Breakout Session B—
Advanced Revenue Distribution

May 2024

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Housekeeping

Pre-recorded and "live" presentation.

Mute the mic.

...or use "Chat" feature to share information/ask question(s).

Tell us how we did– complete the survey!

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Training Agenda

- Review process for preparing a distribution
- Research resources for required distributions and applicable fees/penalties
- Review distribution calculations on worksheets

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Panel of Experts

- Angelica Cosio, Yolo Superior Court
- Christy Galindez, Yolo Superior Court
- Julie N. Kelley, Placer Superior Court
- Christina Matta, Alpine Superior Court
- Jennifer Zamora, Orange Superior Court

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Presenters

Judicial Council
- Nicholas Duffy, Fiscal Analyst
- Maria Lira, Senior Fiscal Analyst
- Don Lowrie, Fiscal Analyst

State Controller's Office
- Gene Hughes, Policy Analyst
- Henry Mathews, Policy Analyst

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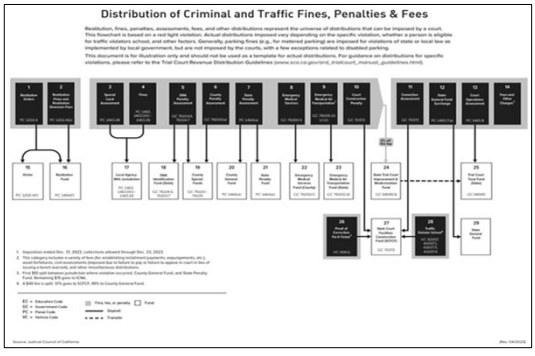

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Special Distributions

Bail forfeiture	• Red light violation • City arrest
Traffic school (TVS)	• Red light violation • County arrest
Bail forfeiture	• DUI violation • City arrest
Special Base Fine **Multiple violation**	• DUI violation • *Possession of controlled substance* • County arrest
Top – down Methods 1 & 2	• **Speeding**

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BASIC CONCEPTS AND TERMS

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Standard Criminal/Traffic Fine Equation

Base Fine + Base Fine Enhancements
=
Total Base Fine
+
State and Local Penalties
=
Initial Penalty
+
Surcharge, Fees, and Assessments
=
Total Bail or Fine

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Base Bail or Base Fine

The amount from which the additional penalties required by PC § 1464; GC §§ 70372, 76000, 76000.5, 76104.6, and 76104.7; and surcharge required by PC § 1465.7 are calculated. UB&PS Section II

Total bail shall not exceed statutory limits.

The 'fine' amount of the total bail shall not exceed the limitations specified by the Vehicle Code. UB&PS Section IV

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Base Fine Enhancements

Enhancement for Prior Vehicle Code (VC) Convictions
UB&PS section VII, pg. viii

Health & Safety Code (H&S) § 11372.5 - Criminal Lab Fee

- Base fine enhancement of $50 for each violation of the Health and Safety Code sections listed in subdivision (b).

H&S Code § 11372.7 - County Drug Program Fee

- Base fine enhancement of up to $150 for each violation of the H&S codes 11350 through 11392 except H&S § 11357(b).

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State and Local Penalties

Calculated using the "per 10, or part of 10" factor from a **ROUNDED-UP** base fine.

- PC § 1464 State penalty, $10 per 10
- GC § 76104.6 County DNA Identification Fund penalty, $1 per 10
- GC § 76104.7 State DNA Identification Fund additional penalty, $4 per 10
- GC § 70372(a) state court facilities construction penalty = $5 per 10
- GC § 76000(a) County penalty, $7 per 10 (BOS)
- GC § 76000.5 County Emergency Medical Services (EMS), $2 per 10 (BOS)

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20% State Surcharge

PC § 1465.7 –

- Is **calculated on** total **base fines.**
- Is **NOT** calculated on state and local penalties (PC § 1464, GC § 70372, and GC § 76000.)
- 2% state court automation is **NOT** applicable, because the surcharge is not a fine or penalty.

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Fees and Assessments

PC § 1465.8 – Court Operations Assessment
$40 per conviction, for criminal offenses, including traffic, except parking offenses.

GC § 70373 – Criminal Conviction Assessment
$30 assessed for each felony/misdemeanor conviction, **or**
$35 assessed for each infraction conviction.

VC § 42006 – Night Court Special Assessment
$1 for violation of Vehicle Code or local ordinance adopted if night or weekend court sessions conducted for traffic offenses.

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2% State Court Automation

Transferred from all fines, penalties, and forfeitures (not on surcharges or fees) collected in criminal cases.
GC § 68090.8

Referring to our equation, 2% applies to the:

Base fine	Base fine enhancement	Standard state and local penalties

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Poll # 1

Which of these penalties and assessments is NOT added to the base fine?

A. State penalty
B. Court construction penalty
C. 2% automation assessment
D. 20% state surcharge
E. All the above are added to base fine

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Resources: Preparing for Distributions

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Preparing for Distributions

1. Gather case information:

- Codes violated
- Violation and conviction date
- Disposition on each count (conviction, traffic school)
- Arresting agency

- Prior violations
- Base fine and enhancements

2. Obtain County Board of Supervisors' resolutions

3. Determine other factors

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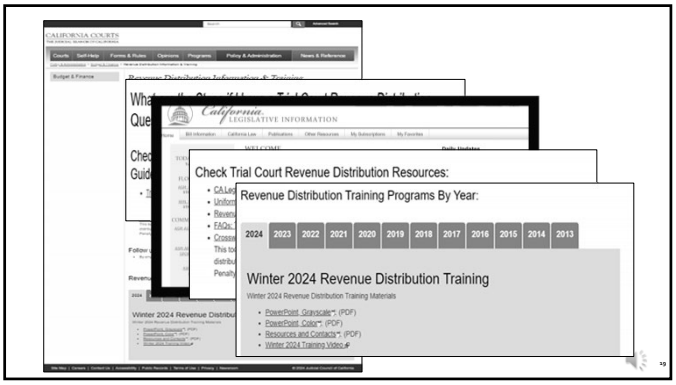

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Case Study 1: Red light violation

Case information:

- Violation Date: 3/10/2024
- Disposition Date: 4/29/2024
- **Arresting Agency**: City of Roseville Police Department
- Violation = VEH § 21457 (a); Actions Required at Flashing Red Signal
  - **Base fine**: $___
- Violation Type = Infraction
- **Disposition** = Bail Forfeiture

Local County Penalties:

- LCCF: $1.00
- LCJF: $1.00
- EMS: $1.00
- DNA: $.75
- Auto Fingerprint: $1.00
- Additional EMS: $2.00

Other case/court fees:

- PEN § 1465.8 — Court Operations Assessment $40.00
- GOV § 70373 — Criminal Conviction Assessment $35.00
- Night Court Fee — $1.00

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Gathering Case Information

- Codes violated
- Violation description
- Violation date
- Arresting agency
  - County Sheriff, city police dept., CA Highway Patrol
  - Jurisdiction
- Disposition on each count:
  - conviction date
  - bail forfeiture, traffic school
- Priors

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CA Legislative Information (LegInfo)

Placer	
Auburn	18
Colfax	8
Lincoln	26
Rocklin	16
Roseville	10
County percentage	14

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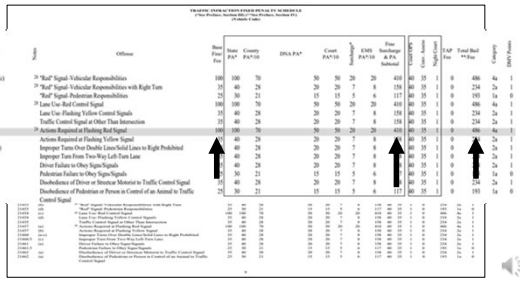
Uniform Bail & Penalty Schedules (UBPS)



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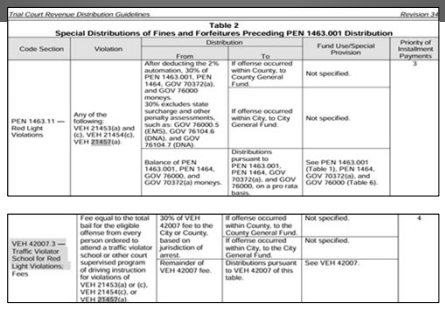
Trial Court Revenue Distribution Guidelines (Guidelines)



Trial Court Revenue Distribution Guidelines — *Revision 34*

Table 2
Special Distributions of Fines and Forfeitures Preceding PEN 1463.001 Distribution

Code Section	Violation	Distribution: From	Distribution: To	Fund Use/Special Provision	Priority of Installment Payments
PEN 1463.11 — Red Light Violations	Any of the following: VEH 21453(a) and (c), VEH 21454(c), VEH 21457(a).	After deducting the 2% automation, 30% of PEN 1463.001, PEN 1464, GOV 70372(a), and GOV 76000 moneys.	If offense occurred within County, to County General Fund.	Not specified.	3
		30% excludes state surcharge and other penalty assessments, such as: GOV 76000.5 (EMS), GOV 76104.6 (DNA), and GOV 76104.7 (DNA).	If offense occurred within City, to City General Fund.	Not specified.	
		Balance of PEN 1463.001, PEN 1464, GOV 76000, and GOV 70372(a) moneys.	Distributions pursuant to PEN 1463.001, PEN 1464, GOV 70372(a), and GOV 76000, on a pro rata basis.	See PEN 1463.001 (Table 1), PEN 1464, GOV 70372(a), and GOV 76000 (Table 6).	
VEH 42007.3 — Traffic Violator School for Red Light Violations; Fees	Fee equal to the total bail for the eligible offense from every person ordered to attend a traffic violator school or other court supervised program of driving instruction for violations of VEH 21453(a) or (c), VEH 21454(c), or VEH 21457(a).	30% of VEH 42007 fee to the City or County, based on jurisdiction of arrest.	If offense occurred within County, to the County General Fund.	Not specified.	4
		Remainder of VEH 42007 fee.	If offense occurred within City, to the City General Fund.	Not specified.	
			Distributions pursuant to VEH 42007 of this table.	See VEH 42007.	

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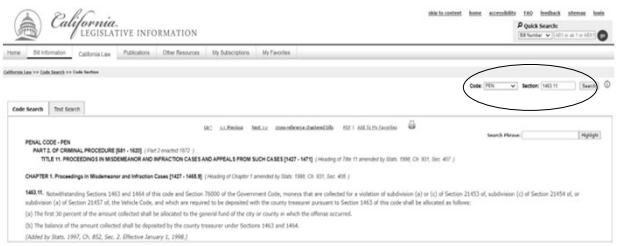
LegInfo: PEN § 1463.11



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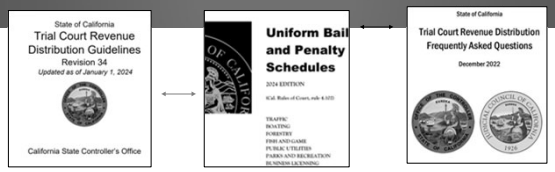

How does the Crosswalk work?

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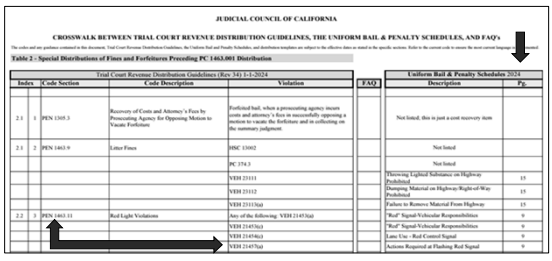
Crosswalk Sample



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FAQ Search: “Red-Light”

C	6	50/50 MOE	July 9, 2014	Q	On a red-light violation in the county, is the 30% distribution to the ticketing agency part of Government Code (GC) section 77205(a)?
				A	The 30% distribution to the ticketing agency is not part of GC section 77205(a) money. The 30% allocation is made prior to the Penal Code section 1463.001 distribution to the county general fund, so it is separate from the distributions that are used in the GC section 77205 maintenance of effort calculations. This means that the 30% distribution is not a GC section 77205(a) revenue.

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Distribution Worksheets

All spreadsheets have been updated to reflect what we believe are the statutes in effect as of **January 1, 2024.** Thus, they are subject to change based on laws that are effective after today’s training.

These spreadsheets are used for testing and review, and not configuration work.

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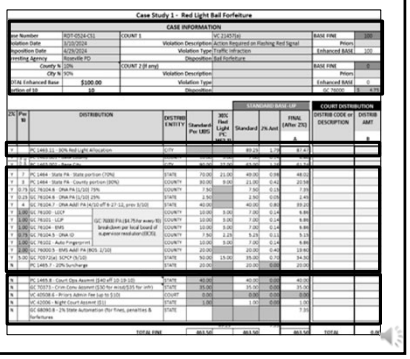
1. Case information
2. Special Distributions
3. State and local penalties
4. Standard/case specific fees



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Poll # 2

The base fine is <u>always</u> distributed 100% to the county.

- ❑ **True**
- ❑ **False**

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Spreadsheet Walk-through

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Session Recap

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Summary

1. Reviewed the process for preparing and performing special distributions
2. Researched resources for distribution requirements
3. Performed distribution for four (4) studies:
   - Bail Forfeiture distribution— **Red Light**
   - Special traffic school distribution— **Red light**
   - Bail Forfeiture— **DUI**
   - Multiple violation— **DUI with added HSC violation**
   - Top-down distribution methods

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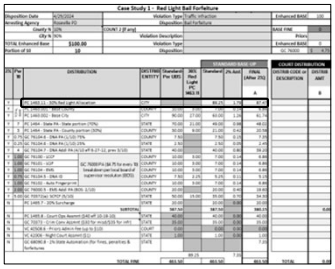
Case Study 1: Red Light, Bail Forfeiture

Per PEN § 1463.11:

- 30% of the base fine shall be allocated to the general fund of the city or county in which the **offense occurred**.
- After 30% allocation, the balance (70%) shall be distributed pursuant to their respective statutes.

WATCH OUT FOR:
What is and is not part of the first 30% of the bail forfeiture.


Case Study 1 - Red Light Bail Forfeiture

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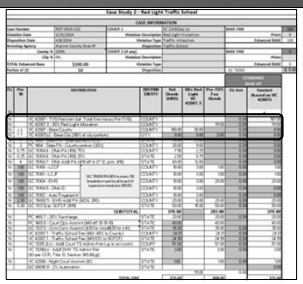
Case Study 2
Red Light, Traffic School

VEH § 42007.3(a)(1):

- 30% of the TVS Fee collected is allocated to the county or city general fund where the **offense occurred**.
- After the 30% allocation, the remainder of the TVS Fee is distributed pursuant to VEH § 42007.

WATCH OUT FOR:

What is/is not part of the TVS fee.



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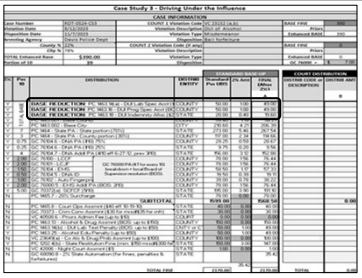
Case Study 3:
DUI

- PEN § 1463.14(a) — $50 for Alcohol Lab Costs
- PEN § 1463.16 — $50 Alcohol Education
- PEN § 1463.18 — DUI Indemnity Allocation of $20

WATCH OUT FOR:

Amounts that must be deposited prior to any distributions.



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Case Study 4:
Count 1 DUI

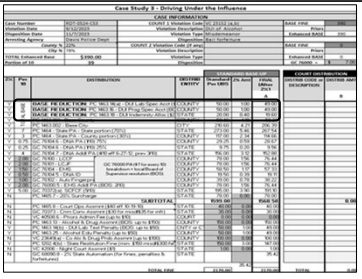
- PEN § 1463.14(a) — $50 for Alcohol Lab Costs
- PEN § 1463.16 — $50 Alcohol Education
- PEN § 1463.18 — DUI Indemnity Allocation of $20

WATCH OUT FOR:

Amounts that must be deposited prior to any distributions.

As part of multi-violation:

Watch out for any special distribution requirements and ensure that violations are cited on the same incident (citation).



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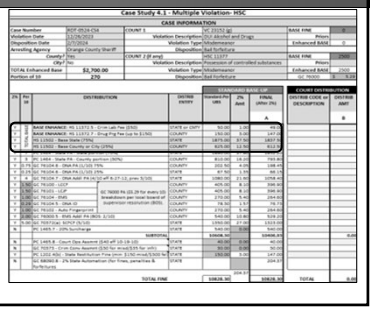
Case Study 4:
Count 2 Possession

- The UB&PS does not have HSC violations listed.
- Search local bail schedules for fine amount.

WATCH OUT FOR:
What distribution rules apply to HSC violations. The 2% State Court Automation transfer is made from each base fine enhancement.

As part of multi-violation:
Watch out for any special distribution requirements and ensure that violations are cited on the same incident (citation).



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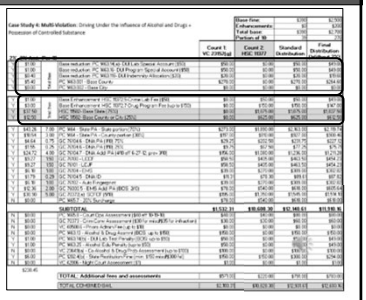
Case Study 4:
Combined (but not...)

- Calculate the "additional penalties" from the total bail or fine for <u>all</u> offenses cited.
- When a fine is suspended, in whole or in part, the additional penalties shall be reduced in proportion to the suspension.
- Impose the Court Operations Assessment and the Criminal Conviction Assessment for **each** offense.

WATCH OUT FOR:
Any special distribution requirements and ensure that violations are cited on the same incident (citation).



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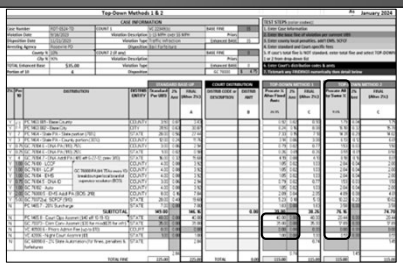
Top-Down Methods

- Two widely-accepted methods for performing a Top-Down distribution.
- Either method is acceptable but must be consistently applied to <u>all</u> cases.
- Method 2 must be used when applied to cases with an Ability to Pay determination, in counties using the online tool.

WATCH OUT FOR:

The differences in "fixed-dollar" amounts between the two methods.



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Training Evaluation

- Your feedback is very important to us — it guides planning of future training sessions.
- Please complete the SurveyMonkey evaluation.

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Questions and Resources

Judicial Council Funds and Revenues Unit

Public mailbox: revenuedistribution@jud.ca.gov

State Controller's Office

Public mailbox: LocalGovPolicy@sco.ca.gov

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Thank You!

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