

Distribution Calculations

- Basic and Special Distributions
- Build Your Own Distribution Worksheets

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For Complete IAS Revenue Distribution Webinars/Worksheets

www.sco.ca.gov/ard_trialcourt_manual_guidelines.html
www.courts.ca.gov/revenue-distribution.htm

- Basic Distribution Webinar
- Special Distribution Webinar
- IAS Distribution Worksheets

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Discussion Topics

1. Standard Criminal/Traffic Fine Equation
 - Statutory components, calculation, and distribution
2. Application of 2% State Court Automation
3. Basic Distribution Example
 - Speeding Bail Forfeiture
4. Special Distribution Example
 - Speeding Traffic School – City Arrest
 - Top-Down
5. Build Your Own Spreadsheet

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Standard Criminal/Traffic Fine Equation

$$\begin{aligned}
 &\text{Base Fine + Base Fine Enhancements} \\
 &= \\
 &\quad \text{Total Base Fine} \\
 &+ \\
 &\quad \text{State and Local Penalties} \\
 &= \\
 &\quad \text{Initial Penalty} \\
 &+ \\
 &\quad \text{Surcharge, Fees, and Assessments} \\
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 \end{aligned}$$

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 \end{aligned}$$

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Base Fine or Base Bail

- The amount from which the additional penalties required by PC 1464; GC 70372, 76000, 76000.5, 76104.6, & 76104.7; and surcharge required by PC 1465.7 are calculated.
- Total bail shall not exceed statutory limits.
- The 'fine' amount of the total bail shall not exceed the limitations specified by the Vehicle Code.

UB&PS Section II, pg. iii

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Base Fine Enhancements

- Enhancement for Prior VC Convictions UB&PS section VII, pg. xiii
 \$10 is added to the base fine for each "prior" conviction within 36 months of the new alleged offense. Both the current and "prior" offense must be a moving violation for which a "point" has been assigned per Vehicle Code section 12810 or 12810.2. The \$10 priors enhancement is assessed for each prior violation on a single count but is assessed only once per case. Also, priors enhancement does not apply to traffic school cases.
- HS 11372.5 - Criminal Lab Fee Appendix C
 Base fine enhancement of \$50 for each violation of the HS code under subdivision (b).
- HS 11372.7 - County Drug Program Fee Appendix C
 Base fine enhancement of up to \$150 for each violation of the HS codes 11350 through 11392 except HS 11357(b).

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 \end{aligned}$$

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State and Local Penalties

- These penalties are calculated using the "Per 10, or part of 10" factor from a **ROUNDED UP** base fine.
- State and Local Penalties UB&PS Section III A, pg. iii
 - PC 1464 State penalty = \$10 per 10
 - GC 76104.6 County DNA Identification Fund penalty = \$1 per 10
 - GC 76104.7 state DNA Identification Fund additional penalty = \$4 per 10
 - GC 70372(a) state court facilities construction penalty = \$5 per 10
 - GC 76000(a) county penalty per board of supervisors resolution = \$7 per 10
 - GC 76000.5 emergency medical services (EMS) additional penalty per board of supervisors resolution = \$2 per 10

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State and Local Penalties

- Penal Code section 1464 - State Penalty Appendix C
 - A penalty of \$10 per \$10 (or part of \$10) upon every fine, penalty, or forfeiture imposed and collected wherein 70% goes to the State and 30% goes to the County.
- GC 76000 (a) & (e) - County Penalties Appendix C
 - A penalty of \$7 per \$10 (or part of \$10) upon every fine, penalty, or forfeiture imposed and collected as levied by the county board of supervisors.
 - Board resolution specifies distribution to the following local funds: GC 76100 Courthouse Construction Fund; GC 76101 Criminal Justice Facilities Fund; GC 76102 Auto Fingerprint ID Fund; GC 76103 Forensic Lab Fund; GC 76104 EMS Fund; GC 76104.5 DNA ID Fund; and/or GC 76105 Special Purpose Fund.
 - If responsibility for facilities transferred to State and **NO** bonded indebtedness remains, the additional penalty follows GC 76000 (e).

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Additional Penalties

- GC 76104.6 - DNA Identification Penalty Appendix C
 - Additional penalty of \$1 per \$10 (or part of \$10) for every fine, penalty, or forfeiture imposed and collected.
 - Assessed on all criminal offenses.
 - County transfers 25% to State each quarter.
- GC 76104.7 - DNA Identification Penalty Appendix C
 - Additional penalty of \$4 per \$10 (or part of \$10) for every fine, penalty, or forfeiture imposed and collected.
 - Assessed on all criminal offenses (for violations after June 27, 2012.)
 - County to transfer 100% to State.

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Additional Penalties

- GC 70372 (a) - State Court Facilities Construction Penalty Appendix C
 - Additional penalty of \$5 per 10 (or part of \$10) upon every fine, penalty, or forfeiture imposed and collected.
 - Distributed to the State ICNA and State CFCF
- GC 76000.5 - Emergency Medical Services (EMS) Appendix C
 - Additional penalty assessment of \$2 per 10 (or part of \$10) of the base fine if the county board of supervisors approves by resolution.
 - Distributed to the County Maddy EMS Fund

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Additional Penalties

- GC 76000.10(c)(1) \$4 EMAT Penalty UB&PS Section III F, pg.iii and Appendix C
- A \$4 penalty for emergency medical air transportation services (EMAT) is imposed for every conviction of a violation of the Vehicle Code, or a local ordinance adopted under the Vehicle Code, committed on or after January 1, 2011.
- Distributed to the State EMAT Fund

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Standard Criminal/Traffic Fine Equation

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 \end{aligned}$$

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Surcharge

- PC 1465.7 – 20% State Surcharge Appendix C
- 20% state surcharge is **calculated on total base fines.**
- The state surcharge is **NOT** calculated on state and local penalties (PC 1464, GC 70372, and GC 76000).
- The GC 68090.8 2% state court automation is **NOT** applicable to the state surcharge.

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Fees and Assessments

- PC 1465.8 – Court Operations Assessment (Formerly Court Security Fee) Appendix C
 - \$40 assessed on every conviction for a criminal offense, including a traffic offense, except parking offenses as defined in subdivision (i) of Section 1463.
 - "Conviction" includes the confidential conviction of a traffic violation on the condition that the defendant attend a court-ordered traffic violator school.
 - 100% distribution to State TCTF.
- GC 70373 – Criminal Conviction Assessment Appendix C
 - \$30 assessed for each felony/misdemeanor conviction, or
 - \$35 assessed for each infraction conviction (including confidential conviction for completion of traffic school).
 - 100% distribution to State ICNA.

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Fees and Assessments

- VC 42006 - Night Court Special Assessment Appendix C
 - Vehicle Code or local ordinance adopted where the court conducts night or weekend court sessions for traffic offenses.
 - Court may levy a \$1 special assessment per fine, forfeiture, and traffic violator school fee imposed and collected.
 - When facilities have transferred w/o bonded indebtedness, the \$1 special assessment goes to the State.

42006. (a) Except as provided in subdivision (c), there may be levied a special assessment in an amount equal to one dollar (\$1) for every fine, forfeiture, and traffic violator school fee imposed and collected by any court that conducts a night or weekend session of the court, on all offenses involving a violation of a section of this code or any local ordinance adopted pursuant to this code, except offenses relating to parking.

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Standard Criminal/Traffic Fine Equation RECAP

$$\begin{aligned}
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 &= \\
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 &+ \\
 &\quad \text{Surcharge, Fees, and Assessments} \\
 &= \\
 &\quad \text{Total Bail or Fine}
 \end{aligned}$$

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2% State Court Automation

- GC 68090.8 - 2% State Court Automation Appendix C
 - Transferred from all fines, penalties, and forfeitures (not on surcharges or fees) collected in criminal cases.
 - So, referring to our equation, 2% applies to the:
 - Base Fine
 - Base Fine Enhancement
 - State and Local Penalties

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Basic Distributions

- PC 1463.001 is the General Distribution Statute
- Gather Information Needed to Prepare for Calculations and Distributions
- Example Distribution Spreadsheets

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General Distribution Statute

- PC 1463.001 dictates monthly distribution of the fines, penalties, service charges, and allocations collected and deposited with the county:
 1. State and local penalties, special penalties, service charges, and allocations are transferred to proper funds.
 2. Base fines subject to specific distributions per other sections are distributed to the specified funds.
 3. Base fines not subject to specific distributions and from county arrests are distributed 100% to county.
 4. Base fines not subject to specific distributions and from city arrests are split between city and county pursuant to PC 1463.002. Appendix C

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Preparing for the Calculations

1. Gather Information (from the case management system/case file) including:
 - Codes violated
 - Violation date and conviction date
 - Disposition on each count (conviction, dismissed, traffic school)
 - Prior violations
 - Base fine and enhancements for total base fine
 - Arresting agency

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Preparing for the Calculations

2. Obtain County Board of Supervisors resolutions for the following penalties and assessments, if applicable:
 - GC 76000 – County Penalty of \$7 per 10
 - GC 76000.5 – EMS Additional Penalty of \$2 per 10
 - PC 1463.13 – Alcohol & Drug Assessment (up to \$150)
 - PC 1463.16 – DUI Program Special Account (\$50)
 - PC 1463.18 – DUI Indemnity Allocation (\$20)
 - PC 1463.14(b) – DUI Lab Test Penalty (up to \$50)
 - PC 1202.4(l) – County Collection Fee (up to 10% of Restitution fine)
 - PC 1205(e) – Installment (actual costs) or Accounts Receivable Fee (up to \$30)

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Preparing for the Calculations

3. Determine Other Distribution Factors such as:
 - Court-Specific
 - Court administrative fee on subsequent convictions of VC violations (VC 40508.6 (a) = up to \$10)
 - Status of local court facility bond indebtedness (effects GC 76100 LCCF)
 - Case-Specific
 - Standard or Top-Down total fine
 - Installment payments (PC 1205d – installment fee)

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**Distribution Spreadsheets
Used by IAS Audits**

Disclaimer: All spreadsheets have been updated to reflect what we believe are the statutes in effect as of TODAY. Thus, they are subject to change based on laws that are effective subsequent to today's training. When using the spreadsheets, be sure the fines, penalties, and fees reflect the statutes in effect for the period being reviewed.

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**How to Navigate and Use
the IAS Spreadsheets**

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**Basic Distribution
Spreadsheets**

- Speeding Bail Forfeiture
 - Example #1 County arrest, Prior Violation (LIVE)

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Speeding Bail Forfeiture Spreadsheet

Case Example #1

**County Arrest
Even Base Fine
Prior VC Violation**

WATCH OUT FOR:
NOT correctly applying enhancement for priors and 2% state court automation

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Information for Speeding Case Example #1

Case Information:

- Violation Date = 1/10/2013
- Disposition Date = 2/10/2013
- Arresting Agency = County Sherriff
 - % Split between County and City (Refer to PC 1463.002)
- Violation = VC 22349(a) 16-25 Over 65 MPH
- Violation Type = Infraction
- Disposition = Bail Forfeiture
- Prior VC Conviction = 1
- UB&PS = \$70 Base Fine

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Information for Speeding Case Example #1

Local BOS Penalties:

- LCCF = \$2
- LCJF = \$2
- EMS = \$1
- DNA = \$1
- Auto Fingerprint = \$1
- Additional EMS = \$2

Court Fees:

- DMV Administrative Fee = \$10
- Night Court Fee = \$1

Court Distributions: Entered on spreadsheet from court CMS

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Special Spreadsheets

Special Base Fine Distribution	<ul style="list-style-type: none"> • Reckless Driving • DUI • Proof of Insurance
Base Enhanced Distribution	<ul style="list-style-type: none"> • Health and Safety
Regular Traffic School Distribution	<ul style="list-style-type: none"> • Speeding – City Arrest
Red Light Bail Forfeiture Distribution	<ul style="list-style-type: none"> • Red Light – City Arrest
Special Traffic School Distributions	<ul style="list-style-type: none"> • Red Light Traffic School • Railroad Traffic School • Child Seat Traffic School
Top – Down Distribution Example	<ul style="list-style-type: none"> • Speeding Bail Forfeiture

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Regular Traffic School Distribution

- VC 42007: For a person ordered or permitted to attend traffic school, a fee is collected in an amount equal to the “total bail” set forth in the uniform countywide bail schedule or set forth in UB&PS. Appendix C
- In short, this “total bail” becomes the TVS fee.
- Because it is now a fee, 2% state court automation no longer applies.

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Regular Traffic School Distribution (cont’d)

- In addition to the TVS Fee, the following must be imposed, collected and distributed to the State:
 - VC 42007.1 – \$49 Additional TVS Fee
 - VC 11208 (c) - \$3 DMV Admin Fee
- Pursuant to VC 11205.2 (c), Court may also assess an additional fee (up to actual costs) to defray cost incurred by a traffic assistance program. Appendix C

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**Regular Traffic School
Distribution Process**

1. First, part of the TVS fee on deposit with county, is distributed pursuant to VC 42007(b) and (c):
 - VC 42007 (b)(1) - \$1 for each fund established under GC 76100 and GC 76101
 - VC 42007 (b)(2) – GC 76104 EMS penalty portion (\$2 per 10) of GC 76000 (\$7 per 10)
 - VC 42007 (b)(2) – Additional EMS penalty of GC 76000.5 (\$2 per 10)
 - VC 42007 (b)(3) – State Court Construction penalty of GC 70372 (\$5 per 10)
 - VC 42007 (c) – City portion of the base fine (net 2%), if city arrest

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**Regular Traffic School
Distribution Process (cont'd)**

2. Next, the following are distributed pursuant to their respective codes (not part of "total bail"):
 - PC 1465.7 – 20% State Surcharge (exempts itself from VC 42007 "total bail")
 - PC 1465.8 – Court Operations Assessment
 - GC 70373 – Criminal Conviction Assessment
 - GC 42006 –\$1 Night Court Fee, if applicable

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**Regular Traffic School
Distribution Process (cont'd)**

3. After the required distributions in steps 1 and 2, the remaining balance of the TVS Fee (TVS Fee Balance) remains on deposit in the County General Fund.

NOTE: For 50% Excess MOE reporting, only 77% of the TVS Fee Balance is reported. The \$1 for GC 76100 and the \$1 for GC 76101 is distributed from the 23% portion of the TVS Fee Balance, NOT from the 77% portion.

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Special Traffic School Distributions

- Some Vehicle Code violations eligible for traffic school do not follow the regular VC 42007 traffic school distributions previously discussed.
- Instead, specific traffic school distributions apply, or are exempted. For example:
 - Red Light Traffic School – VC 42007.3
 - Railroad Traffic School – VC 42007.4
 - Child Seat Traffic School – VC 27360(e)

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Top-Down Distribution

- This special distribution applies for judge-ordered total fines that do not follow the standard total bail in the UB&PS or the countywide penalty schedule.
- These total fines are typically less than the standard total bail.
- **There is no stated or agreed-upon method for performing the Top-Down distribution, so the following are examples of two methods.**

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Top-Down Distribution Speeding Spreadsheet

ASSUMPTION:
Standard total fine is \$367, but the judge ordered a fine of \$290

WATCH OUT FOR:
What distribution components are and are not prorated.

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20 - Disabled Parking Violation										No 7/7/2014			
Case Number:	00001	Case Information:	Case No:	20027 (3 of 4)	Case FINE:	0	Case Status:	0	Case Date:	0	Case Agency:	0	
Violation Code:	00001	Violation Description:	Disabled Vehicle	Case FINE:	0	Case Status:	0	Case Date:	0	Case Agency:	0	Case Agency:	0
Assessing Agency:	00001	Assessing Agency:	00001	Case FINE:	0	Case Status:	0	Case Date:	0	Case Agency:	0	Case Agency:	0
Case of No:	00001	Case of No:	00001	Case FINE:	0	Case Status:	0	Case Date:	0	Case Agency:	0	Case Agency:	0
TOTAL Estimated:	0.00	TOTAL Estimated:	0.00	TOTAL Estimated:	0.00	TOTAL Estimated:	0.00	TOTAL Estimated:	0.00	TOTAL Estimated:	0.00	TOTAL Estimated:	0.00

Insert Case Data and County BOS for GC 76000

- \$250 base fine
- No enhancements
- County arrest
- BOS – GC 76000 \$7 -- et al
 - GC 76100 \$2; GC 76101 \$2
 - GC 76104 \$1; GC 76104.5 \$1
 - GC 76102 \$1
- BOS - GC 76000.5 -- \$2 / \$10

20 - Disabled Parking Violation										No 7/7/2014			
Case Number:	00001	Case Information:	Case No:	20027 (3 of 4)	Case FINE:	0	Case Status:	0	Case Date:	0	Case Agency:	0	
Violation Code:	00001	Violation Description:	Disabled Vehicle	Case FINE:	0	Case Status:	0	Case Date:	0	Case Agency:	0	Case Agency:	0
Assessing Agency:	00001	Assessing Agency:	00001	Case FINE:	0	Case Status:	0	Case Date:	0	Case Agency:	0	Case Agency:	0
Case of No:	00001	Case of No:	00001	Case FINE:	0	Case Status:	0	Case Date:	0	Case Agency:	0	Case Agency:	0
TOTAL Estimated:	0.00	TOTAL Estimated:	0.00	TOTAL Estimated:	0.00	TOTAL Estimated:	0.00	TOTAL Estimated:	0.00	TOTAL Estimated:	0.00	TOTAL Estimated:	0.00

Questions to Resolve

- \$1 night court – does the court have it?
- \$35 infraction not \$30 misdemeanor
- Other BOS resolutions
- Installment fee?
- Other statutes that apply based on read of statute?

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Cross Check to UB&PS

- UB&PS page 29 shows \$1,105.
- Spreadsheet shows \$1,105.
- Footnote 46 adds the \$3 to make it \$1108.

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Cross Check to UB&PS

UB&PS Buckets:

- Base fine \$250
- State PA of \$250 (7 of 10 and 3 of 10)
- County PA of \$175 (GC 76000 7 of 10)
- DNA PA of \$125 (1 of 10 and 4 of 10)
- Court PA of \$125 (GC 70372(a) 5 of 10)

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The image shows a detailed spreadsheet with multiple columns and rows of data. The columns include 'Case Number', 'Description', 'Amount', 'Status', and 'Date'. The rows contain various entries, likely related to case management or financial reporting. The spreadsheet is densely packed with information and includes several summary rows at the bottom.

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Recap Building Spreadsheets

Covered the Following:

1. Look up the statute
2. Get resource materials:
 1. Appendix C
 2. Uniform Bail and Penalty Schedule (cross check)
3. Copy spreadsheet as similar as possible
 1. Clear numbers from spreadsheet
 2. Complete violation data on top
 3. Complete BOS local penalty data for your county
 4. Cross check data to the UB&PS
4. If problems, call experts

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QUESTIONS?

1. Basic and Specialized Distribution Calculations
2. Building Spreadsheets

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The End
Thank you!!

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