

## Senate Bill No. 1269

### CHAPTER 665

An act to add Section 11205.4 to the Vehicle Code, relating to vehicles.

[Approved by Governor September 21, 2004. Filed with Secretary of State September 21, 2004.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1269, Morrow. Traffic violators: Judicial Council report.

Existing law authorizes a court to order a person to attend a traffic violator school licensed under certain provisions of the Vehicle Code, in lieu of adjudicating a traffic offense, or after conviction of a traffic offense. Existing law also permits a court to order a continuance against a person who receives a notice to appear in court for a violation of a statute relating to the safe operation of a vehicle, in consideration for attendance at a licensed school for traffic violators, a licensed driving school, or any other court-approved program of driving instruction, and after that attendance, to dismiss the complaint, as specified. Existing law requires the clerk of the court to collect a fee from a person who is ordered or permitted to attend a traffic violator school, as specified, or who attends any other court-supervised program of traffic safety instruction.

This bill would require the Judicial Council, by June 1, 2005, to collect and compile specified data and information in a report that provides a clear understanding of the current system involving the collection and expenditure of traffic violator fees and to recommend one or more approaches to setting a fiscal policy for the fees charged to those traffic violators.

The bill would require this data and information be made available by the Judicial Council to a person upon request and payment of a fee.

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

SECTION 1. Section 11205.4 is added to the Vehicle Code, to read: 11205.4. (a) By June 1, 2005, the Judicial Council shall do all of the following:

(1) Collect information from each superior court regarding whether and how the court works with the following entities:

(A) Traffic violator schools licensed by the department under this chapter.



(B) Court-approved programs of traffic safety instruction operated in accordance with the procedures established under Sections 1803.5, 1808.7, 11205.1, 41501, 42005, and 42007.

(C) Court assistance programs (CAPs) that operate in accordance with the procedures established under Sections 11205 and 11205.2.

(2) Collect information from each superior court regarding whether the court contracts with a CAP, and if so, how the CAP fee is set and what specific services are funded by the CAP fee. If a court does not contract with a CAP, determine how the court provides for all services related to processing traffic violators, including both traffic violator schools licensed by the department and court-approved programs of traffic safety instruction. This information shall include, but is not limited to, the total fees collected in the most recent prior fiscal year and the total expenditure of those fees by category, together with the total unexpended fees retained by the court.

(3) Compile the information specified in paragraphs (1) and (2) in a report that provides a clear understanding of the current system involving the collection and expenditure of traffic violator fees.

(4) Recommend one or more approaches to setting a fiscal policy for the fees charged pursuant to Section 11205 to those traffic violators who have chosen or been ordered to attend a department licensed traffic violator school or court-approved program of traffic safety instruction.

(b) The financial data and information collected by the Judicial Council pursuant to subdivision (a) shall be provided by the Judicial Council to a person upon request and payment of a fee to cover the cost of photocopying and postage.

