

**Revenue Distribution Training
May 2015**



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

INTRODUCTION

Faculty and Contacts

State Controllers Office

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Faculty and Contacts

Judicial Council

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- Bob Fleshman Bob.Fleshman@jud.ca.gov
- John Judnick John.Judnick@jud.ca.gov
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- Theida Salazar Theida.Salazar@jud.ca.gov
- Courtney Tucker Courtney.Tucker@jud.ca.gov

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Housekeeping Information

- Breaks: As needed.
- Lunch: 60 minutes, lunch provided.
- Restrooms: out the door to the left.
- Questions:
 - Ask at any time - use the microphone.
 - Use index cards to submit written questions; include your name in case we need more information.
- Evaluations: Follow up with online survey tool.

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Training Agenda

- Opening and Introduction
 - Faculty and contacts
 - Housekeeping
 - Training expectations and goals
 - Court-Ordered Debt Task Force
- Revenue Distribution Resources and Updates
 - Judicial Council - Uniform Bail and Penalty Schedule
 - State Controller's Office - Appendix C
 - FAQ's
 - Crosswalk (Appendix C to other resources)
 - Common Audit Findings
- Panel Discussion
 - JCC, Court, County subject matter experts

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Training Agenda

Discussion on Emerging Case Management System
Implementation Issues Related to Revenue Distribution

Lunch

Breakout Sessions

- Session A: Basic Distribution Templates
- Session: Intermediate/Advanced Distribution Templates
- Run concurrently, multiple faculty to assist.

Wrap up and Adjourn

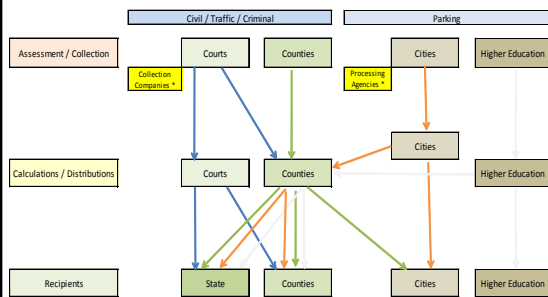
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Instruction Goals

- Provide updates to various distribution-related resources
- Identify sources of resource materials for distribution calculations, analysis, and research
- Review and discussion of frequently asked distribution questions
- Distribution Worksheets:
 - Learn how to create worksheets for distributions
 - Review basic and complex distributions utilizing worksheets

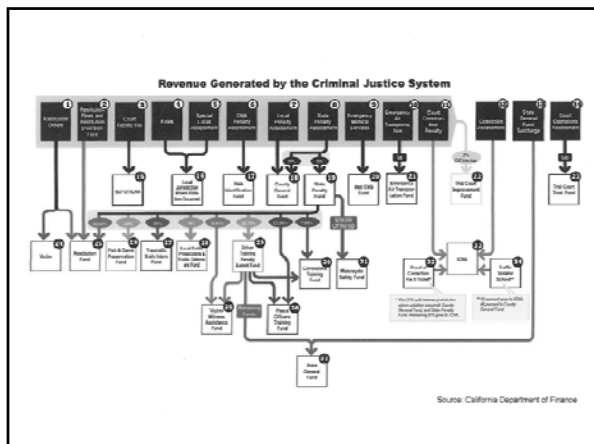
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ASSESSMENT, COLLECTION, AND DISTRIBUTION
COMPLEXITY OF THE PROCESS



Entities under contract to perform collections.

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Court-Ordered Debt Task Force

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**Court-Ordered Debt Task Force
(CODTF)**

- Established by Penal Code 1463.02(b)
- Representatives from
 - State entities, agencies, and departments
 - Counties, cities, and other external organizations

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CODTF PRIMARY GOALS (PC 1463.02(b))

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, and recommendations, if any, for adjustment to the court-ordered debts.

- Identify all criminal and traffic-related court-ordered fees, fines, forfeitures, penalties and assessments imposed under law.
- Identify the distribution of revenue derived from those debts and the expenditures made by those entities that benefit from the revenues.
- Consult with state and local entities that would be affected by a simplification and consolidation of criminal and traffic-related court-ordered debts.

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CODTF ACTIVITIES

Activities of CODTF subgroups:

- Survey to determine revenue streams to state, counties, cities, etc., and associated financial information (Completed)
- Evaluation of SCO Appendix C (Completed)
- Sponsor training on revenue distribution (Ongoing)
- Criminal and Traffic-Related Court-Ordered Debt Simplification Pilot Program (In Process)

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Revenue Distribution Resource Interrelationships

- Statutes
- SCO Trial Court Revenue Distribution Guidelines: Appendix C
- Judicial Council's Uniform Bail and Penalty Schedule
- FAQs
- Crosswalk
- Revenue Distribution Audit Worksheets

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Distribution Resource Sites

California Statutes: <https://leginfo.legislature.ca.gov/faces/codes.xhtml>

Distribution Resources/Guides:

JC Revenue Distribution Website www.courts.ca.gov/revenue-distribution.htm

JC Uniform Bail and Penalty Schedules <http://www.courts.ca.gov/documents/2015-JC-BAIL.pdf>

Frequently Asked Questions www.courts.ca.gov/revenue-distribution.htm

SCO Appendix C Guidelines www.sco.ca.gov/ard_trialcourt_manual_guidelines.html

Distribution Training Materials www.sco.ca.gov/ard_trialcourt_manual_guidelines.html

Local Court Websites: www.courts.ca.gov/find-my-court.htm

County Websites: www.csac.counties.org/county-websites-profile-information

Audit Reports:

State Controller's www.sco.ca.gov/aud_court_revenues.html

Judicial Council www.courts.ca.gov/12050.htm

JUDICIAL COUNCIL

UNIFORM BAIL AND PENALTY SCHEDULES

Judicial Council Uniform Bail and Penalty Schedules (Rule 4.102)

- PC 1269b(c): requires that courts prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses except Vehicle Code infractions.

The penalty schedule for infraction violations of the Vehicle Code shall be established by the Judicial Council in accordance with Section 40310 of the Vehicle Code.

- VC 40310: requires Judicial Council to annually adopt a uniform traffic penalty schedule for all non-parking Vehicle Code infractions.

Countywide Bail Schedules

- The judges in each county adopt a countywide bail schedule that sets bail based on the requirements that apply to that jurisdiction, including adjustment of the county penalty and EMS penalty for the traffic infraction schedule.
- In 30 counties, a traffic infraction bail schedule may exceed the bail amounts that are set in the council's schedule if the board of supervisors adopts a resolution to increase the bail under Penal Code section 1463.28.

JC Uniform Bail and Penalty Schedules

www.courts.ca.gov/documents/2015-JC-BAIL.pdf

The Uniform Bail and Penalty schedules are revised to conform to recent legislation. The Judicial Council adopted the 2015 Uniform Bail and Penalty Schedule at the December 2014 council meeting.

Purpose of schedules:

1. To provide the standard bail amount, which for Vehicle Code offenses is the amount that may be used for a bail forfeiture instead of further proceedings.
2. Serve as a guideline for the imposition of a fine as all or a portion of the penalty for a first conviction of a listed offense where a fine is used as all or a portion of the penalty for such offense.



ATTACHMENT A
Uniform Bail and Penalty Schedules
 MARCH 2014 2015 EDITION
 (Cal. Rules of Court, rule 4.102)

TRAFFIC
 BOATING
 FORESTRY
 FISH AND GAME
 PUBLIC UTILITIES
 PARKS AND RECREATION
 BUSINESS LICENSING



12002.1(b) or 12002.2(b) or to any regulation relating to the wearing or display of a fishing license.

F. "Total Bail" shall not exceed statutory limits. Vehicle Code section 40210 specifies that the "fine" amount of the total bail shall not exceed the maximum specified by Vehicle Code sections 42001 and 42001.5.

G. In cases where a court appearance is required by a court, the amounts set forth in the Uniform Bail and Penalty Schedules do not necessarily indicate the appropriate total penalties; rather, they assume that, in most cases, where bail is posted, sufficient funds will be available to meet the defendant's obligations. Upon conviction, however, "additional penalties" are added to any fine. It is incumbent upon the judge who hears such cases to determine the proper total penalty (fine and "additional penalties") based on the particular facts presented.

With the exception of juveniles under age 18, there shall be no mandatory court appearance for any infraction of the California Vehicle Code punishable by fine only. A court may require a mandatory appearance for an infraction violation of the Vehicle Code where a statutory driver's license restriction, suspension, or revocation is authorized, community service or proof of payment or correction is mandatory, or a violation requires specific action under the Vehicle Code in addition to a fine. This paragraph does not apply to violations of local ordinances based on Vehicle Code sections.

H. The "Total Bail" for an offense not specifically listed in the Uniform Traffic Infraction Bail and Penalty Schedule is the amount set for the general category of that offense under a California code or regulation, specifies otherwise. The court operation assessment and criminal conviction assessment are collected in addition to the "Total Bail." The suggested minimums "Total Bail" for an offense not specifically listed in the Uniform Traffic Infraction Bail and Penalty Schedule and the Uniform Business, Trade, and Consumer, or Business Licensing Bail and Penalty Schedules, unless a California code or regulation specifies otherwise, is

Misdemeanor	\$ 75 -	\$211	-	\$70	=	\$306
Infraction	\$ 35 -	\$127	-	\$75	=	\$237

The suggested minimums "Total Bail" for an offense not specifically listed in the Uniform Public Utilities Bail and Penalty Schedules, unless a California code or regulation specifies otherwise, is

Misdemeanor	\$185 -	\$528	-	\$70	=	\$622
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The suggested minimums "Total Bail" for an offense not specifically listed in the Uniform Business, Trade, and Consumer, or Business Licensing Bail and Penalty Schedules, unless a California code or regulation specifies otherwise, is

Misdemeanor	\$100 -	\$310	-	\$70	=	\$480
Infraction	\$ 35 -	\$121	-	\$75	=	\$231

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TRAFFIC INFRACTION FINES/ PENALTY SCHEDULE
(Vehicle Code)
(*See Preface, Section III) (*See Preface, Section IV)

Section	Code	Offense	Base Fine	Base County Fine	County Surcharge Rate	County Surcharge Amount	County Surcharge Total	County Surcharge Rate	County Surcharge Amount	County Surcharge Total	Total Bail*	County Surcharge Rate	County Surcharge Amount	County Surcharge Total			
27463 (c)	A	Transportation of Child in Rear Facing Child Passenger Restraint System in Front Seat of Vehicle With Active Frontal Airbag	35	40	28.00	20	7	8	4	162.00	40	35	1	0.00	216.00	34	1
27464 (c)	A	Transportation of Child in Rear Facing Child Passenger Restraint System in Front Seat of Vehicle With Active Frontal Airbag	35	0	0.00	0	0	0	0	0.00	0	0	0	0	21.00	44	0
27465.5 (a)(3)		Failure of Report, Clinic, or Testing Center to Provide Information About Child Passenger Restraint Requirements and Current Information	35	40	28.00	20	7	8	4	162.00	40	35	1	0.00	216.00	24	0
27465 (a)(2)	B	Handwritten Signature Required to Submit Customer About Child Restraint Requirements, Provide the Point-of-Child Passenger Restraint System	300	300	70.00	30	30	20	4	414.00	40	35	1	0.00	494.00	44	0
27468	A	Failure to Abide by Safety Standards and Regulations for Child Passengers in Fully Enclosed Motor Vehicle	25	30	21.00	15	5	6	4	121.00	40	35	1	0.00	197.00	34	1
27468	B	Failure to Abide by Safety Standards and Regulations for Child Passengers in Fully Enclosed Three-Wheeled Vehicle	25	0	0.00	0	0	0	0	0.00	0	0	0	0	21.00	44	0
27522 (a)	B	Violation of Duty as Window Enforcement In-Market Licensee	20	20	20.00	15	25	15	1	201.00	40	35	1	0.00	267.00	34	0
27522 (a)	B	Violation of Duty as Window Enforcement In-Market Licensee	25	0	0.00	0	0	0	0	0.00	0	0	0	0	21.00	44	0
27575 (b)	B	Failure of Licensee Driver to Unlock Rear Doors for Passengers to Open for Fire or Emergency	70	70	49.00	35	35	14	4	291.00	40	35	1	0.00	367.00	34	0
27575 (a)(2)	B	Failure of Licensee Driver Other than Operator to Supply Passengers on Vehicle Primary and Communications With the Driver	70	70	49.00	35	35	14	4	291.00	40	35	1	0.00	367.00	34	0
27575 (a)(2)	B	Failure of Licensee Driver Other than Operator to Disclose Whether the Licensee Meets Current Safety Requirements	70	70	49.00	35	35	14	4	291.00	40	35	1	0.00	367.00	34	0

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Revisions to conform the 2015 schedules to recent changes in the law include the following:

- Revision of section I.C on page iii of the preface to add subdivision (b) to Penal Code section 19.8.
- Revision of section IV.C.3 on page vi of the preface to delete the discussion of Streets and Highways Code section 97.5, which sunset in 2014.
- Revision of section IV.H on page vii of the preface to clarify that the emergency medical air transportation (EMAT) penalty assessment applies only to violations of the Vehicle Code and ordinances adopted under the Vehicle Code.
- Revision of section VIII.D on page x of the preface to correct the sample calculation of bail for multiple violations without traffic violator school.

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Addition or modification of infraction offenses for violation of Vehicle Code sections:

- 14606(c), failure of employer to retain medical certificate of driver of commercial vehicle when no medical certification status is included in the commercial license information system, which was repealed and amended effective January 30, 2014;
- 23302(a)(2), unauthorized placement of toll transponder;
- 23302(a)(3), unauthorized placement of toll transponder for motorcycle;
- 27375(a), violation of window or door requirement for modified limousine;
- 27375(c)(1), failure of limousine owner or operator to instruct passengers on vehicle features and communication with the driver;
- 27375(c)(2), failure of limousine owner or operator to disclose whether the limousine meets current safety requirements;
- 27375(c)(3), failure of limousine owner or operator to disclose whether the limousine is exempt from safety requirements for emergency escape;
- 28062(a), modified limousine not equipped with fire extinguishers as required;
- 38601, operating or riding in recreational off-highway vehicle on public land by person while not wearing safety helmet as required.

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Modification of misdemeanor offense for violation of Vehicle Code section:

- 10501(a), false report of vehicle theft with intent to deceive, which has an endnote Pen. Code § 1170(h);
- 10851(a), driving or taking vehicle without consent of owner with intent to deprive owner of title or possession of vehicle, which has an endnote on Pen. Code § 1170(h);
- 21464(d), willful interference with traffic device or willful use, possession, or distribution, of traffic interference device that results in injury or death, which has an endnote on Pen. Code § 1170(h);
- 21651(c), willfully driving wrong way on divided highway and causing injury or death, which has an endnote on Pen. Code § 1170(h);
- 23104(b), reckless driving—great bodily injury, which has an endnote on Pen. Code § 1170(h);
- 23105(a), reckless driving—specific injury, which has an endnote on Pen. Code § 1170(h);
- 23109.1, engaging in speed contest—specific injury, which has an endnote on Pen. Code § 1170(h);
- 2468(a), failure of licensed renderer to keep written records of inedible kitchen grease; and
- 2468(b), refusal of licensed renderer or registered transporter to exhibit required record or destruction of required record.

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Modification of Harbors and Navigation Code sections:

- 307(a), mooring to or hanging on with a vessel to buoy or beacon;
- 307(b), removing, damaging, or destroying buoy or beacon;
- 652.5(c), blue light-unauthorized use;
- 652.5(d), failure to yield to blue light or siren;
- 652.5(e), failure of cable ferry operator to provide clear course for law enforcement;
- 655(a), reckless or negligent operation by riding on bow or transom of vessel propelled by machinery;
- 655.2(a), power boats—speed restrictions;
- 658(a), operation of vessels towing persons on water skis or aquaplanes—requirement for person 12 years of age or older to be aboard in addition to driver;
- 658(b), prohibited hours;
- 668, fines for violation of Harbors and Navigation Code sections and related Cal. Code of Reg., title 14.

Modification of Fish and Game Code sections:

- 4004(a, b, d-g), trapping violations;
- 4004(c), setting or maintaining trap without required identifying mark.

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Additional Resources

Judicial Council reports:
<http://www.courts.ca.gov/jcmeetings.htm>
Judicial Council Bail Schedules:
<http://www.courts.ca.gov/7532.htm>

Contacts

- Any questions about bail schedules may be directed to:
- Courtney Tucker
 - Phone: (415) 865-7611
 - Email: courtney.tucker@jud.ca.gov

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Questions?

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Court Revenue Distribution Training May 2015



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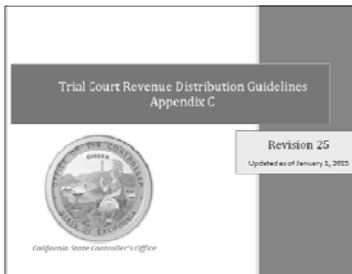
Overview of SCO Guidance

- What is Appendix C?
- New Features - Priority of Installments Payments
- Improving Guidance through Feedback
- Codes Added or Amended by legislation
- Update Notifications

SCO Trial Courts Website



What is Appendix C?



In compliance with California Code, **Appendix C** provides guidance on the distribution of fees, fines, forfeitures, penalties, and assessments resulting from criminal and civil violations.


New Features– Priority of Installment Payments

Specify priority of distributions on payments are made on an installment basis.

New Features:

- Dedicated page
- Priority column

You can quickly find the priority of distribution based on the code violation.



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Improving Guidance through Feedback

Completed

- ✓ Priority of Installment Payments
- ✓ Email Notification Service - Listserv
- ✓ Urgency Legislation

Under Review

- Fifty Percent Over Excess Calculation
- Discretionary vs Mandatory Legislation




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Updates to Legislation

The codes below have been added or amended in Appendix C, Revision 25:

Year Chartered	Added / Amended	Code Section	Description
2014	Added	B&P 7502.2	Repossession Fine, Misdemeanor
2014	Added	CC 1670.8	Civil Penalty, Unlawful Contract
2014	Amended	GC 26721.2(a)	Sheriff's fees for serving a summons for any action commencing in superior court
2014	Added	GC 26721.2(b)	Sheriff's fees for canceling a summons prior to its completion
2014	Added	GC 26721.2(c)	Sheriff's fees for making a not-found return on a summons
2014	Amended	GC 26750	Sheriff's fees for serving an earnings withholding order
2014	Added	GC 70663	Conservatorship Registration Fee
2014	Added	H&S 26299.80.5	Underground Storage Tanks, Fine
2014	Amended	H&S 25151.5(a)	Criminal Penalties Relating to Hazardous Waste Violations
2014	Amended	H&S 25151.5(b)	Civil Penalties Relating to Hazardous Waste Violations
2014	Amended	PC 266k	Additional penalty for sexual exploitation crimes
2014	Amended	PC 2085.5	Restitution Fine; Deduction From Prisoner Wages
2014	Added	PC 2085.6	Restitution Fine; Released Prisoner
2014	Added	PRC 42285	Civil Penalties Relating to Single-Use Carryout Bags
2014	Added	WC 10732	Civil Penalties Relating to Excess Groundwater Extraction
2014	Added	W&I 258(b)	Truancy Fine; Minors
2014	Amended	W&I 730.6(b)(1)	Required Restitution Fine for Juveniles

List is not all-inclusive
*As of January 1, 2015




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Update Notifications



To receive automatic notification of updates to the Trial Courts Revenue Distribution Guidelines, please visit our website at:

- http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html



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California State Controller's Office

Trial Court Revenue Distribution Frequently Asked Questions

FAQ Categories

www.sco.ca.gov/Files-ARD-Local/trial_court_revenue_distribution_faqs.pdf

- General Questions
- Appendix C
- Statutes
- Parking
- Collections
- Distribution Calculations
- Distribution Spreadsheets
- Audit
- Operations
- Judicial Action
- Training

FAQ Revisions

- Collaborative process (SCO/JC)
- Table of Contents
 - 11 Categories (Remember to cross reference as some may overlap).
 - New Entries Include but are not limited to the following:
 - Bond Indebtedness
 - Record Retention
 - Mandatory Impositions
 - Judicial Assessment v. Penalty Assessment
 - BOS resolutions

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FAQ Revisions

- UB&PS v Statutory Code
- Responses may change with legislation or policy
- New Questions or Updated Responses are bolded with "As of date"
- http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html
- Clarifications/New questions: RevenueDistribution@jud.ca.gov

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FAQs: Next Steps

- Merging FAQ Docs
- Review questions received during training sessions
- Develop plan for add'l FAQs

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Crosswalk: New Resource

- Sectional crosswalk tying Appendix C to other resources
- Minimizes Research Time
 - FAQ's
 - UB&PS
 - Distribution Template

JUDICIAL COUNCIL OF CALIFORNIA
CRIMINAL JUSTICE TRAINING PROGRAMS AND PRACTICE SKILLS TRAINING (CJPT) AND DISTRIBUTION WORKSHEETS

Table 7: Special Distribution of Fees and Expenses Training (CJPT) (4/6/2015)

Code	Code Number	Code Description	Volume	FY00	Volume Fee & Expense Number (11/2014)	FY1	Special Distribution	Expense
2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1
2.1.1	2.1.1	2.1.1	2.1.1	2.1.1	2.1.1	2.1.1	2.1.1	2.1.1
2.1.1.1	2.1.1.1	2.1.1.1	2.1.1.1	2.1.1.1	2.1.1.1	2.1.1.1	2.1.1.1	2.1.1.1
2.1.1.1.1	2.1.1.1.1	2.1.1.1.1	2.1.1.1.1	2.1.1.1.1	2.1.1.1.1	2.1.1.1.1	2.1.1.1.1	2.1.1.1.1
2.1.1.1.1.1	2.1.1.1.1.1	2.1.1.1.1.1	2.1.1.1.1.1	2.1.1.1.1.1	2.1.1.1.1.1	2.1.1.1.1.1	2.1.1.1.1.1	2.1.1.1.1.1
2.1.1.1.1.1.1	2.1.1.1.1.1.1	2.1.1.1.1.1.1	2.1.1.1.1.1.1	2.1.1.1.1.1.1	2.1.1.1.1.1.1	2.1.1.1.1.1.1	2.1.1.1.1.1.1	2.1.1.1.1.1.1
2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1
2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1

JUDICIAL COUNCIL OF CALIFORNIA
CRIMINAL JUSTICE TRAINING PROGRAMS AND PRACTICE SKILLS TRAINING (CJPT) AND DISTRIBUTION WORKSHEETS

Table 7: Distribution Distribution

Code	Code Number	Code Description	Volume	FY00	Volume Fee & Expense Number (11/2014)	FY1	Special Distribution	Expense
2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1
2.1.1	2.1.1	2.1.1	2.1.1	2.1.1	2.1.1	2.1.1	2.1.1	2.1.1
2.1.1.1	2.1.1.1	2.1.1.1	2.1.1.1	2.1.1.1	2.1.1.1	2.1.1.1	2.1.1.1	2.1.1.1
2.1.1.1.1	2.1.1.1.1	2.1.1.1.1	2.1.1.1.1	2.1.1.1.1	2.1.1.1.1	2.1.1.1.1	2.1.1.1.1	2.1.1.1.1
2.1.1.1.1.1	2.1.1.1.1.1	2.1.1.1.1.1	2.1.1.1.1.1	2.1.1.1.1.1	2.1.1.1.1.1	2.1.1.1.1.1	2.1.1.1.1.1	2.1.1.1.1.1
2.1.1.1.1.1.1	2.1.1.1.1.1.1	2.1.1.1.1.1.1	2.1.1.1.1.1.1	2.1.1.1.1.1.1	2.1.1.1.1.1.1	2.1.1.1.1.1.1	2.1.1.1.1.1.1	2.1.1.1.1.1.1
2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1
2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1	2.1.1.1.1.1.1.1.1

Questions?

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Court Revenue Distribution Training




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California State Controller's Office

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Common Audit Findings

- Issues regarding:
 - Traffic Violator School (TVS) Fees
 - 30% Distribution on Red Light/ Railroad Violations
 - Parking Violation Penalties



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SCO Court Revenue Audits

The screenshot displays the website for the California State Controller's Office, specifically the Court Revenue Audits section. It features a navigation menu on the left with categories like 'Home', 'About Us', 'Services', and 'Contact Us'. The main content area shows a list of reports issued in 2014, including 'Reports issued in 2014', 'Reports issued in 2013', 'Reports issued in 2012', 'Reports issued in 2011', 'Reports issued in 2010', 'Reports issued in 2009', 'Reports issued in 2008', and 'Reports issued in 2007'. A URL is provided at the bottom: http://www.sco.ca.gov/aud_court_revenues.html. The page is branded with the Controller Betty T. Yee logo and the number 49.

Distribution of TVS Fees

Incorrect distribution of Traffic Violator School (TVS) fees

- When the defendant goes to traffic school, the total bail is converted to a TVS fee. (VC 42007)
- Certain amounts are imposed in addition to the TVS fee but are incorrectly included as part of the TVS fee, such as:
 - 20% State Surcharge (PC 1465.7)
 - Court Security Fee (PC 1465.8)
 - Criminal Conviction Assessment (GC 70373)
 - Additional TVS Fee (VC 42007.1)

The slide is branded with the Controller Betty T. Yee logo and the number 50.

30% Distribution from Red Light/Railroad Violations

30% distribution from red light/railroad violations is applied to the wrong penalties

- After deducting the 2% Automation, 30% of the following is disbursed to the county or city, pursuant to PC 1463.11 or PC 1463.12:
 - Base fine (PC 1463.001/PC 1463.002)
 - State Penalty (PC 1464)
 - Local Penalty (GC 76000)
 - State Court Facilities Fund (GC 70372)
 - EMAT Penalty (GC 76000.10)
- EMS Penalty and the DNA Penalties are excluded from the 30% at PC 1463.11 (Red Light).

The slide is branded with the Controller Betty T. Yee logo and the number 51.

Distribution of Parking Violation Penalties

Surcharge is not distributed as required on parking violations

- For each parking offense where a parking penalty, fine, or forfeiture is imposed, the following penalties shall be imposed in addition to the amount set by the city, district, other issuing agency or statute:
 - \$4.50 for Court Construction Penalty (GC 70372)
 - \$3.00 for Trial Court Trust Fund (76000.3)
- 50% of the Equipment Violation Penalty (VC 40225) is not being properly remitted to the State.



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Audit and Distribution Issues

Audit Services of the Judicial Council performs:

- Regular cycle audits of the superior courts with a focus of what the CMS calculations are programmed to do now and the recent past.
- This testing focuses on testing complex distributions and other select distributions that have been found to be recent issues.
- Consultative advice on distribution issues.

Audit and Distribution Issues

Systemic or other issues found on recent audits or questions posed:

- Domestic violence fee effective 1-1-2014 went from \$400 to \$500. (PC 1203.097); Court required to provide a statement of reason on the record if it exercises discretion to reduce or waive the fee.
- Red light traffic school case – distributed the collections as a PC 1463.11 red light bail forfeiture instead of as a VC 42007.3 Red light traffic school.
- Fines are punitive and would be from the date of violation due to Ex Post Facto prohibitions, which means that the court cannot impose a more punitive fine (possibly at conviction date) than what existed at the time of the violation. This includes the State Restitution Fine per case law.
- Restitution fine is not subject to penalty assessments - PC1202.4(e) and see FAQ C 61.

Audit and Distribution Issues

- PC 1205.3 - when probation is granted for an offense, fines including restitution fines can be converted to community service but fees cannot be converted.
- Where a defendant may have multiple cases filed against him/her and the judicial officer decides to hear these cases concurrently because the violations were filed separately, the base fines should not be added before calculating the penalties. FAQ F 3
- GC 76000.3 additional \$3 penalty on parking offenses (1-1-11)– determine whether the \$3 is already part of the distribution – if not, it comes out of the total collected as the State receives \$7.50. Some prior examples were prior to 1-1-11.

Audit and Distribution Issues

- 2% State Automation calculation and distribution
 - VC 42007 converts the fines and penalties to a traffic violator school fee and the 2% is incorrectly calculated and distributed from the fines and penalties for traffic school cases, except for child seat traffic school cases.
 - Assessed on all fines, penalties, and forfeitures NOT ON FEES
- State DNA penalty GC 76104.7
 - Assessment of \$3 for every \$10 of the enhanced base fine in all criminal cases (including VC or any local ordinance adopted pursuant to the VC) was made but it increased to \$4 effective June 27, 2012

Panel of Experts

Frequently Asked Questions

Questions and Answers

- All questions submitted to be discussed
- Responses to be discussed between SCO and JC
- FAQ's to be updated

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Discussion on CMS Transition Challenges Related to Revenue Distribution

Instruction Goals and Expectations

Covered the Following:

- Provided updates to revenue distribution resources.
- Identified sources of resource materials for distribution calculation, analysis, and research.
- Panel of experts reviewed and discussed frequently asked distribution questions.

Will Cover Next:

- Distribution worksheets: Walked-through and explained calculations of distribution examples for select case types using worksheet tools and explained how to build a worksheet.

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Other Items

- Online survey
- Training certificates
- Next Distribution Training -
 - ✓ Fall 2015
 - ✓ Webinar
 - ✓ New 2015 statutes affecting distributions

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Lunch Break

12:00pm – 1:00pm

Breakout Sessions

1:00pm – 3:00pm
