

Introduced by Senator Alarcon

February 24, 2006

An act to add and repeal Section 76000.5 of the Government Code, and to amend Section 1797.98a of the Health and Safety Code, relating to county penalties.

LEGISLATIVE COUNSEL'S DIGEST

SB 1773, as introduced, Alarcon. Fines and forfeitures.

Existing law establishes an additional penalty to be assessed by each county on fines, penalties, and forfeitures imposed for criminal offenses and parking penalties, to be used for local courthouse construction, criminal justice facilities construction, automatic fingerprint identification funding, forensic laboratory funding, emergency medical services funding, and DNA identification funding, as specified for each county.

This bill would provide that until January 1, 2009, a county board of supervisors may elect to levy an additional penalty in the amount of \$2 for every \$10, upon fines, penalties, and forfeitures collected for criminal offenses, as specified. This bill would require 15% of the funds collected pursuant to these provisions to be expended for pediatric trauma centers and would require use of these funds, not to exceed 10%, for administrative costs.

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 76000.5 is added to the Government
- 2 Code, to read:

1 76000.5. (a) For purposes of supporting emergency medical
2 services pursuant to Chapter 2.5 (commencing with Section
3 1797.98a) of Division 2.5 of the Health and Safety Code, in
4 addition to the penalties set forth in Section 76000, the county
5 board of supervisors may elect to levy an additional penalty of
6 two dollars (\$2) for every ten dollars (\$10) or fraction thereof,
7 which shall be collected, together with and in the same manner as
8 the amounts established by Section 1464 of the Penal Code, upon
9 every fine, penalty, or forfeiture imposed and collected by the
10 courts for criminal offenses, including violations of Division 9
11 (commencing with Section 23000) of the Business and
12 Professions Code relating to the control of alcoholic beverages,
13 and all offenses involving a violation of the Vehicle Code or any
14 local ordinance adopted pursuant to the Vehicle Code, except
15 parking offenses subject to Article 3 (commencing with Section
16 40200) of Chapter 1 of Division 17 of the Vehicle Code.

17 (b) Funds shall be collected pursuant to subdivision (a) only if
18 the county board of supervisors provides that the increased
19 penalties do not offset or reduce the funding of other programs
20 from other sources, but that these additional revenues result in
21 increased funding to those programs.

22 (c) Money collected pursuant to subdivision (a) shall be taken
23 from fines and forfeitures deposited with the county treasurer
24 prior to any division pursuant to Section 1463 of the Penal Code.

25 (d) Funds collected pursuant to this section shall be deposited
26 into the Maddy Emergency Medical Services (EMS) Fund
27 established pursuant to Section 1797.98a of the Health and
28 Safety Code.

29 (e) This section shall remain in effect only until January 1,
30 2009, and as of that date is repealed, unless a later enacted
31 statute, that is chaptered before January 1, 2009, deletes or
32 extends that date.

33 SEC. 2. Section 1797.98a of the Health and Safety Code is
34 amended to read:

35 1797.98a. (a) The fund provided for in this chapter shall be
36 known as the Maddy Emergency Medical Services (EMS) Fund.

37 (b) (1) Each county may establish an emergency medical
38 services fund, upon adoption of a resolution by the board of
39 supervisors. The moneys in the fund shall be available for the
40 reimbursements required by this chapter. The fund shall be

1 administered by each county, except that a county electing to
2 have the state administer its medically indigent services program
3 may also elect to have its emergency medical services fund
4 administered by the state.

5 (2) Costs of administering the fund shall be reimbursed by the
6 fund, based on the actual administrative costs, not to exceed 10
7 percent of the amount of the fund.

8 (3) All interest earned on moneys in the fund shall be
9 deposited in the fund for disbursement as specified in this
10 section.

11 (4) Each administering agency may maintain a reserve of up to
12 15 percent of the amount in the portions of the fund reimbursable
13 to physicians and surgeons, pursuant to subparagraph (A) of, and
14 to hospitals, pursuant to subparagraph (B) of, paragraph (5). Each
15 administering agency may maintain a reserve of any amount in
16 the portion of the fund that is distributed for other emergency
17 medical services purposes as determined by each county,
18 pursuant to subparagraph (C) of paragraph (5).

19 (5) The amount in the fund, reduced by the amount for
20 administration and the reserve, shall be utilized to reimburse
21 physicians and surgeons and hospitals for patients who do not
22 make payment for emergency medical services and for other
23 emergency medical services purposes as determined by each
24 county according to the following schedule:

25 (A) Fifty-eight percent of the balance of the fund shall be
26 distributed to physicians and surgeons for emergency services
27 provided by all physicians and surgeons, except those physicians
28 and surgeons employed by county hospitals, in general acute care
29 hospitals that provide basic or comprehensive emergency
30 services up to the time the patient is stabilized.

31 (B) Twenty-five percent of the fund shall be distributed only
32 to hospitals providing disproportionate trauma and emergency
33 medical care services.

34 (C) Seventeen percent of the fund shall be distributed for other
35 emergency medical services purposes as determined by each
36 county, including, but not limited to, the funding of regional
37 poison control centers. Funding may be used for purchasing
38 equipment and for capital projects only to the extent that these
39 expenditures support the provision of emergency services and are
40 consistent with the intent of this chapter.

1 (c) The source of the moneys in the fund shall be the penalty
2 assessment made for this purpose, as provided in Section 76000
3 of the Government Code.

4 (d) Any physician and surgeon may be reimbursed for up to 50
5 percent of the amount claimed pursuant to subdivision (a) of
6 Section 1797.98c for the initial cycle of reimbursements made by
7 the administering agency in a given year, pursuant to Section
8 1797.98e. All funds remaining at the end of the fiscal year in
9 excess of any reserve held and rolled over to the next year
10 pursuant to paragraph (4) of subdivision (b) shall be distributed
11 proportionally, based on the dollar amount of claims submitted
12 and paid to all physicians and surgeons who submitted qualifying
13 claims during that year. ~~The administering agency shall not~~
14 ~~disburse funds in excess of the total amount of a qualified claim.~~

15 (e) *Of the money deposited into the fund pursuant to Section*
16 *76000.5 of the Government Code, 15 percent shall be utilized to*
17 *provide funding for all pediatric trauma centers throughout the*
18 *county, both publicly and privately owned and operated.*
19 *Expenditure of money shall be limited to reimbursement to*
20 *physicians and surgeons, and to hospitals for patients who do not*
21 *make payment for services, or to hospitals for expanding the*
22 *services provided at pediatric trauma centers, including the*
23 *purchase of equipment. Counties that do not maintain a pediatric*
24 *trauma center shall utilize the money deposited into the fund*
25 *pursuant to Section 76000.5 of the Government Code to improve*
26 *access to pediatric trauma and emergency services in the county,*
27 *with preference for funding given to hospitals that specialize in*
28 *services to children, and physicians and surgeons who provide*
29 *care for children. Funds spent for the purposes of this section,*
30 *shall be known as Richie's Fund. This subdivision shall remain*
31 *in effect only until January 1, 2009, and shall have no force or*
32 *effect on or after that date, unless a later enacted statute, that is*
33 *chaptered before January 1, 2009, deletes or extends that date.*

34 (f) *Costs of administering money deposited into the fund*
35 *pursuant to Section 76000.5 of the Government Code shall be*
36 *reimbursed from the money collected, not to exceed 10 percent.*
37 *This subdivision shall remain in effect only until January 1,*
38 *2009, and shall have no force or effect on or after that date,*

- 1 *unless a later enacted statute, that is chaptered before January 1,*
- 2 *2009, deletes or extends that date.*

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