Revenue Distribution Updates

January 2021

Opening and Introduction

- Welcome
- Housekeeping
- Faculty introductions

JUDICIAL COUNCIL OF CALIFORNIA

Housekeeping

- Please put yourself on **Mute**
- Use WebEx "chat" feature or use the "Ask to Speak" button to get the attention of the host
- Time for Questions between sections
- Evaluation Questionnaire
- PowerPoint and Audio on Website http://www.courts.ca.gov/revenue-distribution.htm

JUDICIAL COUNCIL OF CALIFORNIA

Agenda

Judicial Council

- Legislation of Interest
- 2021 UBP, Ability to Pay, Duenas
- Collections Updates

Franchise Tax Board

- Updates and Information

State Controller's Office

- Key updates to Guidelines
- Audit and distribution issues

JUDICIAL COUNCIL
OF CALIFORNIA

Faculty and Contacts

Judicial Council

Governmental Affairs:

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Criminal Justice Services:

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JUDICIAL COUNCIL OF CALIFORNIA

Faculty

Franchise Tax Board

Court-Ordered Debt program:

Jennifer Jacobsen, Administrator I

Interagency Intercept Collections program:

Arlene Cochrane, Administrator I

JUDICIAL COUNCIL
OF CALIFORNIA

Faculty

State Controller's Office

Local Government Programs and Services Division:

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Audit Division:

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Updates on Recent Legislation

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Court-Related Legislation 2020

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Summary of Court-Related Legislation

JUDICIAL COUNCIL OF CALIFORNIA • GOVERNMENTAL AFFAIRS

NOVEMBER 2020

During the second year of the 2019-2020 Legislative Session, the Legislature and Governor enacted numerous bills that affect the courts or are of general interest to the legal community. Brief descriptions of the measures of greatest interest follow, arranged according to subject matter. Also included is a table summarizing new laws that create new crimes or expand existing crimes, as well as an index listing all the bills and the page numbers on which their descriptions can be found.

The effective date of legislation is stated with each measure. Urgency measures normally take effect upon enactment, and some other measures have early or delayed operative dates.

This *Summary* is intended to serve only as a guide to identify bills of interest; the bill descriptions are not a complete statement of statutory changes. Code section references are to the sections most directly affected by the bill; not all sections are necessarily cited.

Until the annual pocket parts are issued, bill texts can be examined in their chaptered form in West's *California Legislative Service* or California Deering's *Advance Legislative Service*, where they are published by chapter number. In addition, chaptered bills and legislative committee analyses can be accessed on the internet at *http://leginfo.legislature.ca.gov*. Individual chapters may be ordered directly from the Legislative Bill Room, State Capitol, 10th Street, Room B32, Sacramento, California 95814, 916-445-2323.

2 Administrative
2 Appellate Procedure
3 Budget: Judicial Branch Impact
5 Budget: No Judicial Branch Impact
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13 Court Records
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17 Domestic Violence
18 E-Filing
18 Family Law
19 Fines, Fees, Collections, Distributions
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24 Probate and Mental Health
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28 Appendix A: Administrative
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32 Appendix C: Budget
33 Appendix D: 2019–2020 Legislation Affecting California Appellate Procedure
34 Appendix E: 2019–2020 Legislation Responding to California Appellate and Supreme Court Decisions
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36 Appendix G: 2020 New and Expanded Crimes
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52 Covid-19 Index

Court-Related Legislation 2020

APPENDIX G

2020 NEW AND EXPANDED CRIMES

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 376 (Stone, Mark), CH. 154 ***Effective/Operative Date: January 1, 2021*** **Student loan servicing**	CIV add 1788.100 et seq.; FIN amend 28104, 28112, 28130, 28140, repeal 28134, 28136	Expands the scope of a crime by authorizing the Commissioner of Business Oversight to require student loan servicers to file, under oath or otherwise, annual or special reports or answers in writing to specific questions under penalty of perjury.
AB 793 (Ting), CH. 115 ***Effective/Operative Date: January 1, 2021*** **Recycling: plastic beverage containers: minimum recycled content**	PRC amend 14549.3, add 14547, 18017	Expands the scope of crimes by (1) amending the California Beverage Container Recycling and Litter Reduction Act, a violation of which is a crime; and (2) requiring a plastic material reclaimer and a manufacturer of postconsumer recycled plastic to report required information to the Department of Resources Recycling and Recovery under penalty of perjury.
AB 841 (Ting), CH. 372 ***Effective/Operative Date: January 1, 2021*** **Energy: transportation electrification: energy efficiency programs: School Energy Efficiency Stimulus Program**	PUC amend 740.12, add 740.18, 740.19, 740.20, add and repeal 1600 et seq.	Amends the Public Utilities Act, a violation of which is a crime, to (1) make changes to deployment of electric utility ratepayer-funded electric vehicle charging infrastructure investments within the jurisdiction of the California Public Utilities Commission; and (2) establish a new program at the California Energy Commission to fund appliance, plumbing and heating, ventilation, and air conditioning upgrades to schools using electric ratepayer-funded energy efficiency incentives.

2020 Legislative Update

2019-20 Session in total:

- 4,848 bills introduced
- 1,668 bills Government Affairs tracking
- 175 with Court Operations impact
- 12 with impacts to revenues
- Highlighting 4 of these bills

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2020 Legislative Update

AB 2450

- Reinstates EMAT fee effective 9/5/2020
- Note: Fee's w. specific and/or narrow impact are extended.

AB 2338

- Clarifies that probation or a conditional sentence is available, in lieu of a $1,000 fine
- Applies only to parties found in contempt of a family law court order or judgement.
- Note: Continuing trend

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2020 Legislative Update

AB 1869

- Effective 7/1/21.
- Eliminates 20 local criminal administrative fees.
- Provides funding to counties/local govts. to backfill revenue losses
- Court revenue not impacted

SB 1290

- Follow-Up to juvenile fees eliminated by SB 190 (2017)
- Eliminates uncollected/delinquent debt from fees eliminated in 2018

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2019-20 Session and COVID-19

2020 Scheduled vs. Actual Session Days:

- **Planned**: 195 days **Actual**: 158 days
- Approx. 20% decrease in days

Bills Presented to Governor

- **2019**: 1,217 **2020**: 428
- Approx. 65% decrease in passed bills

Bills Signed by Governor

- **2019**: 1,016 **2020**: 372
- Approx. 65% decrease in signed bills

Realties

- Unclear if members will reduce bills/focus priorities
- State revenue/budget picture rapidly changing
- May need focus exclusively on state finances

COVID-19 and 2021-22 Session

- What to expect:
- Delays/interruptions to session
- Focus on COVID related issues (vaccine distribution, response, evictions, public health laws).
- Response to funding/laws enacted by federal government.

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Legislative Update

Interested in following the progress of legislation?

Visit the courts website at: http://www.courts.ca.gov/4121.htm

View Links for:

- Active Legislation, and/or
- Legislative Status Charts.

Check periodically to see how the bills you care about change over the course of the legislative session.

OR, visit California Legislative Information at:

http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml

Questions?

Road Map

Jamie Schechter, Attorney
Criminal Justice Services | Judicial Council of California

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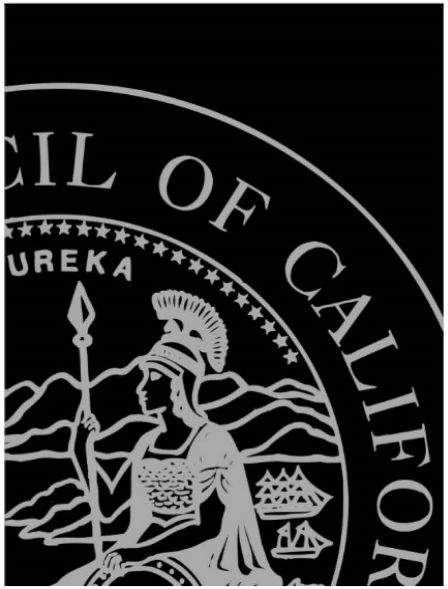
Uniform Bail and Penalty Schedules (UBPS)



Uniform Bail and Penalty Schedules

2021 EDITION

(Cal. Rules of Court, rule 4.102)

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

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What is bail?

"Regular" bail:

- Defendants generally have a right to be released from custody before trial.
- Cash bail or a secured bail bond is used to ensure that the defendant appears in court on their case.

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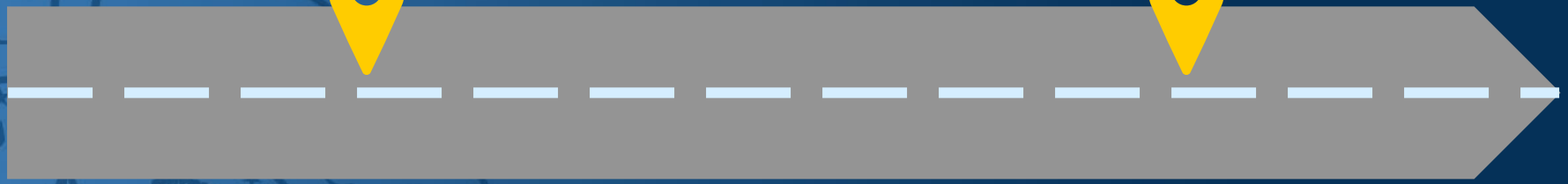
Changes to the bail system?

August 2018
SB 10

November 2020
SB 10 Referendum



- SB 10 would have changed pretrial system to base release on assessment of risk rather than on bail
- Focus on public safety and appropriate pretrial release

- Proposition 25 did not pass, therefore the cash bail system remains intact.

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Pretrial Updates

$75 million appropriated by legislature for Pretrial Pilot Program administered by Judicial Council.

16 pilot grants awarded by PROW to 16 courts and their justice partners.

2 years Pilots will operate for two years using risk assessment to inform judges' pretrial release decisions. Bail release is still available to defendants.

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Traffic Bail Under UBPS

- For certain offenses a penalty in the form of **a fine** can be "forfeited" and cancel the need for any further court proceedings (VC § 40512 emphasis added)
- Payment is treated as a conviction for the offense (VC §13103)

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What UBPS Includes

Mandatory Schedule:

- traffic infractions

Suggested Base Fines:

- traffic misdemeanors
- boating
- forestry
- fish and game
- public utilities
- parks and recreation
- business licensing

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Exceptions to the UBPS

The following counties may exceed the UBPS traffic infraction schedule:

1. Alpine
2. Amador
3. Butte
4. Calaveras
5. Contra Costa
6. Del Norte
7. Fresno
8. Humboldt
9. Kings
10. Lake
11. Lassen
12. Los Angeles
13. Madera
14. Mariposa
15. Mendocino
16. Modoc
17. Mono
18. Plumas
19. San Benito
20. San Diego
21. San Joaquin
22. Santa Clara
23. Sierra
24. Stanislaus
25. Sutter
26. Trinity
27. Tulare
28. Tuolumne
29. Yolo
30. Yuba

Traffic Infraction Schedule

Infraction Category	Severity of Offense	Base Fine
1	Bicyclist, motorized scooter, pedestrian, pocket bike, vehicle registration and equipment offenses	$25
2	Driver's license, operation of vehicle, and size and load offenses	$35
3	Substance abuse infractions, VC 2818 (trespassing electronic beacon), VC 20004 (reporting deaths,) VC 21706.5 (operation of vehicle in emergency accident zone), VC 27375 (modified limousines)	$70
4	Miscellaneous offenses for which the penalties or the fee for dismissal with proof of correction are specifically set by the Vehicle Code, speeding offenses (refer to Speed Chart), and infractions pursuant to PC 19.8	Depends

Total Bail for Infractions

Base Fine + Penalties & Surcharge + Fees = Total Bail

Category	Base Fine	Penalties & Surcharges	Fees	Total Bail/Fees
1	$25	$96	$75	$196
2	$35	$127	$75	$237
3	$70	$221	$75	$366
4	Depends on base fine			

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Total Bail Cont'd.

Suggested minimum "Total Bail" for an offense not specifically listed in the following schedules, unless a California code or regulation specifies otherwise, are:

Type of Offense		Base Fine	Penalties & Surcharges	Fees	Total Bail/Fees
Traffic Misdemeanor		$75	$251	$70	$396
Public Utilities		$185	$588	$70	$843
Boating, Business Licensing, Fish & Game, Forestry, or Parks & Rec	Misdemeanor	$100	$310	$70	$480
	Infraction	$35	$123	$75	$233

Type	Code & Section	Formula	Use
State penalty assessment ("State PA")	Penal code § 1464	$10 assessment for every $10 or part of $10 fine	State penalty fund, goes to law enforcement training, restitution fund, etc.
County penalty assessment ("County PA")	Gov Code § 76000	$7 assessment for every $10 or part of $10 fine	County treasury
County and state DNA funds penalty assessment ("DNA PA")	Gov Code §§ 76104.6, 76104.7	$5 assessment for every $10 or part of $10 fine	DNA identification
State surcharge	Penal code § 1465.7	20% of base fine	General fund
Emergency medical services penalty assessment ("EMS PA")	Gov Code § 76000.5	$2 assessment for every $10 or part of $10 fine	County emergency medical services
EMAT ("EMAT PA")	Gov Code § 76000.10(c)(1)	$4 assessment for every $10 or part of $10 fine	Emergency medical air transport
Court operations fee ("Court ops")	Pen. Code § 1465.8	$40	Court operations
Criminal conviction assessment ("Conv. Assess")	Gov Code § 70373	$35	Maintain adequate funding for court facilities
Night or weekend court fee ("Night court") (optional by court)	Veh. Code § 42006	$1	Night or weekend court program
Traffic assistance program ("TAP fee") (optional by court)	Veh. Code § 11205.2(c)	Varies, but cannot exceed actual court cost of traffic assistance program	Traffic assistance program

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

Section		Notes	Offense	Base Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess	Night Court	TAP Fee	Total Bail **/Fee	Category	DMV Points
					10/10	**7**	**5/10**	**5**	**20%**	**2**	**4**		**40**	**35**	**1**	**0**			
28			[1] Failure to Give Notice of Vehicle Repossession	300	300	210	150	150	60	60	4	1234	40	35	1	0	1310	4a	0
1680	(a)		Selling or Offering to Sell an Appointment with the DMV	25	30	21	15	15	5	6	4	121	40	35	1	0	197	1a	0
1808.1	(a)		Employer's Failure to Obtain, Review, Sign, and Maintain Copy of Report of DMV Record of Driver	25	30	21	15	15	5	6	4	121	40	35	1	0	197	1a	0
1808.1	(c)		Employer's Failure to Participate in DMV Pull-Notice System	25	30	21	15	15	5	6	4	121	40	35	1	0	197	1a	0
1808.1	(d)		Employer's Failure to Notify DMV to Discontinue Enrollment in Pull-Notice System Upon Termination of Driver's Employment	25	30	21	15	15	5	6	4	121	40	35	1	0	197	1a	0
1808.1	(e)		Failure of Specified Drivers to Enroll in DMV Pull-Notice System	35	40	28	20	20	7	8	4	162	40	35	1	0	238	2a	0
1808.1	(j)(1)		Employer's Failure to Obtain Copy of Report of Current DMV Record of Casual Driver	25	30	21	15	15	5	6	4	121	40	35	1	0	197	1a	0
1808.1	(n)		Failure to Present on Request a Report of DMV Record of Driver of Taxicab	25	30	21	15	15	5	6	4	121	40	35	1	0	197	1a	0
2402.6	(a-c,e)		Violation of Regulations or Standards for Operation of Vehicles Using Compressed or Liquefied Gas	35	40	28	20	20	7	8	4	162	40	35	1	0	238	2a	0
2504			Violation of CHP Licensing Regulations	35	40	28	20	20	7	8	4	162	40	35	1	0	238	2a	0
2510	(b)		Operation of Private Emergency Vehicle or Armored Car Without CHP Inspection	35	40	28	20	20	7	8	4	162	40	35	1	0	238	2a	0
2807	(b)		Operation of School Bus Without CHP Certificate of Compliance	35	40	28	20	20	7	8	4	162	40	35	1	0	238	2a	0
2807.1	(b)		Operation of Vehicles Transporting Pupils Without CHP Certificate of Compliance	35	40	28	20	20	7	8	4	162	40	35	1	0	238	2a	0
2807.2			Failure to Retain Record of Inspection on File for Review by CHP Upon Request	25	30	21	15	15	5	6	4	121	40	35	1	0	197	1a	0
2807.3			Operation of Youth Bus Without Display of Appropriate Certificate Verifying Inspection	35	40	28	20	20	7	8	4	162	40	35	1	0	238	2a	0
2810.1	(b)		Unlawfully Transporting Household Goods/Failure to Submit to Inspection	35	40	28	20	20	7	8	4	162	40	35	1	0	238	2a	0
2813.5			Use or Issuance of Unauthorized Inspection Stickers	25	30	21	15	15	5	6	4	121	40	35	1	0	197	1a	0
2814			Failure to Stop and Submit to Roadside Passenger Vehicle Inspection	35	40	28	20	20	7	8	4	162	40	35	1	0	238	2a	0
2814.1	(b)		Failure to Stop and Submit to Vehicle Inspection Checkpoint for Exhaust Violations	35	40	28	20	20	7	8	4	162	40	35	1	0	238	2a	0
2814.2	(a)		Failure to Stop and Submit to Sobriety Checkpoint Inspection	35	40	28	20	20	7	8	4	162	40	35	1	0	238	2a	0
2815			[2] Failure to Obey School Crossing Guard	50	50	35	25	25	10	10	4	209	40	35	1	0	285	4a	1
2816			Unlawful to Load/Unload Children Unless Traffic Is Controlled	35	40	28	20	20	7	8	4	162	40	35	1	0	238	2a	0
2817			Failure to Obey Peace Officer–Funeral Procession	35	40	28	20	20	7	8	4	162	40	35	1	0	238	2a	1
2818			Traversing Electronic Beacon/Flare/Cone Pattern Set by Public Safety Personnel	70	70	49	35	35	14	14	4	291	40	35	1	0	367	3a	1
4000	(a)(1)	A	[3] No Evidence of Current Registration	50	50	35	25	25	10	10	4	209	40	35	1	0	285	1a	0
4000	(a)(1)	B	No Evidence of Current Registration	25	0	0	0	0	0	0	0	0	0	0	0	0	25	4a	0
4000	(b)	A	[3] Vehicle on Highway Registered in Violation of Pollution Control Regulations	50	50	35	25	25	10	10	4	209	40	35	1	0	285	1a	0
4000	(b)	B	Vehicle on Highway Registered in Violation of Pollution Control Regulations	25	0	0	0	0	0	0	0	0	0	0	0	0	25	4a	0
4000.4	(a)	A	Unregistered California-Based Vehicle	25	30	21	15	15	5	6	4	121	40	35	1	0	197	1a	0
4000.4	(a)	B	Unregistered California-Based Vehicle	25	0	0	0	0	0	0	0	0	0	0	0	0	25	4a	0
4000.6	(a)	A	Failure to Submit Application or Declare Accurate Combined Gross Vehicle Weight Pursuant to VC 9400.1	25	30	21	15	15	5	6	4	121	40	35	1	0	197	1a	0

2021 UBPS

Changes Based On:

- New legislation
- Suggestions from justice partners
- Technical changes

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Significant 2021 UBPS Changes

- Revision of language on page IV regarding Emergency Medical Air Transportation (EMAT) penalty sunset date

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Significant 2021 UBPS Changes, cont.

- Revision on page xii regarding Government Code sections 70372(b) and 76000.3
- 27002(a), Use of Siren by Unauthorized Personnel or in Noncompliance With CHP Standards

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Ability to Pay & Online Traffic Adjudication

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Phases

- **Phase 1:** Online Ability to Pay Determinations
- **Phase 2:** TBED and Other Added Functions

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Phase 1: Ability to Pay Overview

- Litigant can...
  - Search for a citation
  - Enter basic financial information
  - Make requests
- Tool creates a queue for court review
- Calculator recommendation
- Judicial officer makes decision
- Tool returns decision to litigant as Court Order by email

Court Adoption

Go-Live Date		Court	Case Management System	Interface Developed
Year 1	April 2019	Tulare	Journal Technologies eCOURT	One Way
	May 2019	Shasta	JALAN transitioning to Tyler Odyssey in 2021	One Way
	August 2019	Ventura	VISION (VCIJIS)	Two Way
Year 2	December 2019	San Francisco	Thompson Reuters	One Way
	August 2020	Santa Clara	Tyler Odyssey	Two Way
Year 3	November 2020	Fresno	Tyler Odyssey	One Way
	Planned for 2021	Monterey	Tyler Odyssey	Two Way

ATP System Data

As of December 15, 2020

12,000+ requests 8,000+ litigants

50% of litigants on benefits

85% of Litigants below Ca Poverty Level*

**defined as 250% of Fed poverty line*

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ATP System Data

As of December 15, 2020

Total Amount Owed	$8,700,912
Average Amount Owed *Per Ticket*	$684
Total Owed *After* **Adjustment**	$4,411,645
Average Amount Owed *After* **Adjustment**	$386

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Litigant Satisfaction

Not helpful
<1%

Somewhat unhelpful
1%

Somewhat helpful
15%

Helpful
5%

Very helpful
79%

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Phase 2: New Functions

- Continue two-way CMS integration
- New functions
  - Trailer Bill Legislation FY18-19
    - **ATP determination** + 3 of the following:
      - Post and forfeit bail
      - Request to forfeit bail in installments
      - **Request an online trial (TBD)**
      - Request a continuance
      - Request a date to appear in court

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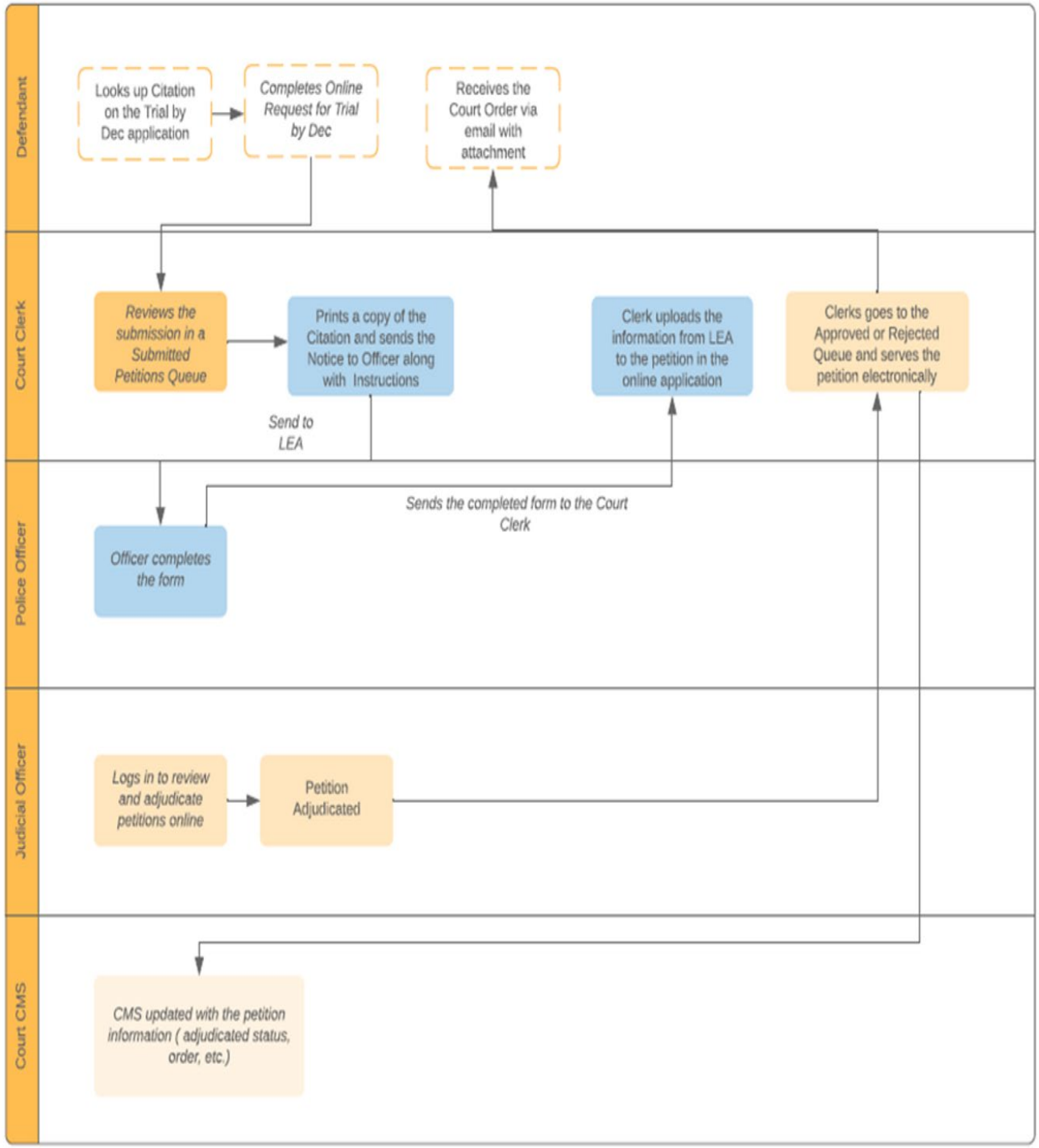
Trial by Electronic Declaration (TBED)



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Dueñas Update

Dueñas

- On January 8, 2019, the Court of Appeal decided *People v. Dueñas,* (2019) 30 Cal.App.5th 1157 (*Dueñas*).

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Dueñas, cont.

- Duenas held that due process requires a trial court to determine a defendant's ability to pay before imposing the court operations and court facilities assessments.

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Dueñas, cont.

- The court also held that the restitution fine under Penal Code section 1202.4 must be stayed "*until and unless the People demonstrate that the defendant has the ability to pay the fine.*"

Dueñas, cont.

- Other appellate cases have questioned or limited the *Dueñas* decision.
- The California Supreme Court has granted review in *People v. Kopp* (2019) 38 Cal. App. 5th 47. It is still pending.

Additional Resources

- Judicial Council Bail Schedules: http://www.courts.ca.gov/7532.htm

Contact

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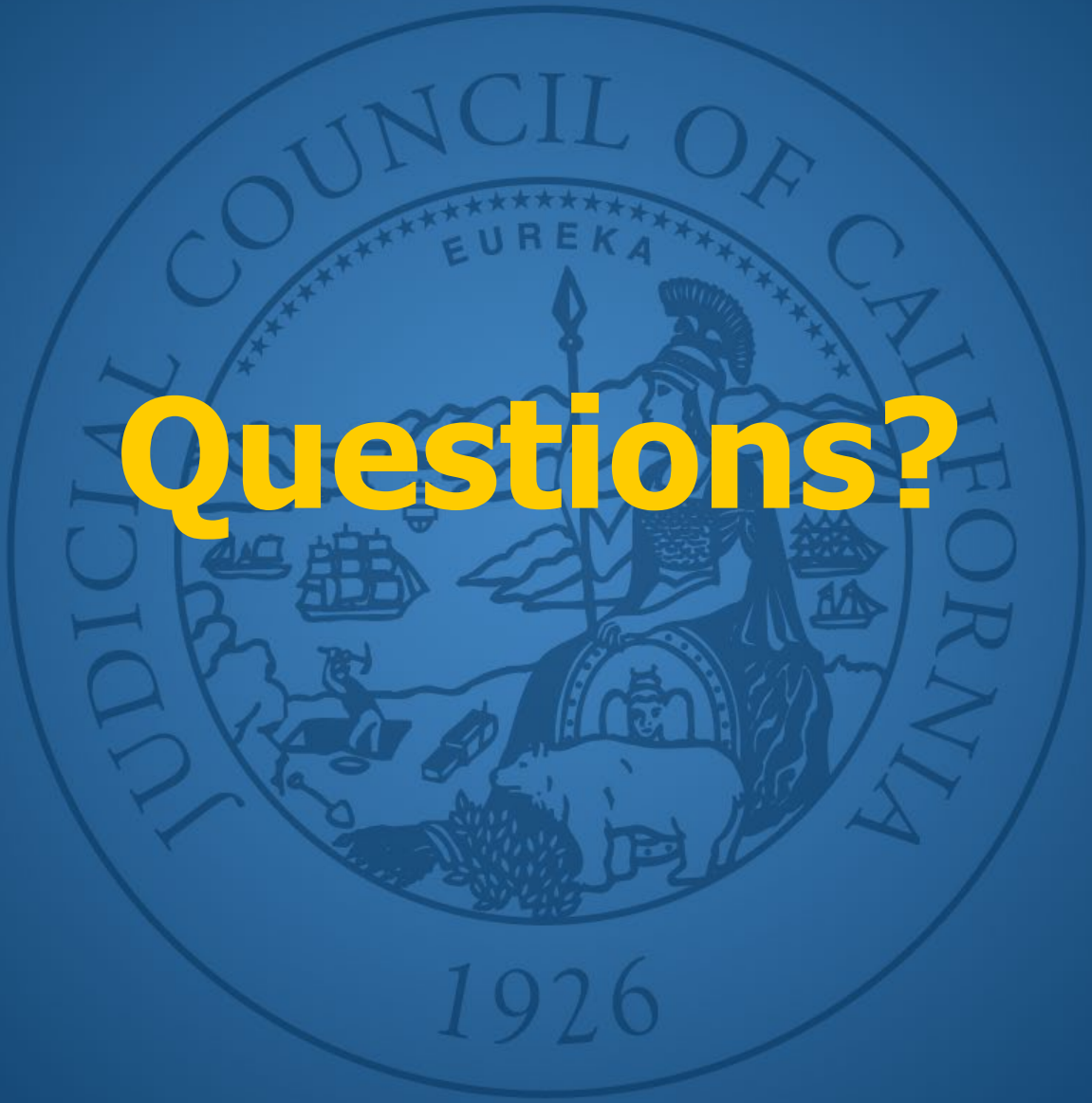

Questions?

STATE OF CALIFORNIA

Franchise Tax Board

STATE OF CALIFORNIA
Franchise Tax Board

Court-Ordered Debt Collection Program Update

Jennifer Jacobsen, Court-Ordered Debt Collection Program Supervisor

COD
Court-Ordered Debt Collections

January 2021

Objectives

- Covid-19/ Wildfire Impacts to Collections
- Case Inventory/Collection Notices
- Revenue Update
- What's new
- Reminders
- Case Highlight

2020/2021 Fiscal Year to Date Collection Totals			
Case Inventory		***Collection Notices***	
Beginning Inventory	285,212	Demand Notices	473,359
Accepted Cases	256,311	Installment Agreements	18,425
Withdrawn Cases	18,426	Bank Levies	138,616
Returned Cases	140,388	Wage Garnishments	270,831
Ending Inventory	97,497	**Total Collection Activities**	901,231

Objectives

- Covid-19/ Wildfire Impacts to Collections
- Case Inventory/Collection Notices
- Revenue Update
- What's new
- Reminders
- Case Highlight

Case Highlight

- COD received a referred case on 1/14/2014, a Demand notice was issued on 1/28/2014. Several Order to Withholds (OTW) went out on the account over the years and all were unsuccessful. After the last OTW was issued that rendered no funds, we received contact from a third party on 8/19/2020 who inquired about how involuntary collection action takes place. The COD agent advised the third party of the process and explained the different ways that we collect on cases. Payment in full was received in the amount of $91k on 10/1/2020.

Contact Information

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- Rashan Anderson, Program Supervisor
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- Crystal Berrian, Program Manager
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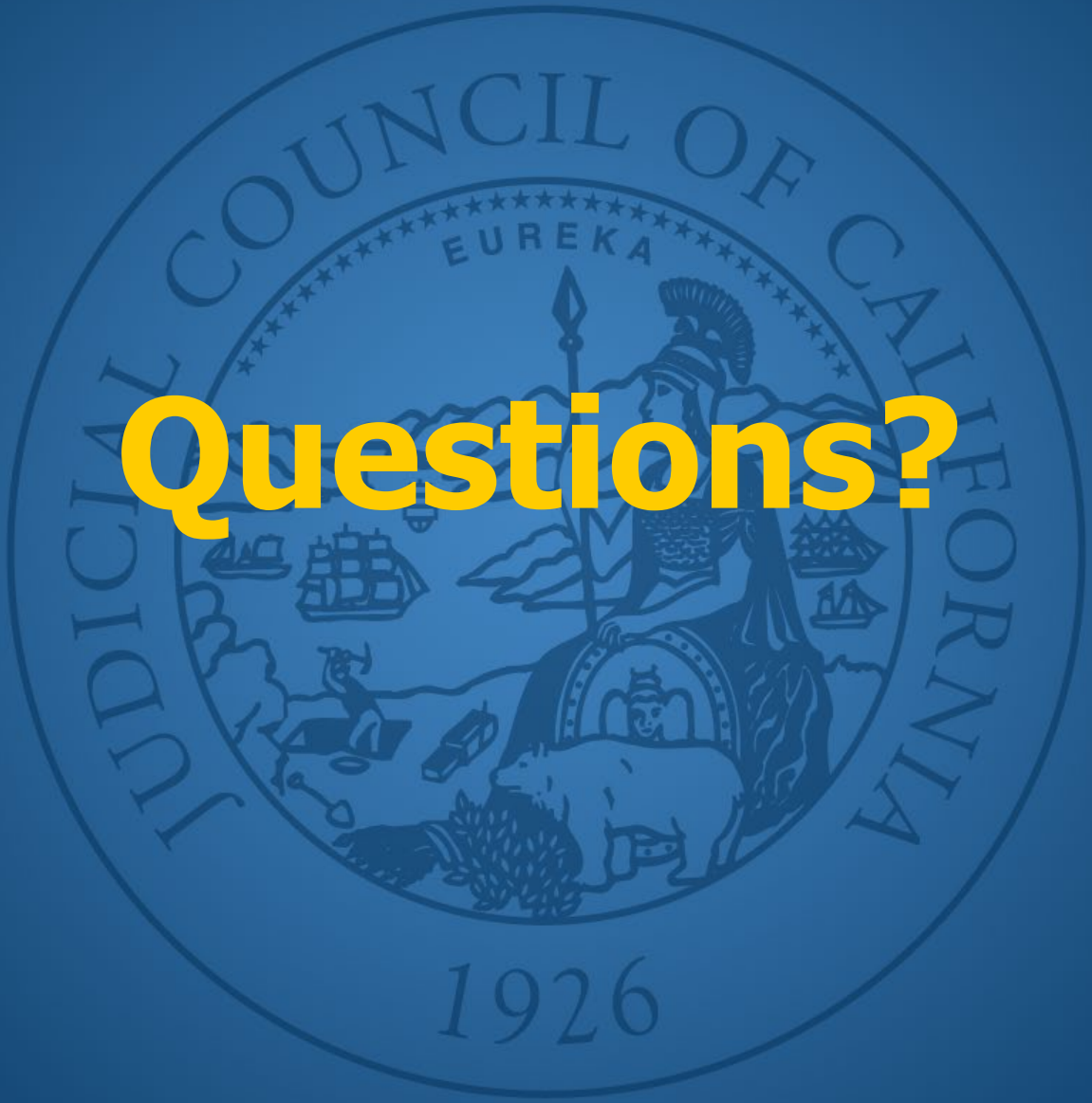
Program Support

Court-Ordered Debt Client Services

Phone: 916.845.7503

Email: CODClientServices@ftb.ca.gov



Questions?

STATE OF CALIFORNIA
Franchise Tax Board

Interagency Intercept Collection

Program Overview

IIC
Interagency Intercept Collections

Background

- Began in 1975.
- Authorized by Govt. Code Sections 12419.2-3, 12419.5, 12419.7-12.
- Administered by FTB on behalf of the State Controller's Office (SCO).

- Types of intercepted payments:
  - Personal Income Tax Refunds
  - Lottery Winnings
  - Unclaimed Property Disbursements

COVID-19 Impacts

- The Intercept program was suspended from March 27, 2020 through July 15, 2020
- Communicated suspension and resumption with all participating agencies.
- Agency Holds.
- IIC staff transitioned to teleworking.

2020 IIC Program Statistics

*2020 Participation Year Collection Totals		
Intercept Source	**Intercepts**	**Redirected Revenue**
Personal Income Tax	475,239	$184,878,087
Lottery Winnings	2,806	$2,634,037
Unclaimed Property	8,129	$3,005,773
Total Intercepted	**486,174**	**$190,517,897**

*All 2020 stats are reported on a Calendar Year through November 30, 2020

Calls Received	13,724
Calls Answered	12,794
% Answered	93%
Number of Staff	7

What's Ahead

- ID Lookup (SB75)
  - Allows agencies to submit debts without SSN
  - First year pilot for 1 agency resulted in 5,411 Intercepts and $2,247,468 in revenue
  - Expanding to two agencies in 2021
- New 5 Digit Agency Codes
  - Expanding to a 5-digit code for all agencies
  - Impact to record layouts, file name, and SWIFT folder
  - Assessing feasibility of implementation January 2022.

Program Support Contacts

Program staff can assist with:

- Intercept information.
- Copies of missing reports.
- Payment and billing questions.
- Your SWIFT account registration.

Client Liaison Phone: 916.845.5344
General Call Center Phone: 1.866.563.2375
Fax: 916.843.2460
Email: IICgroupIncoming@ftb.ca.gov

Questions?

Collections

- Updates
- 2019-20 statewide collections summary
- Overview of data elements
- 2020-21 reporting

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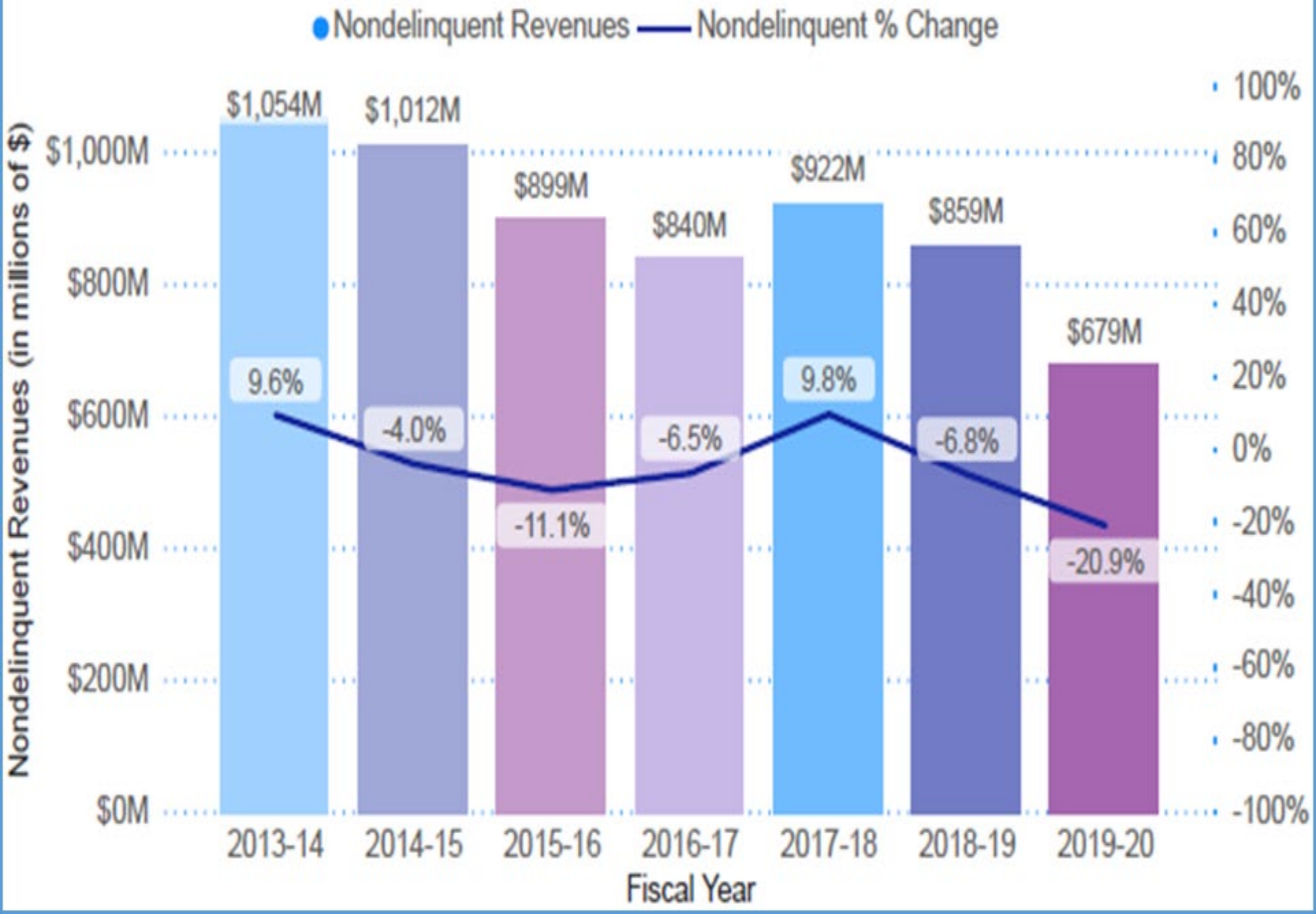
Updates

- Performance measures/benchmarks study
- Collections Reporting Template (CRT)
  - No change to format
  - Due September 1, 2021. Earlier, if possible.
- CRT training
- Report on Statewide Collection of Delinquent Court-Ordered Debt for 2019–20
  - Available at: www.courts.ca.gov/7466.htm

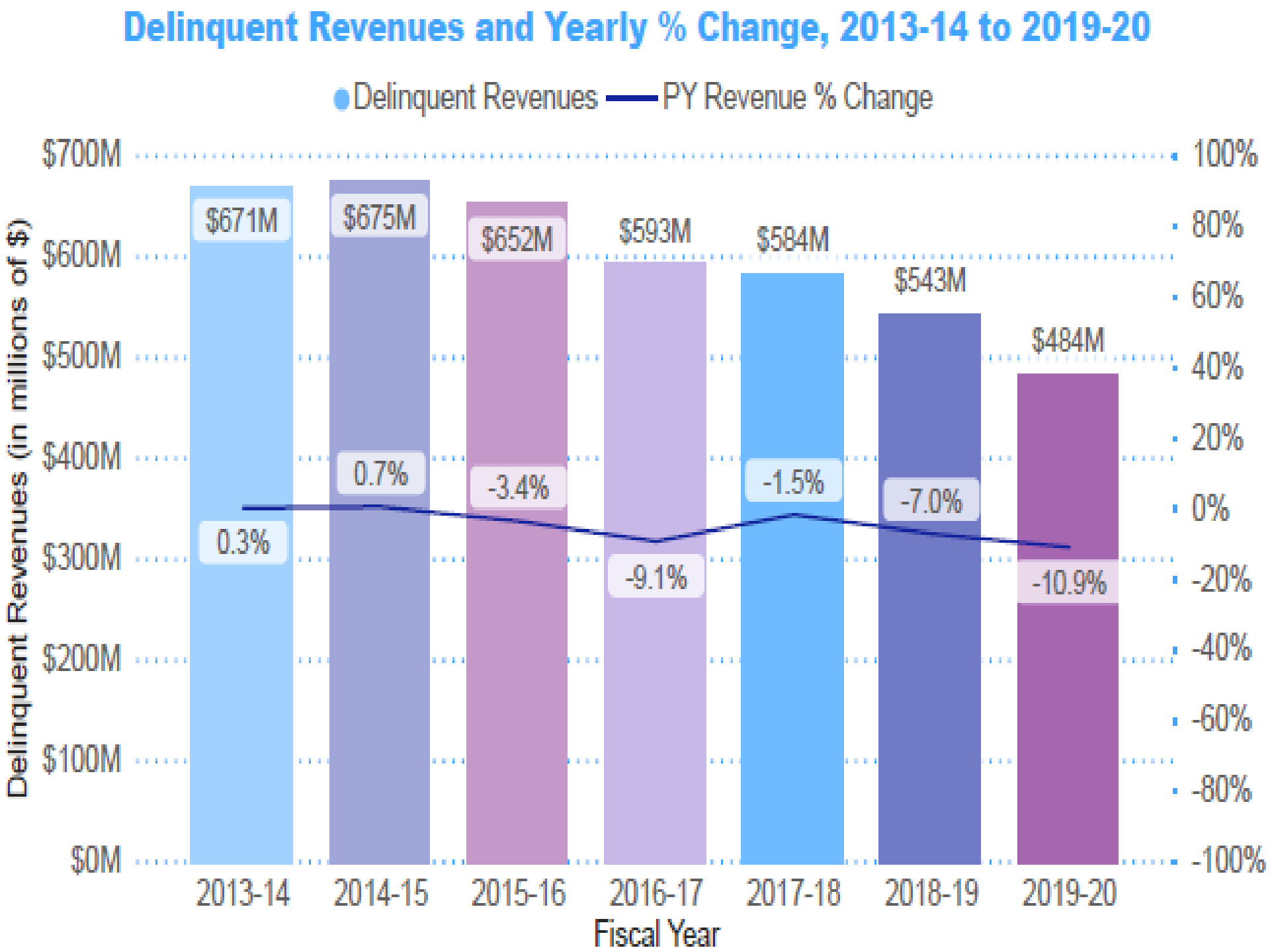
Collections Totals

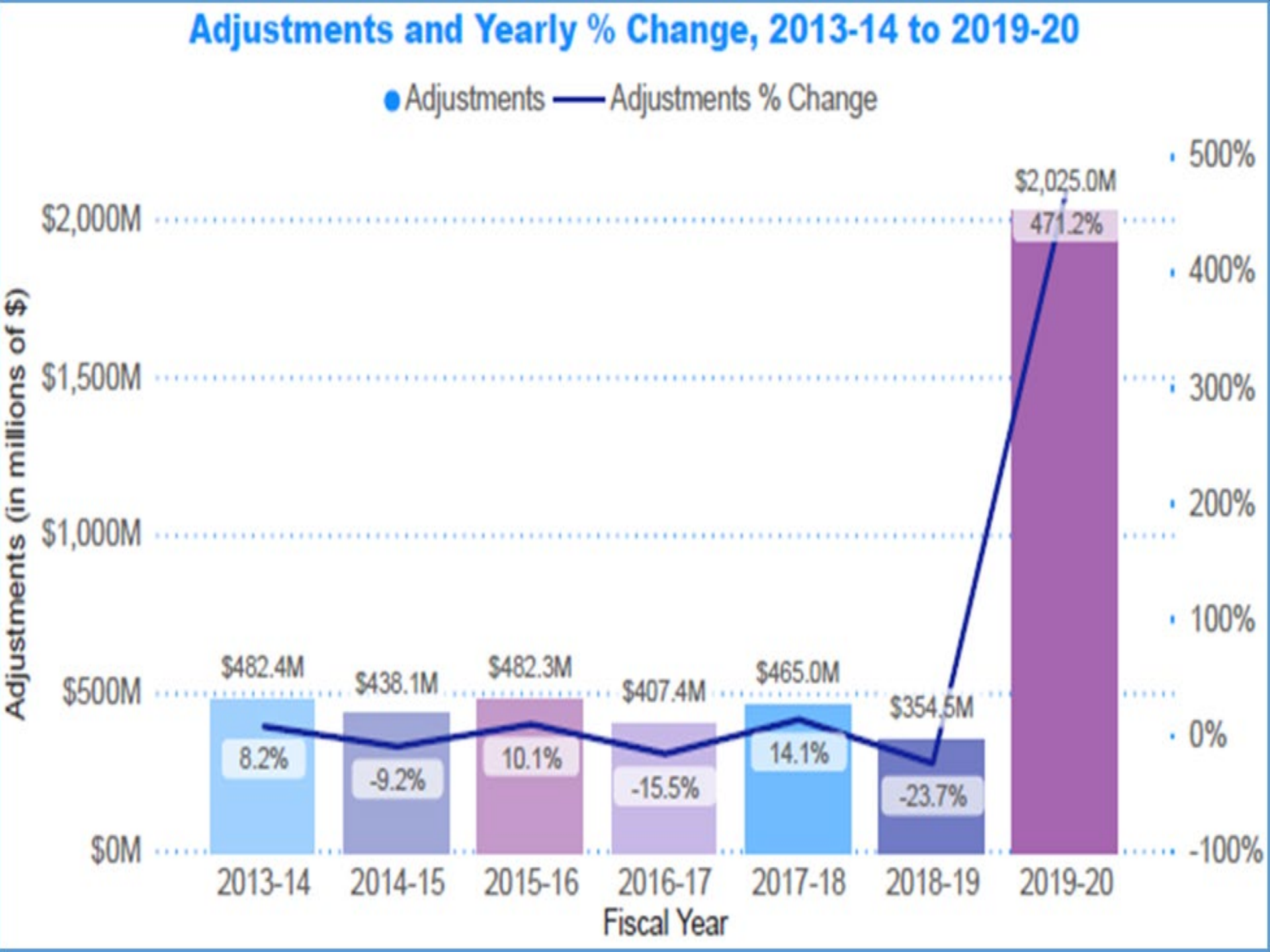
	2018-19	2019-20	Change
Total revenue:	$1.4B	$1.2B	**-14.3%**
-Delinquent	$543M	$484M	**-10.9%**
-Non delinquent	$859M	$679M	**-20.9%**
Adjustments:	$355M	$2.0B	**+471%**
Discharged debt	$452M	$319M	**-29.5%**
Administrative cost	$110M	$109M	**-0.7%**
% Cost of Collections	20.3%	22.7%	**+2.4%**
Outstanding balance	$10.6B	$8.6B	**-18.3%**

Nondelinquent Revenues and Yearly % Change, 2013-14 to 2019-20



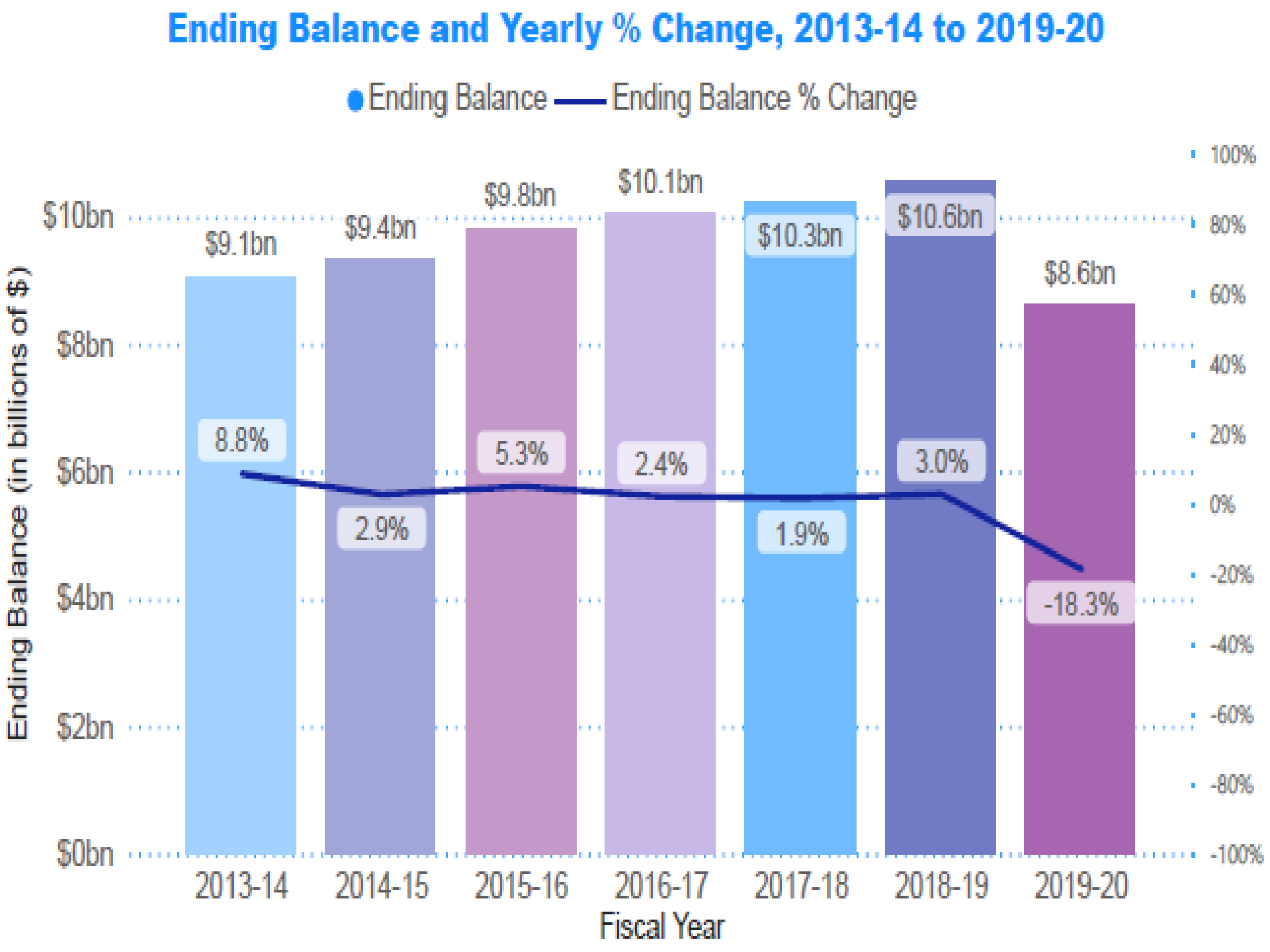
Delinquent Revenues and Yearly % Change, 2013-14 to 2019-20



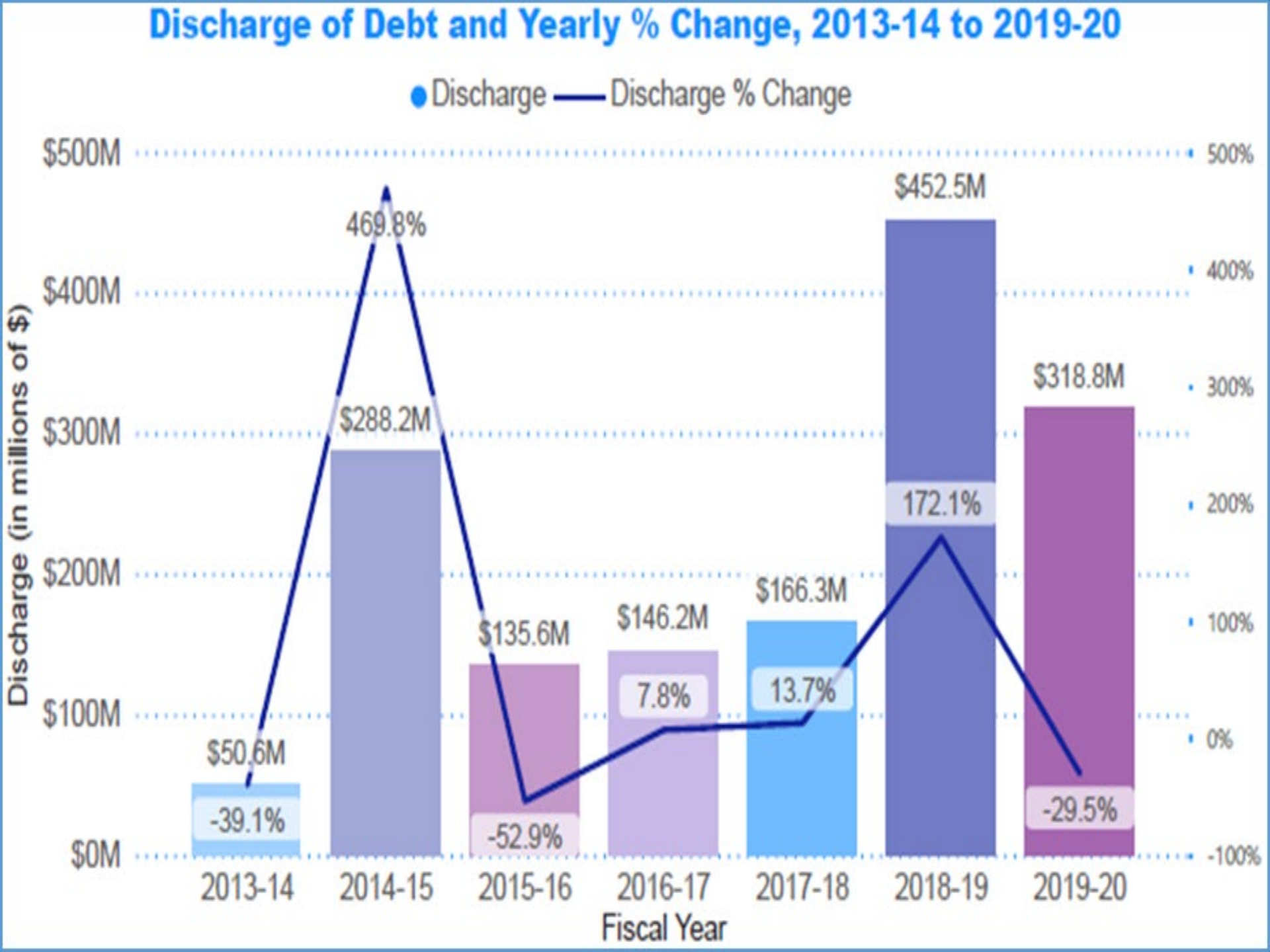

Adjustments and Yearly % Change, 2013-14 to 2019-20
Adjustments
Adjustments % Change
Adjustments (in millions of $)
$2,000M
$1,500M
$1,000M
$500M
$0M
500%
400%
300%
200%
100%
0%
-100%
$482.4M
$438.1M
$482.3M
$407.4M
$465.0M
$354.5M
$2,025.0M
8.2%
-9.2%
10.1%
-15.5%
14.1%
-23.7%
471.2%
2013-14
2014-15
2015-16
2016-17
2017-18
2018-19
2019-20
Fiscal Year

Adjustments Overview

Include only court-ordered suspensions, dismissals, and alternative payments such as community service or post sentence service of time in custody in lieu of fine, or other non-cash adjustments that occurred during the reporting period.

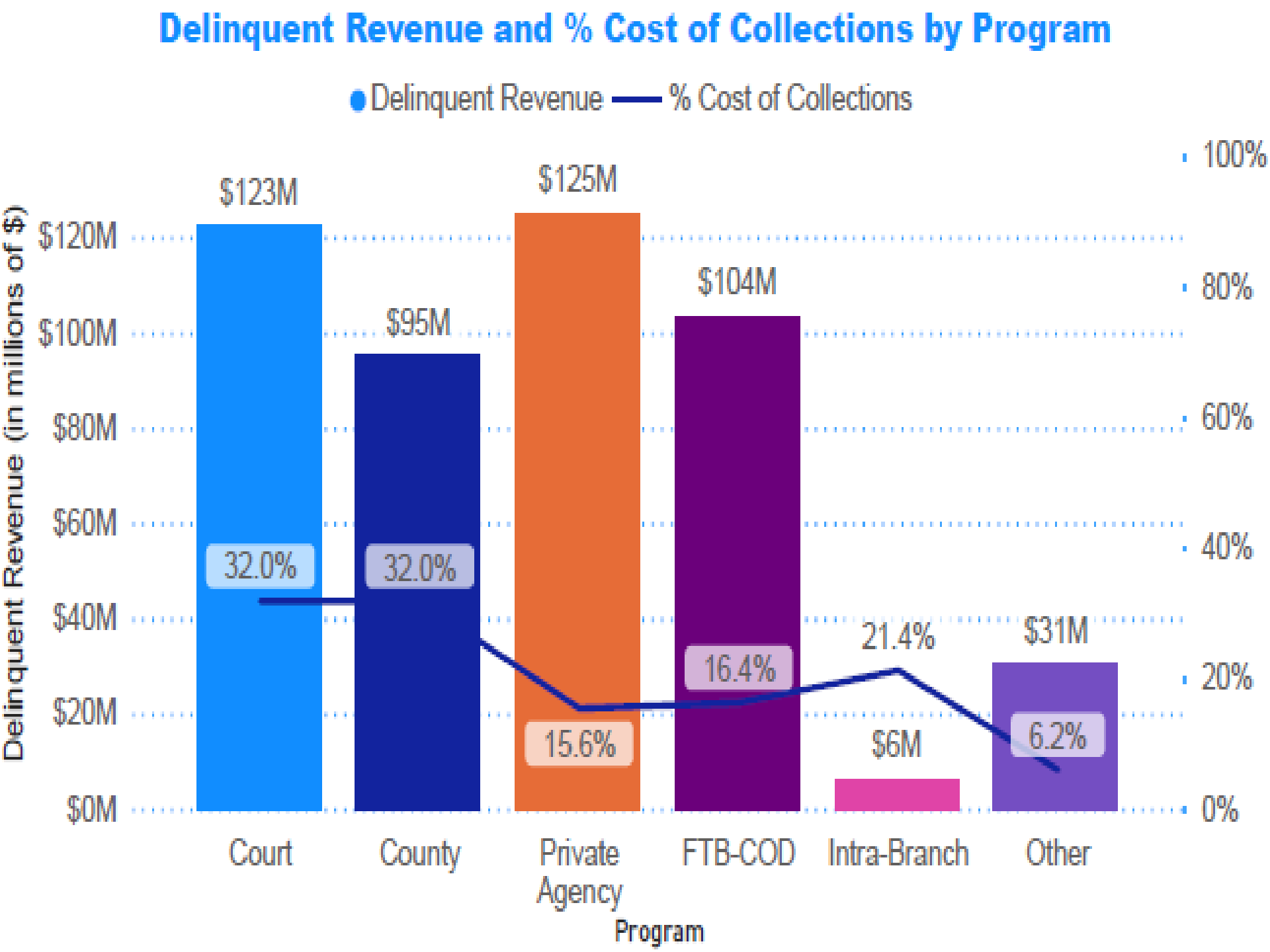

Ending Balance and Yearly % Change, 2013-14 to 2019-20
Ending Balance
Ending Balance % Change
Ending Balance (in billions of $)
$10bn
$8bn
$6bn
$4bn
$2bn
$0bn
100%
80%
60%
40%
20%
0%
-20%
-40%
-60%
-80%
-100%
$9.1bn
$9.4bn
$9.8bn
$10.1bn
$10.3bn
$10.6bn
$8.6bn
8.8%
2.9%
5.3%
2.4%
1.9%
3.0%
-18.3%
2013-14
2014-15
2015-16
2016-17
2017-18
2018-19
2019-20
Fiscal Year

Discharge of Debt and Yearly % Change, 2013-14 to 2019-20



Discharge Overview

- Discharge is authorized and can be approved by responsible collecting entity (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.
- Discharge provides realistic accounting of outstanding debt.


Delinquent Revenue and % Cost of Collections by Program
Delinquent Revenue
% Cost of Collections
Delinquent Revenue (in millions of $)
$0M
$20M
$40M
$60M
$80M
$100M
$120M
0%
20%
40%
60%
80%
100%
$123M
$95M
$125M
$104M
$6M
$31M
32.0%
32.0%
15.6%
16.4%
21.4%
6.2%
Court
County
Private Agency
FTB-COD
Intra-Branch
Other
Program

Cost Recovery Overview

- Penal Code section 1463.007 authorizes cost recovery
- Distinguish delinquent from nondelinquent accounts
- Recover only "eligible" costs
- Review *Guidelines and Standards for Cost Recovery*

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Individual Program Report

- Explain any:
  - Variances; e.g., ending/beginning balance
  - Program changes; staff, processes, etc.
  - Data errors, omissions, additions

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Alameda Court and County 2019–20 Summary

County Population: 1,670,834
Authorized Judges/Commissioners: 73/10.0

Program Overview
The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Alameda County and the County of Alameda. The court and county have a written memorandum of understanding (MOU) for their collections program. The program includes the following activities as reported in the *Collections Reporting Template*:

- Meets all 25 of the recommended collections best practices. (see Attachment 3); and
- Engages 16 of the 16 collection activity components pursuant to Penal Code section 1463.007.

Performance
According to the Alameda collections program, this year brought many changes due to COVID-19 pandemic. As a result of the crisis, most collections efforts were suspended for various periods beginning in March 2020. The Gross Recovery Rate (GRR) increased from 16 percent to 27 percent and the Success Rate (SR) increased from 10 percent to 24 percent for the current period. The increase in recovery rates is likely a result of multiple factors, but not limited to the increase in the amount collected by the Franchise Tax Board (FTB) and change to a new private collection agency. The GRR decreased from 38 percent to 11 percent, and the SR decreased from 10 percent to 9 percent from the prior period. The decrease occurred because discharge from accountability was not performed during this reporting period.

Delinquent traffic collections are handled by a private vendor while delinquent criminal collections are handled by the county. Both in turn refer cases to both FTB collections programs. The data submitted by the private collection agency does not reflect the ending balances from last year due to the change in private vendors. During the transfer of accounts, duplicate and inaccurate information was identified and corrected.

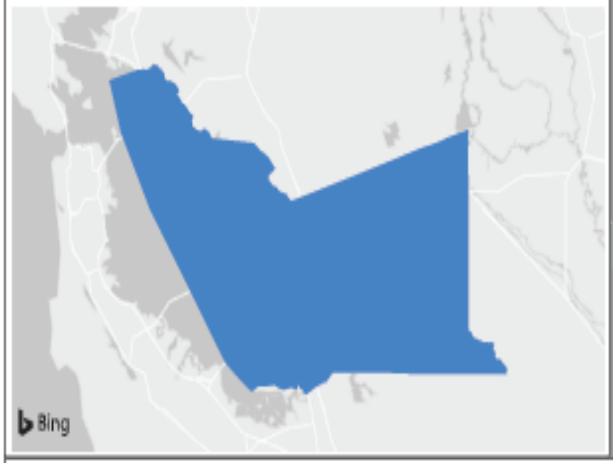
The court will continue to work in collaboration with the various collections programs to ensure continuity of the data reported in the Collections Reporting Template (CRT). Each agency uses different tools for storing data and different methods for interpreting and accessing the data, so the task of completing the CRT is not without challenges. The court will continue attempts to improve the quality of data reported and encourage all participating agencies to contribute to the effort.

Select Program

Alameda

Non-Delinquent Collections	Delinquent Collections	Adjustments	Discharge	Outstanding Balance
$32,432,322	$20,861,690	$6,016,790	$0	$178,261,035

Alameda



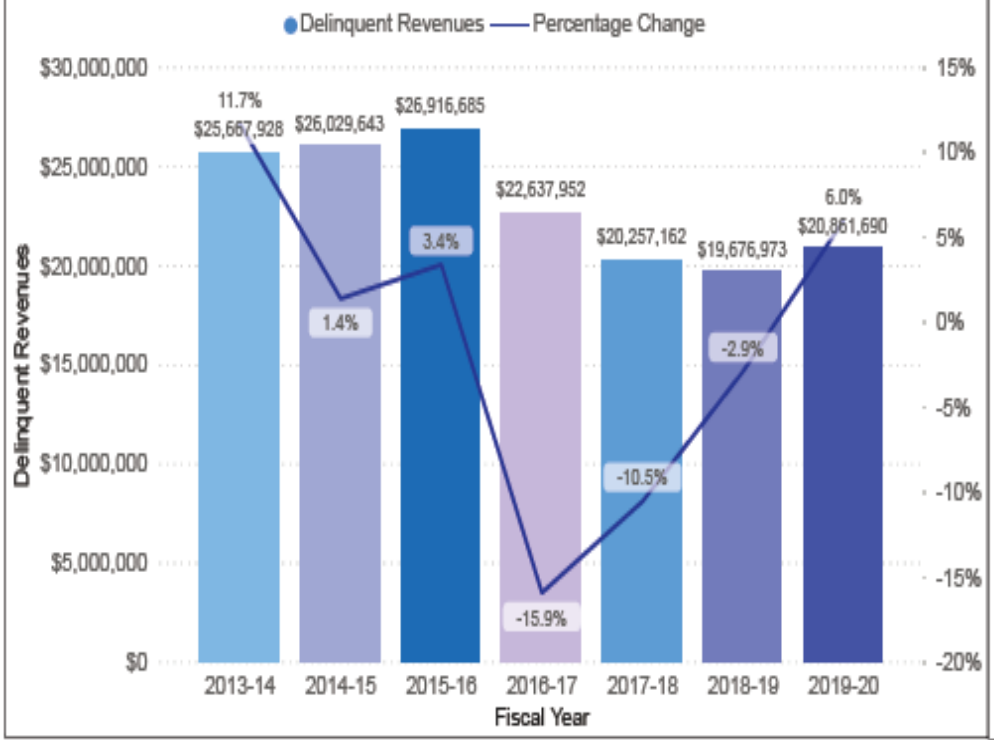
Benchmarks

Period	GRR	Success Rate
Current	27%	24%
Prior	11%	9%
Combined	13%	10%

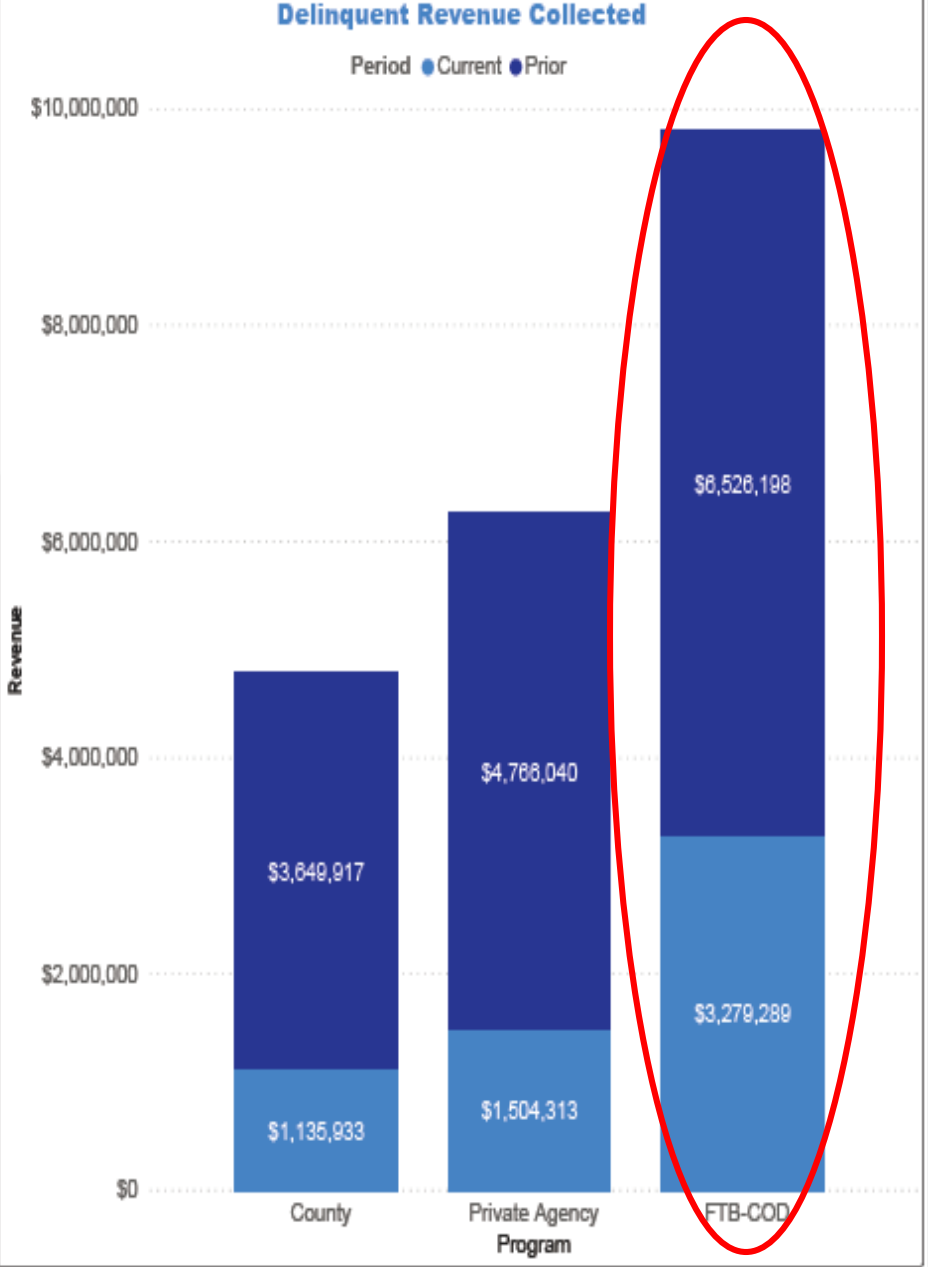
Average Default Rate

Period	Default Rate
Current	45%
Prior	24%
Combined	30%

Delinquent Revenue and Percentage Change, 2013-14 to 2019-20



Delinquent Revenue Collected



Select Program

Alameda

No. of Individuals (Item 6b)

0

Delinquent Revenue Collected

Program	Current	Prior	Total
County	$1,135,933	$3,649,917	**$4,785,850**
Private Agency	$1,504,313	$4,766,040	**$6,270,353**
FTB-COD	$3,279,289	$6,526,198	**$9,805,487**
Total	**$5,919,535**	**$14,942,155**	**$20,861,690**

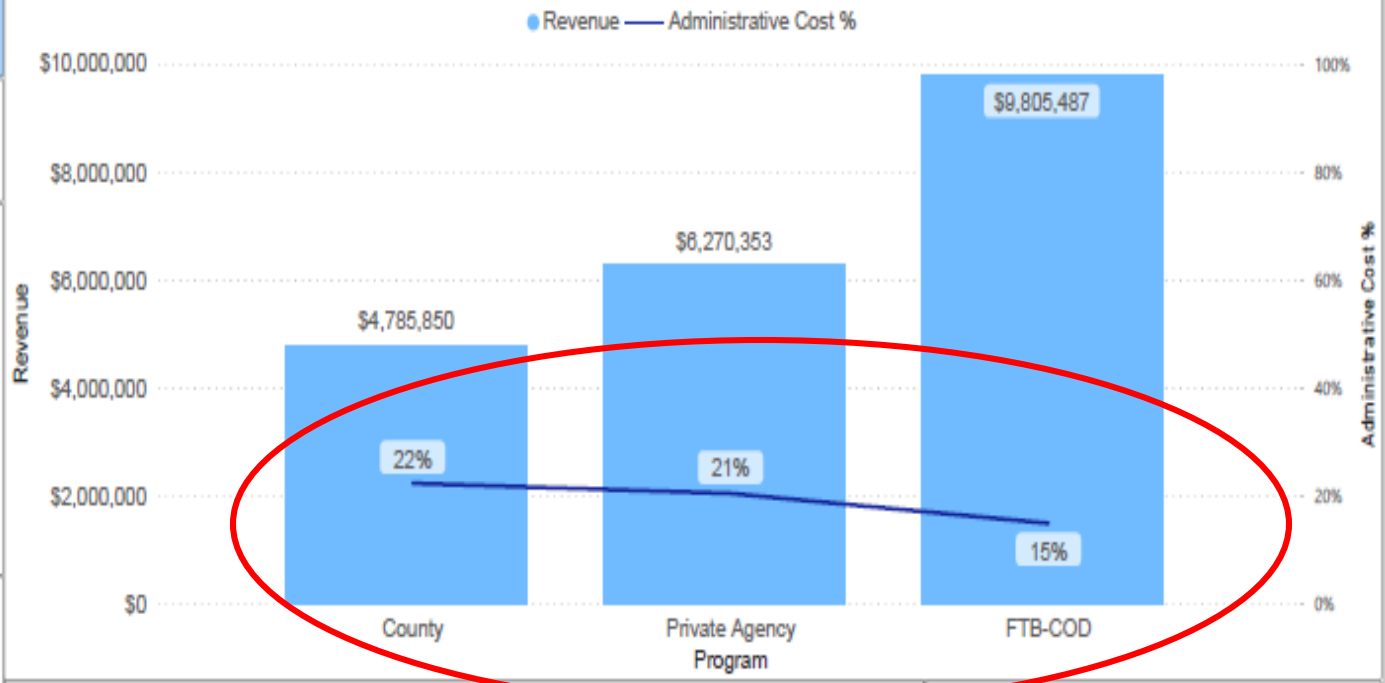
Administrative Cost of Collections

Program	Current	Prior	Total
County	($193,397)	($879,251)	**($1,072,648)**
Private Agency	($203,304)	($1,084,393)	**($1,287,697)**
FTB-COD	($491,893)	($978,929)	**($1,470,822)**
Total	**($888,594)**	**($2,942,573)**	**($3,831,167)**

Administrative Cost %

Program	Current	Prior	Combined
County	17%	24%	22%
Private Agency	14%	23%	21%
FTB-COD	15%	15%	15%

Revenue and Administrative Cost % by Program



Collections Activity

Category	Revenue Collected	Number of Cases	Administrative Cost
Written Notice(s)	$8,207,035	27,047	$0
Wage/Bank Garnishments and Liens	$0	0	$0
Telephone Calls	$6,532,192	19,640	$0
Skip Tracing	$124,912	5,942	$0
Private Debt Collectors	$6,270,353	227,339	($1,287,697)
Lobby/Counter	$0	286,018	$0
FTB-IIC (Interagency Collection Program)	$3,920,084	68,573	($1,072,648)
FTB-COD (Court-Ordered Debt Program)	$9,805,487	179,645	($1,470,822)
Driver's License Hold/Suspension	$799,800	10,604	$0
Total	**$35,659,863**	**824,808**	**($3,831,167)**

Cases Established/Referred

Program	Current	Prior	Total
County	6,589	50,747	**57,336**
Private Agency	28,498	283,989	**312,487**
FTB-COD	27,105	82,825	**109,930**
Total	**62,192**	**417,561**	**479,753**

Cases with Payments

Program	Current	Prior	Total
County	2,009	13,510	**15,519**
Private Agency	3,838	40,823	**44,661**
FTB-COD	63,410	113,200	**176,610**
Total	**69,257**	**167,533**	**236,790**

Common Data Errors

- Blank cells
- Duplicate records/entries
- Outdated information
- Incorrect/inconsistent information

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Other Justice Related Reimbursements

Monies owed to entities other than state, counties, cities, or local governments, such as restitution to a victim.

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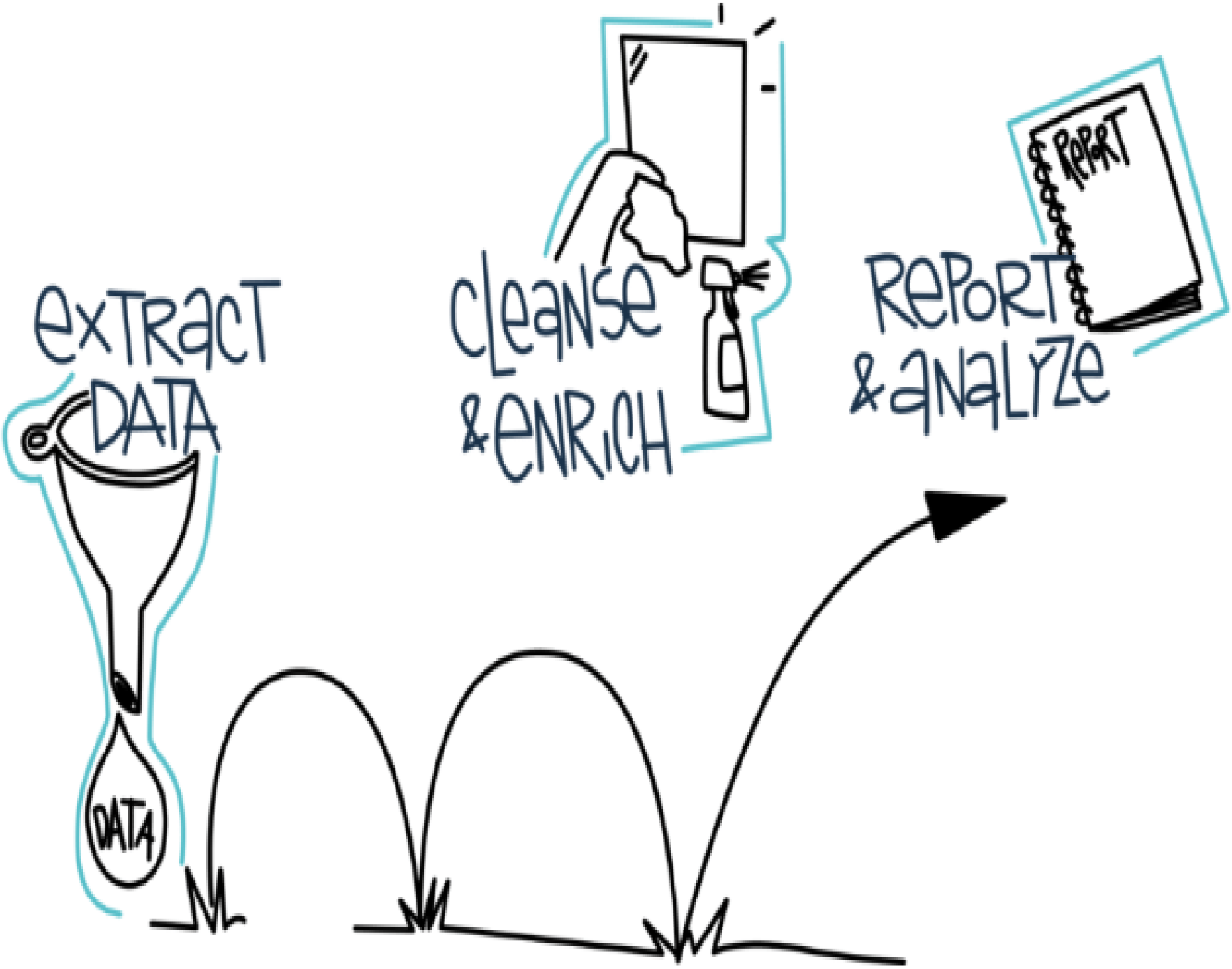
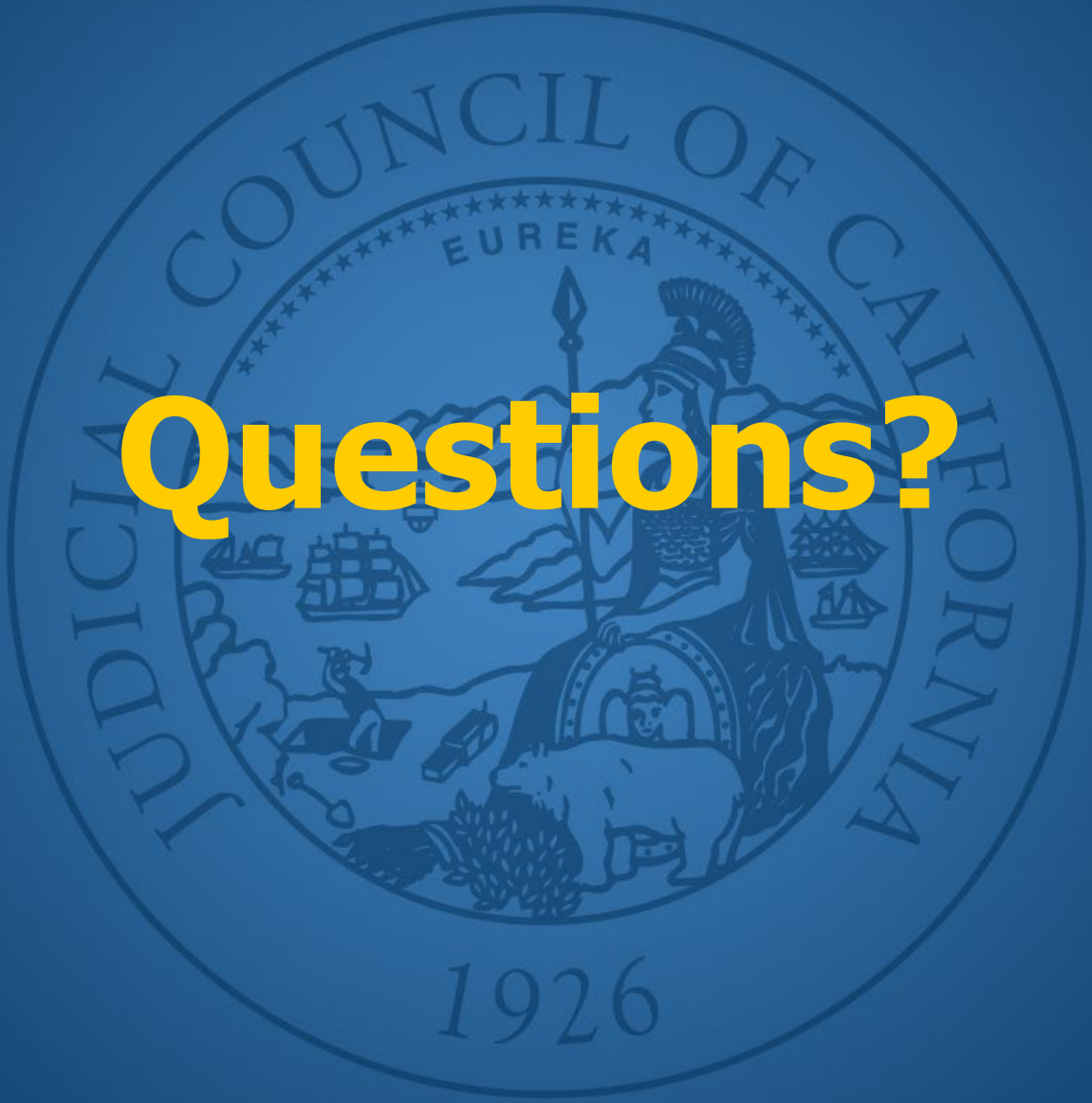

EXTRACT DATA
DATA
CLEANSE & ENRICH
REPORT & ANALYZE
REPORT



Questions?

Trial Court Revenue Distribution Training
January 2021

BETTY T. YEE

California State Controller

Introduction

Trial Court Revenue Distribution Guidelines

- Henry Mathews, Policy Analyst, Local Government Policy Unit

Common Audit Findings

- Chris Ryan, Audit Manager

If you have any questions related to trial court revenue distribution, please email LocalGovPolicy@sco.ca.gov.

BETTY T. YEE
California State Controller

Overview of SCO Guidance

- Key Legislative Updates to *Trial Court Revenue Distribution Guidelines*, to be published in Revision 31
- Listserv Notifications
- SCO Court Revenue Audits

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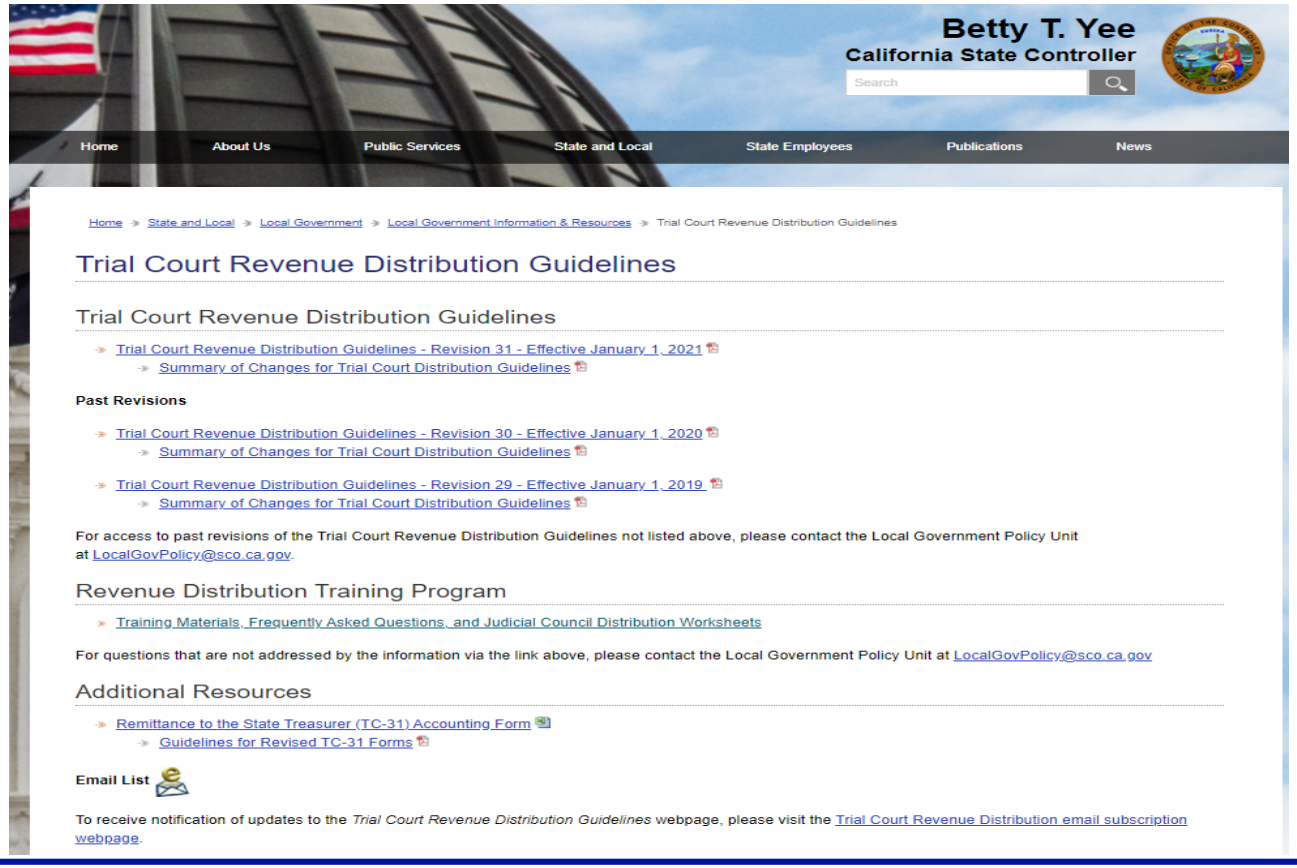
California State Controller

SCO Trial Court Website

The Trial Court Revenue Distribution Guidelines can be found at:
https://sco.ca.gov/ard_trialcourt_manual_guidelines.html



SCO Trial Court Website, cont.

The Trial Court Revenue Distribution Guidelines can be found at:
https://sco.ca.gov/ard_trialcourt_manual_guidelines.html

On the Trial Court Website you will also find:

- Urgency Legislation, training materials, FAQs, and other useful resources.

- Link to Revenue Distribution Training Website which contains:
  - Training materials, FAQs, and Judicial Council Distribution Worksheets.
  - Schedules, worksheets, and guides.
  - Presentations, PDFs, and other resources related to Revenue Distribution Training Programs for previous years.

TC Guidelines - Overview

Trial Court Guidelines:

- Provide direction on the distribution of fines, fees, forfeitures, penalties, and assessments.
- Updated at least once a year.
- Required by California code.
- Consist of nine distribution tables.
  - *Each table is preceded by a narrative, as well as any special rules or background that may apply.*
  - *Narratives provide guidance on questions.*

TC Guidelines – Overview, cont.

Changes to Trial Court Guidelines

- Majority of changes to the Guidelines happen through the annual legislation process.
- After each legislation cycle we add the codes that were added or amended or repealed.
- At the beginning of every year a new Revision is published.
- A Summary of Changes to the Guidelines is also published at the beginning of every year.

Updates due to Legislation

The codes on the following slide have been added or amended in 2020 and will become effective January 1, 2021.

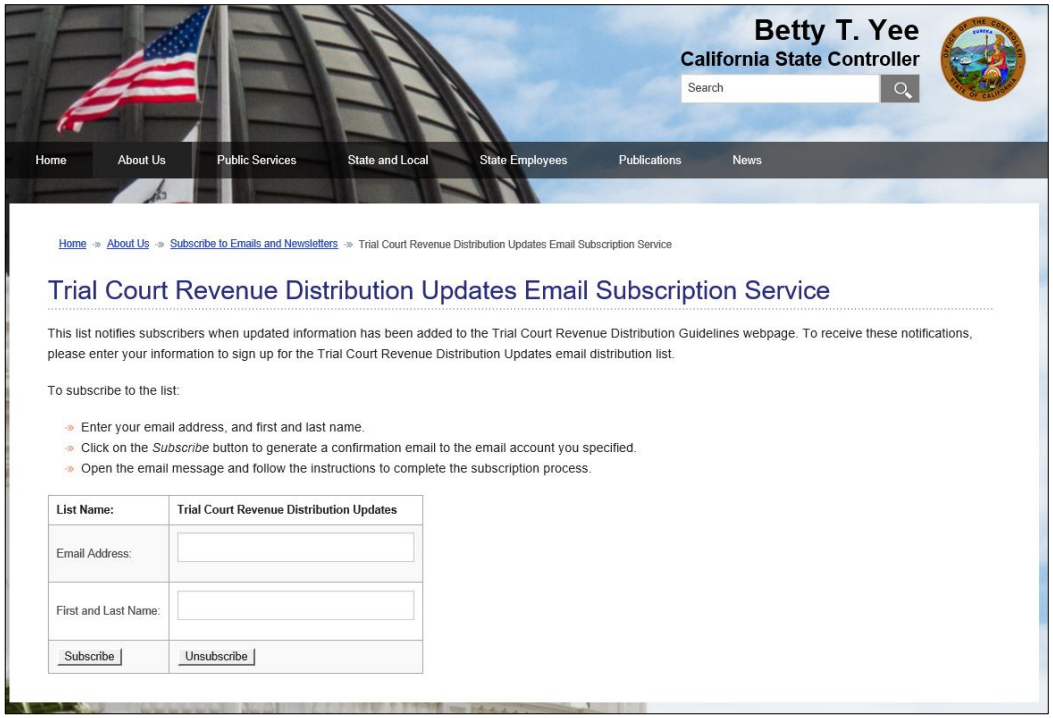
They will be included in the forthcoming Revision 31 of the *Trial Court Revenue Distribution Guidelines*.

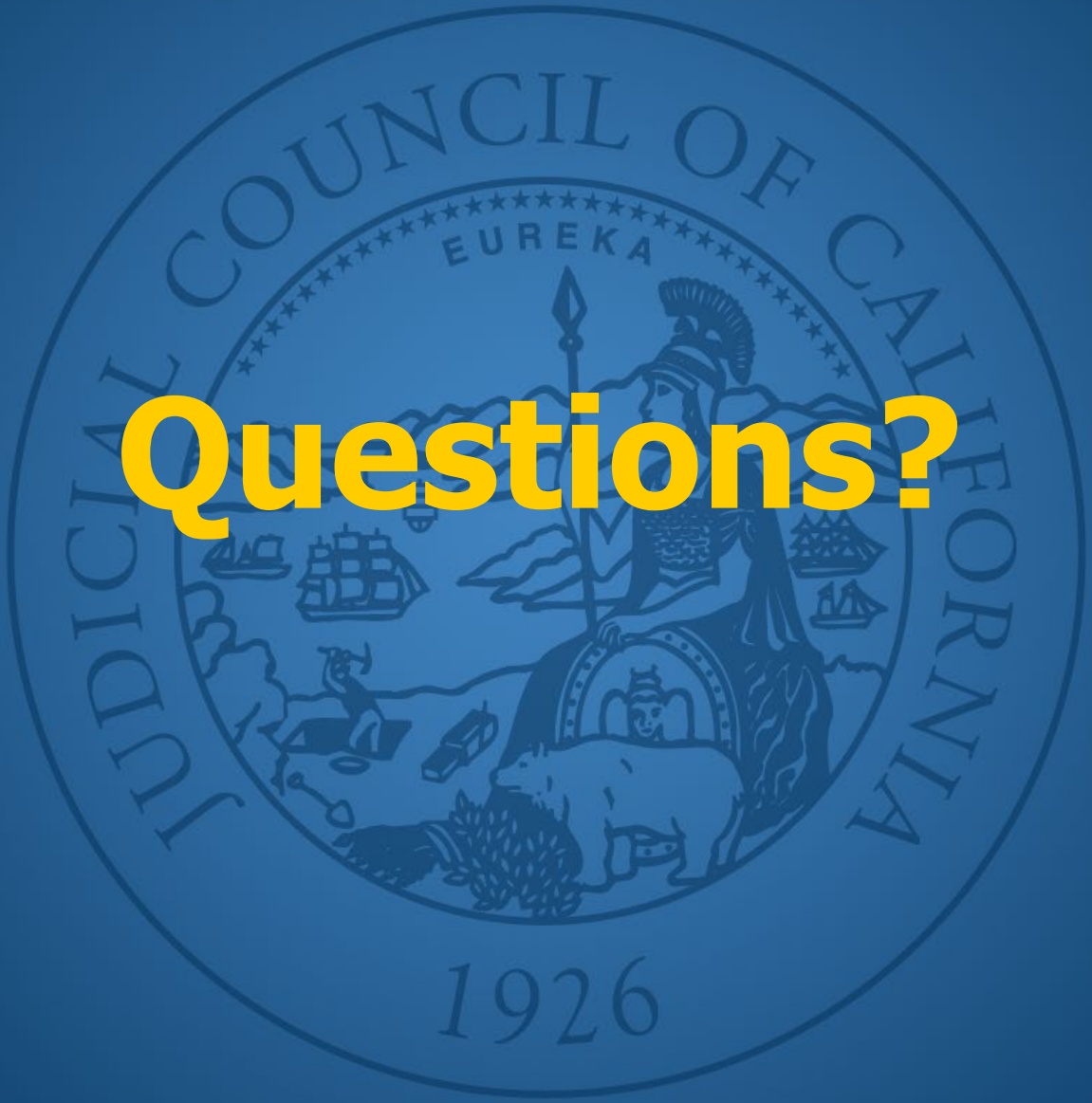
Updates due to Legislation, cont.

Added, Amended Or Removed	Code Section	Description
Amended	**GC 70624 –** Courts	This section shall remain in effect only until January 1, 2026, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2026, deletes or extends that date.
Amended	**PC 489 Section 2 –** Grand theft: agricultural equipment	It is necessary to ensure that the proceeds of fines imposed upon a defendant for a conviction for violation of Section 487k of the Penal Code are allocated in accordance with existing rural crime prevention program allocation schedules at the earliest possible time.
Amended	**GC 76000.10 –** Air ambulance services	This section shall become inoperative on July 1, 2024, and, as of January 1, 2025, is repealed. Sec 3. To protect the health and safety of Medi-Cal beneficiaries after the current penalty expires on July 1, 2020, this act is needed to continue the assessment and associated program, and it is necessary that this act take effective immediately.
Amended	**GC 29550 –** Criminal Fees	All fees collected pursuant to this subdivision shall be transmitted by the county auditor monthly to the Controller for deposit in the General Fund. This subdivision applies only to convictions occurring on or after the effective date of the act adding this subdivision and prior to June 30, 1996.

Listserv Notifications

To receive automatic notification of updates to the *Guidelines*, including Urgency Legislation updates, please visit our website at: **http://www.sco.ca.gov/ard_trial_courts_notification_email.html**





Questions?

SCO Court Revenue Audits

Court Revenue Audit Reports can be found at:
http://www.sco.ca.gov/aud_court_revenues.html

Court Revenue Audits
Status of Audits

- Final reports issued: 6
- Reports in process: 2
- Audits in progress: 11
- Next in queue:

○ San Diego County	○ Modoc County
○ Lake County	○ Inyo County

Information as of December 31, 2020

Court Revenue Audits
Common Findings

- Errors in calculation of the 50% excess of qualified revenues
- Incorrect distribution of Emergency Medical Air Transportation penalties for red-light violations and violations involving traffic violator school fees
- Unremitted parking surcharges and penalties

SCO Distribution Contact Information

If you have any questions related to trial court revenue distribution, please email LocalGovPolicy@sco.ca.gov

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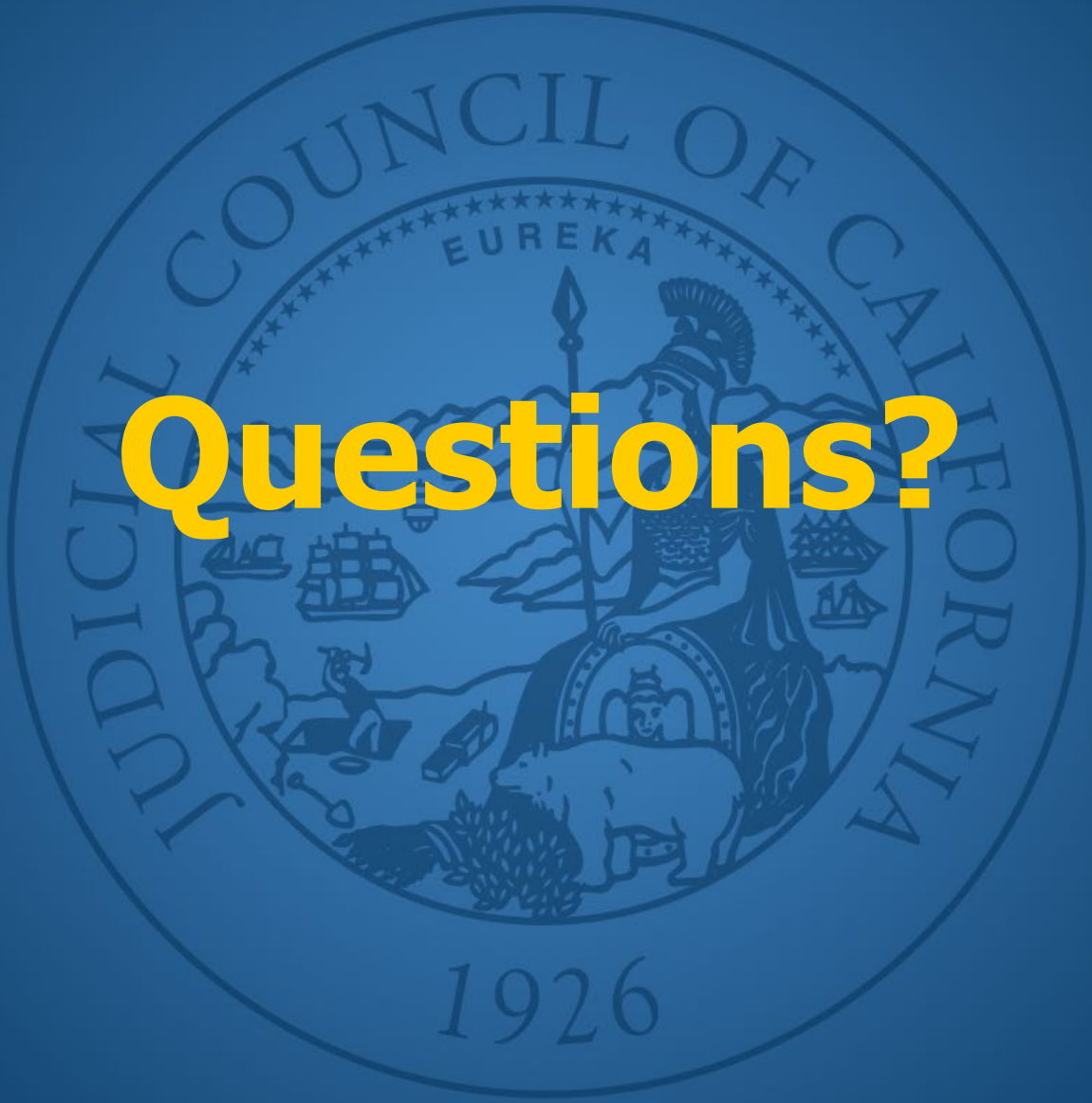
California State Controller



Questions?

WRAP UP

SAVE THE DATES!

9th Annual Revenue Distribution Training

- Dates: May 11-13, 2021
- Format: WebEx
- Content: Plenary and breakout sessions
- What do you want to see/learn?

  Send suggestions: RevenueDistribution@jud.ca.gov

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Resources and Links

State Controller's Office:

Revenue Distribution home page

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

California Courts:

Collections and Revenue Distribution home page

http://www.courts.ca.gov/partners/collections.htm

http://www.courts.ca.gov/revenue-distribution.htm

2021 Uniform Bail & Penalty Schedules

http://www.courts.ca.gov/7532.htm

Court-related legislation

http://www.courts.ca.gov/4121.htm

Public Mailboxes

Judicial Council,
Funds and Revenues Unit
revenuedistribution@jud.ca.gov

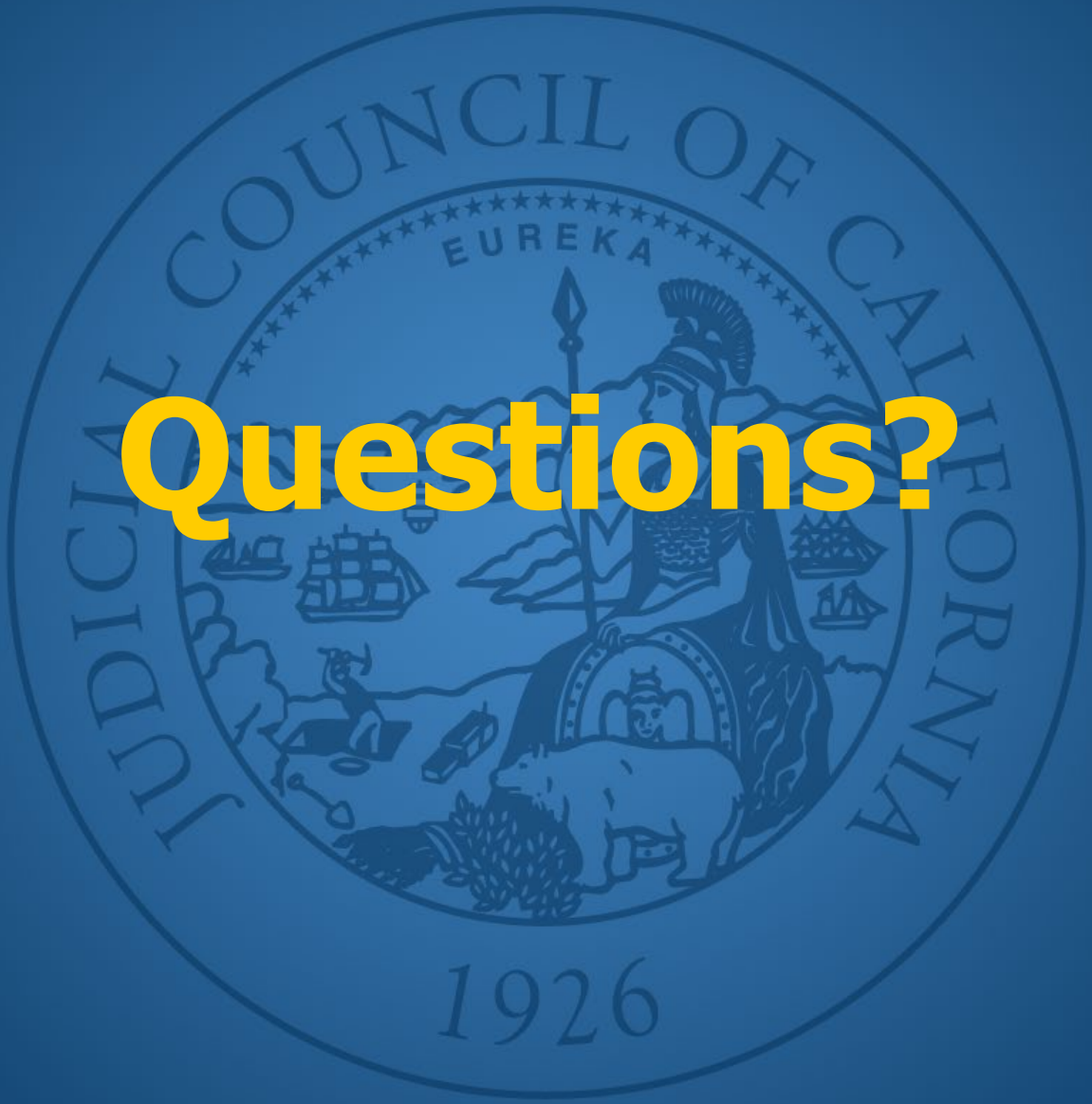
State Controller's Office,
Local Government Programs and Services Division
LocalGovPolicy@sco.ca.gov

Franchise Tax Board,
COD and IIC Programs
CODClientServices@ftb.ca.gov
iicgroup@ftb.ca.gov

Survey

Please fill out the evaluation online at:
https://www.surveymonkey.com/r/JCCRevDistJan2021

Give us your two cents



Questions?

END OF PRESENTATION

THANK YOU FOR LISTENING!