audit of the Superior Court of California, County of Del Norte](#)  (September 2012)
- [Audit of the Superior Court of California, County of Stanislaus](#)  (April 2012)

August 31, 2012 Judicial Council meeting

- [Mariposa Superior Court: Review of costs for County-Provided Services](#)  (May 2012)
- [Audit of the Superior Court of California, County of Tuolumne](#)  (February 2012)

June 21, 2012 Judicial Council meeting

- [Audit of the Superior Court of California, County of Mariposa](#)  (January 2012)
- [Audit of the Superior Court of California, County of Santa Clara](#)  (December 2011)

Audit Report Issues

Some of the more common Revenue Distribution issues reported:

- 2% State Court Automation is not calculated from all applicable fines and penalties.
- 30% Red Light/Railroad Allocations are not from correct fines and penalties (exclude DNA and EMS, except traffic school).
- Red Light, Railroad, Child Seat traffic school distributions do not follow applicable statutes.

California Statutes



New Statutory Changes

- Governor signs legislation that will effect distributions. Some keys to be aware of:
 - Chapter date
 - Effective date
 - Urgency legislation

Example:

- AB 2094, effective 01/01/13, increases the domestic violence fee from a minimum of \$400 to a minimum of \$500, and requires the court to state a reason on the record if it reduces or waives the minimum fee.

BASIC RULES

- 7 of 10 “or portion thereof” concept (round-up)
- “Notwithstanding any other provision of law”
- Discretionary language – *May, Should*
- Mandatory language – *Shall, Must, Will*



BASIC RULES

- Base fine and enhancement
- Waivers, community service, jail time
- Arresting Agencies (City, Sheriff, CHP)
- Local ordinances (i.e., GC 76000 local penalties)
- Timely update of master distribution tables
 - plan ahead and prepare for changes



BASIC RULES

- If new statutory sections impose **fin**es, which are punitive, the increased amounts may only be imposed on convictions for violations that occurred on the date of the increase (which for many new statutes is January 1, 2013) or afterwards.
- Imposing the increased fines on violations that occurred prior to the date of the increase would violate ex post facto prohibitions.



BASIC RULES

- Top Down vs. Bottom Up Assessments

PC 1463.004: If a sentencing judge specifies only the total fine or forfeiture, or if an automated case-processing system requires it:

- Percentage calculations may be employed to establish the components of total fines or forfeitures
- Provided that the aggregate monthly distributions resulting from the calculations are the same as would be produced by strict observance of the statutory distributions.



VC 40508.6

Example of reading statute:

40508.6. The superior court in any county may establish administrative assessments, not to exceed ten dollars (\$10), for clerical and administrative costs incurred for the following activities:

- (a) An assessment for the cost of recording and maintaining a record of the defendant's **prior convictions** for violations of **this code**. The assessment shall be payable at the time of payment of a fine or when bail is forfeited for any subsequent violations of **this code** other than parking, pedestrian, or bicycle violations.
- (b) An assessment for all defendants whose driver's license or automobile registration is attached or restricted pursuant to Section 40509 or 40509.5, to cover the cost of notifying the Department of Motor Vehicles of the attachment or restriction.



Discussion of Specific Statutes

- State Penalty – PC 1464
- Local Penalties – GC 76000(a)
- Additional State and Local Penalties
- Installment Payment Fee – PC 1205
- 20% State Surcharge – PC 1465.7
- 2% State Court Automation – GC 68090.8
- Priority of Installment Payments – PC 1203.1d
- Maintenance of Effort (MOE) Payments
- Traffic Violator School Fee (TVS) – VC 42007

State Penalty – PC 1464

- There shall be levied a state penalty in an amount equal to **\$10 for every \$10 or fraction thereof**, upon every fine, forfeiture or penalty imposed on criminal offenses with some exceptions listed at PC 1464(a) (1).
- After a **determination by the court** of the amount due, the clerk of the court shall collect the penalty and transmit it to the county treasury.
 - Seventy percent (70%) of the remaining balance shall be transmitted to the state treasury for deposit in the State Penalty Fund
 - Thirty percent (30%) remaining to stay on deposit in the county general fund.
- The State Penalty Fund is further distributed to various state funds in percentages specified in PC 1464 (f).

State Penalty – PC 1464

1464.

(a) (1) Subject to Chapter 12 (commencing with Section 76000) of Title 8 of the Government **Code**, and except as otherwise provided in this section, there shall be levied a **state penalty** in the amount of ten dollars (\$10) for every ten dollars (\$10), or part of ten dollars (\$10), upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including all offenses, **except parking offenses** as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle **Code** or any local ordinance adopted pursuant to the Vehicle **Code**.

State Penalty – PC 1464

(3) The penalty imposed by this section **does not apply** to the following:

(A) Any restitution fine.

(B) Any penalty authorized by Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code.

(C) Any parking offense subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

(D) The state surcharge authorized by Section 1465.7.

(b) Where multiple offenses are involved, the state penalty shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the state penalty shall be reduced in proportion to the suspension.

Local Penalties GC 76000 (a)

76000. (a) (1) Except as otherwise provided elsewhere in this section, in each county there shall be levied an additional penalty in the amount of **seven dollars (\$7)** for every ten dollars (\$10), or part of ten dollars (\$10), upon every fine, penalty, or forfeiture imposed and collected by the courts for **all criminal offenses**, including all offenses involving a violation of the Vehicle **Code** or **any local ordinance** adopted pursuant to the Vehicle **Code**.



Local Penalties GC 76000 (a)

76000. (a) (2)

- This additional penalty shall be collected together with and in the same manner as the amounts established by Section 1464 of the Penal **Code**.
- These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal **Code**.
- The county treasurer shall deposit those amounts specified by the board of supervisors by resolution in one or more of the funds established pursuant to this chapter.
- However, deposits to these funds shall continue through whatever period of time is necessary to repay any borrowings made by the county on or before January 1, 1991, to pay for construction provided for in this chapter.

Local Penalties GC 76000 (a)

- (a) (3) This additional penalty **does not apply to** the following:
 - (A) Any restitution fine.
 - (B) Any penalty authorized by Section 1464 of the Penal **Code** or this chapter.
 - (C) Any parking offense subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle **Code**.
 - (D) The state surcharge authorized by Section 1465.7 of the Penal Code.

Local Penalties GC 76000 (a)

- 76100 Local Courthouse Construction Fund (BOS)
- 76101 Criminal Justice Facilities Construction Fund (BOS)
- 76102 Automated Fingerprint/Digital Image Identification Fund (BOS)
- 76104 Emergency Medical Services Fund (BOS)
- 76104.5 DNA Identification Fund (BOS)

Additional Penalties

Additional State and Local Penalties:

- 76000.5 Emergency Medical Services Additional Penalty (BOS: 2/10)
- 76000.10(c) Emergency Medical Air Transportation Penalty (\$4 per VC conviction)
- 76104.6 DNA Additional Penalty (1/10; 75% County/25% State split)
- 76104.7 DNA Additional State-Only Penalty (4/10)
- 70372 State Court Construction Penalty (5/10)
 - Immediate and Critical Needs Account (same \$ as LCCF)
 - State Court Facilities Construction Fund (remainder of 5/10)

Installment Payment Fee

Penal Code Section 1205

(e) The defendant shall pay to the clerk of the court or the collecting agency a fee for the processing of installment accounts. This fee shall **equal the administrative and clerical costs**, as determined by the board of supervisors, or by the court, depending on which entity administers the account.

The defendant shall pay to the clerk of the court or the collecting agency the fee established for the processing of the accounts receivable that are not to be paid in installments.

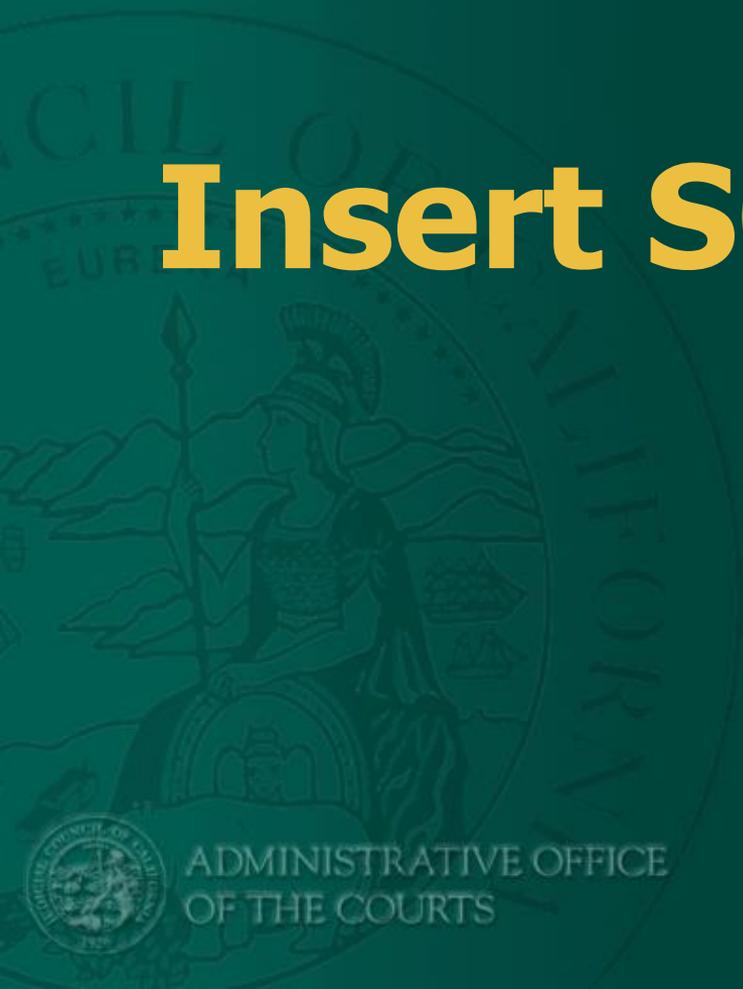
The fee shall equal the administrative and clerical costs, as determined by the board of supervisors, or by the court, depending on which entity administers the account, **except that the fee shall not exceed thirty (\$30) dollars.**

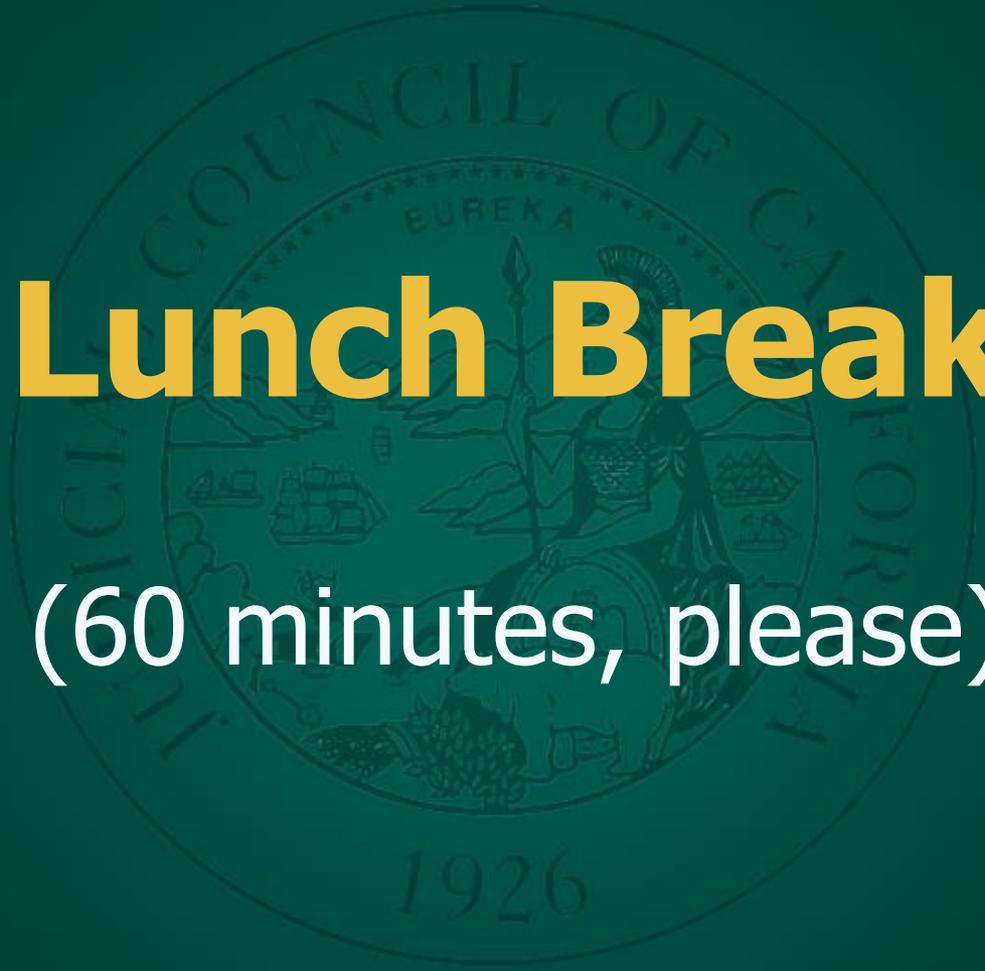
Installment Payment Fee

Penal Code Section 1205

- (d) Nothing in this section shall be construed to prohibit the clerk of the court, or the judge if there is no clerk, from turning these accounts over to another county department or a collecting agency for processing and collection.
- (f) This section shall not apply to restitution fines and restitution orders.

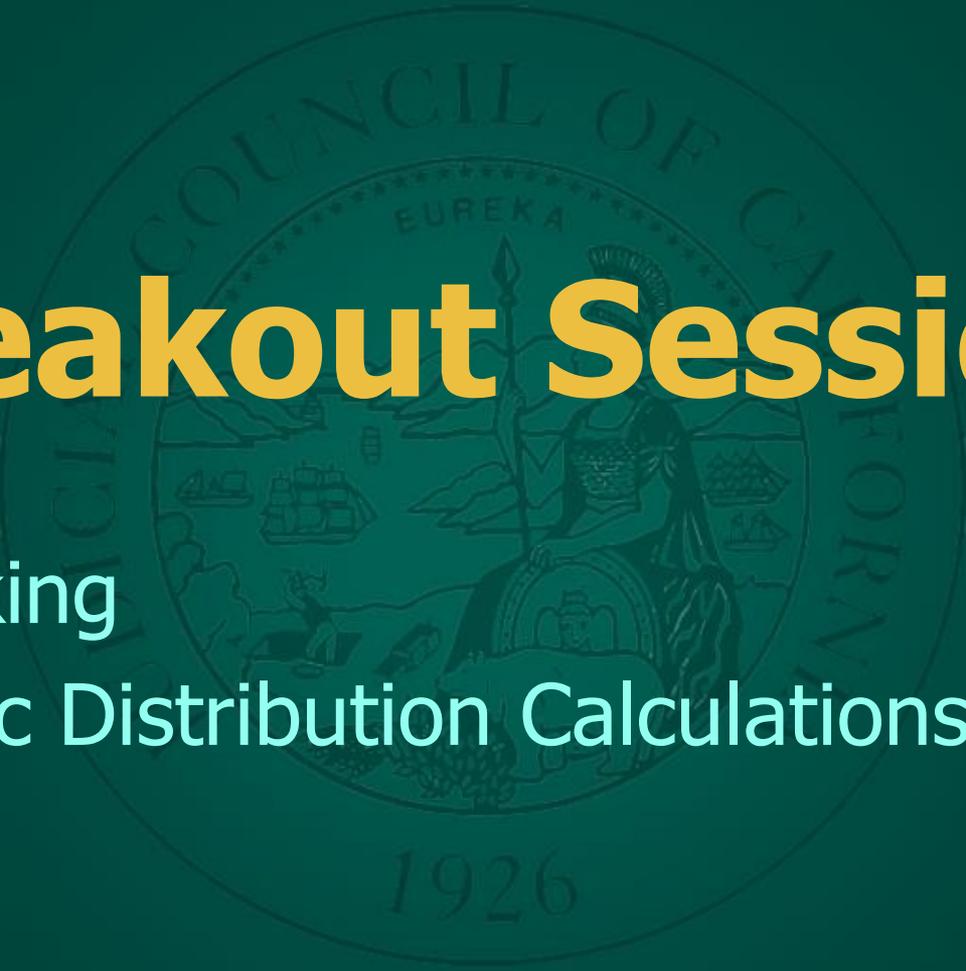
Insert SCO Slides Here



The background features a large, faded circular seal of the University Council of California. The seal contains the text "UNIVERSITY 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 torch and a scale, with various symbols of industry and agriculture around them.

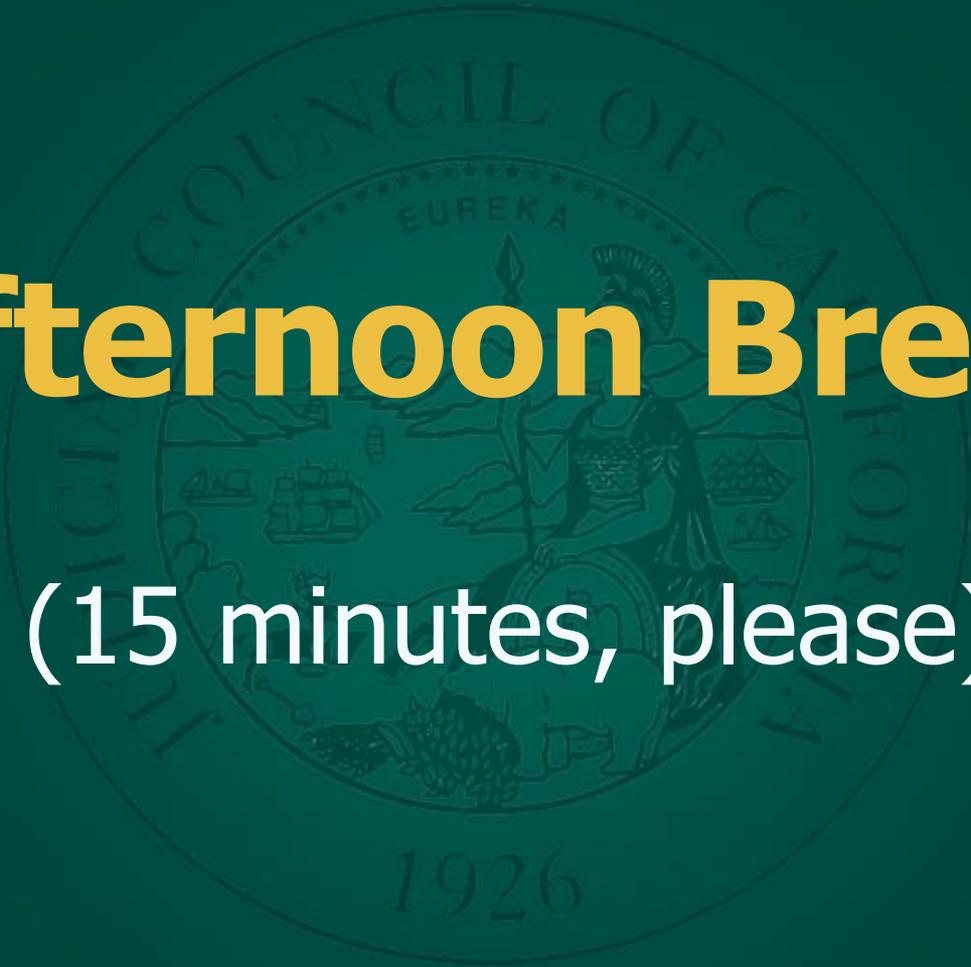
Lunch Break

(60 minutes, please)



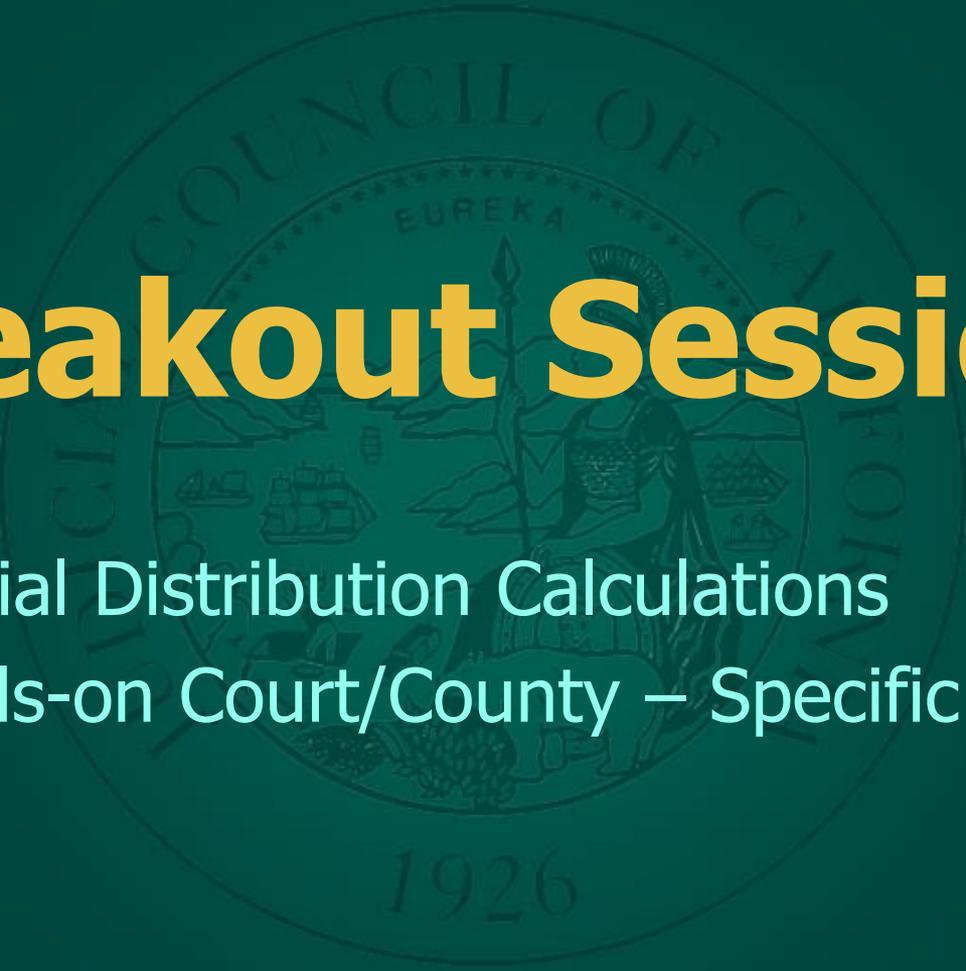
Breakout Sessions

1. Parking
2. Basic Distribution Calculations



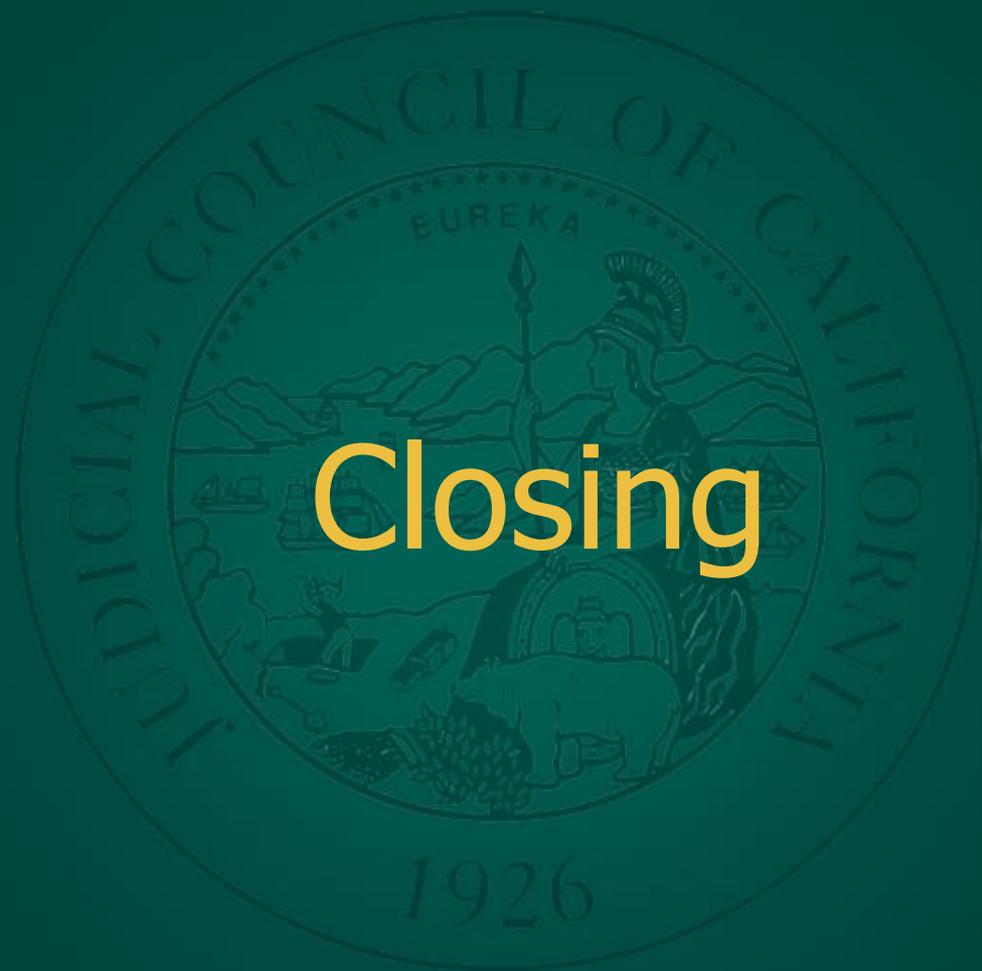
Afternoon Break

(15 minutes, please)

The background of the slide features a large, faint, circular seal of the City Council of California. The seal contains the text "CITY 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 torch, with various symbols of industry and agriculture around them.

Breakout Sessions

1. Special Distribution Calculations
2. Hands-on Court/County – Specific Issues



Closing

CLOSING

- Review instruction goals and expectations
 - Identify sources of revenue distribution resources
 - Walk-through distribution examples
- Questions and answers – FAQ's
- Evaluations
- Next session
- Webinar

Instruction Goals and Expectations

Covered the Following:

1. Identify sources of resource materials for distribution calculation, analysis, and research.
2. Walk-through and explain calculations of distribution examples for select case types using worksheet tools.

Expectations:

Identified expectations from survey/discussion

Questions and Answers

- All questions submitted to be discussed.
- Responses to be discussed between SCO and AOC
- Frequently Asked Questions



Other Items

- Evaluations
- Webinar
- Next Session



THE END

THANK YOU