

**ASSEMBLY BILL**

**No. 412**

---

---

**Introduced by Assembly Member Williams**

February 14, 2011

---

---

An act to add Section 76104.1 to the Government Code, and to add Section 42007.5 to the Vehicle Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

AB 412, as introduced, Williams. Emergency medical services.

Existing law authorizes each county to establish an emergency medical services fund, known as a Maddy Emergency Medical Services (EMS) Fund, funded by specified revenue penalties, and makes money in the fund available for the reimbursement of physicians and surgeons and hospitals for losses incurred in the provision of emergency medical services when payment is not otherwise made for those services. Existing law requires any county that has established a Maddy EMS Fund to deposit into that fund \$2 for every \$7 of additional penalties imposed by the courts for criminal offenses.

Existing law, until January 1, 2011, authorized Santa Barbara County, for purposes of supporting emergency medical services in Santa Barbara County, to collect a specified penalty assessment on every fine, penalty, or forfeiture collected for all criminal offenses, except as specified, if the Santa Barbara County Board of Supervisors adopts a resolution stating that implementation of this provision is necessary to the county for purposes of providing payment for emergency medical services.

Existing law, until January 1, 2011, provided, upon the establishment of a Maddy EMS Fund in Santa Barbara County, that the amount that would have been collected as penalty assessments pursuant to the above

provision shall be deposited in the Maddy EMS Fund established by the county.

This bill would reenact those provisions that were repealed on January 1, 2011. By extending the duties of local officials relating to the collection of those penalty assessments, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 76104.1 is added to the Government  
2 Code, to read:

3 76104.1. (a) (1) Except as otherwise provided in this section,  
4 and notwithstanding any other law, for purposes of supporting  
5 emergency medical services pursuant to Chapter 2.5 (commencing  
6 with Section 1797.98a) of Division 2.5 of the Health and Safety  
7 Code, in Santa Barbara County, a penalty in the amount of five  
8 dollars (\$5) for every ten dollars (\$10), or part of ten dollars (\$10),  
9 shall be imposed on every fine, penalty, or forfeiture collected for  
10 all criminal offenses. This penalty assessment shall not apply to  
11 offenses involving a violation of the Vehicle Code, except for  
12 violations of Sections 23103.5, 23136, 23140, 23152, and 23153.  
13 This penalty assessment shall be collected together with and in the  
14 same manner as the amount established by Section 1464 of the  
15 Penal Code.

16 (2) The penalty imposed by this section does not apply to the  
17 following:

- 18 (A) Any restitution fine.
- 19 (B) Any penalty authorized by Section 1464 of the Penal Code  
20 or this chapter.
- 21 (C) Any parking offense subject to Article 3 (commencing with  
22 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.
- 23 (D) The state surcharge authorized by Section 1465.7 of the  
24 Penal Code.

1 (b) The moneys collected pursuant to this section shall be held  
2 by the county treasurer in the same manner, and shall be payable  
3 for the same purposes, described in subdivision (e) of Section  
4 76104.

5 (c) This section shall be implemented only if the Santa Barbara  
6 County Board of Supervisors adopts a resolution stating that  
7 implementation of this section is necessary to the county for  
8 purposes of providing payment for emergency medical services.

9 SEC. 2. Section 42007.5 is added to the Vehicle Code, to read:

10 42007.5. (a) Notwithstanding paragraph (2) of subdivision (b)  
11 of Section 42007, in Santa Barbara County, upon the establishment  
12 of a Maddy Emergency Medical Services Fund pursuant to Section  
13 1797.98a of the Health and Safety Code, the amount that would  
14 have been collected pursuant to Section 76104.1 of the Government  
15 Code shall be deposited in the Maddy Emergency Medical Services  
16 Fund established by the county pursuant to Section 1797.98a of  
17 the Health and Safety Code.

18 (b) The Board of Supervisors of the County of Santa Barbara  
19 shall report to the Legislature whether, and to the extent that, any  
20 actions are taken by the County of Santa Barbara to implement  
21 alternative local sources of funding.

22 SEC. 3. No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution because  
24 the only costs that may be incurred by a local agency or school  
25 district are the result of a program for which legislative authority  
26 was requested by that local agency or school district, within the  
27 meaning of Section 17556 of the Government Code and Section  
28 6 of Article XIII B of the California Constitution.