State of California

Trial Court Revenue Distribution Frequently Asked Questions

December 2022

California State Controller's Office
and the
Judicial Council of California

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How to Navigate the FAQs

Since 2013, the California State Controller's Office (SCO) and the Judicial Council of California (JCC) have jointly facilitated trial court revenue distribution training sessions for personnel of counties, trial courts, and other entities involved in the assessment, collection, and distribution of trial court revenue. Questions received from participants of these training sessions have been compiled to create this frequently asked questions (FAQ) document.

Subsequent questions received by the SCO and JCC will be incorporated as received and researched. The SCO and JCC will collaboratively review questions as submitted and jointly agree upon responses. We may take longer to respond to the more complex questions, as they may involve further research and discussion with legal staff.

Questions are grouped into eight subject categories. The *Table of Contents* is hyperlinked for your convenience to provide quick access to each category. A keyword is assigned to each question to assist with searching for relevant questions and their answers. The table on the next page summarizes the questions by keyword, category, and quantity.

Submitted questions may have been paraphrased for clarity or parsed into multiple components to simplify them and their associated responses. If you submitted a question, 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, are seeking clarification of responses to prior questions, or have new questions, please submit them to one of the e-mail addresses noted below. When applicable, please reference an existing question and answer using the category and question number listed in the current FAQs.

Submit questions to:

JCC Revenue Distribution	RevenueDistribution@jud.ca.gov
JCC Collections	Collections@jud.ca.gov
SCO Revenue Distribution	LocalGovPolicy@sco.ca.gov

The FAQs – along with manuals, worksheets, recorded training sessions, and other training and revenue distribution materials – are available on the SCO website at http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html, or on the JCC website at http://www.courts.ca.gov/revenue-distribution.htm.

FAQs 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 may be retained to provide historical reference where appropriate. New questions and/or updated responses will be bolded with an "as of date" until the next FAQ document revision.

FAQ Keywords and Categories

	Categories								
Keywords	**A**	**B**	**C**	**D**	**E**	**F**	**G**	**H**	**Total**
2% Automation			2			1			**3**
50/50 MOE			6						**6**
Audit Reports								1	**1**
Bail Bond Forfeitures			2						**2**
Bail Schedule	5								**5**
Base Fine			1						**1**
Board of Supervisors			5						**5**
Bond Indebtedness				1					**1**
Calculation								1	**1**
Civil Assessment	1		5						**6**
Community Service/Custody Credit	1		3						**4**
Cost Analysis	1								**1**
Court Minute Record	3								**3**
Court Operations Fee			2						**2**
Court Ordered Debt			2						**2**
Discharge					2				**2**
Distribution	5								**5**
Distribution Guidelines		5	1						**6**
DNA			1						**1**
Document Retention								5	**5**
DUI Assessments			3						**3**
Enhancements	3		9						**12**
Escheated Funds					2				**2**
Facilities			2						**2**
GC 76000 Local Penalty			1						**1**
GC 76000.3 Parking Penalty				2					**2**
Installment Payment Fee			5						**5**
Jurisdiction	6								**6**
Juvenile	5		2						**7**
Late Charge			5	1		2			**8**
Late Penalty Under VC 40310	4								**4**
Legislation	3								**3**
Mandatory Assessments	2								**2**
Moving Violations			1						**1**
Night Court Fee			2						**2**
Overpayment					1				**1**
Parking Assessments				2					**2**
Parking Remittances				3					**3**
Penalty Assessments						3			**3**
Priority	10		1						**11**
Priors Assessment VC 40508.6			8						**8**
Priors Enhancement			1						**1**
Probation	6								**6**
Proof of Correction				2					**2**
Proof of Financial Responsibility			1						**1**
Proof of Insurance						1			**1**
Railroad Crossings			1						**1**
Remittances					1				**1**
Resources	4								**4**
Restitution			3						**3**
Spreadsheets							4		**4**
Statute of Limitations								2	**2**
TC-31					17				**17**
Top Down Distribution						5			**5**
Traffic Assistance Program F			1						**1**
TVS			6						**6**
VC 40225				2					**2**
VC 40226				1					**1**
Violation Date vs. Conviction Date			4						**4**
Total	**59**	**5**	**86**	**14**	**23**	**12**	**4**	**9**	**212**

Category A: General Questions

Cat.	Q No.	Keywords	Response as of Date		Questions and Responses
A	1	Bail Schedule	January 6, 2017	Q	Where or to whom at the Judicial Council should local courts send their annual updates to the Local County Bail Schedule?
				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: Criminal Justice Services Judicial Council 455 Golden Gate Avenue San Francisco CA 94102-3688
A	2	Bail Schedule	May 13, 2013	Q	Where can I find the details/rules/requirements for public notice of the Local County Bail Schedule?
				A	Refer to the California Rules of Court (CRC) Rule 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.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	3	Bail Schedule	July 9, 2014	Q	If the Vehicle Code only mandates fine amounts, is the Uniform Bail and Penalty Schedule just a suggested amount?
				A	No. Under Vehicle Code section 40310 and Penal Code (PC) section 1269b(c), courts are required to follow the Judicial Council's bail schedule for traffic infractions unless there are reduced penalties that apply in the county. Option counties, as defined by Section 77004 of the Government Code, may elect to increase the bail under PC section 1463.28; or a judicial officer may exercise discretion in sentencing for an individual case. The Judicial Council's bail schedules for traffic misdemeanors and non-traffic violations provide recommendations for courts to follow in adopting county bail schedules under PC section 1269b. California Rules of Court, Rule 4.102, requires courts to give consideration to the Uniform Bail and Penalty Schedules approved by the Judicial Council when adopting local county bail schedules. Under Rule 4.102, after adoption of a local county bail schedule, a court is required to mail a copy of the local bail schedules to the Judicial Council with a report stating how the schedules differ from the schedules approved by the council. This Rule can be found at http://www.courts.ca.gov/cms/rules/index.cfm?title=four&linkid=rule4_102.
A	4	Bail Schedule	June 13, 2017	Q	Why does the Uniform Bail and Penalty Schedule not apply to all counties?
				A	Penal Code section 1463.28 allows for specified counties to adopt a bail schedule that exceeds the Uniform Bail and Penalty Schedule.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	5	Bail Schedule	May 15, 2018	Q	If the base fine of an infraction violation is not stated in the Uniform Bail and Penalty Schedule or in any statute code, what base fine amount should we impose? Is there a statute code associated with that?
				A	The Uniform Bail and Penalty Schedule contains the most common violations, but it does not include all violations. However, pursuant to Penal Code section 19.8, infractions are punishable by a fine not to exceed $250, unless a different punishment is prescribed.
A	6	Civil Assessment	January 6, 2017	Q	When notice of Failure to Appear or Failure to Pay is sent to a defendant, is the civil assessment already included, or is the civil assessment added after 20 days?
				A	Under Penal Code section 1214.1(b)(1), the civil assessment is imposed by the court to be effective 20 calendar days after mailing of a notice of the assessment. If the defendant appears within the 20 days and shows good cause for the failure to appear or failure to pay, the court must vacate the assessment.
A	7	Community Service/ Custody Credit	May 13, 2013	Q	When judges order community service in lieu of a fine, they are ordering the service for the total amount of the fine. Should judges be ordering community service for the fine amount, and then waiving the assessment fees separately on the record?
				A	The court operations assessment (previously known as a court security fee) under Penal Code section 1465.8 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.

Cat.	Q No.	Keywords	Response as of Date		Questions and Responses
A	8	Cost Analysis	July 6, 2017	Q	How often should cost studies be updated?
				A	We are not aware of a statute or policy that addresses how often to update cost studies. Nevertheless, cost studies should reflect the current actual operating costs for performing a specific activity. As the major component of operating costs will likely come from labor costs, entities should consider preparing a new cost study whenever a material change in labor cost or the level of effort associated with the specific activity occurs.
A	9	Court Minute Record	May 15, 2013	Q	When fines and fees are ordered, is the judge/commissioner required 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 for each of the counts of which defendant is convicted, including the stayed counts (People v. Sencion (2012) 211 Cal.App.4th 480, 484).
A	10	Court Minute Record	May 12, 2015	Q	If there are more than three convictions for violation of the Health and Safety Code, but only a $150 county drug program fee is ordered, can a clerk add fees for the other two convictions?
				A	Unless delegated authority to the clerk is clearly outlined in a standing order, the clerk should charge only the amount ordered, as stated on the minute order.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	11	Court Minute Record	May 12, 2015	Q	Is it acceptable for a judge to state "plus all penalties and assessments" or must the judge cite each one?
				A	Pursuant to People v. High (2004), 119 Cal. App. 4th 1192, it is necessary for a judicial officer to verbally cite all fines and fees and abstract them as separate fines, fees, penalties, assessments, and/or surcharges to prevent mistakes or ambiguity.
A	12	Distribution	April 18, 2013	Q	If our court finds an error in a distribution or various distributions, we make the changes in the distributions going forward. How far back must we go to make the corrections to the distributions? The current fiscal year? Or as far back as the last audit?
				A	The corrections must be made as far back as the last SCO audit.
A	13	Distribution	July 15, 2013	Q	If a citation is issued pursuant to the California Code of Regulations, how do I determine distribution?
				A	Unless the regulation or the statute that it enforces specifies a distribution method, the citation will be distributed pursuant to Penal Code section 1463.001.

Cat.	Q No.	Keywords	Response as of Date		Questions and Responses
A	14	Distribution	June 3, 2016	Q	Are fines for violations of California Code of Regulations chapters, which are based on the Fish and Game Code (F&G), distributed as F&G fines or as basic criminal fines?
				A	F&G section 13003 governs these distributions, and states, in part: Unless otherwise provided by law, all fines and forfeitures imposed or collected in any court of this state for violations of any of the provisions of this code or regulation made pursuant thereto, or any other law providing for the protection or preservation of birds, mammals, fish, reptiles, or amphibia, shall be deposited as soon as practicable after the receipt thereof with the county treasurer of the county in which the court is situated…..
A	15	Distribution	June 3, 2016	A	Does the additional penalty per Fish and Game Code (F&G) section 12012 apply to CCR Title 14 Fish and Wildlife violations?
				Q	Yes. F&G section 12012 states: In addition to any assessment, fine, penalty, or forfeiture imposed pursuant to any other provision of law, an additional penalty of fifteen dollars ($15) shall be added to any fine, penalty, or forfeiture imposed under this code for a violation of this code or a regulation adopted pursuant thereto.
A	16	Distribution	June 3, 2016	Q	How do county/city local ordinances apply to specific fine and forfeiture distributions? For example, Food and Agriculture Code (F&A) section 31663 applies to violations of F&A sections 31601 through 31683. Should we include county/city local ordinances on dangerous or vicious dogs with this type of distribution?
				A	Local ordinances do not supersede distributions listed in statute; they can only complement the distributions directed in statute. As to fines, when permitted by statute, local ordinances may specify fine amounts when they are not specified by statute.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	17	Enhancements	May 13, 2013	Q	What is the statute or basis for the base fine enhancement for "priors" noted in Bail Schedule section VII of the Uniform Bail and 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	18	Enhancements	May 15, 2018	Q	Must the $15 penalty pursuant to Fish and Game Code (F&G) section 12021 be assessed on fishing-without-a-license cases? Years ago, our court was informed that it must be added on all F&G violations *except* fishing without a license.
				A	F&G section 12021 states that the $15 penalty shall apply to all Fish and Game Code violations except F&G section 12002.1(b) and F&G section 12002.2(b), which govern cases where persons charged with failure to display or possess a required license, tag, seal, or stamp, produce a valid license, tag, seal, or stamp in court. In addition, the penalty does not apply to violations of regulations governing wearing or displaying a fishing license. However, the penalty would apply if the violator does not have the appropriate license.
A	19	Enhancements	May 16, 2018	Q	Is there an enhanced fine for Vehicle Code violations in a school zone? We often receive violations in a school zone but could not find any information governing them in the Uniform Bail and Penalty Schedule or statutes on additional enhancement.
				A	No, there are no enhanced fines for violations in school zones.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	20	Jurisdiction	April 1, 2013	Q	How should we handle distribution of "out of county" citations?
				A	The arresting agency's jurisdiction would receive the funds (53 Ops. Cal. Atty. Gen. 29 (1969)).
A	21	Jurisdiction	April 1, 2013	Q	When a police officer who is employed by one city writes a ticket in another city, which city has jurisdiction? For example, when a police officer of City A writes a ticket in City B, which city gets the money—City A, as that officer's employer, or City B, in whose jurisdiction the officer wrote the ticket? Please clarify whether we should distribute based on the location of an arrest when distributing per Penal Code section 1463.001. We have agencies that frequently do traffic enforcement in jurisdictions other than their own.
				A	Unless otherwise specified by law, the arresting agency. In the example above, distribution would be to the arresting agency, City A (53 Ops.Cal.Atty.Gen. 29 (1969)).

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	22	Jurisdiction	April 1, 2013	Q	If the city has a police department and the California Highway Patrol (CHP) writes a citation in that city, is the county exempt from sending the city revenue under Penal Code section 1463.002? In other words, when the city has its own police department, does all the revenue go to county?
				A	The location that the CHP officer writes on the citation determines whether the arrest is considered a "city arrest" or a "county arrest," as defined in Penal Code (PC) section 1463. If the CHP officer cites the location of the violation as occurring within city limits, then the arrest is considered a "city arrest;" otherwise, the arrest is considered a "county arrest." Distribution will follow PC section 1463.001 and PC section 1463.002. For more information on distribution of PC section 1463.001 collections, refer to SCO's *Trial Court Revenue Distribution Guidelines*.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	23	Jurisdiction	May 12, 2015	Q	When schools issue DUI and speeding citations, are they enforceable by the court, or must fines collected be remitted to the local court/county?
				A	Statutes that govern citations for infractions and Vehicle Code violations authorize peace officers to issue Notices to Appear to be filed with the court. As defined under both the Education Code (sections 38000 et seq.; 72330 et seq.; 89560 et seq., and 92600 et seq) and the Penal Code (sections 830 et seq.), peace officers include: 1) persons employed and compensated as members of a police department of a school district, when duly sworn; 2) members of a California Community College police department; 3) any peace officer employed by a K-12 public school district who has completed training as a school police officer; and 4) members of the University of California Police Department or the California State University Police department. Citations issued by these peace officers should be treated in the same manner as citations issued by local peace officers.
A	24	Jurisdiction	June 3, 2016	Q	Are arrests made by the University of California (UC) and California State University (CSU) police departments considered "city" arrests or "county" arrests?
				A	Penal Code (PC) section 830.2 indicates that UC and CSU police personnel qualify as "state" officers. PC section 1463 states that an arrest by a state officer (other than a California Highway Patrol officer within city limits) would be a "county" arrest.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	25	Jurisdiction	June 13, 2017	Q	When cities disband their police agencies and establish contracts with the County Sheriff for patrol services, who is entitled to the revenue distribution? If the city pays the Sheriff for services, should the city receive the distribution in these contractual circumstances?
				A	Unless agreed to otherwise, the Sheriff, as contracted law enforcement, should be paid the amount stipulated in the contract for the specified services. Any revenue collected from citations issued by the contracted law enforcement within city limits should be distributed to the city.
A	26	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 imposed pursuant to Penal Code section 1465.8 and the criminal conviction assessment imposed pursuant to Government Code (GC) 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 and Institutions Code section 255. (See Egar v. Superior Court (2004) 120 Cal.App.4th 1306, which held 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.)
A	27	Juvenile	May 12, 2015	Q	How does distribution differ between juvenile and adult cases?
				A	There is no difference between the distribution of fines from adult court and fines from juvenile cases that are heard in adult court.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	28	Juvenile	May 12, 2015	Q	On a juvenile DUI, which fees are not applicable?
				A	The Criminal Conviction Assessment and Court Operations Assessment are imposed upon conviction and are applicable to juvenile DUI cases only if the case was heard in adult court and resulted in a conviction.
A	29	Juvenile	June 3, 2016	Q	Does the mandatory State Penalty per Vehicle Code section 40310 apply to juveniles processed in juvenile court because it applies to infractions?
				A	Yes. The mandatory state penalty in Penal Code section 1464 is not contingent upon conviction per se; therefore, according to Welfare and Institutions Code section 258, a juvenile may be subject to the same fine as an adult, except as specified.
A	30	Juvenile	June 12, 2017	Q	Are penalties and assessments required for juvenile traffic offenses? The court currently imposes only the adult base fine, distributed per Penal Code section 1463.002.
				A	Generally, penalties and assessments are required for juvenile cases. The difference between juvenile and adult assessments is that only those assessments imposed upon conviction, such as the criminal conviction and court operations assessments, are not assessed on juveniles unless their cases are adjudicated in adult court.
A	31	Late Penalty under VC 40310	April 18, 2013	Q	How long has the 50% late penalty listed 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.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	32	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. For more information on the distribution of VC section 40310 collections, refer to SCO's *Trial Court Revenue Distribution Guidelines*.
A	33	Late Penalty under VC 40310	July 9, 2014	Q	The late penalty imposed pursuant to Vehicle Code (VC) section 40310 (50% late penalty) applies 20 days after a notice is sent. What happens if no notice is sent?
				A	If the court has not mailed a notice that the traffic penalty has been assessed by the court, then a late charge cannot be added. Under VC section 40310, a 50% late charge is due from the defendant after 1) the court has mailed a notice informing the defendant that the court has assessed a traffic penalty; and 2) the defendant fails to pay the traffic penalty within 20 days of the mailing of this notice.
A	34	Late Penalty under VC 40310	June 3, 2016	Q	Does the 50% late penalty authorized by Vehicle Code (VC) section 40310 apply to non-adjudicated traffic cases (FTAs)?
				A	No, the 50% late penalty does not apply to FTAs. In traffic cases, if a case is adjudicated and payment is not made within 20 days of notice of a judgement, then the mandatory 50% late charge under VC section 40310 applies.

Cat.	Q No.	Keywords	Response as of Date		Questions and Responses
A	35	Legislation	January 6, 2017	Q	How will we be notified about statutory changes that affect distributions?
				A	The California Legislative Information website provides useful tools to keep track of statutory changes. An example is the My Subscriptions tab on http://leginfo.legislature.ca.gov/. In addition to the annual revision of SCO's *Trial Court Revenue Distribution Guidelines*, the SCO also posts addenda to the *Guidelines*, including any changes in court revenue distribution statutes that would take effect before the next revision of the *Guidelines*.
A	36	Legislation	April 1, 2013	Q	How can the probation department receive notification of distribution changes?
				A	Refer to A-35, immediately above. Probation departments may also ask courts to provide them with updates to distribution tables.
A	37	Legislation	January 6, 2017	Q	Do any resources exist that list the sunset dates (other than the individual code sections) for all fines/fees/penalty assessments that have end dates?
				A	The *Trial Court Revenue Distribution Guidelines*, found on the SCO website, highlights the sunset dates of some code sections that have specified them. However, it is important that you check current code, as more recent legislation may have taken effect since the last update.
A	38	Mandatory Assessments	April 1, 2013	Q	When must a court assess a fine or fee?
				A	When the statute requires the fine or fee (mandatory language such as must, shall, will) and/or it is a minimum mandatory amount.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	39	Mandatory Assessments	July 9, 2014	Q	If a fine is mandatory (e.g., County Drug), is the penalty assessment also mandatory?
				A	Yes. Applicable penalty assessments are mandatory for criminal fines. See *People v. Castellanos (2009) 175 Cal.App.4th 1524*. If a fine is imposed and suspended, Penal Code section 1464(b) requires that penalty assessments be reduced in proportion to the fine suspension.
A	40	Priority	January 6, 2017	Q	How should we apply payments to traffic citations if a 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. For more information on the priority of a specific court revenue distribution, refer to SCO's *Trial Court Revenue Distribution Guidelines* (pages 5-6). A column is solely dedicated to indicating the priority of distribution.
A	41	Priority	April 18, 2013	Q	If there are multiple court orders, including restitution and non-restitution charges, in what order should a defendant make payments? Should the defendant 1) pay restitution first to all the court orders, and then pay all the non-restitution charges; or 2) pay restitution to the oldest court order first, then pay the associated non-restitution charges, before paying restitution to the next court order?
				A	The defendant should pay restitution first to all the court orders.
A	42	Priority	April 18, 2013	Q	Is there a payment priority for Vehicle Code, Penal Code, Health and Safety Code, etc. for multiple offenses?
				A	No, these payments follow regular distribution.

Cat.	Q No.	Keywords	Response as of Date		Questions and Responses
A	43	Priority	April 18, 2013	Q	Should a defendant pay the monthly work fee or restitution to victims first?
				A	The defendant should pay restitution to victims first.
A	44	Priority	April 18, 2013	Q	In the installment payment priority, must all payments be applied to court-ordered fines 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.
A	45	Priority	April 18, 2013	Q	How long have distributions per Penal Code section 1463.18(a)(1) been the top priority in Priority 3?
				A	Distributions per this section have been the top priority since AB 3000, which established the priority of installment payments, was enacted in 2002.
A	46	Priority	May 14, 2013	Q	What priority level should these penalties/ assessments be: A. Government Code (GC) section 70372(a) – State Court Construction Penalty – the portion distributed to the State Court Facilities Construction Fund; and B. GC section 70373 – Criminal Conviction Assessment
				A	A. The state court construction penalty is included in priority 3. Per Penal Code section 1203.1d(b)(3), priority 3 applies to any fines, penalty assessments, and restitution fines ordered pursuant to subdivision (b) of Section 1202.4 of the Penal Code. Payment of each of these items shall be made on a proportional basis to the total amount levied for all of these items. B. The criminal conviction assessment is a non-punitive fee, and therefore is included in priority 4.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	47	Priority	July 16, 2013	Q	If payments are made via installments, is distribution with proration by priority correct? For example, if an account receivable (A/R) has the following: • 20% Surcharge (Priority 2): $20 • Base Fine (Priority 3): $100 • County Penalty Assessment (PA) (Priority 3): $30 • State Courthouse Construction (Priority 3): $50 • State PA (Priority 3): $70 • Court Operations Assessment (Priority 4): $40 • Criminal Conviction (Priority 4): $35 The defendant pays $50, which is distributed as follows: • The 20% Surcharge ($20) is paid in full, as it has the highest priority. • The remaining $30 is then distributed among the Priority 3 items. We use a percent to total to distribute the monies equitably. In this case, Priority 3 items total $250 ($100 + $30 + $50 + $70). The distribution is as follows: o The Base Fine is 40% of $250; that percentage is applied to the $30 balance, with a result of $12. o The County PA is 12% of $250; that percentage is applied to the $30 balance, with a result of $3.60. o The State CHC is 20% of $250; that percentage is applied to the $30 balance, with a result of $6. o The State PA is 28% of $250; that percentage is applied to the $30 balance, with a result of $8.40.

Cat.	Q No.	Keywords	Response as of Date		Questions and Responses
A	47 (cont.)	Priority	July 16, 2013	A	In general, there are no priorities within a priority level, and the installment payment would be equitably distributed between the various penalties and assessments. However, there is an exception within Priority 3, regarding distribution pursuant to Penal Code section 1463.18 for DUI violations. After priorities 1 and 2 have been paid, this distribution must occur before the remaining Priority 3 distributions are made.
A	48	Priority	May 16, 2018	Q	When there are multiple court orders, including orders to pay restitution to victims and orders to pay other non-victim restitution amounts, what should the priority of the payments be?
				A	Constitutional and statutory authority require that restitution orders, or parts of orders, be given first priority of distribution. When money is collected from a defendant for multiple orders, the restitution orders, or parts of orders, are to be paid first. Only when the restitution orders have been satisfied may money be disbursed to pay the defendant's other court debts in the order set forth for those amounts. Therefore, even if a defendant has an older case without a restitution order and a more recent case with a restitution order, the victim's restitution order must be paid first. In cases with multiple victims, the restitution orders, or parts of orders, should be paid before other non-victim restitution amounts. However, payments made and distributed prior to the imposition of the restitution order do not have to be redistributed.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	49	Priority	June 3, 2016	Q	Are distributions to cities, the Maddy Emergency Medical Services Fund, and the Criminal Justice Facilities Fund under Vehicle Code section 42007 a priority 4 or a priority 3 for installment payments?
				A	All distributions of Traffic Violator School fees pursuant to Vehicle Code section 42007 are Priority 4.
A	50	Probation	May 17, 2013	Q	Should fines and penalties be assessed separately 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 imposed pursuant to Penal Code section 1465.8 and the criminal conviction assessment for court facilities imposed pursuant to 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 the 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 (court operations assessment) a condition of the defendant's probation because the fee had a non-punitive purpose and was collateral to the defendant's crimes; and *People v. Woods* (2010) 191 Cal.App.4th 269, holding that there was no authority that allowed a court facilities (conviction) assessment, restitution fine, and court security fee to be stayed when the defendant was placed on probation.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	51	Probation	January 1, 2016	Q	Under Penal Code section 1203.9, if a defendant owes court-ordered debt to both a transferring county and a receiving county, how is that money collected and disbursed?
				A	Effective January 1, 2016, the Transferring Court is responsible for the collection and distribution of any payments made by the defendant. However, with approval from the Transferring Court, the Receiving Court may collect unpaid court-ordered debt and remit to the Transferring Court for distribution. See "Intercounty Fiscal Procedures" at http://www.courts.ca.gov/partners/455.htm.
A	52	Probation	May 17, 2022	Q	Can the court order probation service fees?
				A	Beginning July 1, 2021, the court may not order probation service fees. Penal Code section 1203.1b is repealed as of July 1, 2021.

Cat.	Q No.	Keywords	Response as of Date		Questions and Responses
A.	53	Probation	May 12, 2015	Q	Are Penal Code (PC) section 1463.001 distributions, in cases of formal probation with fines owed, exempt from the city-county split (unlike summary probation cases)?
				A	All fines and forfeitures imposed and collected for crimes other than parking offenses are distributed pursuant to PC section 1463.001. Base fines without specific distributions are distributed 100% to the county for county arrests, and are split between the city and county for city arrests, pursuant to PC section 1463.002.
A	54	Probation	May 12, 2015	Q	If probation expires but fines are outstanding, who is responsible for pursuing collection?
				A	Whichever agency is responsible for pursuing collection of delinquent court-ordered fines, depending on the arrangements made by each county and court.
A	55	Probation	May 17, 2022	Q	When a defendant is terminated from deferred entry of judgment (DEJ) and placed on formal probation with fines and fees ordered, must the defendant pay DEJ fees in addition to new fines and fees on the same case?
				A	Penal Code section 1000.3(e) states: > Prior to dismissing the charge or charges or terminating pretrial diversion, the court shall consider the defendant's ability to pay and whether the defendant has paid a diversion restitution fee pursuant to Section 1001.90, if ordered, and has met his or her financial obligation to the program, if any. Based on this language, the defendant is responsible for the new fines and fees as well as the DEJ fees, but the court must consider the defendant's ability to pay.

Cat.	Q No.	Keywords	Response as of Date		Questions and Responses
A	56	Resources	April 18, 2013	Q	Where can I find information on the percentages of a fine distribution to the county, city, etc.?
				A	The *Trial Court Revenue Distribution Guidelines* document on the SCO website provides this information; it is available at http://sco.ca.gov/ard_trialcourt_manual_guidelines.html. Refer to current legislation to verify accuracy.
A	57	Resources	December 9, 2015	Q	Where can we find a list of what is defined as a "fee" vs a "fine?" We have heard different courts define the terms differently.
				A	Unfortunately, there is no separate list that specifies those amounts treated as fees vs. those treated as fines. However, the *Trial Court Revenue Distribution Guidelines*, located on the SCO website, do indicate when an assessment labeled as a fee is to be treated as a fine, as well as the reverse. Refer to specific entries in the *Guidelines* for additional information.
A	58	Resources	December 9, 2015	Q	Where can we find a list of current fines/fees that have sunset dates?
				A	There is no separate list of sunset dates for fines and fees. However, the *Trial Court Revenue Distribution Guidelines* do indicate the sunset date for individual code sections, where appropriate.

Cat.	Q No.	Keywords	Response as of Date		Questions and Responses
A	59	Resources	June 3, 2016	Q	Who do we contact at the SCO for questions about 50/50 Maintenance of Effort (MOE) excess, and to acquire the electronic version of the annual report?
				A	Questions regarding the distribution of trial court revenue, including the calculation and distribution of MOE excess, may be submitted to LocalGovPolicy@sco.ca.gov. Questions related to the TC-31 may be submitted to LGPSDTaxAccounting@sco.ca.gov. The annual report is from the Judicial Council of California and may be requested from revenuedistributions@jud.ca.gov.

Category B: Trial Court Revenue Distribution Guidelines

Cat.	Q No.	Keywords	Response as of Date		Questions and Responses
B	1	Distribution Guidelines	April 18, 2013	Q	When will the SCO issue an updated version of the *Trial Court Revenue Distribution Guidelines*?
				A	We anticipate that the *Guidelines* will be updated in January of each year.
B	2	Distribution Guidelines	April 18, 2013	Q	Why do the *Guidelines* separate the tables?
				A	The *Guidelines* are categorized into tables to address code sections that share similar exceptions, conditions, or distributions. Surveys for feedback on the *Guidelines* were provided at training sessions and on the SCO website. Based on the responses from these surveys, the layout and organization of the *Guidelines* may change in future revisions.
B	3	Distribution Guidelines	April 18, 2013	Q	Do the *Trial Court Revenue Distribution Guidelines* include discretionary/mandatory language?
				A	The SCO intends to add this language to future revisions of the *Guidelines.*
B	4	Distribution Guidelines	April 1, 2013	Q	When Revision 22 came out in 2010, it appeared that any changes from the previous version were in bold font. I just noticed a change that is not in bold font; should it not be there?
				A	If you believe that you have found a mistake in the *Guidelines*, please contact the SCO at LocalGovPolicy@sco.ca.gov.
B	5	Distribution Guidelines	June 3, 2016	Q	Does any single worksheet have all of court/county codes, penalties, and fine amounts?
				A	No. Local ordinances, fines, penalties, and fees differ from county to county. Refer to your local countywide bail schedule, which courts must adopt annually to set bail per the requirements that apply to their jurisdictions.

Category C: Statutes

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	1	2% Automation	May 17, 2013	Q	Does 2% automation apply to the penalty assessment imposed pursuant to Penal Code section 1463.25?
				A	Yes. As Government Code section 68090.8 states, the 2% automation transfer applies to fines, penalties, and forfeitures collected in criminal cases.
C	2	2% Automation	June 3, 2016	Q	Which fines are subject to the 2% automation charge?
				A	Government Code section 68090.8 states that the 2% automation transfer applies to "all fines, penalties, and forfeitures collected in criminal cases." It does not apply to civil cases, or to fees imposed in criminal cases.
C	3	50/50 MOE	April 18, 2013	Q	What will the Excess Maintenance of Effort (MOE) payment per Government Code (GC) section 77205 be when the total excess MOE is negative, or the total eligible revenue collection is less than required MOE payment under GC section 77201.1?
				A	If the total qualified revenues used to calculate the 50/50 MOE is under the threshold, then no additional payment is needed.
C	4	50/50 MOE	April 18, 2013	Q	Why is the threshold amount for calculating the Maintenance of Effort payment based on fiscal year 1998-99?
				A	That is what is required in statute (Government Code section 77205).

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	5	50/50 MOE	July 22, 2013	Q	Regarding the $2 Traffic Violator School (TVS) allocation from county's share: what statute clearly states that the $2 TVS fee – $1 per Government Code (GC) section 76100 and $1 per GC section 76101 – should come from county's share?
				A	Pursuant to GC section 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 they read on December 31, 1997. As of December 31, 1997, Vehicle Code (VC) section 42007(b)(1) stated that the 77% of revenues derived from TVS fees should be deposited into the State General Fund before distribution to local constructionfunds. As of December 31, 1997, VC section 42007(b)(2) stated that the remaining amount collected under subdivision (a) should be deposited in the county's general fund—provided that, in any county in which a fund was established pursuant to Chapter 12 of Title 8 of the Government Code, the sum of one dollar ($1) for each fund so established was deposited with the county treasurer and placed inthat fund. In summary, the total distributions to the local construction funds came out of the county's 23% portion of the fee. Therefore, the Maintenance of Effort calculation should be based on 77% of the total fee, not 77% of the fee net of local construction distributions.
C	6	50/50 MOE	July 9, 2014	Q	On a red-light violation in the county, is the 30% distribution to the ticketing agency part of Government Code (GC) section 77205(a)?
				A	The 30% distribution to the ticketing agency is not part of GC section 77205(a) money. The 30% allocation is made prior to the Penal Code section 1463.001 distribution to the county general fund, so it is separate from the distributions that are used in the GC section 77205 maintenance of effort calculations. This means that the 30% distribution is not a GC section 77205(a) revenue.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	7	50/50 MOE	July 9, 2014	Q	Are the Courthouse Construction Fund and Criminal Justice Facilities Fund subject to the 77% listing on the 50/50 Maintenance of Effort (MOE) calculation at Vehicle Code section 42007?
				A	No. The 77% listing is derived from Government Code section 77205, which details how to calculate the 50/50 split from the excess revenue of eight penalty assessments (including VC section 42007) based on how the code read on December 31, 1997. At that time, 77% of VC section 42007 collections went to the State's General Fund, pursuant to VC section 42007(b)(1); the remaining 23% went to the county's general fund and local construction funds, pursuant to VC section 42007(b)(2). The 77% of the VC section 42007 collections distributed to the State's General Fund **does not** include distributions from the Courthouse Construction Fund and the Criminal Justice Facilities Construction Fund. The $1 to the Courthouse Construction Fund and the $1 to the Criminal Justice Facilities Construction Fund should be deducted only from the remaining 23% of the VC section 42007 collections.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	8	50/50 MOE	December 9, 2015	Q	Please clarify exactly how Traffic Violator School (TVS) fees should be reported, given the prohibition on reducing the calculation basis for the Maddy Emergency Medical Services Fund, Courthouse Construction Fund, Criminal Justice Facilities Fund, and cities. There is a FAQ that discusses the Construction Fund impacts, but nothing that explains Maddy and cities. Could you show how the TVS fees get reported on the ROR, and the 50/50 split calculation for the Construction funds, Maddy, and cities?
				A	Pursuant to Government Code section 77205, the 50/50 split of revenues is calculated based on what would have been remitted to the State General Fund pursuant to all applicable statutes as they read on December 31, 1997. Prior to 1998, Vehicle Code section 42007 required that 77% of the TVS fee revenue be deposited into the State General Fund. The remaining amount collected was to be deposited in the county's general fund. There were no provisions for the Maddy EMS penalties or distributions to cities for city arrests. Therefore, the MOE calculation should be based on 77% of the total TVS fee collected and deposited into the county general fund, with no reduction for any distributions from TVS fees.
C	9	Bail Bond Forfeitures	July 22, 2013	Q	What is the correct distribution of bail bond forfeitures? Are they subject to state/county penalty assessments, 2% automation, etc.? This seems to be a common SCO audit finding.
				A	Health and Safety Code 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 sections 1463.001 and 1463.002. All bail bond forfeitures are exempt from penalty assessments and the state surcharge.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	10	Bail Bond Forfeitures	July 9, 2014	Q	Is there a Penal Code section that provides guidance on how to distribute criminal bail bond summary judgments and cash bail forfeitures?
				A	Summary judgment on bail bond forfeitures is generally governed by Penal Code (PC) sections 1305, 1306, and 1307. The only special distribution requirement for summary judgment on forfeiture of bail bonds for Penal Code or Health and Safety Code violations is under PC section 1463.009 for certain Penal Code sex crimes. Health and Safety Code bail bond forfeitures are subject to the 2% state court automation distribution per Government Code (GC) section 68090.8 and per Health and Safety Code section 11502. The remainder is generally distributed 75% to state and 25% to the city, if the offense occurred in the city. If the offense occurred outside the city, then the 25% is distributed to the prosecuting county. Penal Code bail bond forfeitures are also subject to the 2% per GC section 68090.8, and the remainder is generally distributed per PC section 1463.001 and PC section 1463.002. Bail bond forfeitures are not subject to penalty assessments or the state surcharge. For further information, see Tables 1, 2, and 3 of the SCO *Trial Court Revenue Distribution Guidelines*. They provide further distribution guidance for forfeitures, including distribution pursuant to PC sections 1463.001 and 1463.002, special distributions prior to PC section 1463.001 distribution, and specific distributions required for certain violations.
C	11	Base Fine	May 13, 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.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	12	Board of Supervisors	April 1, 2013	Q	Per Government Code section 76000, regarding the county's distribution of the $7 on $10 penalty, the court gives the county $7 and the county distributes. Would the court need a resolution in this case?
				A	No, it would not. However, it is advisable to request a copy of the resolution for documentation purposes to support the assessments and distributions that are made.
C	13	Board of Supervisors	July 9, 2014	Q	Please clarify Government Code (GC) 70402(a)(2) in relation to GC 76000(a)(2) and the bond indebtedness date. If the bond indebtedness occurred after January 1, 1991, but the Board of Supervisors issued a resolution to remit to the Local Courthouse Construction Fund, does the Board's resolution prevail?
				A	No. Statutes would prevail.
C	14	Board of Supervisors	July 9, 2014	Q	How frequently must the Board of Supervisors update resolutions? Only when statute changes? Annually? Never?
				A	The Board of Supervisors should update resolutions as statutes change or when local circumstances change.
C	15	Board of Supervisors	May 12, 2015	Q	When an amount imposed differs from statute, or it is not updated on a Board of Supervisor (BOS) resolution, should the amount be listed in a resolution?
				A	If the amount being imposed differs from statute, then the amount should be referenced in a BOS resolution or outlined in local policy or rule of court that states "reference statutory change."

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	16	Board of Supervisors	June 3, 2016	Q	Is it mandatory for counties to break down the Government Code (GC) section 76000 penalty assessment ($7 for every $10) in their board resolutions as it is presented in the distribution worksheets?
				A	Yes; funds collected pursuant to GC section 76000 may be allocated only pursuant to resolutions adopted by the Board of Supervisors, as stated in GC section 76106: With respect to any fund established pursuant to this chapter, the penalty amounts to be deposited in the fund shall be specified by resolution adopted by the board of supervisors of each county consistent with the authorizations set forth in this article and Article 3 (commencing with Section 76200). The resolution shall set forth the amounts to be placed in the fund and shall instruct the clerk of the board of supervisors to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of each court in the county.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	17	Civil Assessment	July 1, 2022	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 $100 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 20-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)). Civil assessments are deposited with the county treasurer as provided in PC section 1463.001 and transmitted to the State Treasurer for deposit into the state General Fund.
C	18	Civil Assessment	May 12, 2015	Q	If a civil assessment is the only fine or fee ordered by the judge, can we add it to the state restitution fine even if the restitution fine is delinquent?
				A	Yes. The civil assessment may be added to delinquent fines.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	19	Civil Assessment	July 6, 2017	Q	Can we add a civil assessment for Failure to Pay when a defendant has not agreed to a payment plan? We have many defendants who send partial payment in response to the courtesy notice stating the fine for a ticket, then fail to pay the balance. There is no payment plan or agreement. May we accept the underpayment and also civilly assess a $100 fee?
				A	The court may accept the partial payment, but 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 (VC) section 40510.5 (Penal Code section 1214.1). VC section 40510.5(a)(4) requires a written agreement. Nevertheless, the court may impose a civil assessment for failure to appear in the cases described, assuming that the defendant did not appear as promised or post and forfeit the full bail when an appearance was not mandatory. When a defendant fails to appear in court or fails to**contact** the court by the due date on the citation or notice, the court may adjudicate a traffic case by proceeding with a Trial by Declaration in Absentia pursuant to VC section 40903. The cases are submitted to the judicial officer~~,~~ and, upon rēview,**the** judicial officer finds the defendant guilty or **notguilty** based on information in the Notice to Appear. A decision notice is sent to the defendant; if the defendant does not respond within 20 days, a $100 failure to pay civil assessment may be imposed pursuant to Penal Code section 1214.1.
C	20	Civil Assessment	June 3, 2016	Q	When a defendant becomes guilty of misdemeanor for Failure to Pay, should we automatically impose the $100 civil assessment in addition to the $50 base fine plus penalty assessments per Vehicle Code section 40508(b)?
				A	No. Imposing the civil assessment is a discretionary act by the court.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	21	Civil Assessment	June 3, 2016	Q	Can we assess more than one civil assessment? For example, the defendant received notice for Failure to Appear. Civil Assessment was entered, the defendant Failed to Pay, and the case turned to collection. Can we assess another civil assessment?
				A	Penal Code section 1214.1 allows for civil assessments to be imposed for failure to appear in court or for failure to pay a fine or installment of bail, as specified. Provided that the assessment is levied for separate actions, it may be imposed on more than one occasion.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	22	Community Service/ Custody Credit	January 6, 2017	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, would you indicate the relevant 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 base fine. PC section 1205, which authorizes the jailing of defendants until the fine owed is satisfied, excludes the conversion of restitution fines to custody credits. No cases 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 the conversion of fines (including restitution fines) to community service, but does not authorize the conversion of fees to community service.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	23	Community Service/ Custody Credit	January 6, 2017	Q	If a defendant is ordered to do community service on the whole fine amount but completes only partial community service, what part is community service and what part is paid?
				A	Under Penal Code section 1205.3, community service is performed as a condition of probation. If community service work is performed in place of fines, then the amount of the base fine shall be reduced on a proportional basis. The penalties and state surcharge will be recalculated on the basis of the remaining base fine. Any non-punitive assessments shall not be reduced, if the violation is a felony or misdemeanor
C	24	Community Service/ Custody Credit	December 9, 2016	Q	AB 2839 requires that custody credits be reduced from the base fine for criminal offenses. Do custody credits also reduce the additional fees per Health and Safety Code sections 11372.5 and 11372.7 that are added to the base fine for health and safety violations; and the fees pursuant to Penal Code sections 1463.14(a), 1463.16, and 1463.18 that are taken from the base fine on DUI violations?
				A	Yes. Everything that goes into a base fine is reduced by the new credit, and then the additional fines, fees, penalties, and assessments are recalculated at the rate of the new lower base fine.
C	25	Court Operations Assessment	July 23, 2013	Q	Can the county enact its own Court Security Fee? Even after Realignment, the State is still paying the counties but more research is needed.
				A	Currently, the Court Security Fee (which has been renamed the Court Operations Assessment per Penal Code section 1465.8) is distributed to the Trial Court Trust Fund to fund trial court operations. For the county to enact its own assessment, legislation must be enacted authorizing counties to make this specific assessment.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	26	Court Operations Assessment	May 15, 2013	Q	Should we assess the Court Operations Assessment on each violation, including those that are 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 the criminal conviction assessment under Government Code section 70373 are mandatory assessments that must be imposed for each conviction (*People v. Woods* (2010) 191 Cal.App.4th 269). A trial court is required to orally impose the assessments 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 assessments for each conviction. Assessments are mandated for each of the defendant's convictions, even when the sentence on a count is stayed; and also for crimes that were committed prior to the operational date of the assessment statutes. Thus, the Court of Appeal could modify the judgment to reflect the imposition of the assessments 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 assessments on a defendant must impose the assessments 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 assessments, one for each conviction (*People v. Schoeb* (2005) 132 Cal.App.4th 861).

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	27	Court Ordered Debt	April 1, 2013	Q	What is a clear definition of "court-ordered debt" relating to traffic and criminal offenses?
				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, 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.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	28	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	29	Distribution Guidelines	July 21, 2017	Q	In the *Guidelines*, the distinction of fine vs. fee in Penal Code (PC) section 1463.14(b) is unclear. Could you provide a clear definition of each?
				A	PC section 1463.14(b) is collected as a fine, because it is identified as a penalty. However, as it is not subject to state and local penalty assessments, and is used to pay for the costs of performing blood, breath, or urine analysis for alcoholic content, it is distributed as a fee, under Priority 4.
C	30	DNA	May 15, 2013	Q	Is the DNA penalty ($1/$10) 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 at the time of sentencing, which would be after the crime was committed, 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 the defendant was not subject to those penalties under ex post facto principles.)
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.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	32	DUI Assessments	June 12, 2017	Q	Regarding credit for time served on DUI, what are the effects on distribution (specifically Penal Code [PC] sections 1463.14, 1463.16, and 1463.18)? According to the revenue distribution workbook, once the base fine is reduced past a certain amount, negative numbers are populated in the lines for the PC section 1463.001 base fines distribution. This is because the lines for PC sections 1463.14, 1463.16, and 1463.18 are hard-coded as $50/$50/$20. Shouldn't these be reduced as well? Which has priority? Should we be reducing them all proportionately or should we reduce PC section 1463.001 first and then reduce the base reduction fines?
				A	The distribution worksheets are not set up to calculate distributions after applying custody credits. PC section 1463.18 specifies that the "first $20" of any amount collected shall be deposited in the Restitution Fund. Both PC section 1463.14(a) and PC section 1463.16(a) specify that $50 of each fine collected shall be deposited in the designated accounts. Reductions to the base fine should come first from PC section 1463.001 until the amount is $120 or less; then equally from PC section 1463.14(a) and PC section 1463.16(a) until the amount is $20 or less; at which point the remaining reduction would be from PC section 1463.18.
C	33	DUI Assessments	June 13, 2017	Q	Penal Code (PC) section 1463.14(b) is subject to the defendant's ability to pay. If a judge reduces a DUI fine due to credit for time served or judicial discretions, should this penalty be prorated, based on priority, along with all of other mandatory applicable DUI fines and fees; or should this penalty be assessed separately, if the court determines the defendant has the ability to pay?
				A	As the PC section 1463.14(b) penalty is an additional penalty, it should be assessed separately if the court determines the defendant has the ability to pay.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	34	Enhancements	April 1, 2013	Q	The fee per Health and Safety Code (H&S) section 11372.5 (up to $50), and the fee per H&S section 11372.7 (up to $150) both act as fines and enhance the base fine for penalty assessments and surcharge calculations. However, if a judge does not assess a base fine: 1. Can fees for both H&S section 11372.5 and H&S section 11372.7 be assessed? 2. If yes to No. 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 No. 1, then should there be only flat assessments, such as court operations and criminal conviction assessments, but no penalty assessment?

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	34 (cont.)	Enhancements	May 17, 2013	A	1. Yes. Although described in Health and Safety Code (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, either 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, then 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 to 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. 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).
C	35	Enhancements	April 18, 2013	Q	Regarding the fee per Health and Safety Code section 11372.7, as it is up to $150; is it required that it be imposed?
				A	The fee is subject to the person's ability to pay, as determined by the court.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	36	Enhancements	May 16, 2013	Q	Is the $10 enhancement applied per violation in a single case, or must the prior conviction be the same as the current violation?
				A	Pursuant to Vehicle Code section 40310, the Judicial Council established a $10 base fine enhancement for prior Vehicle Code moving violation convictions. 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, then 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 two moving violations that carry a point, then the base bail/fine of the current moving violation with a point may only 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.
C	37	Enhancements	May 12, 2015	Q	Is the criminal lab fee imposed for violations of Health and Safety Code section 11350 applied to the violation only, or does it also apply to subsections of the violation?
				A	If the subsection is not referenced, the fee would apply to the entire section.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	38	Enhancements	May 12, 2015	Q	Should the $10 additional fine for robbery, burglary, etc. (under Penal Code section 1202.5) be distributed to the county, or can it be distributed directly to the local law enforcement agency?
				A	The fine should be distributed to the county, not the agency. Alternatively, all fines could be held in trust until transferred to the local law enforcement agency.
C	39	Enhancements	May 12, 2015	Q	As the $10 ordered under Penal Code section 1202.5 is a "fine," is it subject to the standard "*Additional Penalties and Surcharges*" pursuant to 2% automation?
				A	Yes, the $10 fine is an enhancement and should be added in addition to any other fine or penalty. As it is a "fine," it is subject to the 2% automation.
C	40	Enhancements	June 3, 2016	Q	We understand that Health and Safety Code (H&S) section 11372.5 requires a $50 crime lab fee to be assessed on conviction. How should we cover these deposits if we do not have enough collections under H&S section 11372.5?
				A	If the funds collected per H&S section 11372.5 are insufficient, money collected pursuant to H&S section 11502 may be used to make the necessary deposits, whether collected in the same month or in subsequent months.

Cat.	Q No.	Keywords	Response as of Date		Questions and Responses
C	41	Enhancements	June 3, 2016	Q	How do we cover the required $50 crime lab fee if we do not have enough Health and Safety Code (H&S) section 11502 collections?
				A	If H&S section 11502 revenue collected is insufficient, you may backfill the H&S section 11372.5 Criminalistics Laboratory Fund with money that is not otherwise obligated, or legally restricted, to make up for the deficit. However, subsequent collections pursuant to H&S section 11372.5 or H&S section 11502 may not be diverted to reimburse those payments. Ultimately, the agency operating the criminalistics laboratory is obligated to ensure that it has sufficient funding to perform all required testing and analysis.
C	42	Enhancements	December 7, 2017	Q	Is the assessment levied pursuant to Penal Code section 1465.5, at $2 for every $10 collected, to be kept at the county or forwarded to the State via TC-31 reporting?
				A	As stated in the *Trial Court Revenue Distribution Guidelines*, this assessment is deposited in the county general fund for the support of services provided to older and functionally impaired adults.
C	43	Facilities	July 9, 2014	Q	Under Government Code (GC) section 76000(e), how do we verify that a transfer is complete? Example: if one facility completely transferred and one facility still has bond debt, how do we determine the correct amount?
				A	In this example, if the county bond indebtedness for a court facility remains unpaid, then the local penalties in GC section 76000(e) do not apply. The court should continue to impose the $7 per $10 local penalty in GC section 76000(a) until bond indebtedness associated with a court facility is retired.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	44	Facilities	April 1, 2013	Q	Can you elaborate on the three criteria listed in 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 court facilities in the county have been transferred. [This was done by Dec. 31, 2009.] 2. The bond indebtedness for any court facility that is paid from that fund is retired. 3. The remaining money in the local fund is transferred to the state. GC section 76000(e) states, in part: 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…. GC section 70402(a) states: 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.
C	45	GC 76000 Local Penalty	July 9, 2014	Q	Under Government Code (GC) section 76000(e), if debt is satisfied and some portion of the debt was paid from the county general fund, can the county continue collecting GC section 76000(e) revenue to recoup general fund contribution prior to sending funds to the State?
				A	No.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	46	Installment Payment Fee	May 29, 2013	Q	Can you explain the differences between VC section 42003 and VC section 42007(a)(2)?
				A	**VC section 42003** authorizes the court to provide in the judgment for a fine to be paid within a specified time or through installment payments. **VC section 42007** controls the fee and describes requirements for standardized installment payment plans set up by a clerk for a Traffic Violator School (TVS) fee. VC section 42007(a)(2) authorizes a fee of up to $35 for administrative and clerical costs to establish an installment account for the TVS fee. Defendant must pay at least 10% for the initial payment, and the repayment period may not exceed 90 days.
C	47	Installment Payment Fee	May 22, 2013	Q	Does the installment fee collected by an entity include non-government entities (e.g., Government Code services)?
				A	Only the clerk may collect the installment account fee authorized by VC section 42007, for Traffic Violator School.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	48	Installment Payment Fee	June 12, 2013	Q	Penal Code section 1205(e) states, "This section shall not apply to restitution fines and restitution orders…" Does this apply to the $30 fee only? Can we still charge a fee for a monthly payment plan?
				A	No. Penal Code section 1205(e) 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.
C	49	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 and clerical costs which may exceed $35?
				A	The installment payment fee under VC section 42007 is equal to the administrative and clerical costs as determined by a cost analysis, but no more than $35.
C	50	Installment Payment Fee	June 13, 2013	Q	Can the Installment Fee 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). VC 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% paid for the initial payment and a repayment period of up to 90 days.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	51	Juvenile	May 15, 2013	Q	Should the $40 court operations assessment be assessed for juvenile traffic cases?
				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 (W&I) 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.
C	52	Juvenile	June 3, 2016	Q	Do juvenile traffic violations with traffic school require the Vehicle Code (VC) 42007 distribution or do juvenile traffic violations fall under the W&I 258(a)(6), which doesn't allude to a special distribution.
				A	VC section 42007 distributions are only required for juvenile traffic offenses with eligible Vehicle Code violations that are heard in adult court and disposed of with traffic school.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	53	Late Charge	May 15, 2013	Q	Are late charges mandatory and civil assessments discretionary?
				A	Yes. The 50% late charge imposed pursuant to 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 imposed pursuant to 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	54	Late Charge	May 16, 2013	Q	Can we assess late charges 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 no notice is mailed that an initial penalty has been assessed. In addition, if a court approves a TVS payment plan per VC section 42007(a)(2), then 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.
C	55	Late Charge	April 18, 2013	Q	How is the Vehicle Code section 40310 late fee distributed?
				A	The 50% late penalty is distributed proportionately to the same funds as the initial penalty.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	56	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 20 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 both a civil assessment and late charge if the fine is not paid within 20 days of the notice.
C	57	Late Charge	May 15, 2013	Q	Are both the civil assessments and 50% late charge mandatory, or just the late charge?
				A	The 50% late charge imposed pursuant to 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	58	Moving Violation	June 3, 2016	Q	How is “moving violation” defined? We can’t seem to find a definition, and when we inquired with the DMV, it did not have an answer.
				A	A moving violation is a violation that contains a “point” that is reportable to the Department of Motor Vehicles, per Vehicle Code sections 12810, 12810.2, 12810.3, and 12810.4.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	59	Night Court Fee	May 15, 2013	Q	Is the Night Court Fee assessed per violation or case?
				A	The night court fee imposed pursuant to Vehicle Code section 42006 is assessed per case.
C	60	Night Court Fee	June 3, 2016	Q	Is Night Court Assessment applicable to parking violations? The JCC's Uniform Bail and Penalty Schedule shows parking offenses with the $1 Night Court Assessment added.
				A	Courts with night school may assess the $1 Night Court Assessment on parking violations cited as infractions.
C	61	Priority	July 23, 2013	Q	What is Fifth Priority Distribution per 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 that if any statute taking effect after January 1, 2009, either increased the amount of any item or added 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 should not be disbursed until after all reimbursable costs had 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.

Cat.	Q No.	Keywords	Response as of Date		Questions and Responses
C	62	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? Please confirm whether completion of traffic school on a previous violation of the Vehicle Code section does not count as a prior conviction for purposes of adding a prior administrative fee per VC section 40508.6(a) on a subsequent violation.
				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 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 assessment under VC section 40508.6(a).
C	63	Priors Assess VC 40508.6	May 17, 2013	Q	Can we charge a "priors" assessment for Traffic Violator School (TVS)?
				A	No. The "priors" assessment is payable at the time of a fine or bail forfeiture. If a defendant elects to attend TVS, the fine or bail forfeiture is converted to a fee, and therefore the assessment can no longer be collected.
C	64	Priors Assess VC 40508.6	May 17, 2013	Q	What are the differences between the assessments described in Vehicle Code (VC) section 40508.6(a) and VC section 40508.6 (b)?
				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.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	65	Priors Assess VC 40508.6	June 14, 2013	Q	Can a court charge the $10 administrative fee per Vehicle Code (VC) section 40508.6 for prior convictions in the same county, without verifying whether there are priors in Department of Motor Vehicles (DMV) records? As statute refers to prior convictions, but does not mention DMV, it seems that this is allowed. Can a court also charge the $10 administrative fee per VC section 40508.6 for prior convictions in other states that are recorded in California DMV records? To renew a driver's license in California, drivers must certify that they understand that convictions reported by other states' licensing authorities will be added to their California DMV records. VC section 40508.6 states that the $10 is charged for convictions of "this code"—the California Vehicle Code, not the code of other states. This seems to indicate that we cannot charge the $10 for convictions or priors from other states. Is there another code section that might allow it?
				A	Under VC section 40508.6(a), 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. If the prior convictions in the DMV driving record are limited to out-of-state prior convictions for traffic violations, VC section 40508.6 does not authorize collection of a fee for maintaining a record of violations of the California Vehicle Code.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	66	Priors Assess VC 40508.6	May 17, 2013	Q	When assessing the administration fee for Vehicle Code (VC) section 40508.6, are we allowed to collect $10 for section (a) and $10 for section (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 the defendant's record shows a prior conviction, and the defendant has a failure to appear that is reported to the DMV under VC section 40509 or VC section 40509.5, then the court may impose both fees.
C	67	Priors Assess VC 40508.6	May 17, 2013	Q	If there are two prior convictions, 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	76 8	Priors Assess VC 40508.6	May 17, 2013	Q	Regarding Traffic Violator School (TVS) cases for Vehicle Code (VC) section 42007 distributions, when a "priors" fee is added to the base fine to derive an enhanced base, is the VC section 40508.6 "priors" fee of $10 distributed as-is or does it become a part of TVS fee?
				A	The assessment of up to $10 imposed pursuant to 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.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	69	Priors Assess VC 40508.6	May 17, 2013	Q	Regarding Vehicle Code (VC) section 40508.6(a), is the fee still assessed once per case? Does it apply to cases disposed with traffic school? How is it assessed if a case with multiple violations has one violation disposed as bail forfeiture and the other traffic school?
				A	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 are on the record, how many violations are on the current citation, or whether violations are eligible or ineligible for Traffic Violator School (TVS) on the current citation. If disposed with traffic school and the total applicable fine is converted to a TVS fee, the $10 under VC 40508.6(a) does not apply since no "fine" or "bail forfeiture" is paid. The $10 VC 40508.6(a) assessment may be collected where one Vehicle Code violation on a case is disposed with bail forfeiture and the other Vehicle Code violation is disposed with traffic school. The $10 VC 40508.6(a) assessment is not included as part of the TVS fee that is distributed under VC section 42007.
C	70	Priors Enhancement	May 12, 2015	Q	If a defendant requests traffic school but has prior offenses, does the "priors" amount go to traffic school or to the citing county?
				A	Courts can impose the fine enhancement for prior offenses in determining the bail amount to convert to the fee for traffic violator school. Vehicle Code sections 42007(a)(1) and (b) provides that the Traffic Violator School fee goes to the county.
C	71	Proof of Financial Responsibility	April 18, 2013	Q	Regarding Penal Code section 1463.22(a) (proof of financial responsibility), should we distribute per conviction or only upon payment?
				A	Distributed per conviction.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	72	Railroad Crossings	June 3, 2016	Q	Under Penal Code section 1463.12(b), can a railroad crossing violation occur in an area without rail transportation?
				A	Railroad crossings may exist even if there is no district, commission, or authority providing rail transportation in the area, in which case any money collected is deposited in the county general fund. If there is a designated district, commission, or authority providing rail transportation in the area, then any money collected is deposited in that entity's general fund.
C	73	Restitution	May 16, 2013	Q	Why is the Penal Code (PC) section 1202.4(b) State Restitution fine not assessed in all cases? Why is it not considered part of the base fine?
				A	Restitution fines that are imposed pursuant to PC section 1202.4(b) are imposed only 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.
C	74	Restitution	May 17, 2013	Q	If a defendant is charged with a violation of Vehicle Code (VC) section 40508(b) on an infraction case, and it is the only misdemeanor, is it subject to state restitution under Penal Code (PC) section 1202.4? We don't treat this as a civil assessment under PC section 1214.1; we treat it as failure to pay under VC section 40508(b). Please clarify whether this is correct.
				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 $150 and $1,000 for violations on or after January 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.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	75	Restitution	July 9, 2014	Q	If the judicial assessment is less than the requirements in a criminal case, should we reduce the State Restitution Fine in your proration?
				A	The State Restitution Fine is rarely reduced. Refer to Penal Code section 1202.4(b).
C	76	Traffic Assistance Program Fee	May 15, 2018	Q	Is Vehicle Code section 11205.2(c) assessed on all traffic infraction cases or on traffic school cases only?
				A	The traffic assistance program fee collected pursuant to VC section 11205.2(c) should be imposed on all traffic infractions
C	77	TVS	May 16, 2013	Q	What should be done with Traffic Violator School (TVS) fees that are distributed if the violator does not attend or fails to complete traffic school?
				A	Vehicle Code (VC) section 40512.6(a) expressly provides that if the defendant fails to complete traffic school, the TVS fee is converted to bail but still distributed according to VC section 42007.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	78	TVS	May 16, 2013	Q	If a defendant signs up for but does not complete traffic school, how should the fees collected under Vehicle Code (VC) section 11205.2(c) be distributed? Do they still go to the traffic school agency?
				A	The traffic assistance program fee collected pursuant to VC section 11205.2(c) 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	79	TVS	May 17, 2013	Q	How should the base bail be distributed for Traffic Violator School (TVS) under Vehicle Code (VC) section 42007 for the special distribution under Penal Code section 1463.26 high-occupancy vehicle (HOV) violations?
				A	If 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 VC section 42007. The fine distribution required by Penal Code (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.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	80	TVS	June 14, 2013	Q	As an example, a defendant is cited for violations of 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 under VC section 23222(b) (possession of marijuana while driving) and Traffic Violator School (TVS) fee under VC section 22349 (exceeding maximum speed) would be due when TVS is approved by a clerk. However, whether the defendant 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. As completion of TVS now 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.
C	81	TVS	May 12, 2015	Q	If a defendant is on a traffic school payment plan, but fails to complete traffic school, pays only half of the balance due, and stops making payments, what does this mean for distribution?
				A	The court may order that fees be converted to bail and declare the bail forfeited. The distribution rules of Vehicle Code section 42007 would apply.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	82	TVS	June 3, 2016	Q	If a court allows a defendant to attend traffic school after fully paying for the traffic violation and being convicted, must the court also comply with the distribution mandated per Vehicle Code (VC) section 42007?
				A	Yes, the court should perform the distribution adjustment in VC section 42007. The bail forfeiture should be reversed and redistributed as a Traffic Violator School fee.
C	83	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.	84	Violation Date vs. Conviction Date	July 9, 2014	Q	Please clarify how Penal Code (PC) section 1464.8 criminal fines should be allocated and distributed if the law in effect when payment is made is different from the law in effect when the fines were imposed.
				A	Either way is acceptable. Courts may choose to make the distribution based on the law in effect during the accounting period when the payment is made **or** on the law during the period when the fines are imposed and allocated pursuant to PC section 1463.001. However, a court should be consistent on which method it uses.
C	85	Violation Date vs. Conviction Date	May 12, 2015	Q	Are criminal fines assessed upon conviction or on date of violation?
				A	Fines are assessed upon conviction, based on approved amount on date of violation.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	86	Violation Date vs. Conviction Date	June 3, 2016	Q	What Penal Code statute allows flexibility in distributing fines and fees for collections according to current guidelines, or guidelines in effect at time of conviction or time of filing?
				A	Penal Code section 1464.8 states: Notwithstanding any other provision of law, when an allocation and distribution of any fine, forfeiture, penalty, fee, or assessment collected in any criminal case is made…the allocation and distribution of any payment may be based upon the law in effect during the accounting period when the payment is made.

Category D: Parking

Cat.	Q No.	Keywords	Response as of Date		Questions and Responses
D	1	Bond Indebtedness	April 1, 2013	Q	Is bond indebtedness information available? Specifically, is there an updated list of which counties have completed their bond indebtedness?
				A	Bond indebtedness information is available in the *Receipts and Expenditures from Local Courthouse Construction Funds* report, available at https://www.courts.ca.gov/7466.htm. However, a list of county bond indebtedness status would be based on information as provided by the counties and is therefore unverified. Please send questions about bond indebtedness to collections@jud.ca.gov.
D	2	GC 76000.3 Parking Penalty	April 1, 2013	Q	Does Government Code (GC) section 76000.3 apply only to criminal parking infractions?
				A	It applies to all parking offenses including infractions. GC section 76000.3 states: 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]
D	3	GC 76000.3 Parking Penalty	July 9, 2014	Q	Please clarify the full mandatory parking fee. Last year's sample indicated $9.50 and today's sample showed $12.50. Was there a change from prior year?
				A	Yes. The 2013 sample used a violation committed prior to January 1, 2011. On January 1, 2011, a $3 penalty to every penalty, fine, or forfeiture for a parking violation was added by Government Code section 76000.3.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
D	4	Late Charge	June 11, 2013	Q	Do late fees apply to 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.
D	5	Parking Assessments	May 12, 2015	Q	Is the $7.50 assessed on parking violations imposed on every citation written or by violation?
				A	The $7.50 ($4.50 assessment pursuant to Vehicle Code section 70372(b) and $3 penalty pursuant to Government Code section 76000.3) is assessed on each parking violation conviction.
D	6	Parking Assessments	December 9, 2016	Q	Should all parking fees (surcharges) be collected by the County Auditor-Controller and not the courts?
				A	Parking surcharges should be collected by the processing agency, which in turn deposits all sums due to the county with the county treasurer. The processing agency is also responsible for forwarding those parking surcharges that are due directly to the State. The courts are not responsible for processing notices of parking violations.
D	7	Parking Remittances	June 13, 2013	Q	If the cities are not remitting parking fines in a timely manner, what recourse does the county have?
				A	Contact city attorney or county counsel for advice on this question.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
D	8	Parking Remittances	April 1, 2013	Q	When a processing agency sends a check to the county, who is ultimately responsible for sending money to the county? The city or the processing agency?
				A	Contact the city attorney or county counsel for advice on this question.
D	9	Parking Remittances	May 12, 2015	Q	A local university did not properly impose fees per Government Code (GC) section 70372 (b) and GC section 76000.3, resulting in underpayment of parking fees by $4.50 per citation owed to the State. Who is responsible for the underpayment of parking penalties?
				A	GC section 70377 specifies who is responsible for paying penalties in the case of under remittances or late remittances to the State.
D	10	Proof of Correction	June 13, 2013	Q	Why is the "proof of correction" fee $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	11	Proof of Correction	May 16, 2018	Q	Proof of correction (POC) for a Vehicle Code violation is provided and defendant agrees to pay $25 fee by a certain date. If the defendant fails to pay, can a Civil Assessment for failure to pay be added to the $25 POC fee?
				A	No. The proof of correction payment is a fee, not a fine. Civil assessments may be levied only for failure to pay fines or bail.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
D	12	VC 40225	June 13, 2013	Q	Can you confirm that only 50% of an equipment or registration violation is paid to the county for remittance to the State Treasurer per Vehicle Code section 40225(d)? Some parking agencies pay parking surcharges per Government Code (GC) section 76000 in addition to the 50%. It seems clear that GC section 76000 refers to "every parking offense where a parking penalty or forfeiture is imposed and added penalty" vs. equipment or registration offenses that are not parking offenses.
				A	Contact the city attorney or county counsel for advice on this question.
D	13	VC 40225	June 13, 2013	Q	**Part 1:** Can you address the amount of the fine that should be charged for a violation of Vehicle Code (VC) 5204 when issued on a parking citation pursuant to VC section 40225? VC section 40225 states that the civil penalty for each equipment and registration violation is the amount established for the violation the Uniform Bail and Penalty Schedule (UB&PS) as adopted by the Judicial Council of California. **Part 2:** Should the amount of this civil penalty when issued on a parking citation be the base fine ($25) or the total fine? **Part 3**: Can you also clarify whether the total fine for a VC section 5204 violation should match the total amount identified in the UB&PS?
				A	Contact the city attorney or county counsel for advice on these questions.
D	14	VC 40226	January 6, 2017	Q	Can you confirm that no surcharges are applicable if the administrative fee is collected instead of the penalty pursuant to Vehicle Code section 40226?
				A	An administrative fee charged to cancel a citation for failure to display a disabled placard is not subject to penalties or surcharges.

Category E: Collections

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	1	Discharge	May 17, 2022	Q	May discharged cases be referred to collections programs? Would referral be considered an active collection effort?
				A	While the referral of delinquent cases to any third-party collector is ordinarily considered an active collection effort, discharged cases may continue to be submitted to Franchise Tax Board's Interagency Intercept Collections program. Referral to other collection programs is not recommended unless the likelihood of collecting warrants the expense.
E	2	Discharge	May 17, 2022	Q	If collection occurs on a discharged case, is the revenue and cost reported on the collections revenue template (CRT)?
				A	If collection occurs or an individual wishes to make a payment on a case that has been discharged, the case should be reactivated, and any payments (and associated costs) should be reported on the CRT.
E	3	Escheated Funds	May 12, 2015	Q	If payment is made by money order or credit card and neither case nor demographic information is provided, how should the money be recorded?
				A	We recommend that you deposit the money in a trust. If the money is not claimed, then follow the escheatment process. For infraction and misdemeanor cases, the amount is escheated after one year, otherwise three years.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	4	Escheated Funds	December 9, 2016	Q	What is the process on escheatment for overpayments when defendants do not claim their overpayment refund?
				A	For criminal case overpayments that exceed $10, we recommend that the money be held in trust and returned to the defendant. If the defendant is unknown, then the overpayment money held in trust may be escheated after two years pursuant to Penal Code (PC) section 1420. If bail has been deposited for a misdemeanor or infraction case and remains unclaimed within one year after the final disposition of the case, or after the court has ordered its return or delivery, it may be escheated pursuant to PC section 1463.006. In all other cases, money, except victim restitution money, that has been deposited with the superior court that remains unclaimed after three years may be escheated to the court pursuant to Government Code section 68084.1.
E	5	Overpayment	May 12, 2015	Q	Who is entitled to overpayments?
				A	Pursuant to Government Code sections 29372 through 29381 and the *Trial Court Financial Policies and Procedures Manual*, Policy FIN 10.02, paragraph 6.3.11, (at http:/www.courts.ca.gov/7460.htm), if the overage is less than $10, then the money goes to county or court, whomever collected the overpayment. If the overage is more than $10, the money should be held on behalf of the payer and an effort should be made to locate the payer and refund the overpayment.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	6	Remittances	June 3, 2016	Q	Per Health and Safety Code section 11372.5(c), 75% of excess revenue should be submitted to the State after fiscal year-end. What is the specific timeframe for when these funds are due to the State?
				A	The excess funds should be distributed in a timely fashion once the county treasurer or designated county official has determined the amount of surplus funds in the local criminalistics laboratory fund.
E	7	TC-31	April 1, 2013	Q	Must each page on a TC-31 be positive?
				A	The **Total** amount on each page must be a positive number.
E	8	TC-31	April 1, 2013	Q	Are there instructions for the TC-31?
				A	Yes. TC-31 instructions can be found on the SCO website at https://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html under the Additional Resources section. The fourth worksheet in the Excel spreadsheet contains the instructions.
E	9	TC-31	April 1, 2013	Q	If submitting multiple pages of TC-31 (for the same month), can a negative on one page be offset with 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).

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	9	TC-31	February 16, 2017	Q	What are the materials needed and correction process for filing errors on the TC-31?
				A	If you find an error after submitting a TC-31, email a memo to SCO. The memo should include the following information: 1) The original remittance advice number; 2) The original collection month; 3) The date on which the original remittance advice was sent; 4) The dollar amount that was originally submitted; 5) The reason for the change; and 6) Attach copies of the original and revised TC-31s. Email to: LGPSDTaxAccounting@sco.ca.gov
E	10	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 section 68101, counties are statutorily charged with remitting monthly to the Treasurer court revenues due to the State.
E	11	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.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	12	TC-31	April 1, 2013	Q	Is TC-31 submittal separate for court and county, or is it combined?
				A	TC-31s may be submitted separately or combined, depending on the agreement the County Auditor has with the county courts and other county departments. If the TC-31 is submitted separately, then 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, then 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	13	TC-31	April 1, 2013	Q	What should be included in the memo about TC-31 errors? How can we avoid possible penalties?
				A	The memo should include the items listed in the answer to E 6. To avoid penalties from being assessed, monies need to be remitted within the time frame set by statute.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	14	TC-31	February 16, 2017	Q	If a court discovers an incorrect distribution (eitherthrough an audit or on its own), what is the recommended approach to correct the prior distributions? For example, a recent audit finding in San Benito noted that the auditee incorrectly distributed the $4fee on traffic school cases to the Emergency Medical Air Transportation (EMAT) fund instead of distributing it to the traffic school fee. If $1,000 is distributed incorrectly to the EMAT fund, is it acceptable to withhold $1,000 of futuredistributions to the EMAT fund, and instead re- allocate them to the Traffic School Fee until the $1,000 is paid back in full? If not, how should wecorrect errors in past distributions?
				A	On the next TC-31 submitted, the amount should bereported as a negative $1,000 in the EMAT fund and a positive $1,000 in the Traffic School Fee fund. 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 amountremitted, the reason for the change, and copies of the original and revised TC-31s. If the remittance 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 occurs, it can be sent in with the monthly remittancewith the audit information on separate lines from the monthly remittance (i.e., if $100 is being remitted for the audit, and $25 is being remitted for the month in account 0932-0250-FY-164743, then there should be two lines with that revenue code, not net to one line. Be sure to note in the descriptionthat the remittance is for audit, if it is included with monthly remittance, indicating the FYs under audit and the Audit Finding #, and always attach the Summary of Audit Findings). For any questions regarding audit remittances,please contact LGPSDTaxAccounting@sco.ca.gov.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	15	TC-31	July 9, 2014	Q	If there is a legitimate adjustment on a revenue line item that results in a negative amount for a particular month, should the adjustment be reported as a negative amount in the TC-31? Also, if the prior-year adjustment is negative, can we put it on the TC-31, even if it is three or four years old?
				A	When reporting **any** negative adjustment, enter it on a separate line on the TC-31. The adjustment can be broken down over multiple pages or offset over multiple months. Make sure that the bottom-line total on the TC-31 is a positive number. Regarding adjustments for a prior period, include a memo with the TC-31 detailing the full account number, the original Remittance Advice Number to be adjusted, the collection month/year, the date remitted, the amount to be adjusted, and a brief description for the adjustment, and copies of the original and revised TC-31s. Make sure that the bottom-line total on the TC-31 is a positive number. Current fiscal year adjustments for the period of July 2014 through June 2015 are coded as 2014 on the TC-31. **All** prior-year adjustment collections for the period (July 2013 through June 2014) are coded as 2013. Refer to SCO's July 2014 Training PowerPoint (pp. 64-68) for more information on TC-31s.
E	16	TC-31	July 26, 2017	Q	During an internal audit of parking penalty-related fees, the county determined that the penalties to the state have been underpaid. The county plans to submit the underpayment to the SCO along with Internal Audit report. Please advise to whom we should address our memo and our report. Should we remit the money through TC-31?
				A	If you plan to submit an underpayment that has just been discovered in an internal audit, you may send it, along with a TC-31, to the State Treasurer's Office.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	17	TC-31	December 9, 2015	Q	Is the year on the TC-31 the calendar year or the fiscal year?
				A	Remittances on the TC-31 are reported by fiscal year. For specific questions related to the completion of TC-31 forms, please email LGPSDTaxAccounting@sco.ca.gov.
E	18	TC-31	December 9, 2015	Q	Does the SCO have a process for communicating updates of the TC-31?
				A	Yes. Subscribe to the TC-31 listserv and be included in the distribution list for updates on TC-31 matters. Here is the link: https://www.sco.ca.gov/ard_tc31_email_subscription.html
E	19	TC-31	December 9, 2015	Q	Does the special line item on the TC-31 for "State Penalty Fund Vehicle Code 42008.8—Amnesty" specifically refer to the normal State Penalty of $10 for every $10 under Penal Code (PC) 1464? Neither the Amnesty Guidelines nor the FAQs address the specifics of what this means. If it is State PA per PC section 1464, is it the State's 70% portion, or 100%? Before or after 2%?
				A	This line item refers to the State Penalty assessments imposed pursuant to PC section 1464; Vehicle Code section 42006; and Government Code sections 70372, 76000, 76000.5, 76104.6, 76104.7; and 76000.10, paragraph (1) of subdivision (c). This is the State's 70 percent, as the remittance captures the funds being remitted to the state. The amount listed would include the 2% automation. See the updated Amnesty FAQs.
E	20	TC-31	June 3, 2016	Q	Can we obtain a complete list of funds that are included in the *Guidelines* but are not on the State page of the TC-31, so that we may report distribution appropriately as collected?
				A	Please contact LGPSDTaxAccounting@sco.ca.gov for assistance with fund codes not listed on the TC-31 form.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	21	TC-31	December 9, 2016	Q	Should the TC-31 be signed in blue ink?
				A	Yes, blue ink signatures are easily identified and meet the original signature requirement.
E	22	TC-31	May 17, 2022	Q	How are remittances reported if there is no listing on the TC-31 form?
				A	If there are funds or codes not listed in the TC-31, email LGPSDTaxAccounting@sco.ca.gov. The TC-31 only includes the most commonly used codes, but there are blank lines for adding additional entries.

Category F: Distribution Calculations

Cat.	Q No.	Keywords	Response as of Date		Questions and Responses
F	1	2% Automation	June 14, 2013	Q	Does 2% automation apply to the late charge? What is the distribution set-up?
				A	Yes, the 2% distribution imposed pursuant to 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	2	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 20 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 or separate notices for the civil assessment and late charge. A single notice can provide warning of both a civil assessment and late charge if the fine is not paid within 20 days of the notice.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
F	3	Late Charge	May 16, 2013	Q	If there is a partial payment, how should we calculate late charges?
				A	The late charge imposed pursuant to 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.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
F	4	Penalty Assessments	April 1, 2013	Q	For two counts with odd base fine (first count has $35 and second count has $35), to calculate portions of 10, should we round up each base fine or add both bases?
				A	If both counts are on the same case, add both $35 base fines together to get $70, or seven 10s. If the base fines apply to separate violations on separate cases heard at the same time, then round up separately for each case ($40 for each violation and case) to get $80, or eight 10s.
F	5	Penalty Assessments	June 14, 2013	Q	When calculating the penalty assessments on a citation with multiple offenses, the Uniform Bail and 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 that we should 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.
F	6	Penalty Assessments	May 12, 2015	Q	On the Penalty Assessment, if an increase is not updated in a timely fashion in the case management system (CMS) to reflect the effective date, will the program be penalized?
				A	The CMS should be updated with correct assessment amounts as soon as possible after statutory changes go into effect. Any penalties imposed on an individual program would depend on the particular situation.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
F	7	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 exercise its discretion as authorized in VC section 16029(e)(2) and reduce 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 per VC 42001, and the court has discretion to reduce the fine.
F	8	Top Down Distribution	May 12, 2015	Q	If judge orders a fine, then orders a portion suspended, is the amount prorated across all ledgers?
				A	Yes. Programs may use a Top-Down distribution method; see Penal Code section 1463.004.
F	9	Top Down Distribution	May 17, 2022	Q	What happens to the fine amount when a judge orders less than the amount on Uniform Bail and Penalty Schedule?
				A	The fine should be distributed using one of the two Top-Down distribution methods. Either one is allowed, as long as it is used consistently. However, if the reduction is due to an Ability to Pay determination in a court with the online option, all components must be distributed on a pro-rata basis.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
F	10	Top Down Distribution	June 3, 2016	Q	How should we distribute fines reduced by a bench office? Should we pro-rate the base fine and penalty assessments or the total balance, including the assessments listed below? • Conviction Fee, $35 • Security Fee, $40 • Emergency Medical Air Transportation, $4
				A	Two distribution methods are suggested for calculating the allocation of total fines that have been reduced: 1. Reduce all components proportionately, including those with a specified dollar amount (e.g., the fees and assessments listed above); or 2. Allocate the full amount to those components with a specified dollar amount, then pro-rate the remaining balance among the rest of the total fine's components.
F	11	Top Down Distribution	June 5, 2017	Q	If the court orders a fine less than the fixed amounts —for example, the total fixed amount is $75, but the judge only ordered a $50 fine—should the amount be prorated between $40 court operations assessment and $35 criminal conviction assessment?
				A	If the total fine imposed is less than the fixed amounts, the alternate method should be used, and the amount prorated among all components of thetotal fine.
F	12	Top Down Distribution	May 17, 2022	Q	What is the best Top-Down distribution to use, the "soft" distribution, or the method that prorates all distributions?
				A	Either method is acceptable, as long as one method is used consistently, and the reduction is not due to an Ability to Pay determination in a court with the online program. The method that prorates among all distribution amounts is not limited to a minimum total fine amount, whereas the "soft" distribution method needs a minimum total fine amount to cover the mandatory fixed distribution amounts.

Category G: Distribution Spreadsheets

Cat.	Q No.	Keywords	Response as of Date		Questions and Responses
G	1	Spreadsheets	April 18, 2013	Q	Do you have distribution templates for other kinds of convictions such as Health and Safety Code violations, petty theft, etc.?
				A	Yes. However, the available templates are limited to a few additional code sections. See samples of available Revenue Distribution Worksheets at http://www.courts.ca.gov/revenue-distribution.htm.
G	2	Spreadsheets	July 9, 2014	Q	Do you have a worksheet example of a summary judgment distribution for either a Penal Code or Health and Safety Code violation? I realize that county and city splits vary according to Penal Code section 1463.002.
				A	A worksheet example of a summary judgment does not currently exist. Refer to FAQ No. C-9 and No. C-10 for guidance on summary judgments.
G	3	Spreadsheets	July 9, 2014	Q	Is there any plan to update the auditor workbook to include all distributions? Right now, only 19 are outlined.
				A	Not at this time.
G	4	Spreadsheets	June 3, 2016	Q	The JCC has published 19 Revenue Distribution worksheets. The CMS vendor has added 10 more worksheets for the new CMS project statewide. Will the JCC review and confirm the accuracy of these additional 10 worksheets?
				A	The Judicial Council is not responsible for reviewing and confirming the accuracy of vendor or consultant work products, including distribution worksheets created for new CMS systems. The JCC recommends that courts ensure that their staff members remain knowledgeable in revenue distribution and oversee vendor or consultant services and work products.

Category H: Audits

Cat.	Q No.	Keywords	Response as of Date		Questions and Responses
H	1	Audit Reports	June 13, 2017	Q	How can I access information regarding the last Judicial Council audit for a particular county? Is this available on the Judicial Council's website?
				A	All JCC audit reports are posted for public viewing on the California Courts website at http://www.courts.ca.gov/12050.htm
H	2	Calculation	June 13, 2017	Q	Are there any minimum requirements/rules concerning rounding? Is it acceptable to calculate to four decimal places, then round? Sometimes there are rounding differences between the case management calculations and JCC distribution spreadsheets.
				A	Calculating to four decimal places and then rounding is acceptable. Auditors typically consider small (one cent) rounding differences to be immaterial.
H	3	Document Retention	April 15, 2013	Q	Is the retention period for records inclusive of case records from all count levels (infraction, misdemeanor, and felony), or does the retention period of case records per Government Code sections 68150 through 68153 still govern the terms of case records?
				A	Case file records still must be retained in accordance with statute, rule, and policy. On the other hand, any financial records that pertain to distributions must be retained for at least five 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 report's audit period). Retention should be for whichever period is longer.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
H	4	Document Retention	July 9, 2014	Q	If we store our records electronically, do we need to keep the paper copies?
				A	SCO recommends that paper records be retained from the date of the last SCO audit, even if the records are stored electronically. The Judicial Council accepts electronic records.
H	5	Document Retention	July 9, 2014	Q	For infractions paid in full, can we purge them from our system after they are three years old?
				A	No. The Judicial Council's *Trial Court Financial Policies and Procedures* (FIN 12.01), which is located at http://www.courts.ca.gov/7460.htm, provides guidance on the destruction of court financial records. Generally, courts must retain financial records from the current year plus four additional years. However, the minimum retention period that records should be kept is the current year plus four additional years, or from the close date of the last SCO audit, whichever is longer. In addition, case file records have more stringent record retention requirements that are prescribed by statute or rules of court.
H	6	Document Retention	June 3, 2016	Q	Health and Safety Code section 11361.5(a) states that records shall not be kept beyond two years from conviction date. Does this conflict with our own retention period for case files for audits?
				A	The information and records that the SCO needs to audit collections and distributions, such as bank deposit records, monthly collection summaries, and case fine and penalty calculations, must be retained; however, all personal identifiers that are no longer necessary should be removed.
H	7	Document Retention	December 9, 2016	Q	Can fiscal records maintained from the last audit be maintained electronically, or are original documents required?
				A	The SCO currently requires original documents for audit purposes.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
H	8	Statute of Limitations	June 3, 2016	Q	Some entities are under the impression that, if the SCO does not perform an audit every three years, and if they have parking violations for which they have not paid the State, they will not have to pay for anything older than three years. Is this correct?
				A	This assumption is not correct. Generally, a statute of limitations only affects legal remedies. It does not eliminate the obligation to pay necessary funds to the State or preclude the recovery of those funds through non-judicial means. Government Code section 68103 states: > The State Controller shall check the reports and records received by him with the transmittals of such fines and forfeitures. Whenever it is apparent that such fines or forfeitures have not been transmitted, the county auditor shall and the State Controller may bring suit to enforce the collection or transmittal, or both.
H	9	Statute of Limitations	June 3, 2016	Q	How far back does the SCO go to conduct an audit, and is there any limitation of time that the SCO can audit for distribution of revenue?
				A	The SCO audits from the date of the prior audit conducted of that agency. There is no time limit if the period in question has not been audited. Government Code section 68014 states: > The records kept by any judge pursuant to Sections 68101 and 68102 shall be open to public inspection, and may be checked by the State Controller, the Attorney General, or the district attorney of the particular county.