Session A- Mini Trainings:

Various Collections and Distribution Related Topics

May 17, 2023

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Legislative Process

- How legislation impacts distribution
- Local implementation process

Collections Reporting Process

- Processing vacated court-ordered debt
- Court-Ordered Adjustments and Discharge from Accountability

Revenue Distribution

- Training history
- Resources

Completing TC-31 form

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PRESENTERS:

Orange County Superior Court
Shunna Austin, Collections Program Officer
Jennifer Zamora, Administrative Analyst

Orange County Probation Department
Wilmar Zapata
Accountant / Auditor II

San Bernardino Superior Court
Camille Valverde, Management Analyst

State Controller's Office

Local Government Programs and Services Division:
Marieta Delfin, Supervisor

Judicial Council

Governmental Affairs:
Morgan Lardizabal, Legislative Advocate

Funds and Revenues:
Maria Lira, Senior Analyst
Don Lowrie, Fiscal Analyst

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Franchise Tax Board: Subject Matter Experts

Interagency Intercept Collections:

Rikki Saldana, Program Supervisor

Alaina Andrews, Program Manger

Court-ordered Debt Collections:

Lorena Benavidez, Program Supervisor

Crystal Berrian, Program Manager

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Legislative Cycle

Morgan Lardizabal, OGA

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State Legislative Overview

- Two Chambers

Senate
- 40 members
- Toni Atkins - President pro Tempore
- Average 768 bills/year

Assembly
- 80 members
- Anthony Rendon* – Speaker
- Average 1,492 bills/year

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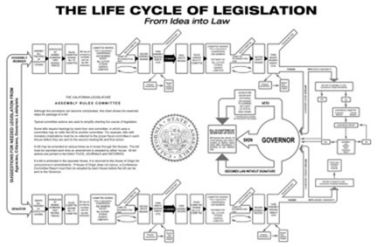
Legislative Process

How a bill becomes a law



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How a bill becomes a law

- **Idea**
  - Author
  - Legislative Counsel
  - Introduced
- **First House**
  - Policy Committee
  - Fiscal Committee
  - Floor Vote
- **Second House**
  - Policy Committee
  - Fiscal Committee
  - Floor Vote
- **Concurrence**
  - House of origin
- **Governor**
  - 30 Days to Sign or Veto

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Legislative Calendar - 2023

- Important Dates:
  - First house floor deadline (6/2)
  - Budget deadline (6/15)
  - Final day for (second house):
    - Policy committees (7/14)
    - Fiscal committees (9/1)
    - Floor votes (9/14)
  - Governor's Deadline (10/14)

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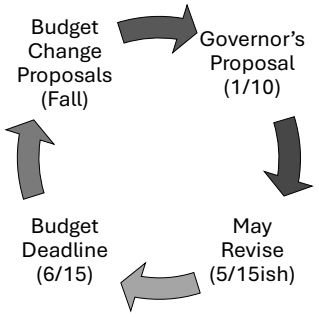
Legislative Budget Cycle



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Budget Considerations

- Budget trailer bills
- Budget bill junior(s)
- Projected deficit

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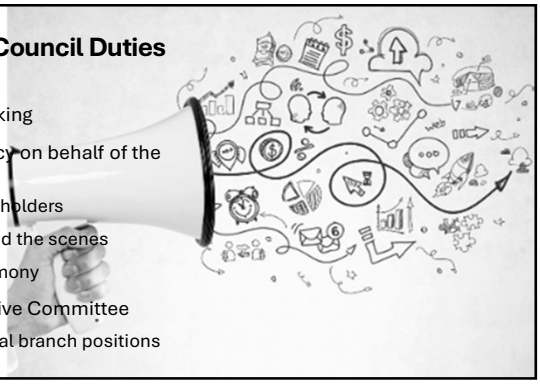
Judicial Council Duties



- Bill tracking
- Advocacy on behalf of the courts
  - Stakeholders
  - Behind the scenes
  - Testimony
- Legislative Committee
  - Official branch positions

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Legislative Resources

- Office of Governmental Affairs website
  - Court-Related Legislation page
  - Summary of Court-Related Legislation
  - Position letters
- Leginfo.legislature.ca.gov
  - Current legislation
  - Past legislation
  - Code Search

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Reading Statute that Changes Distributions

Key terms to be aware of:

- Effective date
- Sunset date
- Urgency legislation
- Shall, must, will, may, should

Example:

On or after July 1, 2022, the court ***may*** impose civil assessment of up to $100 for failure to appear or pay. (AB 199)

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Key Legislation

AB 959 (McCarty): Courts

Remote Proceedings

- AB 1214 (Maienschein)
- SB 21 (Umberg)
- SB 22 (Umberg)
- SB 99 (Umberg)

SB 75 (Roth): Judgeships

SB 255 (Umberg): Court Notification System

SB 662 (Rubio): Court reporters

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Revenue Distribution Impacts

- Budget Bill
- AB 1585 (Ward): Name change: copies
- AB 1758 (Judiciary Committee): Court records: Fees
- SB 280 (Laird): Conservatorships: care plans

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Implementing Legislative Changes: Court and County Perspective

- Shunna Austin, Superior Court Orange County
- Jennifer Zamora, Superior Court Orange County
- Wilmar Zapata, Orange County Probation Department

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Discussion Outline

- Monitor and Anticipate Legislation
- Implementation Plan
- Communication Plan
- Resulting Practices and/or Procedures
- Challenges & Lessons Learned

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Design your Implementation Plan:

- What is new/changing
- What & who is impacted
- When will it be implemented
- How will it be implemented
- What are the expected outcomes

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AB 199 – Orange County Superior Court

What is new or changing?

- Penalty amount is being reduced thereby impacting systems and processes
- Revenue distribution is changing
- Local philosophy and practices regarding civil assessments may change

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AB 199 – Orange County Superior Court

What are the Impacts of AB 199?

- Lower discretionary revenues for courts
- Change in Revenue distribution processes
- Reduced leverage for voluntary compliance
- Smaller balances for defendants

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AB 199 – Orange County Superior Court

Ways to Address and Mitigate Impacts

- Backfill Revenues
- Offer Defendant Incentives for case closure
- Forgo penalty

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Pre & Post-CIVA Change Stats

Pre – Sep. through Dec. 2021	Post – Sep. through Dec. 2022
Average Monthly Traffic Filings = **21K per month**	Average Monthly Traffic Filings = **21K per month**
Cases rolling into Delinquency status = 7,967 **per month** or 38% of traffic filings	Cases rolling into Delinquency status = 6,776 **per month** or 32% of traffic filings
Cases referred from Courtroom as Forthwith is on average **1,682 per month**	Cases referred from Courtroom as Forthwith is on average 1,643 **per month**
Total monthly Collections including forthwith = **$3.5 M per month**	Total monthly Collections including forthwith = **$3.2 M per month**
Monthly Case Closures = 7,613	Monthly Case Closures = 8,296

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Communication Plan

- Executive Management
- Managers
- Judicial Leadership
- Staff
- Defendants
- Public

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AB 199 –
Orange County Superior Court

Who is Impacted?
When will it be Implemented?

RACI Chart
- Responsible
- Accountable
- Consulted
- Informed

Item	Category	AB 2746 TASKS R- Responsible A - Accountable C -Consulted I -Informed	Fiscal	Operations	Collections	CTS	Judicial Sponsor	Exace	Others (Vendors)	Due Date	Update
3	Vision - Notices	Identify all notices where verbiage updates are required: a. Collections Delinquency Notices b. OPS Notices - VIN c. Notify data center of updates		R	R	C			I		Centralized requests to Chris 10/25/2022 - Collections submitted revised notices to Chris 11/03/2022 - VIN notices to be submitted to Chris
4	Vision & CUP - Payment Plan Forms	Payment plan agreement form updates (Counter and CUP) a. Collections local DF form b. OPS DF form		R	R						10/18/2022 Collections - No updates required
5	CUP	Verbiage updates		R	R						10/18/2022 Collections - No updates required 11/03/2022 - CUP changes to be submitted
6	ECN	Notice template verbiage updates		R	R						10/27/2022 - Collections - No updates required 11/03/2022 - ECN changes to be submitted
7	Court Website Updates	Identify updates needed to the Court public website: a. DMV Hold b. $18.00 ADMI.D FEE		R	R						10/18/ 2022 - Collections - Identified areas where updates are required 10/28- Fiscal Quote: How Is My Fine Determined draft completed posted in the project folder
8	SharePoint Page(s)	SharePoint page updates a. DMV Hold b. $18.00 ADMI.D FEE	R	R	R						10/18/2022 Collections - No updates required
9	Procedures & Forms	Need to identify procedures, forms, and/or other documents that require updates		R	R						10/18/ 2022 - Collections - Identified areas where updates are required

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AB 199 – Orange County Superior Court

Implementation

- Determine how to address CIVA's imposed prior to June 30, 2022 that remain unpaid as of July 1, 2022:
  - Mass Data Fix to vacate CIVA's imposed prior to 7/1/22 and no distribution has occurred
  - Mass Data Fix to suspend remaining CIVA balances
- Determine cases impacted for each scenario
- Test a sample of cases for each scenario to ensure results are as expected
- Review and update any applicable procedures, documents and/or internal/external Court website information
- Determine appropriate mechanism for updating balances owed on cases referred to Collection's agencies (I.e. FTBCOD, DMV, 3rd party Collections Vendors, etc.)

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AB 199 – Orange County Superior Court

Expected Outcome

- Case balances are updated to reflect the reduction of amounts owed due to the vacating/suspending of CIVA fee(s) and record of the reduction is stated on the court record:
  - CIVA Fee vacated sample verbiage:
    - *"Court orders $300 Civil Assessment fee sequence number 1 vacated. Pursuant to Penal Code 1465.9(c), any court-imposed costs pursuant to Penal Code1214.1 imposed prior to July 1, 2022 are deemed unenforceable and uncollectible."*
  - CIVA Fee suspended sample verbiage:
    - *"Court orders the balance of the unpaid Civil Assessment fee(s) in the amount of* ***$ [Fee Amount]*** *suspended. Pursuant to Penal Code 1465.9(c) the balance of any unpaid court-imposed costs pursuant to Penal Code 1214.1 imposed prior to July 1, 2022 are deemed unenforceable and uncollectible."*
- Balances owed are updated to reflect the decreased due amount on all payment platforms and vendors/outside Collections Agencies are notified:
  - Court User Portal (CUP) & IVR (Phone Payments)
  - New electronic files are created and submitted to the outside agencies reflecting the reduced case balances

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AB 199 – Orange County Superior Court

New Practices and/or Procedures

- Assessment of $300 Civil Assessments was discontinued effective June 30, 2022
- New $100 Civil Assessments began being assessed effective July 1, 2022 on new delinquent cases
- New reports were created for specified users to identify cases where CIVA's imposed prior to July 1, 2022 were reduced/vacated
- New Docket Codes were created to allow specified users to take additional action on cases where CIVA's were imposed prior to July 1 ,2022 and needed further action:
  - Ability to Vacate Civil Assessments imposed prior to July 1, 2022
  - Ability to suspend balances on Civil Assessments imposed prior to July 1, 2022
  - Ability to Void the suspension remittances generated to suspend the remaining unpaid Civil Assessment balances

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AB 199 – Orange County Superior Court

Challenges & Lessons Learned

- Discrepancies in interpretation of addressing Civil Assessments imposed prior to July 1, 2022 (paid and unpaid)
- Cases with distribution to Civil Assessments imposed prior to July 1, 2022 on or after July 1, 2022 had to be manually addressed
- Resulted in an increase of overpayments on FTBCOD cases & payments accepted by the DMV, resulting in an increase of refunds
- Resulted in new auditing functions to ensure accurate distribution when partially suspended CIVA's are later vacated

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Orange County Superior Court AB 199 Statistics

Data Fix Description	Time to complete	# of cases	CIVA amount vacated/suspended
CIVA vacated – no payments applied	1 day	~296,338	~$69,929,913.00
CIVA vacated – payments applied w/ no $ distributed to CIVA	2 days	~55,072	~$18,861,735.00
CIVA suspended – partially paid	4 days	~37,367	~$8,310,320.56
CIVA suspended – partially paid on or after 7/1/22 before DF applied	~45 days *6 staff working ½ days	~1,430	~$125,481.93

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EMAT (GC 76000.10) County of Orange – Probation

Expired on 7/01/2020 & extended on 9/13/2020 until 7/01/2021 by the Governor (AB 1104).

Governor extended EMAT again on 10/03/2021 until 12/31/2022, when it finally expired.

Keeping track of when to charge EMAT and when not to charge was challenging for us.

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EMAT (GC 76000.10) – County of Orange – Probation

Created an EMAT table to be used as a guide.

EMAT - GC 76000.10

CONVICTION (SENTNCING) DATE			
FROM	TO	ASSESS EMAT (YES/NO)	DUI Versions
1991	6/30/2020	Yes	V. 5.23
7/1/2020	9/13/2020	No	V. 5.24
9/14/2020	6/30/2021	Yes	V. 5.23
7/1/2021	10/3/2021	No	V. 5.24
10/4/2021	12/31/2022	Yes	V. 5.23
1/1/2023		No	V. 5.24

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EMAT (GC 76000.10) – County of Orange – Probation

Examples of cases with EMAT and without it from Probation Financial System.

02/15/2023	CRTEND:	02/1
VICTIM RESTITUTION		$0.00
STATE RESTITUTION FINE		$300.00
DUI FINE		$390.00
ALCOHOL ABUSE ASSESSMENT		$100.00
ALCOHOL ABUSE EDUCATION FEE		$50.00
DUI PENALTY ASSESSMENT		$1,142.33
NIGHT COURT FEE		$1.00
ALCOHOL ABUSE PENALTY ASSESSMENT		$50.00
COURT OPERATION FEE		$120.00
CRIMINAL CONVICTION ASSESSMENT FEE		$90.00
Court Order Total :		$2,243.33

11/18/2022	CRTEND:	11/1
STATE RESTITUTION FINE		$150.00
DUI FINE		$390.00
ALCOHOL ABUSE ASSESSMENT		$100.00
ALCOHOL ABUSE EDUCATION FEE		$50.00
DUI PENALTY ASSESSMENT		$1,146.33
NIGHT COURT FEE		$1.00
ALCOHOL ABUSE PENALTY ASSESSMENT		$50.00
COURT OPERATION FEE		$80.00
CRIMINAL CONVICTION ASSESSMENT FEE		$60.00
Court Order Total :		$2,027.33

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EMAT (GC 76000.10) – County of Orange – Probation - EMAT Statistics

- After 7/01/2020, approximately 600 DUI cases ($2,400) were setup in Probation's Financial system.
- EMAT was assessed on approximately 400 DUI cases ($1,600).
- EMAT was not assessed on approximately 200 ($800) DUI cases while waiting for the Governor to sign the Bill.

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EMAT GC 76000.10 County of Orange Probation

Monitor and Anticipate Legislation

- Sunset date found on Leg-info website & on Trial Court Revenue Distribution Guidelines
- Manual tracking – The Court was a great resource.
- Mark Calendar for EMAT sunset dates & termination date (12/31/2023)

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EMAT GC 76000.10 County of Orange Probation

Implementation Plan

- Update Probation's Penalty Assessment (PA) Excel calculator (new PA version)
- Incorporate changes based on the updated excel calculator into Probation's financial system (IPFS)
- User selects the identified PA version based on the Court order date

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EMAT GC 76000.10 County of Orange Probation

Communication Plan

- Inform impacted staff from Accounting and Collections about the upcoming changes
- Email specific instructions with screen prints highlighting changes
- Email updated PA worksheets and EMAT Table

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EMAT (GC 76000.10) – County of Orange – Probation

New Practices and/or Procedures

- Updating Adult Case procedures/ guidelines
- Creating new PA Versions
- Updating EMAT Table
- Including EMAT table as a resource to setup a DUI case in the system

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EMAT (GC 76000.10) – County of Orange – Probation

Challenges & Lessons Learned:

- Difficult for Probation to know when the Governor extended EMAT
- Mark the calendar on pending legislature items
- Attend all Revenue Distribution training sections
- Ask JCC or look up at other resources

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EMAT GC 76000.10 – Orange County Superior Court

Implementation Plan

- Determine open cases where EMAT Penalty had been imposed on violations where no conviction existed
- Mass Data Fix to vacate EMAT Penalties on all applicable cases
  - Unadjudicated cases
  - Partially adjudicated cases
- Determine cases impacted for each scenario
- Test a sample of cases for each scenario to ensure results are as expected
- Review and update any applicable procedures, documents and/or internal/external Court website information

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EMAT GC 76000.10 – Orange County Superior Court

Expected Outcomes

- Case balances are updated to reflect the reduction of amounts owed due to the vacating of the EMAT penalty(ies):
  - Sample verbiage of suppressed minute entry made on applicable cases:
    - *"Mass data fix performed to remove the $4 EMAT pursuant to AB 1104."*
- Balances owed are updated to reflect the decreased due amount on all payment platforms:
  - Court User Portal (CUP) & IVR (Phone Payments)
  - New electronic files are created and submitted to the outside agencies reflecting the reduced case balances
- Applicable documents, tools and/or resources are updated:
  - Bail Calculator
  - How is My Fine Determined?

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Orange County Superior Court – Bail Calculator

Select Case type from dropdown

Adult

OC Superior Court

Total Fine Estimator (*Bail + PA + Upon Conviction fees*)

****Complete ALL highlighted fields****

Base Fine	Date of Violation (MM/DD/YY)	VC Violation (Yes/No)	Offense Level (I or M/F)	Number of Counts defaults to 1	*Upon conviction fees are based on date of conviction and only assessed on adult cases	Date of Conviction	Total Bail (Base fine + PA + other applicable fees)	Total TS (Total Bail + TS Fee)
100.00	2/5/2023	Yes	Infraction	1	This is an estimator and does not replace CMS case due details	2/5/2023	$467.90	$521.90
Enter Base Fine and DOV		Select cell		Enter # of counts		Enter date of conviction		

Base Fine	Penalty Assessment (amount varies based on date of violation)	State Surcharge (20% of base fine)	Total Fine (Fine+PA+State Surcharge)	EMAT (expires 12/31/2022)	Court Operations ($40 per convicted count)	Criminal Conviction (CCAI $35/MF $30 per convicted count)	Total Bail (Base fine + PA + other applicable fees)	Traffic School fee (If eligible)	Total Traffic School bail
$100.00	272.90	20.00	392.90	-	40.00	35.00	467.90	54.00	$521.90

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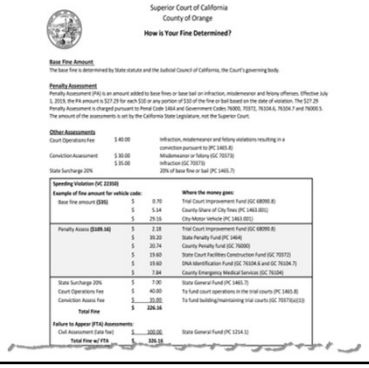
Orange County Superior Court - How is My Fine Determined?



Superior Court of California
County of Orange

How is Your Fine Determined?

Base Fine Amount
The base fine is determined by State statute and the Judicial Council of California, the Court's governing body.

Penalty Assessment
Penalty Assessment (PA) is an amount added to base fines or base bail on infraction, misdemeanor and felony offenses. Effective July 1, 2019, the PA amount is $27.29 for each $10 or any portion of $10 of the fine or bail based on the date of violation. The $27.29 Penalty Assessment is charged pursuant to Penal Code 1464 and Government Codes 76000, 70372, 76104.6, 76104.7 and 76000.5. The amount of the assessments is set by the California State Legislature, not the Superior Court.

Other Assessments

Court Operations Fee	$ 40.00	Infraction, misdemeanor and felony violations resulting in a conviction pursuant to (PC 1465.8)
Conviction Assessment	$ 30.00	Misdemeanor or felony (GC 70373)
	$ 35.00	Infraction (GC 70373)
State Surcharge 20%		20% of base fine or bail (PC 1465.7)

Speeding Violation (VC 22350)

Example of fine amount for vehicle code:			Where the money goes:
Base fine amount ($35)	$	0.70	Trial Court Improvement Fund (GC 68090.8)
	$	5.14	County Share of City Fines (PC 1463.001)
	$	29.16	City-Motor Vehicle (PC 1463.001)
Penalty Assess ($109.16)	$	2.18	Trial Court Improvement Fund (GC 68090.8)
	$	10.20	State Penalty Fund (PC 1464)
	$	20.74	County Penalty fund (GC 76000)
	$	19.60	State Court Facilities Construction Fund (GC 70372)
	$	19.60	DNA Identification Fund (GC 76104.6 and GC 76104.7)
	$	7.84	County Emergency Medical Services (GC 76104)
State Surcharge 20%	$	7.00	State General Fund (PC 1465.7)
Court Operations Fee	$	40.00	To fund court operations in the trial courts (PC 1465.8)
Conviction Assess. Fee	$	30.00	To fund building/maintaining trial courts (GC 70373(a)(1))
Total Fine	**$**	**226.16**	
Failure to Appear (FTA) Assessments:			
Civil Assessment (late Fee)	$	100.00	State General Fund (PC 1214.1)
Total Fine w/ FTA	**$**	**326.16**	

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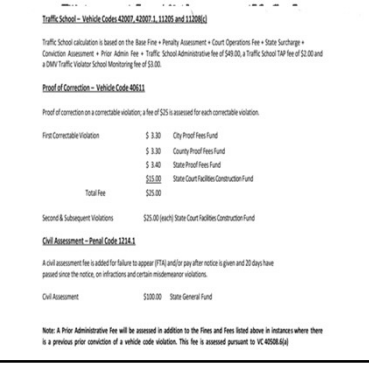
Orange County Superior Court - How is My Fine Determined?



Traffic School – Vehicle Codes 42007, 42007.1, 11205 and 11208(c)

Traffic School calculation is based on the Base Fine + Penalty Assessment + Court Operations Fee + State Surcharge + Conviction Assessment + Prior Admin Fee + Traffic School Administrative fee of $49.00, a Traffic School TAP fee of $2.00 and a DMV Traffic Violator School Monitoring fee of $3.00.

Proof of Correction – Vehicle Code 40611

Proof of correction on a correctable violation; a fee of $25 is assessed for each correctable violation.

First Correctable Violation	$ 3.30	City Proof Fees Fund
	$ 3.30	County Proof Fees Fund
	$ 3.40	State Proof Fees Fund
	$15.00	State Court Facilities Construction Fund
Total Fee	$25.00	
Second & Subsequent Violations	$25.00 (each)	State Court Facilities Construction Fund

Civil Assessment – Penal Code 1214.1

A civil assessment fee is added for failure to appear (FTA) and/or pay after notice is given and 20 days have passed since the notice, on infractions and certain misdemeanor violations.

Civil Assessment	$100.00	State General Fund

Note: A Prior Administrative Fee will be assessed in addition to the Fines and Fees listed above in instances where there is a previous prior conviction of a vehicle code violation. This fee is assessed pursuant to VC 40508.6(a)

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EMAT GC 76000.10 – Orange County Superior Court

Challenges & Lessons Learned

- Addressing partially paid cases that were also processed as part of the AB 177 and/or AB 199 data fixes
- Addressing Overages on partially paid cases or payments accepted via mail
  - Court tolerance of $10
    - Overages less than $10 are distributed to overage
    - Overages greater than $10 are refunded
- Determining when and when not to impose the EMAT Penalty
  - EMAT Business Rules

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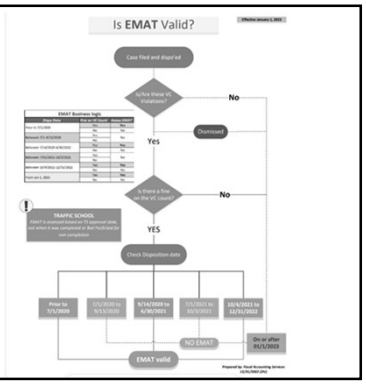
Orange County Superior Court - EMAT Business Rules



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Orange County Superior Court - EMAT (GC 76000.10) Statistics

Data Fix Description	Time to complete	# of cases	EMAT amount waived
EMAT waived on cases with all open counts	5 days	~226,962	~$1,342,392.00
EMAT waived on partially adjudicated cases	3 days	~19,302	~$152,732

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What obstacles or challenges has your agency experienced when implementing legislative changes?

Tell us who you are & where you are from.

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Implementing Legislative Changes

A framework…

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- Prepare
- Communicate
- Implement
- Report

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- LegInfo
- Legislation of interest (JCC)
- Guidelines and Listserv (SCO)
- Other (AB 199 FAQ)
- Staff: JCC and SCO

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Collections Reporting Process

Funds and Revenues Unit

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Penal Code § 1463.010

Penal Code § 1463.010 (c): Each superior court and county to jointly report to the Judicial Council, information requested, on reporting template (CRT) on or before September 1.

Judicial Council report annually, on or before December 31, to the Legislature and the Department of Finance all information required to be collected and reported pursuant to subdivision (a) of Section 68514 of the Government Code.

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Local program operations:

- 45 Court
- 13 County

Private agencies

- 11 master agreements

Intrabranch

- Ventura Superior Court
- Shasta Superior Court

Franchise Tax Board

- Court-Ordered Debt
- Interagency Intercept Collections

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Poll #1

Extensions can be granted on Collections Reporting Template deadline.

a. True

b. False

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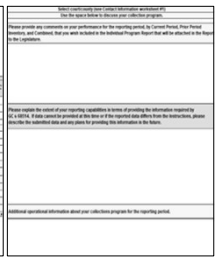
CRT Worksheets

Contact/Info. Sheet:

Performance Report:



Program Report:

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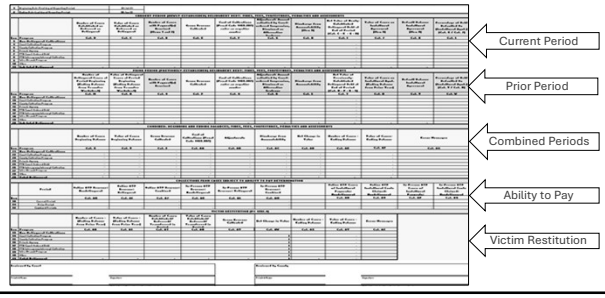
CRT: Annual Financial Report



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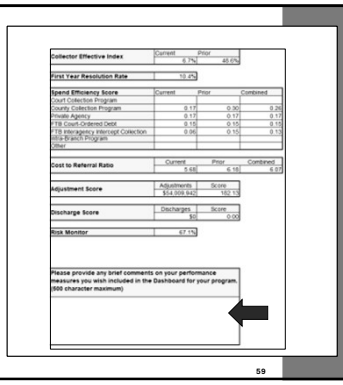
Performance Metrics



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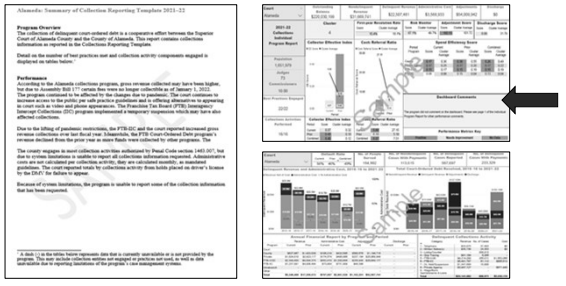
Individual Program Report (2021-22)



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Cost Recovery

Funds and Revenues Unit

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Comprehensive collection program

A separate and distinct revenue collection activity that meets the following requirements:

1. Identifies and collects amounts arising from delinquent court-ordered debt, whether or not a warrant has been issued against the alleged violator.
2. Complies with requirements of subdivision (b) of Penal Code section 1463.010.
3. Engages in the following activities:
   - Attempts telephone contact with delinquent debtors for whom the program has a phone number to inform them of their delinquent status and payment options.
   - Notifies delinquent debtors for whom the program has an address in writing of their outstanding obligation within 95 days of delinquency.
   - Generates internal monthly reports to track collections data, such as age of debt and delinquent amounts outstanding.
   - Uses Department of Motor Vehicles information to locate delinquent debtors.
   - Accepts payments of delinquent debt by credit card.

62

Allowed Costs:

- Staffing Costs
- Operating Expenses & Equipment
- Commission Costs

Unallowed Costs:

- Capital expenditures
- Nondelinquent collections
- Victim restitution collections

63

Discharge from Accountability

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Discharge from Accountability: Key Points

- Authority: Government Code § 25257 and 25259.7)
- Discharge relieves entity of obligation to actively pursue the debt, but individual remains liable for payment.
- Discharge any balance too small to justify collections cost or likelihood of collection does not warrant the expense.
- Outstanding debt provides an inaccurate sense of collectible debt.

65

65

Discharge Data

$2,253,624,080 Amount discharged since 2012

2010 Year legislation authorized courts to approve discharge

14 Number of collection programs that have discharged $0

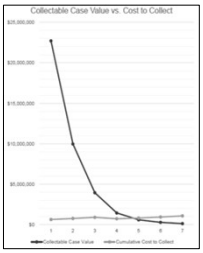
$7.7B Total statewide uncollected delinquent debt (as of June 30, 2022)

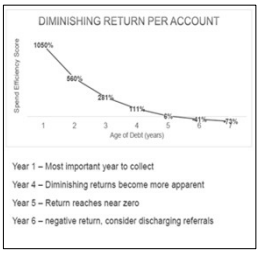
21% Unpaid balance held by 14 programs with no discharge process implemented

66

66

Discharge Practice Calculation





Year 1 – Most important year to collect

Year 4 – Diminishing returns become more apparent

Year 5 – Return reaches near zero

Year 6 – negative return, consider discharging referrals

67

Collections Reporting Template (CRT)

Camille Valverde, San Bernardino Superior Court

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Summary of purpose and components

- Penal Code § 1463.010 (c): Each superior court and county to jointly report to the Judicial Council, information requested, on reporting template (CRT) on or before September 1.
- No changes to the 2023 CRT
- Contents: Index, Pre-established calculations, Quality checklist with detailed description of cell contents.
- Instruction Sheet
- CRT-Glossary.pdf (ca.gov)

69

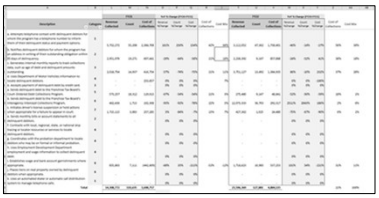
Collaborating with your Vendor

1. Communication is Key
2. Create a timeline
3. Pre-set meetings
4. Agree on data elements
   -Know what to integrate
   -Decide where to host merged data
5. Document as you go

70

Collaborating with your Vendor

6. Data Validation (and identifying questionable changes)



7. Ask for Help

71

AB199 Repealed fines and Fees

- Fees repealed by Assembly Bills 199, 1076, or others, were dismissed / vacated in 2022.
  - Collection seized 07/01/2022 (AB 199) or commencing 02/01/2021 (AB 1076)
- Repealed collections or adjustments should be properly reported as **Vacated civil assessments** and should be reported as **Adjustments** in the 2022-23 CRT.
- AB 199 Frequently Asked Questions: https://www.courts.ca.gov/partners/455.htm

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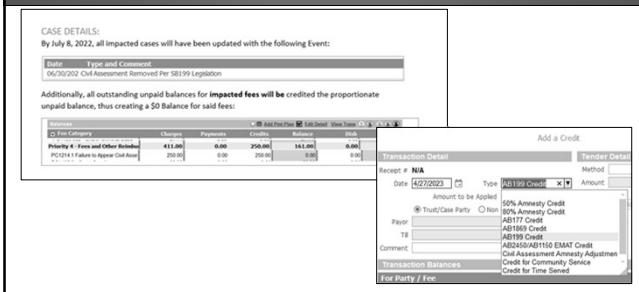
AB199 Repealed fines and Fees - Identifying impacted cases

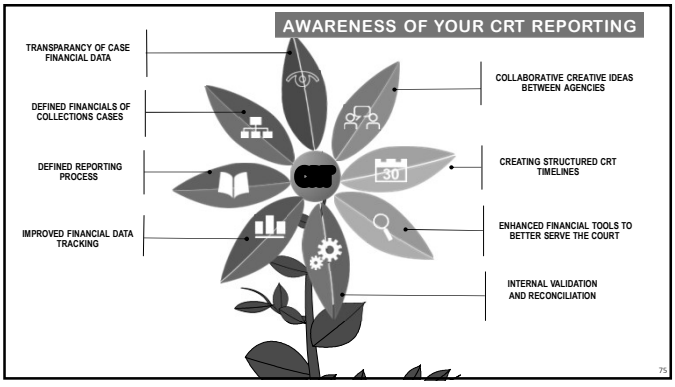


73

Ability to Pay Measures

- San Bernardino Superior Court – June 2024
- Planning
- Operations, Technical Team, Data, and Financial Teams
- Data requirements
- Extracting case financials
- Notifying Partners and Public Notice

74



75

76

Revenue Distribution: Training History and Overview

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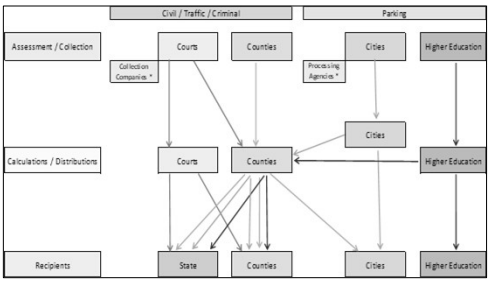
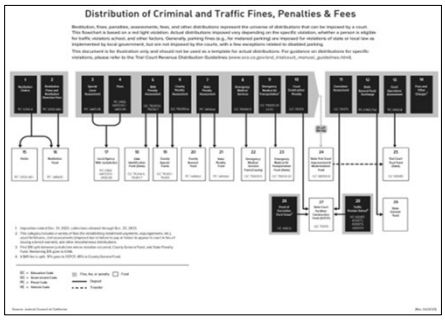
Interrelationships



78



79

Evaluate and make recommendations to the Judicial Council and the Legislature for consolidating and simplifying the imposition of criminal and traffic-related court-ordered debts and the distribution of the revenue derived from those debts with the goal of improving the process for those entities that benefit from the revenues…

80

Distribution Resources

- Judicial Council Uniform Bail and Penalty Schedule
- Revenue Distribution Worksheets
- Crosswalk
- Revenue Distribution FAQs
- SCO: Trial Court Revenue Distribution *Guidelines*
- Statutes: California Legislative Information

81

Distribution of Trial Court Revenue

PC § 1463.001 tells how the collected fines, penalties, service charges, and allocations are distributed each month:

1. Penalties and assessments added to base fines are distributed to the proper funds, according to law.
2. Unless specified, base fines are distributed as follows:
   County arrests are distributed 100% to **county**.
   City arrests are split between **city and county** pursuant to **PC § 1463.002**.
3. Base fines **with** a specified distribution are allocated to the proper funds, as described in the SCO *Trial Court Revenue Distribution Guidelines*.

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Standard Criminal/Traffic Fine Equation

Base Fine + Base Fine Enhancements
=
Total Base Fine
+
Penalties (State, Local, EMS, DNA, Construction, etc.)
+
State Surcharge
+
Fees and Assessments
=
Total Bail or Fine

83

Fines, Penalties, and Assessments: Part I

Base fines are typically increased by the following:

- **State Penalty**: $10 for every $10*
- **Local Penalty**: Up to $7 for every $10*
- **EMS Additional Penalty**: $2 for every $10*
- **State & Local DNA Penalties**: $5 for every $10*
- **State Court Facilities Construction Penalty**: $5 for every $10*

In other words, up to **$29 for every $10** in base fine (or portion thereof) is added, plus **State Surcharge** (20% of the base fine).

These penalties apply to all criminal fines unless otherwise specified.

**(or portion thereof – round UP)*

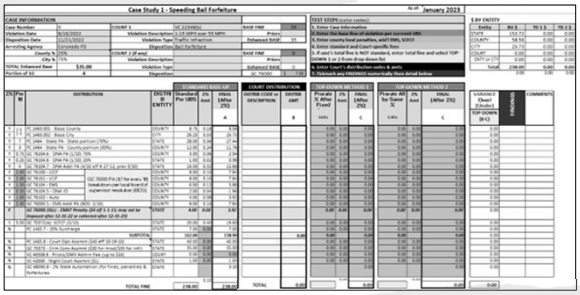
84

Fines, Penalties, and Assessments: Part II

- All criminal convictions are subject to:
  - **Criminal Conviction Assessment:** ($35/infractions; $30/felonies and misdemeanors)
  - **Court Operations Assessment:** ($40)
- Vehicle Code convictions **were** subject to **Emergency Medical Air Transportation Penalty of** $4.
- These apply only to convictions.
- They do **not** apply to offenses adjudicated in juvenile proceedings, unlike the penalty assessments on the previous slide.

85

Distribution Worksheet Sample:



86

Sample Traffic Fine: Vehicle Code §24400(b)

"A motor vehicle, other than a motorcycle, shall be operated during darkness, or inclement weather, or both, with at least two lighted headlamps..."

Base Fine:	**$ 35**
Penalties:	
• State Penalty ($10 x 4):	$ 40
• Local Penalty ($7 x 4):	$ 28
• DNA Penalties ($5 x 4):	$ 20
• Court Construction Penalty ($5 x 4):	$ 20
• EMS Penalty ($2 x 4):	$ 8
Total Penalties:	**$116**
• State Surcharge ($35 x 20%):	$ 7
• Criminal Conviction Assessment	$35
• Court Operations Assessment	$40
Total Assessments:	**$ 73**
TOTAL BAIL/FINE:	**$ 233**

Plus $4 EMAT and $1 Night Court in the example on the previous slide, for a total of $238

87

Completing the TC-31 Form

Marieta Delfin, Supervisor

88

Report to State Controller of Remittance to State Treasurer (TC-31)

MALIA M. COHEN
California State Controller

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AGENDA

- Tips
- Resources and Links
- Contacts

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TC – 31 Form

https://www.sco.ca.gov/Files-ARD-Local/remittc_tc31.xlsx

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TC – 31 Tips - #1

Tips to remember when completing your TC-31 forms:

- Use a separate Remittance Advice Number for each page of your form and do not repeat numbers.
- Month Name and Number (two digits) should match.
- Do not put dollar signs ($) next to the amounts.

CO# 59 MONTH 04 — REMITTANCE ADVICE NUMBER: CO 59 0509

REPORT TO STATE CONTROLLER OF REMITTANCE TO STATE TREASURER - TC-31

COUNTY NAME - NUMBER: ZENITH - 59

COLLECTIONS FOR THE MONTH OF (Mo / Yr): APRIL / 2023

FUND	AGENCY	FY	REV / OBJ	AMOUNT	CODE SECTION & DESCRIPTION
0001	0250	2022	161403	No $Sign 1,000.00	General Fund - Penal Code 1465.7; AB 3000 - 20% surcharge on criminal fines
0001	0820	2022	131500	No $Sign 500.50	General Fund - Health & Safety 11372.5 - Criminalistics Lab Fee; Health & Safety 11502 - State Fines

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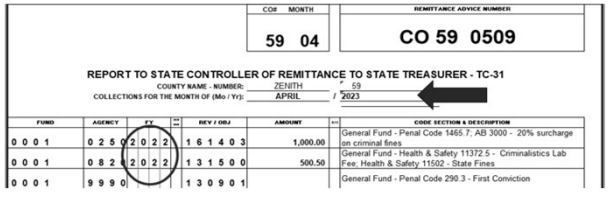
TC – 31 Tips - #2

Monthly TC-31 forms should be dated for the month of collection, not the date of remittance.



CO# 59 MONTH 04 — REMITTANCE ADVICE NUMBER: CO 59 0509

REPORT TO STATE CONTROLLER OF REMITTANCE TO STATE TREASURER - TC-31

COUNTY NAME - NUMBER: ZENITH - 59

COLLECTIONS FOR THE MONTH OF (Mo / Yr): APRIL / 2023

FUND	AGENCY	FY	REV / OBJ	AMOUNT	CODE SECTION & DESCRIPTION
0001	0250	2022	161403	1,000.00	General Fund - Penal Code 1465.7; AB 3000 - 20% surcharge on criminal fines
0001	0820	2022	131500	500.50	General Fund - Health & Safety 11372.5 - Criminalistics Lab Fee; Health & Safety 11502 - State Fines
0001	9990		130901		General Fund - Penal Code 290.3 - First Conviction

TC-31s are based on the fiscal year (July 1–June 30); "2022" is the correct entry for FY 2022-23 collections.

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TC – 31 Tips - #3

Audit Finding (Use separate TC-31 form)

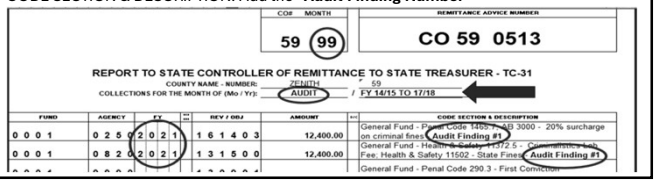
MONTH CODE: **99**

COLLECTIONS FOR THE MONTH OF: **Audit**

(Mo/Yr): **fiscal years under audit**

FY: **Prior Fiscal Year**

CODE SECTION & DESCRIPTION: Add the **"Audit Finding Number"**



CO# 59 MONTH 99

REMITTANCE ADVICE NUMBER: CO 59 0513

REPORT TO STATE CONTROLLER OF REMITTANCE TO STATE TREASURER - TC-31

COUNTY NAME - NUMBER: ZENITH - 59

COLLECTIONS FOR THE MONTH OF (Mo / Yr): AUDIT / FY 14/15 TO 17/18

FUND	AGENCY	FY	REV / OBJ	AMOUNT	CODE SECTION & DESCRIPTION
0001	0250	2021	161403	12,400.00	General Fund - Penal Code 1465.7; AB 3000 - 20% surcharge on criminal fines - Audit Finding #1
0001	0820	2021	131500	12,400.00	General Fund - Health & Safety 11372.5 - Criminalistics Lab Fee; Health & Safety 11502 - State Fines - Audit Finding #1
					General Fund - Penal Code 290.3 - First Conviction

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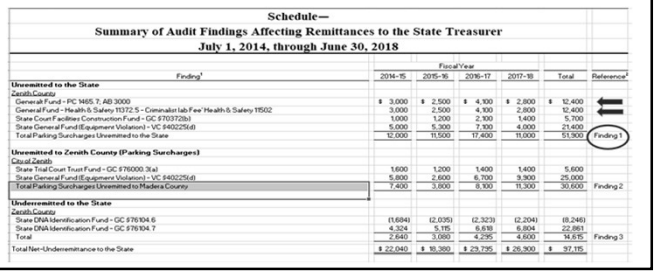
TC – 31 Tips - #4

Submit a copy of the Summary of Audit Findings schedule with the TC-31 form.



Schedule—
Summary of Audit Findings Affecting Remittances to the State Treasurer
July 1, 2014, through June 30, 2018

Finding[1]	Fiscal Year 2014–15	2015–16	2016–17	2017–18	Total	Reference[2]
Unremitted to the State						
Zenith County						
General Fund - PC 1465.7; AB 3000	$ 3,000	$ 2,500	$ 4,100	$ 2,800	$ 12,400	
General Fund - Health & Safety 11372.5 - Criminalist lab Fee' Health & Safety 11502	3,000	2,500	4,100	2,800	12,400	
State Court Facilities Construction Fund - GC 70372(b)	1,000	1,200	2,300	1,400	5,700	
State General Fund (Equipment Violation) - VC 40225(d)	5,000	5,300	7,100	4,000	21,400	
Total Parking Surcharges Unremitted to the State	12,000	11,500	17,400	11,000	51,900	Finding 1
Unremitted to Zenith County (Parking Surcharges)						
City of Zenith						
State Trial Court Trust Fund - GC 76000.3(a)	1,600	1,200	1,400	1,400	5,600	
State General Fund (Equipment Violation) - VC 40225(d)	5,800	2,600	6,700	9,900	25,000	
Total Parking Surcharges Unremitted to Madera County	7,400	3,800	8,100	11,300	30,600	Finding 2
Underremitted to the State						
Zenith County						
State DNA Identification Fund - GC 76104.6	(1,684)	(2,035)	(2,323)	(2,204)	(8,246)	
State DNA Identification Fund - GC 76104.7	4,324	5,115	6,618	6,804	22,861	
Total	2,640	3,080	4,295	4,600	14,615	Finding 3
Total Net-Underremittance to the State	$ 22,040	$ 18,380	$ 29,795	$ 26,900	$ 97,115	

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TC-31 Poll #1

Amounts in the TC-31 form should have dollar ($) signs.

a. True
b. False

96

TC-31 Poll #2

The Fiscal Year for May 2023 collections is:

a. 2022

b. 2023

97

TC – 31 Tips - #5

Interest/Penalty Remittances

As a result of:

a) Audit

b) Delinquent Remittance – Regular Collections

Please submit separately from the regular collections.

Use the TC-31 form sent with the billing letter.

Enter the current fiscal year for all penalty/interest remittances.

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TC – 31 Tips - #6

The total amount at the bottom of each page must be a positive number.

Negative entries must be submitted with supporting documents.

CO#	MONTH	REMITTANCE ADVICE NUMBER
59	01	CO 59 0516

REPORT TO STATE CONTROLLER OF REMITTANCE TO STATE TREASURER - TC-31

COUNTY NAME - NUMBER: ZENITH / 59

COLLECTIONS FOR THE MONTH OF (Mo / Yr): January / 2023

FUND	AGENCY	FY	REV / OBJ	AMOUNT		CODE SECTION & DESCRIPTION
0641	0820	2022	299500	5,000.00		Domestic Violence Restraining Order Reimbursement Fund - Penal Code 1203.097
0642	4265	2022	131700	377.00		Domestic Violence Training and Education Fund - Penal Code 1203.097
0767	1111	2022	131700	(5,376.99)	C	Pharmacy Board Contingent Fund - Business & Professions Code 4236-4414
			TOTAL	0.01		

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TC – 31 Tips - #7

Please stop using old/abolished codes and use the new codes.

OLD CODES			NEW CODES			CODE SECTIONS
FUND	AGENCY	REV/OBJ	FUND	AGENCY	REV/OBJ	
3138	0250	164804	3037	0250	164801	Government Code §70372(a)
3138	0250	164802	3037	0250	164802	Government Code §70373 - misdemeanor & felony
3138	0250	164803	3037	0250	164803	Government Code §70373 - infraction
3138	0250	164763	3037	0250	164763	Government Codes 68085.1(e)(4) and 68085.3(c)(1)(2)
3138	0250	161411	3037	0250	161411	Vehicle Code §40611
3138	0250	164101	3037	0250	164101	Vehicle Code §42007.1
0932	0250	164400	0001	0250	164400	Penal Code 1214.1 (a)

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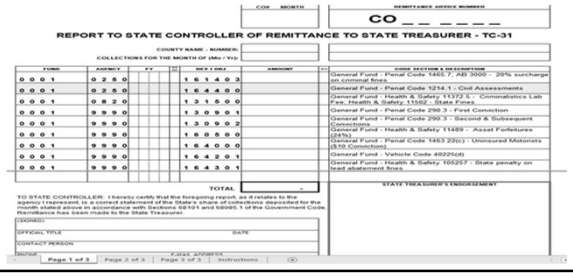
TC – 31 Tips - #8

PC 1214.1 – Civil Assessments



CO _ _ _ _ _ _

REPORT TO STATE CONTROLLER OF REMITTANCE TO STATE TREASURER - TC-31

COUNTY NAME - NUMBER:

COLLECTIONS FOR THE MONTH OF (Mo / Yr):

FUND	AGENCY	FY	REV / OBJ	AMOUNT	CODE SECTION & DESCRIPTION
0001	0250		161403		General Fund - Penal Code 1465.7 - AB 3000 - 20% surcharge on criminal fines
0001	0250		164400		General Fund - Penal Code 1214.1 - Civil Assessments
0001	0820		131500		General Fund - Health & Safety 11372.5 - Criminalistics Lab Fee, Health & Safety 11502 - State Fines
0001	9990		130901		General Fund - Penal Code 290.3 - First Conviction
0001	9990		130902		General Fund - Penal Code 290.3 - Second & Subsequent Convictions
0001	9990		160500		General Fund - Health & Safety 11489 - Asset Forfeitures (25%)
0001	9990		164000		General Fund - Penal Code 1463.22(c) - Uninsured Motorists ($10 Convictions)
0001	9990		164201		General Fund - Vehicle Code 40225(d)
0001	9990		164301		General Fund - Health & Safety 105297 - State penalty on lead abatement fines
			TOTAL	-	

TO STATE CONTROLLER: I hereby certify that the foregoing report, as it relates to the agency I represent, is a correct statement of the State's share of collections deposited for the month stated above in accordance with Sections 68101 and 68085.1 of the Government Code. Remittance has been made to the State Treasurer.

(SIGNED)

OFFICIAL TITLE — DATE

CONTACT PERSON

PHONE — E-MAIL ADDRESS

ADDRESS

STATE TREASURER'S ENDORSEMENT

Page 1 of 3 | Page 2 of 3 | Page 3 of 3 | Instructions

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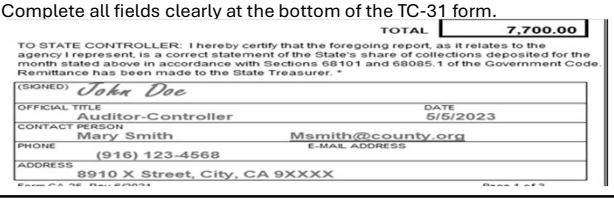
TC – 31 Tips - #9

Sign and date TC-31 forms

The signature on the TC-31 forms may be an original wet signature, electronic signature, or a signed and scanned copy.

Unsigned forms are not processed.

Complete all fields clearly at the bottom of the TC-31 form.



TOTAL 7,700.00

TO STATE CONTROLLER: I hereby certify that the foregoing report, as it relates to the agency I represent, is a correct statement of the State's share of collections deposited for the month stated above in accordance with Sections 68101 and 68085.1 of the Government Code. Remittance has been made to the State Treasurer. "

(SIGNED) John Doe

OFFICIAL TITLE Auditor-Controller — DATE 5/5/2023

CONTACT PERSON Mary Smith — E-MAIL ADDRESS Msmith@county.org

PHONE (916) 123-4568

ADDRESS 8910 X Street, City, CA 9XXXX

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TC-31 Poll #3

It is allowed to submit a TC-31 with negative total amount.

a. True

b. False

103

TC-31 Poll #4

Effective 7/1/2022, 0001 (General Fund) is the fund code for PC 1214.1 civil assessments.

a. True

b. False

104

TC – 31 Tips - #10

Submit your TC-31 forms to:

	OR	
State Treasurer Cash Management Division 915 Capitol Mall, Room 319 Sacramento, CA 95814		State Treasurer Cash Management Division P.O. Box 942809 Sacramento, CA 94209-0001

DO NOT submit your TC-31 forms to the State Controller's Office.

For electronic payment inquiries, please email STO:
CTSMD_In_Out_Wires@treasurer.ca.gov
cc: finserv@treasurer.ca.gov

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TC – 31 Resources

https://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html

Revenue Distribution Training Program

- Training Materials, Frequently Asked Questions, and Judicial Council Distribution Worksheets

For questions that are not addressed by the information via the link above, please contact the Local Government Policy Unit at LocalGovPolicy@sco.ca.gov

TC-31 Forms and Instructions

- Remittance to the State Treasurer (TC-31) Accounting Form *Updated 07.28.2022*
- Guidelines for Revised TC-31 Forms
- TC-31 Frequently Asked Questions (FAQs)
- TC-31 Submission Training

Email List

To receive notification of updates to the **Trial Court Revenue Distribution Guidelines** webpage, please visit the Trial Court Revenue Distribution email subscription webpage.

To receive notification of updates to the **TC-31 form**, please visit the TC-31 Updates email subscription webpage.

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TC – 31 Contacts

Tax Accounting Unit:
lgpsdtaxccounting@sco.ca.gov
Marieta Delfin – MDelfin@sco.ca.gov
Agboo Abeywickrama – AAbeywickrama@sco.ca.gov

Tax Programs Unit:
lgpsdtaxprograms@sco.ca.gov
Lacey Baysinger – Lbaysinger@sco.ca.gov
Ying Dong – Ydong@sco.ca.gov

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Session summary

Legislative cycle
Court and County approach to implementing changes to statute
Adjustments and Discharge from Accountability
Collections Reporting Template challenges
Revenue distribution: training and process
Tips for completing TC-31 form

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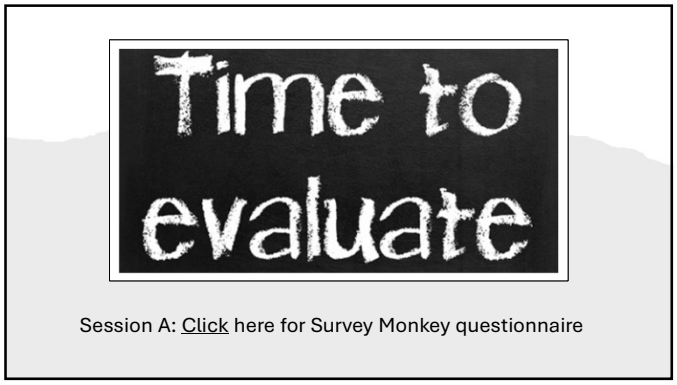
Time to evaluate
Session A: Click here for Survey Monkey questionnaire

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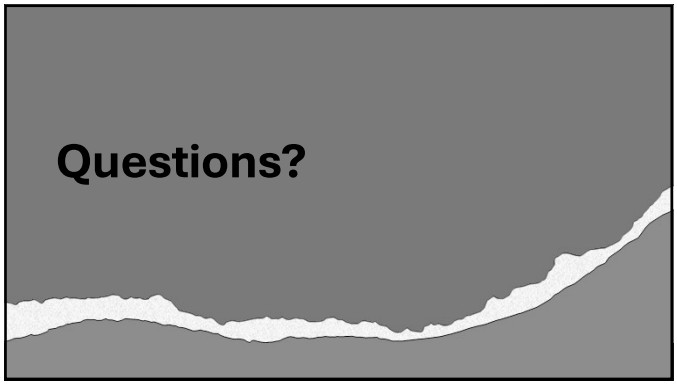
Questions?

110