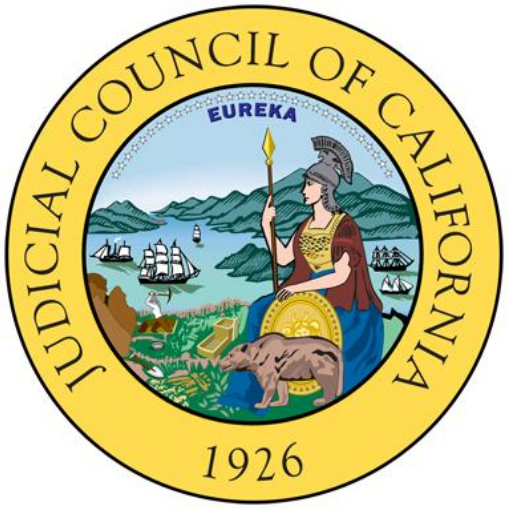
Trial Court Revenue Distribution Frequently Asked Questions



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

Trial Court Revenue Distribution
Frequently Asked Questions

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Note: FAQ's pending further research will be incorporated as information becomes available.

Trial Court Revenue Distribution
Frequently Asked Questions

How to Navigate the FAQ's

Questions received from participants of the March-April 2013 *Trial Court Revenue Distribution Training* have been compiled to create this frequently asked questions (FAQ) document. Subsequent questions received by the State Controller's Office (SCO) and the Administrative Office of the Courts (AOC) will be incorporated as received and researched.

The SCO and AOC will collaboratively review questions as submitted and jointly agree upon responses. Please note that the more complex questions may take longer to respond to as they may involve further research and discussion with legal staff.

Questions have been grouped into 11 categories. The *Table of Contents* is hyperlinked for your convenience to provide quick access to the subject categories. A keyword is assigned to each question to assist with search capabilities in locating applicable questions and their respective answers. The next page provides a table summarizing the number of questions by keyword and category.

Questions may have been parsed into multiple components in order to simplify the question and the response. If you submitted a question, please be sure to review the response to ensure that you received a complete answer to your inquiry.

It may be necessary to search multiple categories when seeking a response to a specific question, as more than one category may apply. If you cannot find an answer to a question, seek clarification to prior questions/responses, or have new questions, please submit them to the AOC Distribution e-mail box noted below. When applicable, please reference an existing question and answer using the category and question number listed in the current FAQ's.

Submit questions to:

AOC Distribution e-mail box	DistributionQuestions@jud.ca.gov
Jim Reisinger	Jreisinger@sco.ca.gov
Robert Cabral	robert.cabral@jud.ca.gov

You may access the FAQ's on the SCO website at the following link: http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html, along with other training and revenue distribution materials. FAQ's have an "as of date" associated with each response. Over time, the responses may change based on new legislation or changes in policy. Items that are no longer applicable will be retained to provide historical reference. New questions and/or updated responses will be bolded with an "as of date" until the next FAQ document revision.

Trial Court Revenue Distribution
Frequently Asked Questions

FAQ's Keywords and Categories

		CATEGORIES											
#	Keywords	A	B	C	D	E	F	G	H	I	J	K	Total
1	30% ALLOCATION												0
2	50/50 MOE			3									3
3	APP C		9	1									10
4	AUDIT												0
5	BAIL BOND FOREITURES			1									1
6	BAIL SCHEDULE	2											2
7	BASE FINE			1									1
8	BOS			1									1
9	CIVIL ASSMNT	1		3									4
10	COMMUNITY/JAIL	1		1									2
11	CORRECTIONS	1											1
12	COST ANALYSIS	1											1
13	DNA			1									1
14	DV												0
15	EMAT			1									1
16	ENHANCEMENT			2									2
17	FACILITIES			1									1
18	FEES/ASSESSMENTS			6									6
19	HS			1									1
20	INSTALL/AR FEE			17			1						18
21	JURISDICTION	6											6
22	JUVENILE	1		1									2
23	LATE CHARGE	2		5			2						9
24	LEGISLATION	6											6
25	LITTER												0
26	MULTIPLES						1						1
27	NIGHT COURT			3									3
28	OTHER	3		4			1		1				9
29	PARKING				9								9
30	POI						1						1
31	PRIORITY	9		1									10
32	PRIORS FEE	3		9									12
33	PROBATION	2											2
34	REFUND												0
35	RESOURCES/TEMPLATES	1						1				2	4
36	RESTITUTION			1									1
37	SUSPEND/WAIVE												0
38	TC-31					10							10
39	TOP DOWN												0
40	TRANSFERS												0
41	TRAINING												2
42	TVS			7			1						8
43	VALIDATION												0
44	WORKAROUND												0
Grand Total		**39**	**9**	**71**	**9**	**10**	**7**	**1**	**1**	**0**	**0**	**2**	**151**

CATEGORY LEGEND	
A	General
B	Appendix C (Use, Statutes)
C	Statutes
D	Parking
E	Collections
F	Distribution Calculations
G	Distribution Spreadsheets
H	Audit
I	Operations
J	Judicial Action
K	Training (Timing, Registration)

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Category A: General Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	1	Bail Schedule	April 1, 2013	Q	Local County Bail Schedule – Where or to who at the AOC should we send our annual updates?
				A	In accordance with the California Rules of Court 4.102, 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 bail and penalty schedule. These should be sent to the: Office of Legal Services Administrative Office of the Courts 455 Golden Gate Avenue San Francisco CA 94102-3688
A	2	Bail Schedule	May 13, 2013	Q	Local County Bail Schedule - where can I find the details/rules/requirements for public notice?
				A	Please refer to the California Rules of Court (CRC) 10.613, which can be found at http://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_613. The CRC provides public notice requirements for the adoption of local rules, including the adoption of a local county bail schedule.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	3	Civil Assessments	May 17, 2013	Q	Part 1: Does someone add the civil assessment and give the defendant 10 days? Part 2: Or do you send the notice and add the civil assessment after 10 days?
				A	Under Penal Code section 1214.1, the civil assessment is imposed by the court to be effective 10 calendars days after mailing of a notice of the assessment. If the defendant appears within the 10 days and shows good cause for the failure to appear or failure to pay, the court must vacate the assessment.
A	4	Community Service	May 13, 2013	Q	When judges order community service in lieu of a fine, they are ordering it for the total amount of the fine. Should they be ordering community service for the fine amount and then waiving the assessment fees separately on the record?
				A	The court operations assessment under Penal Code section 1465.8 (previously known as a court security fee) and the criminal conviction assessment under Government Code section 70373 are mandatory fees that must be imposed for each conviction. (People v. Woods (2010) 191 Cal.App.4th 269.) No authorities expressly authorize a court to convert these assessments to community service or to waive the assessments after imposition when a defendant is referred to community service for the underlying fine.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	5	Corrections on distributions	April 18, 2013	Q	If court finds an error in a distribution or various distributions - we make the changes in the distributions going forward. However, how far back do we need to be to make the corrections to the distributions? This current FY? Or up until last audit?
				A	The corrections need to be made up until the last audit.
A	6	Cost Analysis	April 1, 2013	Q	Cost study – how old can it be?
				A	There is no statute or policy that we believe addresses this. The general rule of thumb used is within 5 years, or when costs materially change a new cost study should be prepared so that costs incurred can be recovered.
A	7	Prior Convictions / Enhancements	May 13, 2013	Q	What is the statute or basis for the base fine priors enhancement noted in Bail Schedule section VII of the Uniform Bail & Penalty Schedule?
				A	Under Vehicle Code section 40310, the Judicial Council is authorized to establish a uniform traffic penalty schedule that is applicable to all non-parking Vehicle Code infractions. Section 40310 provides the council with the authority to establish uniform penalty enhancements for prior Vehicle Code infraction convictions where the code does not specify an amount.
A	8	Jurisdiction	April 1, 2013	Q	How do you handle distribution of the "out of county" citations?
				A	The arresting agency's jurisdiction would receive the funds. (53 Ops.Cal.Atty.Gen. 29 (1969).)

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	9	Jurisdiction	April 1, 2013	Q	City police officer writes a ticket in another city; who has jurisdiction?
				A	The arresting agency. (53 Ops.Cal.Atty.Gen. 29 (1969).)
A	10	Jurisdiction	April 1, 2013	Q	If the city has a police department and a CHP writes a citation in the city, are we (county) exempt from sending the city revenue under PC 1463.002? In other words, does all the revenue go to county when the city has its own police department?
				A	No, it depends where the CHP officer writes the citation making it either a "city arrest" or a "county arrest" as defined in PC 1463. Distribution will follow PC 1463.001 and PC 1463.002.
A	11	Jurisdiction	April 1, 2013	Q	City of A officer writes a ticket in city of B, who gets the money? City of Officer A as employer OR city of B whose jurisdiction officer was in?
				A	City of officer A. (53 Ops.Cal.Atty.Gen. 29 (1969).)

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	12	Jurisdiction	April 1, 2013	Q	Please clarify whether we should collect based on the LOCATION of an arrest in determining the distribution under PC 1463.001. We have agencies that frequently do traffic enforcement in another jurisdiction than their agency jurisdiction.
				A	Collections are based on the arresting agency. (53 Ops.Cal.Atty.Gen. 29 (1969).)
A	13	Jurisdiction	April 18, 2013	Q	What jurisdiction does a highway arrest fall under?
				A	It is "city arrest" if the arrest is made by an employee of the city, or by a California Highway Patrol officer within the limits of a city as defined in Penal Code section 1463(b). If it is not a "city arrest" it is a "county arrest".
A	14	Juvenile	May 13, 2013	Q	Do fines and penalties apply to juveniles?
				A	Courts may impose fines, penalty assessments, and the state surcharge on juvenile offenses. However, the $40 court operations assessment under Penal Code section 1465.8 and the criminal conviction assessment under Government Code section 70373 may only be imposed with a conviction. Therefore, these two assessments may not be imposed for juvenile violations that do not result in convictions when they are adjudicated in Informal and Juvenile Traffic Court under Welfare & Institutions Code section 255. (See Egar v. Superior Court (2004) 120 Cal.App.4th 1306 [holding that juvenile court's adjudications of misdemeanors were not convictions for a criminal offense within meaning of statute imposing court security fee, the predecessor to the court operations assessment].)

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	15	Late Penalty under VC 40310	April 18, 2013	Q	How long has the 50% late penalty in Vehicle Code (VC) section 40310 been required?
				A	The language requiring the 50% late fee was first added to VC section 40310 effective September 15, 1992.
A	16	Late Penalty under VC 40310	April 18, 2013	Q	Where is the 50% late penalty distributed?
				A	The 50% late penalty is distributed proportionately to the same funds as the initial penalty.
A	17	Legislation	April 18, 2013	Q	How are we made aware of statutory changes affecting distributions timely?
				A	Websites, such as the California Legislative Information website, provide useful tools to keep track of statutory changes that may affect you. An example is the My Subscriptions tab on http://leginfo.legislature.ca.gov/.
A	18	Legislation	April 18, 2013	Q	Any resource tracking new legislation impacting distributions?
				A	Refer to A 17.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	19	Legislation	April 1, 2013	Q	CA law - can you filter update to get only what you want to receive (i.e., distribution legislation)?
				A	Refer to A 17.
A	20	Legislation	April 18, 2013	Q	New legislation regarding distribution – how do we get informed or find it?
				A	Refer to A 17.
A	21	Legislation	April 1, 2013	Q	How does the probation department get notification of distribution changes?
				A	Refer to A 17. Courts should also provide distribution tables to the probation department.
A	22	Legislation	April 1, 2013	Q	Are there any resources that have the sunset dates (other than the individual code sections) for all fines/fees/penalty assessments that have end dates?
				A	Appendix C, found on the State Controller's Office website, highlights the sunset date of some code sections. However, it is important you check current code as legislation may have made changes since the last update.

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Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	23	Priority	July 12, 2013	Q	How do we apply payments to traffic citations if the defendant owes many citations?
				A	The priority level applies to installment payments and is not determined by the type of crime, but rather the purpose to which the funds will be applied. Guidelines can be found under "Court Surcharge Distribution Guidelines" on the SCO website http://sco.ca.gov/ard_trialcourt_manual_guidelines.html.
A	24	Priorities for multiple offenses	July 12, 2013	Q	For multiple offenses, what is the priority level of payment for infraction/misdemeanors or felony?
				A	The priority level applies to installment payments and is not determined on the severity of the crime, but rather the purpose to which the funds will be applied. Guidelines can be found under "Court Surcharge Distribution Guidelines" on the SCO website http://sco.ca.gov/ard_trialcourt_manual_guidelines.html
A	25	Mandatory assessments	April 1, 2013	Q	When does a court have to assess a fine or fee?
				A	When the statute requires (mandatory language such as must, shall, will) it and/or it is a minimum mandatory amount.
A	26	Traffic	July 15, 2013	Q	If a citation is issued pursuant to a California Code of Regulations (CCR), how do I determine distribution?
				A	Unless the regulation specifies a distribution, the citation will be distributed pursuant to statute.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	27	Court Minute Record	May 15, 2013	Q	When fines and fees are ordered, does the judge/commissioner have to state each one on the record?
				A	Yes. For penalty assessments and the 20% state surcharge it is an acceptable practice for bench officers to use a shorthand reference to "penalty assessments" and rely on the trial court clerk to specify the penalties and surcharge in appropriate amounts in the minutes and the abstract of judgment. (People v. Sharret (2011) 191 Cal.App.4th 859.) For criminal conviction and court operation assessments, the trial court is required to orally impose the assessments as to each of the counts of which defendant is convicted, including the stayed counts. (People v. Sencion (2012) 211 Cal.App.4th 480, 484.)
A	28	Priorities	April 18, 2013	Q	If there are multiple court orders, including restitution and non-restitution charges: 1. Should the restitution be paid first to all the Court orders OR 2. Should the restitution be paid to the oldest court order first , pay off all the non-restitution including fees and then pay restitution to the next court order
				A	The restitution should be paid first to all the Court orders.
A	29	Priorities	April 18, 2013	Q	Is there a payment priority for Vehicle Code, Penal Code, Health & Safety Code, etc. for multiple offenses?
				A	No, you would follow regular distribution.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	30	Priorities	April 18, 2013	Q	Monthly work fee vs. restitution to victims, which one pays first?
				A	Restitution to victims.
A	31	Priorities	April 18, 2013	Q	In the installment payment priority, do all payments have to be applied to the court ordered fine first before they can be applied to county imposed fees such as probation supervision fees and reports costs?
				A	Yes, fines fall within priority 3 and fees typically fall within priority 4. Additional guidance can be found on the SCO website under the "Court Surcharge Distribution Guidelines" link http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html.
A	32	Priorities	April 18, 2013	Q	How long has Penal Code section 1463.18(a)(1) been the top priority in Priority 3?
				A	It has been the top priority since AB 3000 was enacted in 2002 which established priority of installment payments.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	33	Priorities	May 14, 2013	Q	Can you please advise what priority these should be: 1) Government Code (GC) section 70372(a) – State Court Construction Penalty – the portion distributed to the Immediate and Critical Needs Account. 2) GC section 70373 – Criminal Conviction Assessment
				A	1) The state court construction penalty is priority 3. Per Penal Code section 1203.1d(b)(3) priority 3 is any fines, penalty assessments, and restitution fines ordered pursuant to subdivision (b) of Section 1202.4. Payment of each of these items shall be made on a proportional basis to the total amount levied for all of these items. 2) The criminal conviction assessment is a non-punitive fee and therefore is included in priority 4.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	34	Priorities	July 16, 2013	Q	If under installment, is distribution using priorities and equitable proration proper? For example, if an A/R has the following: 20% Surcharge (Priority 2) - $20 State PA (Priority 3) - $70 County PA (Priority 3) - $30 State Courthouse Construction (Priority 3) - $50 Base Fine (Priority 3) - $100 Court Operations Assessment (Priority 4) - $40 Criminal Conviction (Priority 4) - $35 The Defendant then makes a payment of $50, which we distribute as follows 20% Surcharge - $20 – gets paid in full since it has the highest priority and nothing else in the A/R has that priority. This leaves $30 to distribute between the Priority 3 items. The first thing that happens is the system totals the balance of the Priority 3 items, and uses that number to determine how to distribute the monies equitably between the items with this priority. In this case it is $250 ($70+30+50+$100). State PA - $70 - this is 28% of $250, so it gets that percentage of the $30, or $8.40, leaving a balance of $61.60 County PA - $30 - this is 12% of $250, so it gets that percentage of the $30, or $3.60, leaving a balance of $26.40 State CHC - $50 - this is 20% of $250, so it gets that percentage of the $30, or $6 , leaving a balance of $44 Base Fine - $100 - this is 40% of $250, so it gets that percentage of the $30, or $12, leaving a balance of $88

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	34	Priorities	July 16, 2013	A	Yes, in general there are no priorities within a priority and the installment payment would be equitably distributed between the various penalties and assessments. There is an exception within priority 3, the distribution pursuant to Penal Code section 1463.18 for DUI violations. After priorities 1 and 2 have been paid, this distribution will occur first before the remaining priority 3 distributions are made.
A	35	Priors VC 40508.6	April 1, 2013	Q	Vehicle Code section 40508.6 - with upcoming legislative changes, is a cost study still required?
				A	The proposed legislation will only allow the assessment of **up to $10** on the first violation of the code. The amount assessed must be based on the cost study and the assessment should be as close to actual cost as possible. You cannot charge up to the maximum $10 automatically.
A	36	Priors VC 40508.6	April 1, 2013	Q	Any updates on the proposed legislative change to VC 40508.6(a) Priors Admin fee?
				A	The proposed legislation did not make it through the legislative process. It did not make it to statute. The status of a bill can be monitored using the following link, http://leginfo.legislature.ca.gov/.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	37	Probation	May 17, 2013	Q	Fines and penalties should be assessed as separate for probation?
				A	Fines and penalties are always assessed together. For probation, non-punitive court fees may be assessed separately from fines and penalties. The court operations assessment under Penal Code section 1465.8 and criminal conviction assessment for court facilities under Government Code section 70373 are non-punitive fees that are not part of probation. (See *People v. Shiseop Kim* (2011) 193 Cal.App.4th 836 [ruling that court facilities [conviction] assessment imposed on a conviction should be separately imposed and not made a condition of probation; *People v. Pacheco* (2010) 187 Cal.App.4th 1392 [holding that a trial court could not make payment of court security fee (now the court operations assessment) a condition of defendant's probation, because fee had a nonpunitive purpose and was collateral to defendant's crimes.]. See also, *People v. Woods* (2010) 191 Cal.App.4th 269 [holding there was no authority that allowed a court facilities [conviction] assessment, restitution fine, and court security fee to be stayed when defendant was placed on probation].)
A	38	Probation	April 18, 2013	Q	If Probation utilizes a vendor operated phone-in reporting system and the vendor charges the offender a $4 fee and probation increases that fee to $10, can the excess $6 be applied to Penal Code (PC) section 1203.1b - cost of probation fee before Priority distribution? NOTE: Probation would be discounting the court-ordered PC section 1203.1b fee by an amount equal to that charged for phone-in reporting.
				A	No, the excess would need to be distributed pursuant to the priorities outlined in PC section 1203.1d and would fall under priority 4.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	39	Resources	April 18, 2013	Q	I am new to position of programming our case management system. Where can I find out information on the percentages of a fine distribution to the county, city, etc.?
				A	Appendix C on the SCO website provides this information, and is available at the following link: http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html. Please refer to current legislation for accuracy.

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Category B: Appendix C

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
B	1	Annual update	April 18, 2013	Q	When will an updated Appendix C be issued by SCO?
				A	It is anticipated that Appendix C will be updated the month of January of each year.
B	2	History	April 18, 2013	Q	How far back does Appendix C have historical information?
				A	Appendix C includes historical information back to the 2010 legislative session.
B	3	History	April 18, 2013	Q	Where do you find the historical information on Appendix C?
				A	Historical information can be found under Table 10 of Appendix C, Revision 23.
B	4	App C	April 18, 2013	Q	Explain Appendix C sections - Reasons for categorization
				A	Appendix C is categorized into tables to address code sections that share similar exceptions, conditions, or distributions. Surveys for feedback on Appendix C were provided at the training sessions and also on the SCO website. Based on the responses from these surveys the layout and organization of Appendix C may change in future revisions.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
B	5	App C	April 18, 2013	Q	Can you provide reasoning for why Appendix C separates the tables?
				A	Refer to B 4.
B	6	Discretionary / Mandatory	April 18, 2013	Q	Does Appendix C include discretionary/mandatory language?
				A	The SCO plans on adding this in future revisions of Appendix C.
B	7	Realignment	April 18, 2013	Q	Has realignment impacted Appendix C now that some state prisoners will be sent to county rather than state prison?
				A	Yes, the entries for Penal Code sections 1202.45 and 2085.5 in Revision 23 of Appendix C have been modified to reflect the changes due to realignment.
B	8	Changes in bold	April 1, 2013	Q	When Appendix C, Revision 22 came out in 2010, it appeared that any changes from the previous version were in bold. I just noticed a change that is not in bold, but not sure if it should be there.
				A	If you believe you have found a mistake in Appendix C, please contact Jim Reisinger at 916-324-8363 or Jreisinger@sco.ca.gov.
B	9	VC 40611	April 18, 2013	Q	On Page C-65 of revision 22, Vehicle Code (VC) section 40611, there is a line at the bottom that says "$1 to the Criminal Justice Facilities Construction Fund (Government Code section 76101), if applicable". VC 40611 does not make any reference to this $1. Do you think this is an error (possibly a copy and paste error as this exact same text appears at the bottom of Page C-66)?
				A	Yes, it is an error. It has been corrected.

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Category C: Statutes

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	1	50/50 MOE	April 18, 2013	Q	Excess Maintenance of Effort (MOE) payment – Government Code (GC) section 77205. What will be excess MOE payment when total excess MOE is negative or total eligible revenue collection is less than required MOE payment under GC section 77201.1 or AB 233?
				A	If the total qualified revenues used to calculate the 50/50 MOE is under the threshold then no additional payment is needed.
C	2	50/50 MOE	July 22, 2013	Q	$2 Traffic Violator School (TVS) allocation from county's share - no statute clearly states that $2 TVS ($1 Government Code (GC) section 76100 & $1 GC section 76101) should come from county's share?
				A	Pursuant to GC 77205, the 50/50 split of court revenue growth should be calculated based on what would have been remitted to the State pursuant to all applicable statutes as it read on December 31, 1997. Prior to 1998, VC 42007(b)(1) stated that the 77% of the revenues derived from the TVS fee shall be deposited into the State General Fund before distribution to local construction funds. VC 42007(b)(2) stated that the remaining amount collected under subdivision (a) shall be deposited in the general fund of the county, provided that in any county in which a fund is established pursuant to Chapter 12 of Title 8 of the Government Code, the sum of one dollar ($1) for each fund so established shall be deposited with the county treasurer and placed in that fund. In summary, the total distributions to the local construction funds came out of the county's 23% portion of the fee. Therefore, the MOE calculation should be based on 77% of the total fee, not 77% of the fee net of local construction distributions.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	3	50/50 MOE	April 18, 2013	Q	Why is the threshold amount for calculating the MOE payment based off FY 98-99?
				A	That is what is required in statute (Government Code section 77205).
C	4	Appendix C	April 18, 2013	Q	In Appendix C, unclear fine vs. fee distinction in Penal Code (PC) section 1463.14(b).
				A	PC section 1463.14(b) is distributed as a fee under priority 4. This is because this penalty is used to pay for the costs of performing blood, breath, or urine analysis for alcoholic content. The definition of a fine is a sum imposed as punishment. The definition of a fee is a sum paid or charged for a service.
C	5	Bail Bond Forfeitures	July 22, 2013	Q	What is the correct distribution of bail bond forfeitures and are they subject to state/county penalty assessments, 2% automation, etc? This seems to be a common audit (SCO) finding.
				A	Health and Safety bail bond forfeitures are subject to 2% automation, pursuant to Government Code section 68090.8, and the remainder is distributed 75% to the State General Fund and 25% to the issuing agency, pursuant to Health and Safety Code section 11502. Penal Code (PC) bail bond forfeitures are subject to 2% automation and the remainder is distributed pursuant to PC 1463.001 and PC 1463.002. All bail bond forfeitures are not subject to penalty assessments.
C	6	Base Fine	May13, 2013	Q	Why isn't the base fine simply $40 instead of $35 so we don't have to consider "portion thereof"?
				A	The Judicial Council adopted the $35 base bail/fine amount for Vehicle Code moving violations before the various penalty assessment formulas were enacted. The base bail/fine amount has not been raised to avoid increasing the total bail in addition to the higher penalties and fees enacted by the Legislature.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	7	Board of Supervisors	April 1, 2013	Q	On Government Code section 76000, the county's distribution of the $7 on $10 penalty, the court gives them the $7 and they do the distribution, so would the court need a resolution on this one? Doesn't seem like we would. Please confirm my logic is correct.
				A	No it would not. It is advisable to request a resolution for documentation purposes to support the assessments that are made.
C	8	Civil Assessment	April 1, 2013	Q	Can you add a Civil Assessment for Failure to Pay when there is no agreement by the defendant for a payment plan? Again, we have many defendants who receive a courtesy notice stating the fine for a ticket, but they send in only part of the amount and we never hear from them again. There is no payment plan or agreement. May we accept the underpayment and also civilly assess them $300.00? And is that per Vehicle Code section 40508(b)?
				A	The court may impose a civil assessment for failure to pay only after a conviction and imposition of a fine or a written agreement to pay bail under Vehicle Code section 40510.5. (Penal Code section 1214.1) Vehicle Code section 40510.5(a)(4) requires a written agreement. The court may impose a civil assessment for failure to appear in the cases described, assuming the defendant did not appear as promised or post and forfeit the full bail when an appearance is not mandatory.

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Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	9	Civil Assessment	April 1, 2013	Q	How is the civil assessment assessed and distributed?
				A	Penal Code (PC) section 1214.1 authorizes a court to impose a civil assessment of up to $300 against any defendant in an infraction, misdemeanor, or felony case who fails, after notice and without good cause, to appear at an authorized proceeding or to pay a court-ordered fine. (PC section 1214.1(a)) Before any such assessment becomes effective, a court must give the defendant at least a ten-day warning, during which time the defendant may appear and show good cause for his or her prior failure to appear or pay a fine. If such a showing is made, the court must vacate the assessment. (PC section 1214.1 (b)) Government Code (GC) section 68085.1(b) requires each superior court to deposit specified fees and fines into an AOC-established bank account "as soon as practicable after collection and on a regular basis. . ." If a county collects civil assessments, it too must deposit those amounts into the same AOC-established bank account. (GC section 68085.1(b)) All sums deposited into the bank account are transmitted to the AOC and reported on the TC-145. Under a policy it adopted in August 2007, the Judicial Council allocates net civil assessment revenue to the court that imposed the civil assessment.
C	10	Civil Assessment	April 1, 2013	Q	Where does Civil Assessment come into play in assessing fees?
				A	Refer to C 9, above.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	11	Community Services/ Jail time	May 16, 2013	Q	Can work service or jail time be applied to State Restitution, the Criminal Assessment and the Court Operations assessment in lieu of the fine? If not, could you please provide the statute?
				A	Jail time credits may not be applied to either the criminal conviction assessment for court facilities or court operations assessment, which are non-punitive. (See *People v. Robinson* (2012) 209 Cal.App.4th 401 [ruling that a defendant's presentence custody credits that exceeded the maximum term of imprisonment available for the offense could not be used to offset the court facilities assessment for conviction, since the assessment is non-punitive.] Penal Code (PC) section 2900.5(a) provides that jail time credits for misdemeanor and felony convictions are first applied to the term of imprisonment imposed and the remaining days are applied "to the fine, on a proportional basis, including, but not limited to, base fines, and restitution fines." There are no cases that directly address whether the criminal conviction assessment or court operations assessment may be converted to community service. The answer may depend on whether the violation is an infraction or a convicted offense with probation. For infractions, PC section 1209.5 allows conversion to community service of all "assessments, penalties, and additional monies to be paid by the defendant." When probation is granted for an offense, PC section 1205.3 authorizes conversion of fines and restitution fines to community service, but does not authorize conversion of fees to community service.

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Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	12	DNA	May 15, 2013	Q	Additional DNA $1/$10 – Is this assessed as of violation or conviction date?
				A	The DNA penalty and other criminal penalties are assessed as of the violation date. Increasing the penalty for a crime after it is committed at the time of sentencing would violate ex post facto prohibitions. (See *People v. Voit* (2011) 200 Cal.App.4th 1353 [ruling that the defendant's crimes took place before enactment of statutes authorizing additional penalties to fund emergency medical services, the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and Department of Justice forensic laboratories, and thus defendant was not subject to those penalties under ex post facto principles].)
C	13	EMAT	May 15, 2013	Q	Why is the $4 Emergency Medical Air Transportation (EMAT) penalty assessed only once in a case with multiple violations disposed as traffic school? Shouldn't the EMAT penalty follow the court operations and criminal conviction assessments of "for every conviction"?
				A	The $4 charge for Emergency Medical Air Transportation (EMAT) under Government Code (GC) section 76000.10(c)(1) is a penalty assessment that is collected as part of the Traffic Violator School (TVS) fee for one offense that receives a confidential conviction for completion of TVS under Vehicle Code section 42007. The administrative assessments for court operations and criminal conviction are fees that must be imposed for each offense that is resolved by completion of TVS. Penal Code section 1465.8(a)(2) and GC section 70373 expressly provide that the assessments are imposed for each "conviction" including the dismissal of a traffic violation for attendance of TVS.

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Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	14	Enhancements	May 16, 2013	Q	$10 enhancement: • Per violation in a single case? • Must the prior conviction be the same as the current violation?
				A	The base bail/fine of one Vehicle Code moving violation with a point on the current citation may be enhanced by $10 for each citation in the previous 36 months that has a conviction for one or more moving violations that carries a point. For example, if there are two citations in the previous 36 months that each have a conviction for one or more moving violations that carries a point, the base bail/fine of one moving violation with a point on the current citation may be enhanced by $20 ($10 for one conviction on each previous citation). In contrast, if there is one citation in the previous 36 months that has a conviction for 2 moving violations that carry a point, the base bail/fine of the current moving violation with a point may be enhanced by $10. In summary, the enhancements are based on the number of citations that contain a point in the previous 36 months and **not** the number of violations. The prior violation does not need to be the same as the current violation.

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Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	15	Enhancements	April 1, 2013	Q	Health & Safety Code (H&S) section 11372.5 of up to $50 and H&S section 11372.7 of up to $150 are fees that act as fines that enhances the base fine for penalty assessments and surcharge calculations. However, if a judge does not assess a base fine: 1. Can both H&S section 11372.5 and H&S section 11372.7 be assessed? 2. If yes to #1, should penalty assessments and 20% surcharge be calculated and assessed? For example, if H&S fees/fines are $50 each, then there will be $100 resulting in penalty assessment of $290 ($29 per 10 x 10) and 20% surcharge of $20 (100 x 20%). 3. If no to #1, then there should be no penalty assessment and only flat assessments such as court operations and criminal conviction. Correct?

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Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	15	Enhancements	May 17, 2013	A	1. Yes. Although described in H&S section 11372.5 as a criminal laboratory analysis "fee," it is a fine. (*People v. Sharret* (2011) 191 Cal.App.4th 859.) The drug program fee imposed under H&S section 11372.7 is a "fine" or a "penalty." (*People v. Sierra* (1995) 37 Cal.App.4th 1690.) The court can impose both as part of the base fine, as separate enhancements to the base fine, or as independent fines without imposing an additional base fine amount. On sentencing in a drug conviction, if there are counts that are stayed under statutory prohibition against multiple punishment for crimes arising from an indivisible course of conduct, the criminal laboratory analysis fee for the count must be stayed since it is punitive in nature. (*People v. Sharret* (2011) 191 Cal.App.4th 859.) The same analysis would apply for the drug program penalty on stayed counts. To impose the drug program penalty on counts that are not stayed, the court must consider the defendant's ability to pay. (*People v. Martinez* (1998) 65 Cal.App.4th 1511.) 2. Yes, the standard penalties and surcharge must be imposed on the fine that is assessed by the court. 3. Correct, the assessments for court operations and criminal conviction are fees that are imposed for each conviction, including convictions for counts that are stayed. (*People v. Sencion* (2012) 211 Cal.App.4th 480.)

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Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	16	Facilities	April 1, 2013	Q	Elaborate the 3 Criteria for Government Code (GC) section 76000(e).
				A	The three criteria prior to having the $7 of GC section 76000 reduced to the amount in the chart in subdivision (e) are: 1. All facilities in the county have been transferred. [This was done by Dec. 31, 2009.] 2. The date of final payment of the bonded indebtedness for any court facility that is paid from that fund is retired. 3. The money in the fund is transferred to the state. 76000(e) The seven-dollar ($7) additional penalty authorized by subdivision (a) shall be reduced in each county by the additional penalty amount assessed by the county for the local courthouse construction fund established by Section 76100 as of January 1, 1998, when the money in that fund is transferred to the state under Section 70402. The amount each county shall charge as an additional penalty under this section shall be as follows 70402. (a) Any amount in a county's courthouse construction fund established by Section 76100, shall be transferred to the State Court Facilities Construction Fund at the later of the following dates: (1) The date of the last transfer of responsibility for court facilities from the county to the Judicial Council or December 31, 2009, whichever is earlier. (2) The date of the final payment of the bonded indebtedness for any court facility that is paid from that fund is retired.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	17	Court Security Fee	July 23, 2013	Q	Can the County enact their own Court Security Fee? Even after the Realignment the State is still paying the counties but more research is needed.
				A	Currently, the Court Security Fee (now known as the Court Operations Assessment per PC 1465.8) is distributed to the Trial Court Trust Fund for the purpose of funding trial court operations. In order for the County to enact their own fee, legislation would need to be passed.
C	18	Court Operations Fee	May 15, 2013	Q	Do you assess the Court Operations Fee on each violation even if dismissed?
				A	Yes, unless the charge is dismissed upon acquittal. The court operations assessment [formerly the court security fee] under Penal Code section 1465.8 and criminal conviction assessment under Government Code section 70373 are mandatory fees that must be imposed for conviction. (*People v. Woods* (2010) 191 Cal.App.4th 269.) A trial court is required to orally impose the fee and a conviction assessment as to each count for which a defendant is convicted, including those stayed under statutes prohibiting multiple punishments. (*People v. Sencion* (2012) 211 Cal.App.4th 480.) Several cases have ruled on the mandatory nature of the fee for each conviction. The fee is mandated for each of defendant's convictions, even when the sentence on a count is stayed as well as for crimes that were committed prior to the operational date of the fee statute, and thus the Court of Appeal could modify the judgment to reflect the imposition of the fee and amend the abstract of judgment to reflect the modified judgment. (*People v. Crabtree* (2009) 169 Cal.App.4th 1293.) A trial court imposing the fee on a defendant must impose the fee for each of defendant's convictions. (*People v. Walz* (2008) 160 Cal.App.4th 1364.) Moreover, a defendant who pleaded guilty to nine separate offenses charged in five different cases was subject to nine court security fees, one for each conviction. (*People v. Schoeb* (2005) 132 Cal.App.4th 861.)

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Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	19	Conviction Assessment	May 15, 2013	Q	Conviction assessment and court ops assessment -- mandatory for courts to assess for each count?
				A	Yes, as discussed in response to question C 18 above.
C	20	Traffic School VC 42007	May 17, 2013	Q	The question is how should the base bail distribute for Traffic School -- under Vehicle Code (VC) section 42007 for the special distribution under Penal Code (PC) section 1463.26 high-occupancy vehicle (HOV) violations? They are currently distributing under VC section 42007.
				A	If Traffic Violator School (TVS) is approved for an HOV violation of VC section 21655.8 for driving over a double line, the TVS fee is distributed according to Vehicle Code section 42007. The distribution required by PC section 1463.26 is only applicable to citations where money is deposited with the county under PC section 1463. In TVS cases, the fee is not distributed under PC section 1463.
C	21	Health & Safety	April 18, 2013	Q	Health and Safety Code section 11372.7 – since it is up to $150; does it have to be imposed?
				A	It is subject to the person's ability to pay as determined by the court.

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Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	22	Installment Payment Fee	May 24, 2013	Q	Can we apply $30 accounts receivable fee or $35 installment fee to any fine or fee that the court orders? For instance if the court only orders a $100.00 restitution fee or just a court security fee can we assess the stay or installment fees whether or not it is a FINE or a FEE? There seems to be some confusion and we didn't know if there was law that said we could not assess it if it was a FEE.
				A	No, these fees cannot be charged in all cases; certain restrictions apply depending on the circumstances. Vehicle Code (VC) section 40510.5(g) allows a clerk to collect a fee of up to $35 for establishing an installment payment account for certain traffic infractions before adjudication. It authorizes installment payments for the "total bail amount," which includes the $40 court operations fee and $35 conviction assessment. (VC section 40510.5(a).) For cases when a traffic infraction case has been adjudicated or where VC section 40510.5 does not otherwise apply, Penal Code section 1205(e) authorizes collection of fees for setting up installment accounts or accounts receivable when a fine is ordered. It does not authorize collection of the fees when the court is imposing only fees or setting accounts for the collection of solely fees, restitution fines, or restitution orders.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	23	Installment Payment Fee	May 29, 2013	Q	What are the differences between Penal Code (PC) section 1205(e), Vehicle Code (VC) section 40510.5(g), and VC section 42007(a)(2).
				A	**VC section 42007(a)(2).** Section 42007 controls the fee and requirements for standardized installment payment plans set up by a clerk for a Traffic Violator School (TVS) fee. Section 42007 authorizes a fee of up to $35 for administrative and clerical costs to establishing an installment account for the TVS fee. Defendant must pay at least 10 percent for the initial payment and the repayment period may not exceed 90 days. **VC section 40510.5(g).** Section 40510.5 authorizes a fee of up to $35 for administrative and clerical costs for setting up an installment account when a court clerk processes a bail forfeiture payment plan for a Vehicle Code infraction prior to sentencing and the defendant pays at least 10 percent of the total bail at the start. **VC section 42003.** Section 42003 authorizes the court to provide in the judgment for a fine to be made within a specified time or through installment payments. **PC section 1205(e).** Section 1205(e) authorizes collection of fees for setting up an installment payment account or an account receivable for fine. The fee for an installment payment account shall be that is equal to the administrative and clerical costs as determined by the court or by the board of supervisors, depending on which entity administers the account. The fee for setting up an account receivable shall be equal to the administrative and clerical costs as determined by the court or by the board of supervisors, depending on which entity administers the account, but no greater than $30.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	24	Installment Payment Fee	May 15, 2013	Q	Penal Code section 1205 $30 and $35 -- Vehicle Code (VC) section 42007(a)(2) and VC section 40510.5(8) - Probation $50 - Need to clarify install/AR fee statutes.
				A	Refer to C 23. In addition, if the court approves processing the payment by establishing an account receivable without payment in installments, under Penal Code (PC) section 1205(e) the account receivable fee is equal to the administrative and clerical costs, but not more than $30. For probation, under PC section 1203.1b(h) the board of supervisors, by resolution, may establish a fee for the processing of payments made in installments to the probation department, not to exceed the administrative and clerical costs of the collection of those installment payments, except that the fee shall not exceed $75.
C	25	Installment Payment Fee	May 20, 2013	Q	Can we charge 2 install payment fees? If a client is given time to pay the total bail (e.g. 4/15/13) we add the $30. Then, on 4/15/13, the client wants to set up an installment payment plan can we charge another $30 OR If the client wants another date to pay the total in the future, can we charge an additional $30?
				A	There is no legal authority that clearly addresses whether the entity responsible for collecting a fine may collect successive installment account fees under Penal Code section 1205(e). If the court sets up an account receivable for payment of the full fine by a future date without installments and subsequently establishes a payment plan to accept payment of the fine in installments, the court may collect the accounts receivable fee and then an installment fee.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	26	Installment Payment Fee	May 20, 2013	Q	Who gets to keep the $35 fee under Vehicle Code (VC) 40510.5(g)?
				A	Installment payment fees of up to $35 under VC section 40510.5(g) and VC section 42007(a)(2) are collected to defray the court's administrative and clerical costs for processing the installment payments of bail or the Traffic Violator School fee and are retained by the court to recoup its costs.
C	27	Installment Payment Fee	May 22, 2013	Q	Install fee collected by entity – does it include non-government entities (ex. Government Code services)?
				A	A non-government collection agency working on behalf of the court may collect the installment account fee under Penal Code section 1205 and Vehicle Code (VC) section 40510.5, in an amount set by the court. Only the clerk may collect the installment account fee authorized by VC section 42007, for Traffic Violator School.
C	28	Installment Payment Fee	May 20, 2013	Q	Can you assess both install / AR fee on same case?
				A	If the court sets up an account receivable for payment of the full fine by a future date without installments and subsequently establishes a payment plan to accept payment of the fine in installments, the court may collect the accounts receivable fee and then an installment fee.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	29	Installment Payment Fee	May 22, 2013	Q	If fee / fine collected separate, can you assess installment/AR fee separately?
				A	Under Vehicle Code section 42010.5, the fee of up to $35 to recover administrative and clerical costs for installment accounts processed by court clerks may be collected by a court or collecting agency for installment payment of the total bail amount. The installment fee is limited to $35 for collecting the total bail amount including the portions that are equal to the fine and fees. Penal Code (PC) section 1205 permits the court or a collecting agency to impose a fee to recover the administrative and clerical costs for processing an installment account or an account receivable for collecting fines. If the fees are collected separately, an accounts receivable fee is not authorized and an installment payment fee is not authorized, except as provided for probation under PC section 1203.1b(h). If probation is ordered, under PC section 1203.1b(h), the board of supervisors, by resolution, may establish a fee for the processing of payments made in installments to the probation department, not to exceed the administrative and clerical costs of the collection of those installment payments as determined by the board of supervisors, except that the fee shall not exceed $75.
C	30	Installment Payment Fee	June 12, 2013	Q	Penal Code (PC) section 1205(f) This section shall not apply to restitution fines and restitution orders… - Is this for the $30 fee only? Can we still charge a fee for a monthly payment plan?
				A	No. PC section 1205(f) expressly excludes restitution fines and restitution orders from application of the entire code section, including the authority to impose either a fee for accounts receivable or a fee for installment payments.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	31	Installment Payment Fee	May 15, 2013	Q	Is the installment fee for Vehicle Code (VC) infractions up to $35? Or is the installment fee amount based on admin & clerical costs which may exceed $35?
				A	The installment payment fee under both VC section 40510.5 and VC section 42007 is equal to the administrative and clerical costs as determined by a cost analysis, but no more than $35.
C	32	Installment Payment Fee	May 20, 2013	Q	Can you stack admin fees (ex. Penal Code section 1205 - $30 nonforthwith + $50 installation payment fee)?
				A	If the court sets up an account receivable for payment of the full fine by a future date without installments and subsequently establishes a payment plan to accept payment of the fine in installments, the court may collect the accounts receivable fee and then an installment fee.
C	33	Installment Payment Fee	May 22, 2013	Q	If the court refers a case to the county, can the county impose the installment fee?
				A	Yes. Under Penal Code (PC) section 1205 and Vehicle Code section 42010.5, either the court or the collecting agency may collect the installment account fee. If probation is ordered, under PC section 1203.1b(h), the board of supervisors, by resolution, may establish a fee for the processing of payments made in installments to the probation department, not to exceed the administrative and clerical costs of the collection of those installment payments as determined by the board of supervisors, except that the fee shall not exceed $75.

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Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	34	Installment Payment Fee	May 15, 2013	Q	If the defendant pays in full and never has an installment plan, can the $30 or $35 be imposed?
				A	No. The installment and accounts receivable fees are authorized to recover the administrative and clerical costs to process payments when a defendant requests payment in installments or a continuation to pay at a later date. The court has no authority to recover costs for processing a payment if a defendant pays in full for either bail forfeiture or when the sentence is imposed.
C	35	Installment Payment Fee	June 12, 2013	Q	Can both court and county each charge $30 account receivable fee pursuant to Penal Code (PC) section 1205 (ex. County collects restitution fine and court collects fine)?
				A	No. PC section 1205(f) expressly excludes restitution fines from the authority of a court or collecting agency to collect a $30 accounts receivable fee. The authority under PC section 1203.1b(h) for probation departments to collect an installment payment fee does not include the authority to impose a fee for an account receivable that is not paid in installments.
C	36	Installment Payment Fee	May 15, 2013	Q	Can the county charge $30 if defendant comes out of court and pays restitution fine in full that day?
				A	No. The accounts receivable fee is authorized to recover the administrative and clerical costs to process payments when a defendant requests a continuation to pay at a later date. The court has no authority to recover costs for processing a payment if a defendant pays in full on the day the sentence is imposed.

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Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	37	Installment Payment Fee	June 13, 2013	Q	Installment Fee -- can it be different for fines and fees?
				A	Authority to collect an installment payment fee can vary depending on whether bail, fines, or fees are collected. Vehicle Code (VC) section 42007(a)(2) controls the fee and requirements for standardized installment payment plans set up by a clerk for Traffic Violator School (TVS). Section 42007 authorizes a court to collect an installment payment fee of up to $35 for administrative and clerical costs to collect the **TVS fee** with a minimum of 10 percent paid for the initial payment and a repayment period of up to 90 days. VC section 40510.5(g) provides for a fee of up to $35 to recover administrative and clerical costs for installment accounts when a court clerk processes a **bail forfeiture** payment plan for Vehicle Code infractions prior to sentencing and the defendant pays at least 10 percent of the total bail at the start. Penal Code (PC) section 1205 permits the court or a collecting agency to impose a fee to recover the administrative and clerical costs for processing an installment account for collecting **fines**. If probation is ordered, under PC section 1203.1b(h), the board of supervisors, by resolution, may establish a fee for the processing of **payments** made in installments **to the probation department**, not to exceed the administrative and clerical costs of the collection of those installment payments as determined by the board of supervisors, except that the fee shall not exceed $75.

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Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	38	Installment Payment Fee	June 14, 2013	Q	Can the installment or accounts receivable fee (Penal Code (PC) section 1205(e)) be assessed even if only the State restitution fine, court operations or criminal conviction assessment is ordered by the judge? PC section 1205 discusses payment of a fine NOT payment of fees or assessments. So, what if a defendant is convicted of a DUI but the judge orders him to pay the State restitution fine, court operations assessment and criminal conviction assessment only and the defendant wanted to pay via installment, can a court assess an installment fee?
				A	Collection of an installment payment fee under PC section 1205(e) requires that the court impose a fine along with the fees. When a case is referred to probation, an installment payment fee may be imposed under PC section 1203.1b(h) for processing payments made in installments to the probation department, not to exceed the administrative and clerical costs of the collection of those installment payments as determined by the board of supervisors, except that the fee shall not exceed $75.
C	39	Juvenile	May 15, 2013	Q	$40 fee – should it be assessed juvenile traffic?
				A	The $40 court operations assessment may not be imposed when juvenile violations are adjudicated in Informal and Juvenile Traffic Court under Welfare and Institutions Code section 255. In such circumstances, the judgment does not result in a conviction. (See *Egar v. Superior Court* (2004) 120 Cal.App.4th 1306 [holding that juvenile court's adjudications of misdemeanors were not convictions for a criminal offense within meaning of statute imposing court security fee].) The $40 court operations assessment under Penal Code section 1465.8 and criminal conviction assessment under Government Code section 70373 only apply to convictions and therefore may not be imposed for cases in Informal Juvenile and Traffic Court.

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Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	40	Late Charge	May 15, 2013	Q	Late charges are mandatory but the Civil Assessment is discretionary?
				A	Yes. The 50% late charge under Vehicle Code section 40310 is mandatory when payment is not made within 20 days of notice of a judgment in a traffic case. The civil assessment under Penal Code section 1214.1 is an additional civil penalty that is permissive, not mandatory, after a failure to appear without good cause or failure to pay a fine ordered by the court or installment bail payment.
C	41	Late Charge	May 16, 2013	Q	Can you assess late charge to Traffic Violator School (TVS)?
				A	No. Under Vehicle Code (VC) section 40310, when "a traffic penalty is not paid within 20 days following mailing of a notice that the penalty has been assessed, a late charge shall be due in the amount of 50 percent of total initial penalty." When attendance of TVS is approved, a defendant pays a TVS fee under VC section 42007 and there is no notice mailed that an initial penalty has been assessed. In addition if a court approves a TVS payment plan in accordance with section 42007(a)(2), the express penalties under section 42007(a)(3) for nonpayment are a civil assessment or an arrest warrant. This is supported by the Judicial Council form TR-310, *Agreement to Pay Traffic Violator School Fees in Installments*, which does not list a late penalty as a consequence in the warning for failure to pay as agreed.
C	42	Late Charge	April 18, 2013	Q	How is the late fee (Vehicle Code section 40310) distributed?
				A	The 50% late penalty is distributed proportionately to the same funds as the initial penalty.

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Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	43	Late Charge	June 14, 2013	Q	How are the late charge and civil assessment assessed?
				A	Penal Code (PC) section 1214.1 and Vehicle Code (VC) section 40310 provide some flexibility for processing a combination of the late charge and civil assessment for failure to pay a fine ordered by the court. Under PC section 1214.1, the civil assessment may be imposed for a failure to pay a fine if the defendant does not provide good cause for the failure to pay within 10 calendar days of a notice of the civil assessment. Under VC section 40310 the late charge will be due if the fine is not paid within 20 days of mailing of a notice that the penalty for the traffic violation has been assessed. After a failure to pay a fine, a court can mail a single notice for both the civil assessment and late charge or separate notices. A single notice could provide warning of an initial civil assessment for payment of the fine within 10 days of the notice and both a civil assessment and late charge if the fine is not paid within 20 days of the notice.
C	44	Late Charge	May 15, 2013	Q	Civil Assessments and 50% late charge - both mandatory or just late charge?
				A	The 50% late charge under Vehicle Code section 40310 is mandatory when payment is not made within 20 days of notice of a judgment in a traffic case. The civil assessment under Penal Code section 1214.1 is an additional civil penalty that is permissive, not mandatory, after a failure to appear without good cause or failure to pay a fine ordered by the court or installment bail payment.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	45	Night Court Fee	May 15, 2013	Q	Is the Night Court Fee assessed per violation or case?
				A	The night court fee under Vehicle Code section 42006 is assessed per case.
C	46	Night Court Fee	May 15, 2013	Q	Night Court Fee – if there are multiple violations should this be added to each fine or only on one?
				A	The night court fee under Vehicle Code section 42006 is assessed per case.
C	47	Night Court Fee	May 15, 2013	Q	Vehicle Code (VC) section 42006 1. Is this fee assessed by violation or once per case? 2. If applied by violation, how is it assessed if a case with multiple violations has one violation as bail forfeiture and the other violation as traffic school?
				A	The night court fee under VC section 42006 is assessed per case.

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Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	48	Court Ordered Debt	April 1, 2013	Q	What is a clear definition of "court-ordered debt" relating to traffic and criminal?
				A	Court-ordered debt is defined as fees, fines, forfeitures, penalties, restitution, and assessments related to criminal offenses, including traffic offenses, by adults and juveniles, as well as status offenses by juveniles. (Note that parking offenses cited as an administrative offense on parking tickets that are not filed with the court are not included.) The following items are required to be reported on the Report of Revenues (ROR), but are not court-ordered debt: fee for recording/indexing documents (Government Code (GC) section 27361(b)), additional parking penalty on parking tickets that are not filed with the court (GC section 76000(b)), "900" telephone numbers (GC section 77211), dissolution of marriage fee (GC section 26859), and surcharges on parking tickets that are not filed with the court (GC section 70372(b)). Report the gross amount of court-ordered debt collected by the court and/or county. The gross amount is the total amount collected before any distributions, or adjustments for cost-of-collection activities (Penal Code section 1463.007). In situations where only the net amount after distributions and adjustments can be determined, it is acceptable to report the net amount. In such cases, please note in the footnotes tab of the ROR that the net amount is being reported. Much of the court-ordered debt collected is also required to be reported by line item elsewhere on the ROR, but the total amount collected should be reported on this line. It is anticipated that the total amount reported on this line will include amounts not reported elsewhere on the ROR.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	49	Court Ordered Debt	April 1, 2013	Q	Is a traffic ticket (moving violation) a court ordered debt?
				A	A traffic ticket by itself does not create a court-ordered debt. A traffic ticket results in a court-ordered debt after a defendant has signed an agreement to pay or the court has adjudicated the violation and imposed a sentence.
C	50	Proof of Financial Responsibility	April 18, 2013	Q	Regarding Penal Code section 1463.22(a) (Proof of financial responsibility), do you distribute per conviction or only upon payment?
				A	Distributed per conviction.
C	51	Priorities	July 23, 2013	Q	What is Fifth Priority Distribution - Penal Code (PC) section 1203.1d (e)?
				A	There is no longer a fifth priority distribution. From January 1, 2009 through December 31, 2011, PC section 1203.1d(e) stated if any statute that takes effect after January 1, 2009, either increases the amount of any item or adds a new item that would otherwise be subject to disbursement under paragraphs (2) to (4), inclusive, of subdivision (b), those additional amounts or the amount of any increase shall not be disbursed until after all reimbursable costs have been disbursed pursuant to paragraph (4) of subdivision (b). PC section 1203.1d(e) was amended by Chapter 311, Statutes of 2008, removing the fifth priority distribution. Effective January 1, 2012, distribution reverted back to four priorities.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	52	Priors Assess VC 40508.6	April 1, 2013	Q	Is the prior assessment (Vehicle Code section 40508.6(a)) going to be assessed on the first conviction in the near future?
				A	There is currently proposed legislation to do this but there is no guarantee that the proposed legislation will be signed into law this year.
C	53	Priors Assess VC 40508.6	May 17, 2013	Q	How is an Administrative Fee per Vehicle Code (VC) section 40508.6(a) handled with a prior Traffic School completion? If I understand correctly, completion of traffic school on a previous violation of the VC section does not count as a prior conviction for purposes of adding a prior admin fee per VC section 40508.6(a) on a subsequent violation. Correct?
				A	Completion of Traffic Violator School (TVS) on July 1, 2011, or later results in a confidential conviction that may be counted as a prior to add the fee under VC section 40508.6(a). TVS completed prior to July 1, 2011, resulted in a dismissal and may not be counted as a prior conviction to authorize collection of the fee under VC section 40508.6(a).

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	54	Priors Assess VC 40508.6	June 14, 2013	Q	Can a court charge the $10 administrative fee of the statute cited above for: 1) Priors in their own county without them having to check if there are any in Department of Motor Vehicles (DMV)? It would seem that they can because there are priors that exist and it does not matter whether they are on DMV's records or not. Statute does not say DMV, it only refers to prior convictions. 2) Priors recorded in DMV which were convictions in other states that are reported to California DMV? In order to renew a driver's license in California an individual has to certify that "I understand that DMV will add convictions reported by other states' licensing authorities to my driving record, which may result in sanctions against my California driving privilege pursuant to the applicable sections of the California Vehicle Code." Therefore we know there are recordings from other states in DMV but this may be just to get a license and Vehicle Code (VC) section 40508.6 states the $10 is charged for convictions of "this code" which is the California Vehicle Code not other states. Read literally, you could not charge the $10 for convictions or priors from other states. Is there another code section that might allow it?

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	54	Priors Assess VC 40508.6	June 14, 2013	A	1) Under VC section 40508.6(a), court may charge the assessment of up to $10 for "the cost of recording and maintaining a record of the defendant's prior convictions." The section does not require that a prior conviction be recorded by the DMV to count as a prior conviction when a subsequent conviction occurs. 2) If the driving record at the DMV is limited to prior convictions for traffic violations from another state, VC section 40508.6 does not authorize collection of a fee for maintaining a record of violations of the California Vehicle Code.
C	55	Priors Assess VC 40508.6	May 17, 2013	Q	Can you assess priors fee for Traffic Violator School (TVS)?
				A	Completion of TVS on July 1, 2011, or later results in a confidential conviction that may be counted as a prior to add the fee under Vehicle Code (VC) section 40508.6(a). TVS completed prior to July 1, 2011, resulted in a dismissal and may not be counted as a prior conviction to authorize collection of the fee under VC section 40508.6(a).
C	56	Priors Assess VC 40508.6	May 17, 2013	Q	Vehicle Code (VC) section 40508.6(a) and (b), what are the differences?
				A	VC section 40508.6(a) allows the court to collect an assessment of up to $10 to recover court costs for recording and maintaining a record of prior convictions. VC section 40508.6(b) allows the court to collect an assessment of up to $10 to recover court costs for notifying the DMV when the court attaches or restricts a driver's license or vehicle registration under VC section 40509 or VC section 40509.5.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	57	Priors Assess VC 40508.6	May 17, 2013	Q	When assessing the admin fee for Vehicle Code (VC) section 40508.6, are we allowed to collect $10 for (a) and $10 for (b)?
				A	The individual circumstances for a case must permit imposing both assessments. VC section 40508.6(a) allows the court to collect an assessment of up to $10 to recover court costs for recording and maintaining a record of prior convictions. VC section 40508.6(b) allows the court to collect an assessment of up to $10 to recover court costs for notifying the DMV when the court attaches or restricts a driver's license or vehicle registration under VC section 40509 or VC section 40509.5. For example, if there is a record that the defendant has a prior conviction and the defendant has a failure to appear or failure to pay that is reported to the DMV under VC section 40509 or VC section 40509.5, then the court may impose both fees.
C	58	Priors Assess VC 40508.6	May 17, 2013	Q	If there are 2 priors, should we charge $20 pursuant to Vehicle Code (VC) section 40508.6 (a)?
				A	No. VC section 40508.6(a) authorizes a fee of up to $10 for clerical and administrative costs for recording and maintaining a record of prior convictions no matter how many prior convictions are on the record.
C	59	Priors Assess VC 40508.6	May 17, 2013	Q	On Traffic Violator School (TVS) cases for Vehicle Code (VC) section 42007 distributions, when there is a prior, it is added to the base fine to get an enhanced base, does the VC section 40508.6 priors fee of $10 get distributed as is or does it become a part of TVS fee?
				A	The assessment of up to $10 under VC section 40508.6(a) for prior convictions is collected to defray court costs for recording and maintaining a record of prior convictions. It is not included as part of the TVS fee that is distributed under VC section 42007.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	60	Priors Assess VC 40508.6	May 17, 2013	Q	Vehicle Code (VC) section 40508.6(a) 1) Is this still assessed once per case? 2) Does this apply to cases disposed as traffic school? 3) How is it assessed if a case with multiple violations has one violation disposed as bail forfeiture and the other traffic school?
				A	1) The maximum assessment of up to $10 under VC section 40508.6(a) for recording and maintaining a record of prior convictions may be charged once per case regardless of how many prior convictions there are on the record, how many violations there are on the current citation, or whether there are violations that are eligible and ineligible for Traffic Violator School (TVS) on the current citation. 2) and 3) The assessment may be collected where TVS is approved and it is not included as part of the TVS fee that is distributed under VC section 42007.
C	61	State Restitution PC 1202.4(b)	May 16, 2013	Q	Why isn't Penal Code (PC) section 1202.4(b) State Restitution fine not assessed in all cases? When is this not assessed? Why is this not considered part of the base fine?
				A	Restitution fines under PC section 1202.4(b) are only imposed for misdemeanor and felony convictions. The court has authority under PC section 1202.4(c) to reduce or waive the restitution fine if it finds compelling and extraordinary reason and states those reasons on the record. PC section 1202.4(e) expressly provides that a restitution fine is not subject to penalty assessments.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	62	TVS	May 16, 2013	Q	Emergency Medical Air Transportation (EMAT) penalty assessment Government Code section 76000.10 - Why is this part of the Traffic Violator School (TVS) fee?
				A	The $4 EMAT penalty assessment that is part of the total bail amount is converted to the TVS fee. As part of the TVS fee without any express provision to require that it retain its normal distribution, it is distributed as provided in Vehicle Code section 42007.
C	63	TVS	May 16, 2013	Q	What happens with Traffic Violator School (TVS) fees when it is distributed and then the violator does not attend?
				A	Vehicle Code (VC) section 40512.6(a) expressly provides that if the defendant fails to complete TVS, the TVS fee is converted to bail, but is still distributed according to VC section 42007.
C	64	TVS	May 16, 2013	Q	If a case is distributed with traffic school but then they fail to complete traffic school is our distribution going to remain the same or should it change?
				A	The distribution remains the same as explained above in the response to question C 63.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	65	TVS	June 14, 2013	Q	A defendant gets cited for Vehicle Code (VC) section 22349 and VC section 23222(b). Each of these violations has a point count. The clerk is not authorized to grant traffic school for VC section 23222(b). If the defendant elects to attend traffic school on VC section 22349, should the clerk collect the full fine for both? If so, then one charge would be reported as a confidential conviction and the other would be reported with a point.
				A	In circumstances where the speeding charge is less than 26 MPH over the limit, the bail for VC section 23222(b) (possession of marijuana while driving) and Traffic Violator School (TVS) fee for VC section 22349 (exceeding maximum speed) would be due when TVS is approved by a clerk. However, whether the person posts and forfeits full bail or a clerk approves TVS, when multiple violations on a citation can be assessed a point, only one point is recorded for the convictions in the DMV's driving records. Now that completion of TVS results in a confidential conviction instead of a dismissal, the value of TVS with multiple violations where one is eligible and one is not when processed by a clerk without judicial approval is greatly diminished. If a defendant appears in court and receives approval by a judicial officer, completion of TVS would result in a confidential conviction for both violations with payment of the higher bail amount for one of the violations.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	66	Violation Date vs. Conviction Date	April 19, 2013	Q	Is everything based on violation date vs. conviction date?
				A	No. Each statute will specify whether the determination will be based on conviction or violation date. Review of intent and bill language will also provide appropriate guidance.
C	67	2% Automation	May 17, 2013	Q	Does 2% automation apply to Penal Code section 1463.25 penalty assessment?
				A	Yes, pursuant to Government Code section 68090.8, the 2% automation distribution applies to fines, **penalties**, and forfeitures collected in criminal cases.
C	68	Court Operations Fee	May 16, 2013	Q	Can you tell me if the Court Operations Fee is going to be reduced to $30 on July 13, 2013, or will it remain at $40.00?
				A	The court operations assessment will remain $40 without reduction in July, 2013. Chapter 41, Statutes of 2012 amended Penal Code section 1465.8 to continue the $40 amount beyond July 2013.
C	69	TVS	May 16, 2013	Q	If a defendant signs up for traffic school but does not complete traffic school, should the distribution be changed back to the original fine distribution?
				A	No. The distribution remains the same as explained above in the response to question C 63.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	70	TVS	May 16, 2013	Q	If a defendant signs up for traffic school but does not complete traffic school, how should the fees collected pursuant to Vehicle Code (VC) section 11205.2(c) be distributed? Do they still go to the traffic school agency?
				A	The fee collected under VC section 11205.2(c) for a traffic assistance program should be applied to the costs of the traffic assistance program regardless of whether or not the defendant completes the Traffic Violator School program.
C	71	Failure To Pay VC 40508	May 17, 2013	Q	If a defendant is charged with a Vehicle Code (VC) section 40508(b) on an infraction case, since this is the only misdemeanor on the case, is it subject to state restitution under Penal Code (PC) section 1202.4? I am working with a court that is not adding the civil assessment under PC section 1214.1 but instead is adding a failure to pay under VC section 40508(b) and since this is a misdemeanor they are questioning whether it is subject to this additional assessment.
				A	Under PC section 1202.4, any misdemeanor conviction, including a failure to pay cited as a misdemeanor under VC section 40508(b), is subject to a state restitution fine of between $140 and $1,000 for violations on or after 1/1/2013, unless the court finds compelling and extraordinary reasons as explained in PC section 1202.4 not to impose the fine and states the reasons on the record. PC section 1202.4(e) expressly specifies that the restitution fine is not subject to penalty assessments.

Trial Court Revenue Distribution
Frequently Asked Questions

Category D: Parking

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
D	1	Late Fee	June 11, 2013	Q	Do late fees apply on parking tickets?
				A	See Vehicle Code (VC) section 40203.5(a), which authorizes the governing body of the jurisdiction where the notice of violation is issued to establish late payment penalties for parking violations. See also, VC section 40207(a), which provides that additional fees, assessments, or other charges shall not be added to the amount of the original parking penalty, if the original penalty is paid to the processing agency with within 21 calendar days from the date of the issuance of the parking citation or 14 calendar days after mailing of a notice of delinquent parking violation. Consult with local city attorney or county counsel for advice on this question.
D	2	Parking Remittances	June 13, 2013	Q	If the cities are not remitting parking fines timely, what recourse does the county have?
				A	Contact city attorney or county counsel for advice on this question.
D	3	Parking Remittances	April 1, 2013	Q	The processing agency sends check to the county. Who is ultimately responsible for sending money to the county? The city or processing agency?
				A	Contact city attorney or county counsel for advice on this question.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
D	4	Proof of Correction	June 13, 2013	Q	Why are the proof of correction fees $10 and not $25?
				A	Under Vehicle Code section 40225(c), the civil penalty for each equipment violation on a notice of parking violation is reduced to $10 with proof of correction. Legislation would be necessary to increase the proof of correction fee for civil parking citations.
D	5	GC 76000.3	April 1, 2013	Q	Does Government Code (GC) section 76000.3 apply to parking infractions (criminal) or all parking violations (civil)?
				A	It applies to all parking offenses including infractions. According to GC section 76000.3: Notwithstanding any other law, for **each parking offense** where a parking penalty, fine, or forfeiture is imposed, an added penalty of three dollars ($3) shall be imposed in addition to the penalty, fine, or forfeiture set by the city, district, or other issuing agency. [emphasis added]

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
D	6	Bonded Indebtedness	April 1, 2013	Q	1) Bond Indebtedness - Would bonded indebtedness information be able to be provided? 2) Could an updated list of which counties have completed their bond indebtedness be provided? 3) Could a monthly list be provided to help solve this ongoing question? This information can be posted on the California Public Parking Association (CPPA) website for all parking agencies to see.
				A	1) Yes. 2) Yes, but it would be as of a point in time and be based on information as provided by the counties as unverified. 3) Yes, but it would probably be an initial list and then as information changes it would be sent out to the CPPA. It could also be sent as requested.
D	7	Remittances under VC 40225(d)	June 13, 2013	Q	Vehicle Code (VC) section 40225. Some parking agencies pay both 50% and parking surcharges per Government Code section 76000 (per parking presentation slide 25). While it seems clear that section 76000 refers to "for every parking offense where a parking penalty or forfeiture is imposed and added penalty…"; vs. an Equipment or Registration offense which are not parking offenses. Could you confirm that only 50% of an equipment or registration violation is all that is paid to the County for remittance to the State Treasurer per VC 40225(d)?
				A	Contact city attorney or county counsel for advice on this question.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
D	8	VC 40225	June 13, 2013	Q	**Part 1:** Vehicle Code (VC) section 40225 – Specifically the amount of the total penalty charged for Equipment and Registration violations (i.e. 5204) <u>Could someone further address the amount of the fine that should be charged when issued on a parking citation?</u> VC section 40225 states the civil penalty (see question 6B below too) for each equipment and registration violation is the amount established for the violation the Uniform Bail & Penalty Schedule (UB&PS) as adopted by the Judicial Council. **Part 2:** <u>Should the amount of this civil penalty when issued on a parking citation be the base fine ($25.00) or the total fine? (please see note below)</u> NOTE: Additional Information; AB 408; Chapter 1244 – 1992; indicated that the penalty for a VC section 5204 violation would be $60.00. Follow up legislation; AB 780 Chapter 1093, 1994; included language that the fine would match that of the Uniform Bail and Penalty – The intent was to allow these fines to increase without changing legislation. This has been a continuous point of confusion. Further there has NOT been any increase to the base penalty of $25.00 (with the additional fees) in many, many years. It does not seem reasonable that the penalty would be less than that imposed in AB 408, Chapter 1244 of $60.00 **Part 3**: <u>Could someone also please clarify if the total fine for a VC section5204 would match the total amount identified in the UB&PS?</u>
				A	Contact city attorney or county counsel for advice on these questions.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
D	9	VC 40226	June 13, 2013	Q	Vehicle Code (VC) section 40226 continues to have questions regarding the option for an issuing agency to collect an administrative fee in lieu of the parking penalty. While it does not seem to be applicable for surcharges to apply since NO Penalty is assessed and therefore NO surcharge would be applicable for an Administrative fee collected. Question: Could you confirm that no surcharges are applicable if the administrative fine is collected instead of the penalty? Failure to Display Disabled Placard: Administrative Charge VC section 40226. An issuing agency may, in lieu of collecting a fine for a citation for failure to display a disabled placard, charge an administrative fee not to exceed twenty-five dollars ($25) to process cancellation of a citation in any case where the individual who received the citation can show proof that he or she had been issued a valid placard at the time the citation was received. Added Sec. 5, Ch. 640, Stats. 2002. Effective January 1, 2003.
				A	Contact city attorney or county counsel for advice on this question.

Trial Court Revenue Distribution
Frequently Asked Questions

Category E: Collections

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	1	TC-31	April 1, 2013	Q	Does each page on a TC-31 need to be positive?
				A	The **Total** amount on each page needs to be a positive number.
E	2	TC-31	April 1, 2013	Q	TC-31 month's total should be positive?
				A	See response to question E 1 above.
E	3	TC-31	April 1, 2013	Q	Do we have instructions for the TC-31?
				A	Yes, TC-31 instructions can be found on the SCO website: http://www.sco.ca.gov/ard_state_accounting.html. The 4th worksheet of the Excel spreadsheet contains the instructions.
E	4	TC-31	April 1, 2013	Q	If submitting multiple pages of TC-31 (for same month), can a negative on one page be offset w/ a positive on another page?
				A	Negative entries on one page cannot be offset with a positive on another page when submitting multiple pages of the TC-31 (for the same month). Each page is a separate unique document with a separate unique Remittance Advice number, so each page total needs to be a positive number. No entries can be offset with other entries. If an adjustment is to be made, it needs to be on a separate line from the current month's remittance (with a memo included detailing the overstated amount from the prior remittance).

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	5	TC-31	April 1, 2013	Q	What are the materials needed for filing errors on TC-31 and correction process?
				A	If you find an error after submitting a TC-31, please submit a memo to the State Controller's Office. The memo should include the following information: 1. Original remittance advice number 2. Original collection month 3. The date the original remittance advice was sent 4. The dollar amount that was originally submitted 5. Reason for the change Mail to: ATTN: Sue Ballengee Program Accounting Unit State Controller's Office 3301 C Street Sacramento, CA 95816
E	6	TC-31	July 24, 2013	Q	What avenue does the county have to recoup the cost of retaining, processing and submitting the TC-31 to the state?
				A	Currently, statute does not allow counties to receive reimbursement from the State. Pursuant to Government Code (GC) section 68101, counties are statutorily charged with remitting monthly to the Treasurer, court revenues due to the State.
E	7	TC-31	April 1, 2013	Q	How far back can a county go to make corrections on the TC-31?
				A	Corrections can be made to any time period.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	8	TC-31	April 1, 2013	Q	TC-31 submittal – separate for court and county or combined?
				A	TC-31's may be submitted separate or combined depending on the agreement the County Auditor has with its county's courts and other county departments. If the TC-31 is submitted separately, the court, county department head, or county auditor will submit the TC-31 to the State Treasury with their signature certifying the information is correct. If the County Auditor includes courts' or other county departments' collections on the county's TC-31, the County Auditor's signature certifies only the County Auditor's portion of the TC-31. It is assumed that the courts or other departments have provided certification to the County Auditor for their remittance information.
E	9	TC-31	April 1, 2013	Q	TC-31 errors – what should be included in the memo? How to stop possible penalties?
				A	The memo should include the items listed in the answer to E 5. To avoid penalties from being assessed, moneys need to be remitted within the time frame set by statute.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	10	TC-31	April 1, 2013	Q	If a court has an incorrect distribution and discovers it (either through an audit or on their own), what is the recommended approach to correct the prior distributions. For example, using a recent audit finding in San Benito, they distributed the $4 to the Emergency Medical Air Transportation (EMAT) fund on traffic school cases instead of distributing it to the traffic school fee. If the amount distributed incorrectly is $1,000, since these monies went to the EMAT fund in error, is it an acceptable method to not distribute $1,000 of future monies to this fund and instead re-allocate it to the Traffic School Fee until the $1,000 is "paid back" in full? If not, how is it recommended that these errors be corrected for the past distributions?
				A	On the next TC-31 submitted the amount should be reported as a negative $1,000 from the EMAT fund and a positive $1,000 to the traffic school fee. If the remittance is from an internal audit, then a memo should be included with the original remittance advice number, the original month of collection, the date it was sent, the original amount remitted and the reason for the change. If it is for an audit finding, it must be remitted separately and the audit period should be noted at the top. If a negative remittance advice will occur, it can be sent in with the monthly remittance with the Audit information on separate lines than the monthly remittance. Meaning that if $100 is being remitted for audit and $25 is being remitted for the month in account 0932-0250-FY-164743, there should be two lines with that revenue code, not net to one line. Also, make note in the description that it is for audit if it is coming in with monthly remittance. For any questions regarding audit remittances, please contact Sandi Rowland at (916) 327-1703 or srowland@sco.ca.gov.

Trial Court Revenue Distribution
Frequently Asked Questions

Category F: Distribution Calculations

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
F	1	50% Late Charge	May 16, 2013	Q	If there is a partial payment, how do you calculate the late charge?
				A	The late charge under Vehicle Code (VC) section 40310 is not applicable to partial payments. Under VC section 40310, when "a traffic penalty is not paid within 20 days following mailing of a notice that the penalty has been assessed, a late charge shall be due in the amount of 50 percent of total initial penalty." Payment of less than the full amount results in either a civil assessment under Penal Code section 1214.1 or an arrest warrant. When attendance of Traffic Violator School (TVS) is approved with a payment plan, a defendant pays a TVS fee under VC section 42007 and there is no notice mailed that an initial penalty has been assessed. In addition, if a court approves a TVS payment plan in accordance with VC section 42007(a)(2), the express penalties under VC section 42007(a)(3) for nonpayment are a civil assessment or an arrest warrant. This is supported by the Judicial Council form TR-310, *Agreement to Pay Traffic Violator School Fees in Installments*, which does not list a late penalty as a consequence in the warning for failure to pay as agreed. When a partial payment is made under VC section 40510.5, the penalties for failure to pay the full amount are specified in VC section 40510.5(e) as either a civil assessment or an arrest warrant. This is supported by Judicial Council form TR-300, *Agreement to Pay and Forfeit Bail Installments*, which does not list a late penalty as a consequence in the warning for failure to pay as agreed.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
F	2	2% State Court Automation distribution	June 14, 2013	Q	Should 2% automation apply to the late charge? What is the distribution set-up?
				A	Yes, the 2% distribution under Government Code section 68090.8 applies to the proportional fine and penalties, but is not deducted from the state surcharge portion of the late charge. The late charge under Vehicle Code section 40310 is distributed proportionally to each component of the underlying fine and penalties.
F	3	Determining Portions of 10	April 1, 2013	Q	For 2 counts with odd base fine (count 1 has $35 and count 2 has $35), to calculate portions of 10, do round-up each base or add both bases?
				A	If they are two counts on the same case, each $35 is added to get $70 and therefore seven 10's. If they are separate violations and then aggregated into one case, they are rounded separately ($40 for each) for $80 or eight 10's.
F	4	Proof of Insurance	April 1, 2013	Q	What is the base fine for Proof of Insurance, $200 or $100? What if base fine is less than $100?
				A	Under Vehicle Code (VC) section 16029(a), a conviction for violation of VC section 16028(a) requires a fine of not less than $100 or more than $200. A judicial officer may reduce the fine to the minimum for proof of insurance that is acquired after the citation was issued. If the defendant provides proof of insurance acquired after the citation, the judicial officer may reduce the fine to a minimum mandatory fine of $100. A base fine of less than $100 would require that the court exercised its discretion under VC section 16029(e)(2) and reduced the fine below the $100 minimum based on the defendant's ability to pay. For violations of VC section 16028(c), the maximum fine is $100 and the court has discretion to reduce the fine.

Trial Court Revenue Distribution
Frequently Asked Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
F	5	Traffic School	June 14, 2013	Q	For Traffic School dispositions, this should roll over into the Traffic School fee, and not go directly to Emergency Medical Air Transportation (EMAT) – correct?
				A	The $4 EMAT fund charge is a penalty assessment that is part of the total bail amount is converted to the Traffic Violator School (TVS) fee. As part of the TVS fee without any express provision to require that it retain its normal distribution it is distributed according to Vehicle Code section 42007.
F	6	Notices for late charge	April 1, 2013	Q	Are there and should there be separate notices for Late Charges and Civil Assessments?
				A	Penal Code (PC) section 1214.1 and Vehicle Code (VC) section 40310 provide some flexibility for processing a combination of the late charge and civil assessment for failure to pay a fine ordered by the court. Under PC section 1214.1, the civil assessment may be imposed for a failure to pay a fine if the defendant does not provide good cause for the failure to pay within 10 calendar days of a notice of the civil assessment. Under VC section 40310 the late charge may be imposed if the fine is not paid within 20 days of mailing of a notice that the penalty for the traffic violation has been assessed. After a failure to pay a fine, a court can mail a single notice for both the civil assessment and late charge or separate notices. A single notice could provide warning of an initial civil assessment for payment of the fine within 10 days of the notice and both a civil assessment and late charge if the fine is not paid within 20 days of the notice.

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Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
F	7	Multiple offenses	June 14, 2013	Q	When calculating the penalty assessments on a citation with multiple offenses, the Uniform Bail & Penalty Schedule (item D on page iv) indicates that the "additional penalties" are to be calculated on the total base fine for all offenses. Does this mean you must add the base fine amounts of all offense codes together first and then calculate the penalty assessments?
				A	Under Penal Code section 1464(b), for a case with multiple offenses, the penalties are calculated on the total fine for all offenses. If there are multiple cases, the penalties are calculated on the total fine for each case.

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Category G: Distribution Spreadsheets

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
G	1	Building New Spreadsheets	April 18, 2013	Q	Do you have distribution templates for other kinds of convictions like Health & Safety Code violations, petty theft, etc.?
				A	Yes, but limited to a few additional code sections. The audit spreadsheets are built as described in the presentation using the statute and Appendix C. For assistance on any specialized spreadsheets or calculations, please send a request to the AOC Distribution email box and the AOC Internal Audit Services will get back to assist you.

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Category H: Audits

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
H	1	Document Retention	April 15, 2013	Q	Retention period of records - is this inclusive of case records from all count levels (infraction, misdemeanor, and felony)? Or does the retention period of case records per Government Code section 68150-68153 still govern the terms of case records?
				A	Case files still must be retained in accordance with statute, rule, and policy. Any financial records that pertain to distributions must be retained for at least 5 years in accordance with the courts' financial and procedures manual but also must be retained from the date of the last SCO court revenue audit (using the close of the audit period of the report). Retention should be for whichever period is longer.

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Category I: Operations

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
I				Q	Coming Soon - Pending Research.
				A	

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Category J: Judicial Action

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
J				Q	Coming soon – Pending Research.
				A	

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Category K: Training

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
K	1	Training	April 15, 2013	Q	Inquiring on whether there will be another webinar in the future?
				A	We have recorded all of the training sessions and will be posting them on the SCO website. Plenary is in three pieces and then there are the three breakout sessions for a total of six recordings. A webinar is planned for June 2014.
K	2	Training	April 15, 2013	Q	Will any materials be listed in Serranus? I would love to go over the material that was discussed.
				A	All of the training materials and recordings of the sessions are on the SCO website. http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html.