TRIAL COURT REVENUE DISTRIBUTION AND COLLECTIONS RESOURCES
SPRING 2023

State Controller's Office (SCO) Trial Court Revenue Distribution:

- Trial Court Revenue Distribution Guidelines (Revision 33)
- Previous Revisions to Distribution Guidelines (29, 30, 31, 32)
- Listserv Notifications (Updates and Changes to Statutes)
- Frequently Asked Questions
- TC-31 Remittance Form and Guidelines for Revised TC-31 Forms
- TC-31 Frequently Asked Questions
- TC-31 Submission Training
- Audit Reports

Judicial Council Revenue Distribution and Collections:

- Uniform Bail and Penalty Schedules
- Court-Related Legislation
- Revenue Distribution Worksheets
- Crosswalk Guide
- Audit Reports
- Collections Reporting Template 2022–23, Instructions, and Glossary
- Cost Recovery Guidelines and Standards, Distribution Template, and Report Template
- Memorandum of Understanding (MOU) template
- Report to Legislature: Statewide Collection of Court-Ordered Debt for 2021-22
- Intercounty Probation Case Transfer Fiscal Procedures
- Performance Measures and Benchmarks
- Collections Best Practices
- Discharge from Accountability Information Sheet
  - Discharge from Accountability Application Sample and Sample Report
- Statewide Master Agreements for Collections Services
- AB 199 Frequently Asked Questions
- Ability to Pay FAQs and MyCitations
- Trial Court Financial Policies and Procedures Manual, 12th Edition

Other Resources:

California State Assembly
California State Senate
California Legislative Information (Leg Info)
JCC Resources Network
SCO Listserv Notification Signup
Franchise Tax Board Court-Ordered Debt Collections Program (FTB-COD)
Franchise Tax Board Interagency Intercept Collections Program (FTB-IIC)

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Judicial Council:
Governmental Affairs:
Morgan Lardizabal, Legislative Advocate
morgan.lardizabal@jud.ca.gov

Criminal Justice Services:
Jamie Schechter, Attorney
Jamie.Schechter@jud.ca.gov

Funds and Revenues:
Donna Newman, Budget Supervisor
Donna.Newman@jud.ca.gov
Maria Lira, Senior Analyst
Maria.Lira@jud.ca.gov
Don Lowrie, Fiscal Analyst
Don.Lowrie@jud.ca.gov
Nicolas Duffy, Fiscal Analyst
Nicholas.Duffy@jud.ca.gov
Public Email Inboxes for Questions: Collections@jud.ca.gov ♦ RevenueDistribution@jud.ca.gov

State Controller's Office:
Local Government Programs and Services Division:
Marieta Delfin, Supervisor
MDelfin@sco.ca.gov
Henry Mathews, Policy Analyst
HMathews@sco.ca.gov
Gene Hughes, Policy Analyst
dbasso@sco.ca.gov
Public Email Inbox for Questions: LocalGovPolicy@sco.ca.gov

Division of Audits:
Doug Brejnak, Auditor
DBrejnak@sco.ca.gov
Chris Ryan, Audit Manager
CRyan@sco.ca.gov

Franchise Tax Board
Court-Ordered Debt Program:
Jennifer Jacobsen, Program Supervisor
Jennifer.Jacobsen@ftb.ca.gov
Lorena Benavidez, Program Supervisor
Lorena.Benavidez@ftb.ca.gov
Public Email Inbox for Questions: CODClientServices@ftb.ca.gov

Interagency Intercept Collections (IIC) Program:
Rikki Saldana, Program Supervisor
Rikki.Saldana@ftb.ca.gov
Alaina Andrews, Program Manager
alaina.andrews@ftb.ca.gov
Public Email Inbox for Questions: iicgroup@ftb.ca.gov

Recently Enacted Legislation[1]

Assembly Bill 199 (Stats. 2022, Ch. 57)

Effective July 1, 2022, this legislation amended Penal Code section 1214.1 to reduce the maximum amount of a civil assessment that a court may impose for a defendant who fails to appear or pay from $300 to $100. It further requires that courts transmit collected revenue to the State Treasurer for deposit into the State General Fund, rather than the Trial Court Trust Fund. Finally, by amending Penal Code section 1465.9, this legislation requires courts to vacate any civil assessments imposed prior to July 1, 2022, and makes any amounts owed prior to this date uncollectable. For more information, please see the following memo distributed by Judicial Council Budget and Finance: AB 199–FAQ

Assembly Bill 177 (Stats. 2021, Ch. 257)

This legislation was a public safety trailer bill related to courts and included provisions necessary to implement the Budget Act of 2021. It also expanded on Assembly Bill 1869 (Stats. 2020, Ch. 92) by eliminating 18 criminal fees and outstanding debt incurred as a result of those fees.

Effective September 23, 2021,[2] Penal Code section 1463.07 was repealed. Like Government Code section 29550(f), which was previously repealed by AB 1869, this statute mandated a $10 administrative screening fee and a $25 citation processing fee. Courts must cease collecting this fee and vacate any portion of a judgment that previously imposed this fee.

Beginning January 1, 2022, courts no longer have authority to collect the following fees and must vacate any portion of a judgment that imposed those fees:

Pen. Code, § 1001.15 (diversion program laboratory analysis fee)
Pen. Code, § 1001.16 (misdemeanor drug diversion program laboratory analysis fee)
Pen. Code, § 1001.90(g)–(h) (county fee for collecting diversion restitution)
Pen. Code, § 1202.4(*l*) (county fee for collecting restitution fines)
Pen. Code, § 1203.1(*l*) (county fee for collecting restitution orders)
Pen. Code, § 1203.1ab (drug testing fee)
Pen. Code, § 1203.1c (local incarceration fee)
Pen. Code, § 1203.1m (state prison incarceration fee)
Pen. Code, § 1203.4a(e) (fee for processing dismissal request)
Pen. Code, § 1203.9 (local fees for courts receiving probation transfer cases)
Pen. Code, § 1205(e) (installment payment plan and accounts receivable processing fee)
Pen. Code, § 1214.5 (interest on restitution orders)[3]
Pen. Code, § 2085.5(e)–(f), (i) (restitution fines/orders collection fee for prisoners or parolees)
Pen. Code, § 2085.6(d) (restitution fines/orders collection fee for persons on postrelease community supervision or mandatory supervision)

[1] Excerpts adapted from Judicial Council Criminal Justice Services staff memos on recently enacted criminal justice legislation. Full memos available here: https://jrn.courts.ca.gov/programs/cjr/
[2] Based on the urgency clause in the legislation, the effective date for the repeal of this particular fee is the date the Governor signed AB 177.
[3] Penal Code section 1202.4(f)(3)(G), authorizing interest accrual on victim restitution orders, remains in effect.

Pen. Code, § 2085.7(d) (restitution fines/orders collection fee for persons released from custody)
Veh. Code, § 40508.5 (failure to appear / failure to comply assessment)
Veh. Code, § 40510.5(g) (installment account processing fee)

Due to the repeal of these local fees, in the 2022–23 fiscal year, and for each year thereafter, there will be an appropriation of $50 million from the General Fund to backfill revenue to counties, as well as $10.3 million to backfill revenue losses to the courts.

Assembly Bill 1869 (Stats. 2020, Ch. 92)

This legislation repealed several administrative fees related to the processing of criminal cases and eliminated outstanding debt incurred as a result of those fees. Specifically, it repealed statutes associated with public defender fees, costs of arrest (booking and screening fees), and alternative custody fees (work furlough, home detention, and electronic monitoring). It also repealed the probation department investigation/progress report fee, the interstate compact supervision fee, and the requirement that a probationer pay the reasonable costs of processing their request to move prior to their transfer to another state.

Effective July 1, 2021, courts no longer have authority to collect the following fees:

- Government Code:

  § 27712 (public defense fee)
  § 27753 (cost of counsel)
  § 29550(c) (criminal justice administration fee)
  § 29550(f) (administrative screening fee and citation processing fee)
  § 29550.1 (criminal justice administration fee)
  § 29550.2 (county booking fee)
  § 29550.3 (city booking fee)

- Penal Code:

  § 987.4 (minor public defense fee)
  § 987.5 (public defense registration fee)
  § 987.8 (public defense fee)
  § 1203 (interstate compact supervision)
  § 1203.016(g) (adult home detention administrative fee)
  § 1203.018(j) (electronic monitoring administrative fee)
  § 1203.1b (probation department investigation/progress report fee)
  § 1203.1e (parole supervision fee)
  § 1208.2(b) (program administrative fee)
  § 1210.15 (continuous electronic monitoring fee)
  § 3010.8 (parole continuous electronic monitoring fee)
  § 4024.2(e) (work furlough administrative fee)
  § 6266 (work furlough program fee)

The legislation also added Government Code section 6111. This statute, effective July 1, 2021, provides that the unpaid balance of any court-imposed costs (pursuant to section 27712, section 29550(c) or (f), and sections 29550.1, 29550.2, and 29550.3) is unenforceable and uncollectible. Further, the court must vacate any portion of a judgment that imposes those costs.

Counties may apply for reimbursement of costs associated with the repeal of these fees through the 2025-26 fiscal year with the appropriation of $65 million annually from the General Fund. The allocation is made pursuant to AB 143 (Stats. 2021, Ch. 79).

Assembly Bill 2746 (Stats. 2022, Ch. 800)

Among other provisions, this legislation repeals Vehicle Code sections 40509 and 40509.5. As a result, and **beginning on January 1, 2023**, courts are no longer authorized to report failures to appear to the Department of Motor Vehicles (DMV) pursuant to those sections. However, courts should continue to report violations of Vehicle Code section 40508 to the DMV. Beginning January 1, 2027, this legislation repeals the requirement of the DMV to suspend a person's driving privilege, terminates any suspension issued by the DMV pursuant to those provisions, and removes the prohibition from issuing or renewing a driver's license. Newly added Vehicle Code section 40000.10 sets forth the punishment for a violation of Vehicle Code section 12500(a), setting a violation as an infraction for a first or second offense, except as specified, and a misdemeanor or an infraction for subsequent violations.