

Assembly Bill No. 412

Passed the Assembly June 2, 2011

Chief Clerk of the Assembly

Passed the Senate August 18, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 412, 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This bill would reenact those provisions that were repealed on January 1, 2011, until January 1, 2014. The bill would require the Board of Supervisors for Santa Barbara County, if it adopts a resolution to implement these provisions, to report to the Legislature whether, and to the extent that, any actions are taken by Santa Barbara County to implement alternative local sources of funding. The bill would make specified findings and declarations

that the special legislation contained in the act is necessarily applicable only to Santa Barbara County.

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

SECTION 1. It is the intent of the Legislature, in enacting this measure to authorize the collection of a penalty assessment for the support of emergency medical services that the County of Santa Barbara secure a permanent local funding mechanism to ensure the continuation of trauma care in the region before January 1, 2014.

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

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

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

(A) Any restitution fine.

(B) Any penalty authorized by Section 1464 of the Penal Code or this chapter.

(C) Any parking offense subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

(D) The state surcharge authorized by Section 1465.7 of the Penal Code.

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

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

(d) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

SEC. 3. Section 42007.5 is added to the Vehicle Code, to read:

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

(b) The Board of Supervisors of the County of Santa Barbara, if it adopts a resolution pursuant to subdivision (c) of Section 76104.1 of the Government Code, shall report to the Legislature whether, and to the extent that, any actions are taken by the County of Santa Barbara to implement alternative local sources of funding.

(c) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

SEC. 4. The Legislature finds and declares that due to unique circumstances regarding emergency medical services in the County of Santa Barbara, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution. Therefore, the special legislation contained in Sections 1 and 2 of this act is necessarily applicable only to the County of Santa Barbara.

Approved _____, 2011

Governor