


Session B: Special Distributions

May 2022
Maria Lira, Senior Analyst, Judicial Council, Budget Services
Don Lowrie, Analyst, Judicial Council, Budget Services



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Training Goals

1. Review process for preparing a distribution
2. Research resources for required distributions and applicable fees/penalties
3. Review distribution calculations on worksheets

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Special Distributions

Special Base Fine Multiple violation	<ul style="list-style-type: none"> • DUI violation • Failure to Stop at Stop Sign violation • City arrest
Regular Traffic School	<ul style="list-style-type: none"> • Speeding violation • City arrest
Red Light Bail forfeiture	<ul style="list-style-type: none"> • Red light violation • City arrest
Special Traffic School	<ul style="list-style-type: none"> • Red light violation • County arrest
Top – down	<ul style="list-style-type: none"> • Speeding

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Preparing for distributions

1. Gather information:

- Codes violated
- Violation date and conviction date
- Disposition on each count (conviction, traffic school)
- Arresting agency (county, city, CHP)
- Prior violations
- Base fine and enhancements

2. Obtain County Board of Supervisors' resolutions

3. Determine other factors

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TRIAL COURT REVENUE DISTRIBUTION GUIDELINES

DISTRIBUTION WORKSHEETS

OHJ #Q IR

U H V R X U F H V

REVENUE DISTRIBUTION FAQ

JCC and SCO staff

DESSWALK

X q lirup #E d l d # #
Shq d aw | #V f k h g x d v

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Standard Criminal/Traffic Fine Equation

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

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Base Bail or Base Fine

- The amount from which the additional penalties required by PC § 1464; GC §§ 70372, 76000, 76000.5, 76104.6, and 76104.7; and surcharge required by PC § 1465.7 are calculated.
UB&PS Section II
- 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 IV

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Base Fine Enhancements

- Vehicle Code § 40508.6(a) – Prior Convictions
UB&PS section VII, pg. viii
- Health & Safety Code (H&S) § 11372.5 - Criminal Lab Fee
- Base fine enhancement of \$50 for each violation of the Health and Safety Code sections listed in subdivision (b).
- H&S Code § 11372.7 - County Drug Program Fee
- Base fine enhancement of up to \$150 for each violation of the H&S codes 11350 through 11392 except H&S § 11357(b).

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State and Local Penalties

Calculated using the "per 10, or part of 10" factor from a **ROUNDED UP** base fine.

- 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 § 76000(a) County penalty, \$7 per 10 (BOS)
- GC § 76000.5 County Emergency Medical Services (EMS), \$2 per 10 (BOS)

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20% State Surcharge

PC § 1465.7–

- Is **calculated** on total **base fines**.
- Is **NOT** calculated on state and local penalties (PC § 1464, GC § 70372, and GC § 76000.)
- 2% state court automation is **NOT** applicable, because the surcharge is not a fine or penalty.

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Additional State and Local Penalties

GC § 76000.10(c) Emergency Medical Air Transportation, \$4 per Vehicle Code conviction, or a local ordinance adopted under the Vehicle Code, committed on or after January 1, 2011.

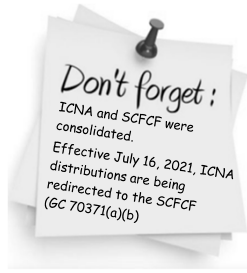


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Additional State and Local Penalties (cont'd)

GC § 70372 State Court Facilities Construction Fund, \$5 per \$10 (or part of \$10), additional penalty upon every fine, penalty, or forfeiture imposed.



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Fees and Assessments

- PC § 1465.8 – Court Operations Assessment
\$40 per conviction, for criminal offenses, including traffic, except parking offenses.
- GC § 70373 – Criminal Conviction Assessment
\$30 assessed for each felony/misdemeanor conviction, or \$35 assessed for each infraction conviction.
- VC § 42006 – Night Court Special Assessment
\$1 for violation of Vehicle Code or local ordinance adopted if night or weekend court sessions conducted for traffic offenses.

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Repealed Fees...

Assembly Bill 1869:

- Repealed several criminal fees.
- If assessed, report any dismissed or vacated fees as **Adjustments** in CRT.

Assembly Bill 177:

- Repealed several administrative fees.
- If assessed, report any dismissed or vacated fees as **Adjustments** in CRT.



A collecting entity **cannot** collect fees repealed by AB 1869 and AB 177.

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2% State Court Automation

- **Transferred** from all fines, penalties, and forfeitures (not on surcharges or fees) collected in criminal cases. GC § 68090.8
- Referring to our equation, 2% applies to the:
 - Base fine
 - Base fine enhancement
 - Standard state and local penalties

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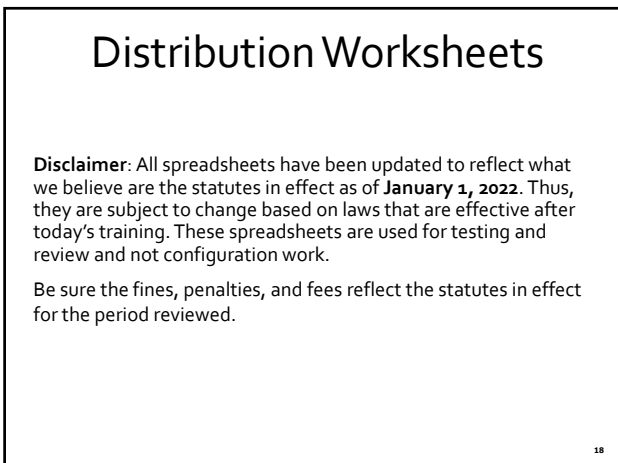
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TRAFFIC MISDEMEANOR AND PENALTY SCHEDULE (*See Preface, Section III) (*See Preface, Section IV) (Vehicle Code)											
Section	Vehicle Code	Offense	Base Fine	State Fee	County Fee	DNA Fee	Court Fee	EMS Fee	Surcharge	Penalty	Total Base Fine
22313.1 (b)	06	Business Taking Possession Of A Vehicle From A Tow Truck After Hours	1810	175	125	125	5	200	2	4	2000
22313.1 (b)(1)	06	Failure to Maintain and Provide Required Information for Towing and Storage of Vehicle	250	250	175	125	5	50	4	1029	40
22604 (a)(7)(B)	06	Failure of Tow Company or Driver on Request by Owner or Owner's Agent to Release Vehicle Not Yet in Transit	250	250	175	125	5	50	4	1029	40
22604 (a)(7)(B)	06	Failure to Make Fee Agreed Upon by CDR Available for Inspection Within 24 Hours of Request	1000	1000	700	500	200	200	4	4104	40
22604 (a)(7)(C)	06	Refusal of Credit Card by Storage Facility for Payment of Charges for Towed Vehicle	1000	1000	700	500	200	200	4	4104	40
22604 (d)	06	Violation by Tow Company of Requirements for Removal of Vehicle From Private Property	1000	1000	700	500	200	200	4	4104	40
22604 (e)(1)	06	Failure of Tow Company to Provide Notice of Removal of Vehicle as Requested	250	250	175	125	5	50	4	1029	40
23101 (a)(b)	06	Backless Driving	100	100	100	100	100	100	100	100	604
23104 (a)	06	Backless Driving - Bodily Injury	100	100	100	100	100	100	100	100	2125
23104 (b)	06	Backless Driving - Great Bodily Injury	100	100	100	100	100	100	100	100	2125
23104 (c)	06	Backless Driving - Specific Injury	100	100	100	100	100	100	100	100	485
23106 (a)	06	Failure to Securely Fasten Seat Belt	500	500	350	250	100	100	100	2054	40
23106 (b)	06	Failure to Securely Fasten Child Safety Seat	750	750	525	375	150	150	150	3075	40
23110 (a)	06	Driving Substantially Under the Influence	250	250	175	125	5	50	4	1029	40
23112.5 (a)	06	Retention, Notification of Agency, or Release of Impounded Vehicle to Legal Custodian	2000	2000	1400	1000	400	400	400	8204	40
23112.5 (b)	06	Retention, Notification of Agency, or Release of Impounded Vehicle to Legal Custodian - Independent Panel	50	50	35	25	10	10	10	209	40
23112 (a)(b)	06	Driving Under Influence of Alcohol	100	100	275	195	75	75	75	1600	40
23112 (c)	06	Driving While Under the Influence of Alcohol	100	100	195	135	45	45	45	1674	40
23112 (d)	06	Driving Commercial Vehicle Under Influence of Alcohol	450	450	315	225	90	90	90	1849	40
23112 (e)	06	Driving a Motor Vehicle While a Passenger in the Vehicle at the Time of the Offense with a BAC at or Higher than .08	300	300	275	195	75	75	75	1600	40

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Late Study 1 - Timing Under Influence											
CASE INFORMATION											
Case Number	RD1-022-00001	COUNT 1 Violation Code	GC 23125(a,b)	BASE FINE	Priors	200					
Violation Date	1/15/2021	Violation Description	Driving Under the Influence of Alcohol	Enhanced BASE	Priors	200					
Disposition Date	1/15/2021	Disposition	Ball forfeiture	BASE FINE	Priors	0					
Restoring Agency	County of Santa Clara	COUNT 2 Violation Code (if any)		Enhanced BASE	Priors	0					
TOTAL Enhanced Base	\$398.00	Disposition		Enhanced BASE	Priors	0					
Portion of 10	\$9	Disposition		Enhanced BASE	Priors	\$ 5.00					
2%	Per 10	DISTRIBUTION	DISTRB ENTITY	Standard-Per URS	2% Amt	Private %	After	2%	FINAL	1 (After)	
Y		BASE REDUCTION PC 1463.16(a) - DUI Lab Spec Assmt (\$50)	COUNTY	50.00							
Y		BASE REDUCTION PC 1463.16(b) - DUI Stop Spec Assmt (\$50)	COUNTY	50.00							
Y		BASE REDUCTION PC 1463.16(c) - DUI Indemnity Alloc (\$20)	CITY	20.00							
Y		PC 1463.001 - Base County	COUNTY	83.70	16.74						
Y		PC 1463.001 - Court Fee	CITY	88.50	3.28						
Y		PC 1464 - State PA - State portion (75%)	STATE	273.00	5.46	5.0	0.00	0.00	0.0		
Y		PC 1464 - State PA - County portion (25%)	COUNTY	110.00	2.24	35	0.00	0.00	0.0		
Y		GC 79304.5 - DNA PA 1700 - 25%	COUNTY	29.25	0.58	19	0.00	0.00	0.0		
Y		GC 79304.6 - DNA PA 1700 - 25%	STATE	3.75	0.20	3.58	0.00	0.00	0.0		
Y		GC 79304.7 - DNA Assmt PA 1400 (eff 6-27-12, prev 370)	STATE	85.00	3.30	82.08	0.00	0.00	0.0		
Y		GC 79300 - LCCP	COUNTY	39.00	0.78	38.22	0.00	0.00	0.0		
Y		GC 79301 - LCCP	COUNTY	39.00	0.78	38.22	0.00	0.00	0.0		
Y		GC 79304.5 - DNA ID	COUNTY	19.50	0.39	19.11	0.00	0.00	0.0		
Y		GC 79301 - Auto Impoundmt	COUNTY	20.00	0.78	38.22	0.00	0.00	0.0		
Y		GC 79305.5 - DNA Assmt PA 1700 - 25%	COUNTY	73.00	1.46	71.54	0.00	0.00	0.0		
Y		GC 79300.1(a) - DNA F Penalty (\$4 eff 1-1-17)	STATE	4.00	0.80	3.20	0.00	0.00	0.0		
Y		GC 79300.2(a) - DNA F Penalty (\$4 eff 1-1-17)	STATE	39.00	1.95	37.05	0.00	0.00	0.0		
N		PC 1465.7 - 2005 Surcharge	STATE	70.00	0.00	70.00	0.00	0.00	0.0		
N		PC 1465.8 - Court Ops Assmt (\$40 eff 10-10-13)	STATE	40.00	0.00	40.00	0.00	0.00	0.0		
N		GC 7027.3 - Court Ops Assmt \$30 for misd#35 for infra	STATE	30.00	0.00	30.00	0.00	0.00	0.0		
N		PC 1463.18 - Alcohol & Drug Assmt (BDS; up to \$50)	COUNTY	50.00	0.00	50.00	0.00	0.00	0.0		
Y		PC 1463.16(b) - DUI Lab Test Penalty (BDS; up to \$50)	CITY or CITY	50.00	1.00	49.00	0.00	0.00	0.0		
Y		VC 1463.29 - Alcohol Abuse Edu. and Prevention Penalty (up to \$50)	COUNTY	50.00	1.00	49.00	0.00	0.00	0.0		
Y		VC 22646(a) - Car Acc. & Drug Prob Assmt (up to \$50)	COUNTY	50.00	0.00	50.00	0.00	0.00	0.0		
N		VC 1002.4(b) - State Restitution Fine (min. \$50 misd#300 fee)	STATE	50.00	3.00	47.00	0.00	0.00	0.0		
N		GC 79300.3 - Restitution Fine	COUNTY	0.00	0.00	0.00	0.00	0.00	0.0		
N		VC 42008 - Night Court Assmt (\$)	STATE	1.00	0.00	1.00	0.00	0.00	0.0		
N		GC 88950.9 - 2% State Automation (for fines, penalties & forfeitures)	STATE		33.94	33.94	0.00	0.00	0.0		
TOTAL FINE				3098.00	33.94	3064.06	0.00	0.00	0.0	0.0	

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Study #1: DUI Special Distribution											
<ul style="list-style-type: none"> PC § 1463.14(a) — \$50 for Alcohol Lab Costs PC § 1463.16 — \$50 Alcohol Education PC § 1463.18 — DUI Indemnity Allocation of \$20 											

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Crosswalk

JUDICIAL COUNCIL OF CALIFORNIA

CROSSWALK BETWEEN TRIAL COURT REVENUE DISTRIBUTION GUIDELINES, THE UNIFORM RAIL & PENALTY SCHEDULES, AND FAQ'S

The codes and guidance contained in this document, Trial Court Revenue Distribution Guidelines, the Uniform Rail and Penalty Schedules, and distribution templates are subject to the effective dates as stated in the specific sections. Refer to the current code to ensure the most current language is implemented.

Table 2 - Special Distributions of Fines and Forfeitures Preceding PC 1463.001 Distribution

Trial Court Revenue Distribution Guidelines (Rev 12/1/1-2022)				Uniform Rail & Penalty Schedules 2022		
Index	Code Section	Code Description	Violation	FAQ	Description	Pg.
2.4	5	PC 1463.14(a)	Lab Fines for Convictions of Driving Under the Influence or Reckless Driving (collected as a fee, distributed as a fee)			
			DUI Under: VC 23152, VC 23153. Reckless Driving Under: VC 23103, VC 23104, VC 23105.		DUI - various DUI - general injury Reckless driving Reckless driving, bodily injury Reckless driving, specific injury	49 49 48 48 48
2.4	6	PC 1463.13	Vehicle Inspection and Safety Checklist		Not listed	
			Violation of VC 42001.203, if the County establishes a non-rated vehicle inspection and safety checklist program pursuant to VC 2814.1.			
2.5	7	PC 1463.16	Driving Under the Influence or Reckless Driving Alcohol Program - Assessment Fee			49
			DUI Under: VC 23152, VC 23153. Reckless Driving Under: VC 23103, VC 23104, VC 23105.	C31		
2.6	8	PC 1463.17	Alcohol and Drug Testing, Serious County			49
			DUI Under: VC 23152, VC 23153. Reckless Driving Under: VC 23103, VC 23104, VC 23105.	C31		
2.6	9	PC 1463.18	Indemnification of Victims, Driving Under the Influence		DUI	50
			DUI Under: VC 23152, VC 23153.			
2.7	10	PC 1463.22	Evidence of Financial Responsibility		Failure to Provide a Peace Officer Evidence of Financial Responsibility	vol. 8, 16
			Violation of VC 16028	C81		

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Crosswalk (cont'd)

JUDICIAL COUNCIL OF CALIFORNIA

CROSSWALK BETWEEN TRIAL COURT REVENUE DISTRIBUTION GUIDELINES, THE UNIFORM RAIL & PENALTY SCHEDULES, AND FAQ'S

The codes and guidance contained in this document, Trial Court Revenue Distribution Guidelines, the Uniform Rail and Penalty Schedules, and distribution templates are subject to the effective dates as stated in the specific sections. Refer to the current code to ensure the most current language is implemented.

Table 6 - Penalty and Assessment Distributions

Trial Court Revenue Distribution Guidelines (Rev 12/1/1-2022)				Uniform Rail & Penalty Schedules 2022		
Index	Code Section	Code Description	Violation	FAQ	Description	Pg.
6.20	34	PC 1463.33	Alcohol and Drug Special Assessment		Not listed	N/A
			The County develops a program for a person convicted of a crime other than driving under the influence in which the court determines that alcohol or substance abuse was substantially involved in the commission of the crime.	N/A		
6.20	35	PC 1463.14(b)	Additional penalty to recover Lab Fees for Convictions of Driving Under the Influence (collected as a fee, distributed as a fee)			59
			Additional penalty of up to \$50 to be assessed for each defendant convicted of a violation of DUI under VC 23152 or VC 23153, as authorized by local government resolution.	C29, C31	County BDR may authorize an additional penalty in the amount equal to the cost of testing.	
6.21	36	PC 1463.20	Disabled Parking Spaces, Special Assessment		Not listed	N/A
			\$50 of each parking penalty collected under VC 42001.8 fee violation of VC 22500(a), or 22112.	N/A		
6.21	37	PC 1463.25	Alcohol Abuse Education and Prevention, Penalty Assessments			N/A
			Penalty assessment of up to \$50 collected under VC 23647 (County VC 23106) for conviction of a DUI under VC 23152 or 23153.	C1		
6.26	47	VC 23648	County Alcohol and Drug Problem Assessment		Not listed	N/A
			Assessment of not more than \$100 assessing fine, penalty, or forfeiture collected for a DUI under VC 23152 or 23153 in any judicial district that participates in a county alcohol and drug problem assessment program. Assessment of not more than \$100 fine and penalty assessed for a violation of VC 23152 who is referred to participate in a county alcohol and drug assessment program under VC 23647.	N/A		

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Guidelines

Trial Court Revenue Distribution Guidelines Revision 32

Table 2
Special Distributions of Fines and Forfeitures Preceding PC 1463.001 Distribution

Code Section	Violation	From	To	Fund Use/Special Provision	Priority of Installment Payments
PC 1463.14(a) – Lab Fines for Convictions of Driving Under the Influence or Reckless Driving (collected as a fee, distributed as a fee)	DUI Under: VC 23152, VC 23153. Reckless Driving Under: VC 23103, VC 23104, VC 23105.	\$50 of each base fine collected.	County special account.	To pay for the cost of performing analysis of blood, breath, or urine for alcohol content or for the presence of drugs; for criminalistics lab services related to such testing.	3
		If the account becomes exhausted, the public entity ordering a test performed shall bear the costs of the test.	County General Fund in an amount equal to administrative costs. Remainder to the City or County pursuant to PC 1463.001.	To reimburse the County for administrative costs incurred to implement PC 1463.14. See PC 1463.001 (Table 1).	
		FUNDS NOT EXPENDED: Special account funds collected in the preceding fiscal year and not expended by November 1.			

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Leg Info (cont'd)

California LEGISLATIVE INFORMATION

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Home Law >> Code Search >> Code Section

Code Search Text Search

Code: PEN Section: 1463.14

Penal Code - PEN

PART 1. OF CRIMINAL PROCEDURE [981 - 1620] (Part 2 enacted 1972)

TITLE 11. PROCEEDINGS IN MISDEMEANOR AND INFRACTION CASES AND APPEALS FROM SUCH CASES [1427 - 1470] (Heading of Title 11 amended by Stats. 1998, Ch. 931, Sec. 487.)

CHAPTER 1. Proceedings in Misdemeanor and Infraction Cases [1427 - 1468] (Heading of Chapter 1 amended by Stats. 1998, Ch. 931, Sec. 488.)

1463.14. (a) Notwithstanding the provisions of Section 1463, of the moneys deposited with the county treasurer pursuant to Section 1463, fifty dollars (\$50) of each fine collected for each conviction of a violation of Section 23103, 23104, 23105, 23152, or 23153 of the Vehicle Code shall be deposited in a special account that shall be used exclusively to pay for the cost of performing for the county, or a city or special district within the county, analysis of blood, breath or urine for alcohol content or for the presence of drugs, or for services related to that testing. The sum shall not exceed the reasonable cost of providing the services for which the sum is intended.

On November 1 of each year, the treasurer of each county shall determine those moneys in the special account that were not expended during the preceding fiscal year, and shall transfer those moneys into the general fund of the county. The board of supervisors may, by resolution, assign the treasurer's duty to determine the amount of money that was not expended to the auditor or another county officer. The county may retain an amount of that money equal to its administrative cost incurred pursuant to this section, and shall distribute the remainder pursuant to Section 1463. If the account becomes exhausted, the public entity entering a test performed pursuant to this subdivision shall bear the costs of the test.

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LegInfo (cont'd)

PC § 1463.14. (a) Notwithstanding the provisions of Section 1463, of the moneys deposited with the county treasurer pursuant to Section 1463, fifty dollars (\$50) of each fine collected for each conviction of a violation of Section 23103, 23104, 23105, 23152, or 23153 of the Vehicle Code shall be deposited in a special account that shall be used exclusively to pay for the cost of performing for the county, or a city or special district within the county, analysis of blood, breath or urine for alcohol content or for the presence of drugs, or for services related to that testing.

PC § 1463.16(a). Notwithstanding Section 1203.1 or 1463, fifty dollars (\$50) of each fine collected for each conviction of a violation of Section 23103, 23104, 23105, 23152, or 23153 of the Vehicle Code shall be deposited with the county treasurer in a special account for exclusive allocation by the county for the county's alcoholism program, with approval of the board of supervisors, for alcohol programs and services for the general population.

PC § 1463.18(a). Notwithstanding the provisions of Section 1463, moneys which are collected for a conviction of a violation of Section 23152 or 23153 of the Vehicle Code, and which are required to be deposited with the county treasurer pursuant to Section 1463 shall be allocated as follows: (1) The first twenty dollars (\$20) of any amount collected for a conviction shall be transferred to the Restitution Fund. This amount shall be aggregated by the county treasurer and transferred to the State Treasury once per month for deposit in the Restitution Fund.

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FAQ Search: DUI

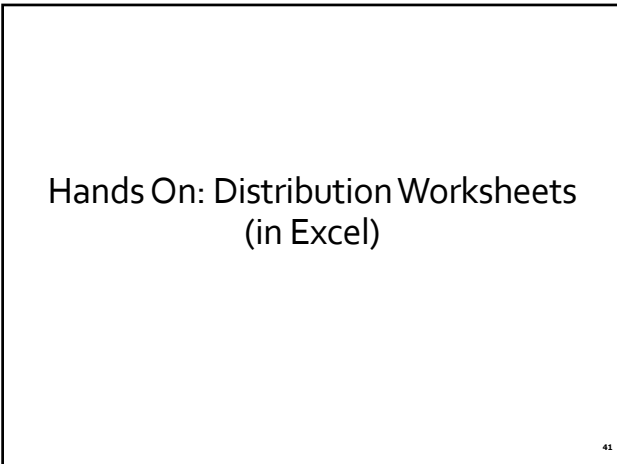
C	31	DUI Assessments	May 12, 2015	Q Should fees per Penal Code (PC) section 1463.14(a) and PC section 1463.16 be assessed on all violations of Vehicle Code (VC) sections 23103 and 23104? If so, when?
				A Yes, both fees should be assessed upon conviction of a violation of VC sections 23103 and 23104; and \$50 of each fine collected should be deposited for alcoholism program and services.

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Session Recap

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Study #1: DUI Special Distribution

- PC § 1463.14(a) — \$50 for Alcohol Lab Costs
- PC § 1463.16 — \$50 Alcohol Education
- PC § 1463.18 — DUI Indemnity Allocation of \$20

WATCH OUT FOR:

Amounts that must be deposited prior to any distributions. Any special distribution requirements and ensure that violations are cited on the same incident (citation)

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Study #1.2: Multiple Violation Distribution

Penal Code § 1464(b):

- Calculate the "additional penalties" from the total bail or fine for all offenses cited.
- When a fine is suspended, in whole or in part, the additional penalties shall be reduced in proportion to the suspension.
- Impose the EMAT penalty (GC § 76000.10); Court Operations Assessment (PC § 1465.8); and the Criminal Conviction Assessment (GC § 70373) for each offense.

WATCH OUT FOR:

Any special distribution requirements when processing a multiple violation distribution.

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Study #2: Speeding Traffic School

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.
- In short, the "total bail" becomes the TVS fee.
- Because it is a fee, the 2% state court automation no longer applies.

WATCH OUT FOR:

What is and is not part of the TVS fee.

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Study #3: Red Light Bail Forfeiture

Per PC § 1463.11:

- 30% of the base fine, PC § 1464, GC § 76000, and GC § 70372 shall be allocated to the general fund of the city or county in which the offense occurred.
- After 30% allocation, the balance (70%) shall be distributed pursuant to their respective statutes.

WATCH OUT FOR:

What is and is not part of the first 30% of the bail forfeiture.

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Study#4: Red Light Traffic School

VC § 42007.3(a)(1):

- 30% of the TVS Fee collected is allocated to the county or city general fund where the offense occurred.
- After the 30% allocation, the remainder of the TVS Fee is distributed pursuant to VC § 42007.

WATCH OUT FOR:

What is and is not part of the TVS fee.

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Top-Down Distributions

- There is no stated or agreed-upon method for performing the Top-Down distribution (these methods are examples only).
- Either method is acceptable but must be consistently applied to all cases.

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Training Evaluation

- Excellent
- Good
- Poor

- Please complete the SurveyMonkey evaluation (link below) after attending or viewing the training session.
- Your feedback is very important to us — it guides us in planning future training sessions that meet your needs.
- Thank you!

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Resources

Judicial Council Funds and Revenues Unit
Public mailbox: revenuedistribution@jud.ca.gov

State Controller's Office
Public mailbox: LocalGovPolicy@sco.ca.gov

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Questions?

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