

ASSEMBLY BILL

No. 687

Introduced by Assembly Members Thomson and Hertzberg

February 22, 2001

An act to add Article 5 (commencing with Section 1798.190) to Chapter 2.6 of Division 2.5 of the Health and Safety Code, and to amend Section 1464 of the Penal Code, relating to the State Penalty Fund.

LEGISLATIVE COUNSEL'S DIGEST

AB 687, as introduced, Thomson. State penalty funds.

Existing law permits each county to establish an emergency medical services program in accordance with various requirements.

Existing law establishes the State Penalty Fund, the moneys in which are distributed on a monthly basis to various state funds, including the Driver Training Penalty Assessment Fund.

This bill would create the Emergency Medical Services and Trauma Care Fund to pay for uncompensated care provided by trauma facilities. This bill would further provide that the Driver Training Penalty Assessment Fund would no longer receive a percentage of the money in the State Penalty Fund each month, and that instead the Emergency Medical Services and Trauma Care Fund would receive the percentage of money that the Driver Training Penalty Fund receives each month.

The bill would prohibit any county from receiving moneys from the fund unless the county has an emergency medical services program.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 5 (commencing with Section 1798.190)
2 is added to Chapter 2.6 of Division 2.5 of the Health and Safety
3 Code, to read:

4
5 Article 5. Emergency Medical Services and Trauma Care
6 Fund

7
8 1798.190. (a) There is hereby created in the State Treasury
9 the Emergency Medical Services and Trauma Care Fund, the
10 moneys in which may, upon appropriation by the Legislature, be
11 expended for the purposes of funding uncompensated care.

12 (b) No moneys may be received from the Emergency Medical
13 Services and Trauma Care Fund by a county unless the county has
14 an emergency medical services program established pursuant to
15 Section 1797.200.

16 SEC. 2. Section 1464 of the Penal Code is amended to read:

17 1464. (a) Subject to Chapter 12 (commencing with Section
18 76000) of Title 8 of the Government Code, there shall be levied a
19 state penalty, in an amount equal to ten dollars (\$10) for every ten
20 dollars (\$10) or fraction thereof, upon every fine, penalty, or
21 forfeiture imposed and collected by the courts for criminal
22 offenses, including all offenses, except parking offenses as defined
23 in subdivision (i) of Section 1463, involving a violation of a
24 section of the Vehicle Code or any local ordinance adopted
25 pursuant to the Vehicle Code. Any bail schedule adopted pursuant
26 to Section 1269b may include the necessary amount to pay the state
27 penalties established by this section and Chapter 12 (commencing
28 with Section 76000) of Title 8 of the Government Code for all
29 matters where a personal appearance is not mandatory and the bail
30 is posted primarily to guarantee payment of the fine.

31 (b) Where multiple offenses are involved, the state penalty
32 shall be based upon the total fine or bail for each case. When a fine
33 is suspended, in whole or in part, the state penalty shall be reduced
34 in proportion to the suspension.

35 (c) When any deposited bail is made for an offense to which this
36 section applies, and for which a court appearance is not mandatory,
37 the person making the deposit shall also deposit a sufficient
38 amount to include the state penalty prescribed by this section for



1 forfeited bail. If bail is returned, the state penalty paid thereon
2 pursuant to this section shall also be returned.

3 (d) In any case where a person convicted of any offense, to
4 which this section applies, is in prison until the fine is satisfied, the
5 judge may waive all or any part of the state penalty, the payment
6 of which would work a hardship on the person convicted or his or
7 her immediate family.

8 (e) After a determination by the court of the amount due, the
9 clerk of the court shall collect the penalty and transmit it to the
10 county treasury. The portion thereof attributable to Chapter 12
11 (commencing with Section 76000) of Title 8 of the Government
12 Code shall be deposited in the appropriate county fund and 70
13 percent of the balance shall then be transmitted to the State
14 Treasury, to be deposited in the State Penalty Fund, which is
15 hereby created, and 30 percent to remain on deposit in the county
16 general fund. The transmission to the State Treasury shall be
17 carried out in the same manner as fines collected for the state by
18 a county.

19 (f) The moneys so deposited in the State Penalty Fund shall be
20 distributed as follows:

21 (1) Once a month there shall be transferred into the Fish and
22 Game Preservation Fund an amount equal to 0.33 percent of the
23 state penalty funds deposited in the State Penalty Fund during the
24 preceding month, except that the total amount shall not be less than
25 the state penalty levied on fines or forfeitures for violation of state
26 laws relating to the protection or propagation of fish and game.
27 These moneys shall be used for the education or training of
28 department employees which fulfills a need consistent with the
29 objectives of the Department of Fish and Game.

30 (2) Once a month there shall be transferred into the Restitution
31 Fund an amount equal to 32.02 percent of the state penalty funds
32 deposited in the State Penalty Fund during the preceding month.
33 Those funds shall be made available in accordance with Section
34 13967 of the Government Code.

35 (3) Once a month there shall be transferred into the Peace
36 Officers' Training Fund an amount equal to 23.99 percent of the
37 state penalty funds deposited in the State Penalty Fund during the
38 preceding month.

39 (4) Once a month there shall be transferred into the ~~Driver~~
40 ~~Training Penalty Assessment Fund~~ *Emergency Medical Services*



1 *and Trauma Care Fund* an amount equal to 25.70 percent of the
2 state penalty funds deposited in the State Penalty Fund during the
3 preceding month.

4 (5) Once a month there shall be transferred into the Corrections
5 Training Fund an amount equal to 7.88 percent of the state penalty
6 funds deposited in the State Penalty Fund during the preceding
7 month. Money in the Corrections Training Fund is not
8 continuously appropriated and shall be appropriated in the Budget
9 Act.

10 (6) Once a month there shall be transferred into the Local
11 Public Prosecutors and Public Defenders Training Fund
12 established pursuant to Section 11503 an amount equal to 0.78
13 percent of the state penalty funds deposited in the State Penalty
14 Fund during the preceding month. The amount so transferred shall
15 not exceed the sum of eight hundred fifty thousand dollars
16 (\$850,000) in any fiscal year. The remainder in excess of eight
17 hundred fifty thousand dollars (\$850,000) shall be transferred to
18 the Restitution Fund.

19 (7) Once a month there shall be transferred into the
20 Victim-Witness Assistance Fund an amount equal to 8.64 percent
21 of the state penalty funds deposited in the State Penalty Fund
22 during the preceding month.

23 (8) (A) Once a month there shall be transferred into the
24 Traumatic Brain Injury Fund, created pursuant to Section 4358 of
25 the Welfare and Institutions Code, an amount equal to 0.66 percent
26 of the state penalty funds deposited into the State Penalty Fund
27 during the preceding month. However, the amount of funds
28 transferred into the Traumatic Brain Injury Fund for the 1996–97
29 fiscal year shall not exceed the amount of five hundred thousand
30 dollars (\$500,000). Thereafter, funds shall be transferred pursuant
31 to the requirements of this section. Notwithstanding any other
32 provision of law, the funds transferred into the Traumatic Brain
33 Injury Fund for the 1997–98, 1998–99, and 1999–2000 fiscal
34 years, may be expended by the State Department of Mental Health,
35 in the current fiscal year or a subsequent fiscal year, to provide
36 additional funding to the existing projects funded by the Traumatic
37 Brain Injury Fund, to support new projects, or to do both.

38 (B) Any moneys deposited in the State Penalty Fund
39 attributable to the assessments made pursuant to subdivision (i) of
40 Section 27315 of the Vehicle Code on or after the date that Chapter



1 6.6 (commencing with Section 5564) of Part 1 of Division 5 of the
2 Welfare and Institutions Code is repealed shall be utilized in
3 accordance with paragraphs (1) to (8), inclusive, of this
4 subdivision.

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