

ASSEMBLY BILL

No. 1819

Introduced by Assembly Member Robert Pacheco

January 17, 2002

An act to amend Section 1463.007 of the Penal Code, relating to delinquent fines.

LEGISLATIVE COUNSEL'S DIGEST

AB 1819, as introduced, Robert Pacheco. Delinquent fines: collection.

Existing law authorizes any county or court to implement a comprehensive program to identify and collect delinquent fines and forfeitures, with or without a warrant having been issued against the alleged violator, if the base fine, excluding state and county penalties, is at least \$100. Existing law authorizes the county or court to deduct and deposit in the county treasury the cost of operating that program, excluding capital expenditures, from any revenues collected prior to making any distribution of revenues to other governmental entities required by any other provision of law.

This bill instead would authorize any county or court that implements a comprehensive program to identify and collect delinquent fines and forfeitures, with or without a warrant having been issued against the alleged violator, if the base fines and forfeitures are delinquent. The bill would expressly provide that any county or court may establish a minimum base fine or forfeiture amount for inclusion in the program.

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

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

1 SECTION 1. Section 1463.007 of the Penal Code is amended
2 to read:
3 1463.007. Notwithstanding any other provision of law, any
4 county or court that implements or has implemented a
5 comprehensive program to identify and collect delinquent fines
6 and forfeitures, with or without *a* warrant having been issued
7 against the alleged violator, ~~and for which~~ *if the base fine*
8 ~~excluding state and county penalties is at least one hundred dollars~~
9 ~~(\$100); fines and forfeitures are delinquent~~, may deduct and
10 deposit in the county treasury the cost of operating that program,
11 excluding capital expenditures, from any revenues collected
12 thereby prior to making any distribution of revenues to other
13 governmental entities required by any other provision of law. *Any*
14 *county or court may establish a minimum base fine or forfeiture*
15 *amount for inclusion in the program. This section shall apply*
16 *applies* to costs incurred by a court or a county on or after June 30,
17 1997, and prior to the implementation of a time payments
18 agreement, and ~~this section shall supersede~~ *supersede* any prior
19 ~~provision of law to the contrary. This section does not apply to a~~
20 defendant who is paying a fine or forfeiture through time
21 payments, unless he or she is delinquent in making payments
22 according to the agreed-upon payment schedule. For purposes of
23 this section, a comprehensive collection program is a separate and
24 distinct revenue collection activity and shall include at least 10 of
25 the following components:
26 (a) Monthly bill statements to all debtors.
27 (b) Telephone contact with delinquent debtors to apprise them
28 of their failure to meet payment obligations.
29 (c) Issuance of warning letters to advise delinquent debtors of
30 an outstanding obligation.
31 (d) Requests for credit reports to assist in locating delinquent
32 debtors.
33 (e) Access to Employment Development Department
34 employment and wage information.
35 (f) The generation of monthly delinquent reports.
36 (g) Participation in the Franchise Tax Board's tax intercept
37 program.



- 1 (h) The use of Department of Motor Vehicle information to
- 2 locate delinquent debtors.
- 3 (i) The use of wage and bank account garnishments.
- 4 (j) The imposition of liens on real property and proceeds from
- 5 the sale of real property held by a title company.
- 6 (k) The filing of objections to the inclusion of outstanding fines
- 7 and forfeitures in bankruptcy proceedings.
- 8 (l) Coordination with the probation department to locate
- 9 debtors who may be on formal or informal probation.
- 10 (m) The initiation of drivers' license suspension actions where
- 11 appropriate.
- 12 (n) The capability to accept credit card payments.

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