

ASSEMBLY BILL

No. 1264

Introduced by Assembly Member Hagman

February 18, 2011

An act to amend Section 72301 of the Government Code, to amend Sections 1269b, 1269c, 1275, and 1295 of, and to add Section 1267 to, the Penal Code, and to amend Sections 40502, 40512, 42007, 42007.1, and 42008.7 of the Vehicle Code, relating to bail.

LEGISLATIVE COUNSEL'S DIGEST

AB 1264, as introduced, Hagman. Statewide Bail Commission: statewide bail schedule.

Existing law provides that it is the duty of the superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses, except Vehicle Code infractions. Under existing law a court may prescribe the procedure by which the uniform countywide schedule is prepared, adopted, and annually revised by the judges. Existing law provides that if the court does not adopt a local rule, the uniform countywide schedule of bail shall be prepared, adopted, and annually revised by a majority of the judges. Various provisions of existing law require courts to follow the countywide schedule of bail prepared pursuant to these provisions.

This bill would repeal the uniform countywide schedule of bail and instead would establish the Statewide Bail Commission. The bill would instead require the commission to prepare, adopt, and annually revise a statewide bail schedule for all bailable felony offenses and for all misdemeanor and infraction offenses except Vehicle Code infractions. This bill would make conforming changes.

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

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

1 SECTION 1. Section 72301 of the Government Code is
2 amended to read:

3 72301. The clerk of the superior court or one or more deputy
4 clerks, the sheriff or one or more deputy sheriffs, or one or more
5 city police officers shall be in attendance at all hours of the day
6 and night, including Sundays and holidays, and may fix and accept
7 bail pursuant to procedures established by the court for the
8 appearance before the court of any defendant charged in the court
9 or whenever a defendant has been arrested and booked within the
10 county for having committed a misdemeanor. The amount of bail
11 shall be pursuant to ~~a~~ *the* schedule of bail in such cases previously
12 fixed and approved ~~by the judges of the court at their annual~~
13 ~~meeting~~ *pursuant to Section 1269b of the Penal Code*. If a warrant
14 has been issued for the arrest of the defendant, the bail shall be in
15 the amount fixed in the warrant. The bail shall be cash, negotiable
16 United States Treasury bonds, or a surety bond executed by a
17 certified, admitted surety insurer as provided in the Insurance
18 Code.

19 SEC. 2. Section 1267 is added to the Penal Code, to read:

20 1267. There is hereby created in state government the Statewide
21 Bail Commission.

22 SEC. 3. Section 1269b of the Penal Code is amended to read:

23 1269b. (a) The officer in charge of a jail in which an arrested
24 person is held in custody, an officer of a sheriff’s department or
25 police department of a city who is in charge of a jail or is employed
26 at a fixed police or sheriff’s facility and is acting under an
27 agreement with the agency that keeps the jail in which an arrested
28 person is held in custody, an employee of a sheriff’s department
29 or police department of a city who is assigned by the department
30 to collect bail, the clerk of the superior court of the county in which
31 the offense was alleged to have been committed, and the clerk of
32 the superior court in which the case against the defendant is
33 pending may approve and accept bail in the amount fixed by the
34 warrant of arrest, schedule of bail, or order admitting to bail in
35 cash or surety bond executed by a certified, admitted surety insurer

1 as provided in the Insurance Code, to issue and sign an order for
2 the release of the arrested person, and to set a time and place for
3 the appearance of the arrested person before the appropriate court
4 and give notice thereof.

5 (b) If a defendant has appeared before a judge of the court on
6 the charge contained in the complaint, indictment, or information,
7 the bail shall be in the amount fixed by the judge at the time of the
8 appearance. If that appearance has not been made, the bail shall
9 be in the amount fixed in the warrant of arrest or, if no warrant of
10 arrest has been issued, the amount of bail shall be pursuant to the
11 ~~uniform countywide schedule of bail for the county in which the~~
12 ~~defendant is required to appear~~ *statewide bail schedule*, previously
13 fixed and approved as provided in ~~subdivisions (e) and (d)~~
14 *subdivision (c)*.

15 (c) It is the duty of the ~~superior court judges in each county~~
16 *Statewide Bail Commission* to prepare, adopt, and annually revise
17 a ~~uniform countywide~~ *statewide bail* schedule ~~of bail~~ for all
18 bailable felony offenses and for all misdemeanor and infraction
19 offenses except Vehicle Code infractions. The penalty schedule
20 for infraction violations of the Vehicle Code shall be established
21 by the Judicial Council in accordance with Section 40310 of the
22 Vehicle Code.

23 ~~(d) A court may, by local rule, prescribe the procedure by which~~
24 ~~the uniform countywide schedule of bail is prepared, adopted, and~~
25 ~~annually revised by the judges. If a court does not adopt a local~~
26 ~~rule, the uniform countywide schedule of bail shall be prepared,~~
27 ~~adopted, and annually revised by a majority of the judges.~~

28 (e)

29 (d) (1) In adopting a ~~uniform countywide schedule of bail~~ *the*
30 *statewide bail schedule* for all bailable felony offenses the ~~judges~~
31 *bail commissioners* shall consider the seriousness of the offense
32 charged. In considering the seriousness of the offense charged the
33 ~~judges~~ *bail commissioners* shall assign an additional amount of
34 required bail for each aggravating or enhancing factor chargeable
35 in the complaint, including, but not limited to, additional bail for
36 charges alleging facts that would bring a person within any of the
37 following sections: Section 667.5, 667.51, 667.6, 667.8, 667.85,
38 667.9, 667.10, 12022, 12022.1, 12022.2, 12022.3, 12022.4,
39 12022.5, 12022.53, 12022.6, 12022.7, 12022.8, or 12022.9 of this

1 code, or Section 11356.5, 11370.2, or 11370.4 of the Health and
2 Safety Code.

3 ~~h~~

4 (2) *In* considering offenses in which a violation of Chapter 6
5 (commencing with Section 11350) of Division 10 of the Health
6 and Safety Code is alleged, the ~~judge~~ *bail commissioners* shall
7 assign an additional amount of required bail for offenses involving
8 large quantities of controlled substances.

9 ~~(f)~~

10 (e) The ~~countywide~~ *statewide* bail schedule shall contain a list
11 of the offenses and the amounts of bail applicable for each as the
12 ~~judges~~ *bail commissioners* determine to be appropriate. If the
13 schedule does not list all offenses specifically, it shall contain a
14 general clause for designated amounts of bail as the ~~judges of the~~
15 ~~county~~ *bail commissioners* determine to be appropriate for all the
16 offenses not specifically listed in the schedule. A copy of the
17 ~~countywide~~ *statewide* bail schedule shall be sent to the officer in
18 charge of ~~the~~ *each* county jail, to the officer in charge of each city
19 jail ~~within the county~~, to each superior court judge and
20 commissioner in the ~~county~~ *state*, and to the Judicial Council.

21 ~~(g)~~

22 (f) (1) Upon posting bail, the defendant or arrested person shall
23 be discharged from custody as to the offense on which the bail is
24 posted.

25 ~~AH~~

26 (2) *All* money and surety bonds so deposited with an officer
27 authorized to receive bail shall be transmitted immediately to the
28 judge or clerk of the court by which the order was made or warrant
29 issued ~~or bail schedule fixed~~. If, in the case of felonies, an
30 indictment is filed, the judge or clerk of the court shall transmit
31 all of the money and surety bonds to the clerk of the court.

32 ~~(h)~~

33 (g) If a defendant or arrested person so released fails to appear
34 at the time and in the court so ordered upon his or her release from
35 custody, Sections 1305 and 1306 apply.

36 SEC. 4. Section 1269c of the Penal Code is amended to read:

37 1269c. If a defendant is arrested without a warrant for aailable
38 felony offense or for the misdemeanor offense of violating a
39 domestic violence restraining order, and a peace officer has
40 reasonable cause to believe that the amount of bail set forth in the

1 schedule of bail for that offense is insufficient to ensure the
2 defendant's appearance or to ensure the protection of a victim, or
3 family member of a victim, of domestic violence, the peace officer
4 shall prepare a declaration under penalty of perjury setting forth
5 the facts and circumstances in support of his or her belief and file
6 it with a magistrate, as defined in Section 808, or his or her
7 commissioner, in the county in which the offense is alleged to have
8 been committed or having personal jurisdiction over the defendant,
9 requesting an order setting a higher bail. Except where the
10 defendant is charged with an offense listed in subdivision (a) of
11 Section 1270.1, the defendant, either personally or through his or
12 her attorney, friend, or family member, also may make application
13 to the magistrate for release on bail lower than that provided in
14 the schedule of bail or on his or her own recognizance. The
15 magistrate or commissioner to whom the application is made is
16 authorized to set bail in an amount that he or she deems sufficient
17 to ensure the defendant's appearance or to ensure the protection
18 of a victim, or family member of a victim, of domestic violence,
19 and to set bail on the terms and conditions that he or she, in his or
20 her discretion, deems appropriate, or he or she may authorize the
21 defendant's release on his or her own recognizance. If, after the
22 application is made, no order changing the amount of bail is issued
23 within eight hours after booking, the defendant shall be entitled
24 to be released on posting the amount of bail set forth in the
25 applicable bail schedule.

26 SEC. 5. Section 1275 of the Penal Code is amended to read:

27 1275. (a) (1) In setting, reducing, or denying bail, the judge
28 or magistrate shall take into consideration the protection of the
29 public, the seriousness of the offense charged, the previous criminal
30 record of the defendant, and the probability of his or her appearing
31 at trial or hearing of the case. The public safety shall be the primary
32 consideration.

33 ~~It~~

34 (2) *In* considering the seriousness of the offense charged, the
35 judge or magistrate shall include consideration of the alleged injury
36 to the victim, and alleged threats to the victim or a witness to the
37 crime charged, the alleged use of a firearm or other deadly weapon
38 in the commission of the crime charged, and the alleged use or
39 possession of controlled substances by the defendant.

1 (b) In considering offenses wherein a violation of Chapter 6
 2 (commencing with Section 11350) of Division 10 of the Health
 3 and Safety Code is alleged, the judge or magistrate shall consider
 4 the following: (1) the alleged amounts of controlled substances
 5 involved in the commission of the offense, and (2) whether the
 6 defendant is currently released on bail for an alleged violation of
 7 Chapter 6 (commencing with Section 11350) of Division 10 of the
 8 Health and Safety Code.

9 (c) Before a court reduces bail below the amount established
 10 by the bail schedule approved for the county, in accordance with
 11 ~~subdivisions (b) and (e) of Section 1269b~~, for a person charged
 12 with a serious felony, as defined in subdivision (c) of Section
 13 1192.7, or a violent felony, as defined in subdivision (c) of Section
 14 667.5, the court shall make a finding of unusual circumstances and
 15 shall set forth those facts on the record. For purposes of this
 16 subdivision, “unusual circumstances” does not include the fact
 17 that the defendant has made all prior court appearances or has not
 18 committed any new offenses.

19 SEC. 6. Section 1295 of the Penal Code is amended to read:
 20 1295. (a) The defendant, or any other person, at any time after
 21 an order admitting defendant to bail or after the arrest and booking
 22 of a defendant for having committed a misdemeanor, instead of
 23 giving bail may deposit, with the clerk of the court in which the
 24 defendant is held to answer or notified to appear for arraignment,
 25 the sum mentioned in the order or, if no order, in the schedule of
 26 ~~bail previously fixed by the judges of the court~~ *approved pursuant*
 27 *to Section 1269b*, and, upon delivering to the officer in whose
 28 custody defendant is a certificate of the deposit, the defendant must
 29 be discharged from custody.

30 (b) Where more than one deposit is made with respect to any
 31 charge in any accusatory pleading based upon the acts supporting
 32 the original charge as a result of which an earlier deposit was made,
 33 the defendant shall receive credit in the amount of any earlier
 34 deposit.

35 (c) The clerk of the court shall not accept a general assistance
 36 check for this deposit or any part thereof.

37 SEC. 7. Section 40502 of the Vehicle Code is amended to read:
 38 40502. The place specified in the notice to appear shall be any
 39 of the following:

1 (a) Before a magistrate within the county in which the offense
2 charged is alleged to have been committed and who has jurisdiction
3 of the offense and is nearest or most accessible with reference to
4 the place where the arrest is made.

5 (b) Upon demand of the person arrested, before a judge or other
6 magistrate having jurisdiction of the offense at the county seat of
7 the county in which the offense is alleged to have been committed.
8 This subdivision applies only if the person arrested resides, or the
9 person's principal place of employment is located, closer to the
10 county seat than to the magistrate nearest or most accessible to the
11 place where the arrest is made.

12 (c) (1) Before a person authorized to receive a deposit of bail.

13 ~~The~~

14 (2) ~~The~~ clerk and deputy clerks of the superior court are persons
15 authorized to receive bail in accordance with ~~a~~ *the* schedule of bail
16 approved by the judges of that court pursuant to Section 1269b of
17 *the Penal Code*.

18 (d) (1) Before the juvenile court, a juvenile court referee, or a
19 juvenile hearing officer within the county in which the offense
20 charged is alleged to have been committed, if the person arrested
21 appears to be under the age of 18 years. The juvenile court shall
22 by order designate the proper person before whom the appearance
23 is to be made.

24 ~~If~~

25 (2) *In* a county that has implemented the provisions of Section
26 603.5 of the Welfare and Institutions Code, if the offense alleged
27 to have been committed by a minor is classified as an infraction
28 under this code, or is a violation of a local ordinance involving the
29 driving, parking, or operation of a motor vehicle, the citation shall
30 be issued as provided in subdivision (a), (b), or (c); provided,
31 however, that if the citation combines an infraction and a
32 misdemeanor, the place specified shall be as provided in *this*
33 subdivision ~~(d)~~.

34 ~~If~~

35 (e) *If* the place specified in the notice to appear is within a
36 county where a department of the superior court is to hold a night
37 session within a period of not more than 10 days after the arrest,
38 the notice to appear shall contain, in addition to the above, a
39 statement notifying the person arrested that the person may appear
40 before a night session of the court.

1 SEC. 8. Section 40512 of the Vehicle Code is amended to read:

2 40512. (a) (1) Except as specified in paragraph (2) and
3 subdivision (b), if at the time the case is called for arraignment
4 before the magistrate the defendant does not appear, either in
5 person or by counsel, the magistrate may declare the bail forfeited
6 and may, in his or her discretion, order that no further proceedings
7 be had in the case, unless the defendant has been charged with a
8 violation of Section 23111 or 23112, or subdivision (a) of Section
9 23113, and he or she has been previously convicted of the same
10 offense, except if the magistrate finds that undue hardship will be
11 imposed upon the defendant by requiring him or her to appear, the
12 magistrate may declare the bail forfeited and order that no further
13 proceedings shall be had in the case.

14 (2) If the defendant has posted surety bail and the magistrate
15 has ordered the bail forfeited and that no further proceedings shall
16 be had in the case, the bail retains the right to obtain relief from
17 the forfeiture as provided in Section 1305 of the Penal Code if the
18 amount of the bond, money, or property deposited exceeds seven
19 hundred dollars (\$700).

20 (b) (1) If, at the time the case is called for a compliance
21 appearance before the magistrate, the defendant has entered into
22 a bail installment agreement pursuant to Section 40510.5 but has
23 not made an installment payment as agreed and does not appear,
24 either in person or by counsel, the court may continue the
25 arraignment to a date beyond the last agreed upon installment
26 payment, issue a warrant of arrest, or impose a civil assessment
27 as provided in Section 1214.1 of the Penal Code for the failure to
28 appear.

29 (2) If, at the time the case is called for a compliance appearance
30 before the magistrate, the defendant has paid all required bail funds
31 and the defendant does not appear, either in person or by counsel,
32 the court may order that no further proceedings shall be had in the
33 case, unless the defendant has been charged with a violation of
34 Section 23111 or 23112, or subdivision (a) of Section 23113, and
35 he or she has been previously convicted of the same offense, except
36 that if the magistrate finds that undue hardship will be imposed
37 upon the defendant by requiring him or her to appear, the
38 magistrate may order that no further proceedings shall be had in
39 the case.

1 (c) Upon the making of the order that no further proceedings
2 shall be had, all sums deposited as bail shall be paid into the city
3 or county treasury, as the case may be.

4 (d) If a guaranteed traffic arrest bail bond certificate has been
5 filed, the clerk of the court shall bill the issuer for the amount of
6 bail fixed by the ~~uniform countywide~~ *statewide* schedule of bail
7 required ~~under subdivision (c) of~~ *pursuant to* Section 1269b of the
8 Penal Code.

9 (e) Upon presentation by a court of the bill for a fine or bail
10 assessed against an individual covered by a guaranteed traffic
11 arrest bail bond certificate, the issuer shall pay to the court the
12 amount of the fine or forfeited bail that is within the maximum
13 amount guaranteed by the terms of the certificate.

14 (f) The court shall return the guaranteed traffic arrest bail bond
15 certificate to the issuer upon receipt of payment in accordance with
16 subdivision (d).

17 SEC. 9. Section 42007 of the Vehicle Code, as amended by
18 Section 37 of Chapter 720 of the Statutes of 2010, is amended to
19 read:

20 42007. (a) (1) (A) The clerk of the court shall collect a fee
21 from every person who is ordered or permitted to attend a traffic
22 violator school pursuant to Section 42005 or who attends any other
23 court-supervised program of traffic safety instruction. The fee shall
24 be in an amount equal to the total bail set forth for the eligible
25 offense on the ~~uniform countywide~~ *statewide* bail schedule. As
26 used in this subdivision, “total bail” means the amount established
27 pursuant to Section 1269b of the Penal Code in accordance with
28 the Uniform Statewide Bail Schedule adopted by the Judicial
29 Council, including all assessments, surcharges, and penalty
30 amounts. Where multiple offenses are charged in a single notice
31 to appear, the “total bail” is the amount applicable for the greater
32 of the qualifying offenses. However, the court may determine a
33 lesser fee under this subdivision upon a showing that the defendant
34 is unable to pay the full amount.

35 ~~The~~
36 (B) *The* fee shall not include the cost, or any part thereof, of
37 traffic safety instruction offered by the school or other program.

38 (2) The clerk may accept from a defendant who is ordered or
39 permitted to attend traffic violator school a payment of at least 10
40 percent of the fee required by paragraph (1) upon filing a written

1 agreement by the defendant to pay the remainder of the fee
2 according to an installment payment schedule of no more than 90
3 days as agreed upon with the court. The Judicial Council shall
4 prescribe the form of the agreement for payment of the fee in
5 installments. When the defendant signs the Judicial Council form
6 for payment of the fee in installments, the court shall continue the
7 case to the date in the agreement to complete payment of the fee
8 and submit the certificate of completion of traffic violator school
9 to the court. The clerk shall collect a fee of up to thirty-five dollars
10 (\$35) to cover administrative and clerical costs for processing an
11 installment payment of the traffic violator school fee under this
12 paragraph.

13 (3) When a defendant fails to make an installment payment of
14 the fee according to an installment agreement, the court may
15 convert the fee to bail, declare it forfeited, and report the forfeiture
16 as a conviction under Section 1803. The court may also charge a
17 failure to pay under Section 40508 and impose a civil assessment
18 as provided in Section 1214.1 of the Penal Code or issue an arrest
19 warrant for a failure to pay. For the purposes of reporting a
20 conviction under this subdivision to the department under Section
21 1803, the date that the court declares the bail forfeited shall be
22 reported as the date of conviction.

23 (b) Revenues derived from the fee collected under this section
24 shall be deposited in accordance with Section 68084 of the
25 Government Code in the general fund of the county and, as may
26 be applicable, distributed as follows:

27 (1) In any county in which a fund is established pursuant to
28 Section 76100 or 76101 of the Government Code, the sum of one
29 dollar (\$1) for each fund so established shall be deposited with the
30 county treasurer and placed in that fund.

31 (2) In any county that has established a Maddy Emergency
32 Medical Services Fund pursuant to Section 1797.98a of the Health
33 and Safety Code, an amount equal to the sum of each two dollars
34 (\$2) for every seven dollars (\$7) that would have been collected
35 pursuant to Section 76000 of the Government Code and,
36 commencing January 1, 2009, an amount equal to the sum of each
37 two dollars (\$2) for every ten dollars (\$10) that would have been
38 collected pursuant to Section 76000.5 of the Government Code
39 with respect to those counties to which that section is applicable
40 shall be deposited in that fund. Nothing in the act that added this

1 paragraph shall be interpreted in a manner that would result in
2 either of the following:

3 (A) The utilization of penalty assessment funds that had been
4 set aside, on or before January 1, 2000, to finance debt service on
5 a capital facility that existed before January 1, 2000.

6 (B) The reduction of the availability of penalty assessment
7 revenues that had been pledged, on or before January 1, 2000, as
8 a means of financing a facility which was approved by a county
9 board of supervisors, but on January 1, 2000, is not under
10 construction.

11 (3) The amount of the fee that is attributable to Section 70372
12 of the Government Code shall be transferred pursuant to
13 subdivision (f) of that section.

14 (c) For fees resulting from city arrests, an amount equal to the
15 amount of base fines that would have been deposited in the treasury
16 of the appropriate city pursuant to paragraph (3) of subdivision
17 (b) of Section 1463.001 of the Penal Code shall be deposited in
18 the treasury of the appropriate city.

19 (d) As used in this section, “court-supervised program” includes,
20 but is not limited to, any program of traffic safety instruction the
21 successful completion of which is accepted by the court in lieu of
22 adjudicating a violation of this code.

23 (e) The clerk of the court, in a county that offers traffic school
24 shall include in any courtesy notice mailed to a defendant for an
25 offense that qualifies for traffic school attendance the following
26 statement:

27
28 NOTICE: If you are eligible and decide not to attend traffic
29 school your automobile insurance may be adversely affected.
30

31 (f) Notwithstanding any other provision of law, a county that
32 has established a Maddy Emergency Medical Services Fund
33 pursuant to Section 1797.98a of the Health and Safety Code shall
34 not be held liable for having deposited into the fund, prior to
35 January 1, 2009, an amount equal to two dollars (\$2) for every ten
36 dollars (\$10) that would have been collected pursuant to Section
37 76000.5 of the Government Code from revenues derived from
38 traffic violator school fees collected pursuant to this section.

39 SEC. 10. Section 42007 of the Vehicle Code, as added by
40 Chapter 599 of the Statutes of 2010, is amended to read:

1 42007. (a) (1) The clerk of the court shall collect from every
2 person who is ordered or permitted to attend a traffic violator
3 school pursuant to Section 41501 or 42005 an amount equal to the
4 total bail set forth for the eligible offense on the ~~uniform~~
5 ~~countywide~~ *statewide* bail schedule. As used in this subdivision,
6 “total bail” means the amount established pursuant to Section
7 1269b of the Penal Code in accordance with the Uniform Statewide
8 Bail Schedule adopted by the Judicial Council, including all
9 assessments, surcharges, and penalty amounts. If multiple offenses
10 are charged in a single notice to appear, the “total bail” is the
11 amount applicable for the greater of the qualifying offenses.
12 However, the court may determine a lesser fee under this
13 subdivision upon a showing that the defendant is unable to pay
14 the full amount. The fee shall not include the cost, or any part
15 thereof, of traffic safety instruction offered by a traffic violator
16 school.

17 (2) The clerk may accept from a defendant who is ordered or
18 permitted to attend traffic violator school a payment of at least 25
19 percent of the fee required by paragraph (1) upon filing a written
20 agreement by the defendant to pay the remainder of the fee
21 according to an installment payment schedule of no more than 90
22 days as agreed upon with the court. The Judicial Council shall
23 prescribe the form of the agreement for payment of the fee in
24 installments. If the defendant signs the Judicial Council form for
25 payment of the fee in installments, the court shall continue the
26 case to the date in the agreement to complete payment of the fee
27 and submit the certificate of completion of traffic violator school
28 to the court. The clerk shall collect a fee of up to thirty-five dollars
29 (\$35) to cover the cost of processing an installment payment of
30 the traffic violator school fee under this paragraph.

31 (3) If a defendant fails to make an installment payment of the
32 fee according to an installment agreement, the court may convert
33 the fee to bail, declare it forfeited, and report the forfeiture as a
34 conviction under Section 1803. The court may also charge a failure
35 to pay under Section 40508 and impose a civil assessment as
36 provided in Section 1214.1 of the Penal Code or issue an arrest
37 warrant for a failure to pay.

38 (b) Revenues derived from the fee collected under this section
39 shall be deposited in accordance with Section 68084 of the

1 Government Code in the general fund of the county and, as may
2 be applicable, distributed as follows:

3 (1) In any county in which a fund is established pursuant to
4 Section 76100 or 76101 of the Government Code, the sum of one
5 dollar (\$1) for each fund so established shall be deposited with the
6 county treasurer and placed in that fund.

7 (2) In any county that has established a Maddy Emergency
8 Medical Services Fund pursuant to Section 1797.98a of the Health
9 and Safety Code, an amount equal to the sum of each two dollars
10 (\$2) for every seven dollars (\$7) that would have been collected
11 pursuant to Section 76000 of the Government Code and,
12 commencing January 1, 2009, an amount equal to the sum of each
13 two dollars (\$2) for every ten dollars (\$10) that would have been
14 collected pursuant to Section 76000.5 of the Government Code
15 with respect to those counties to which that section is applicable
16 shall be deposited in that fund. Nothing in the act that added this
17 paragraph shall be interpreted in a manner that would result in
18 either of the following:

19 (A) The utilization of penalty assessment funds that had been
20 set aside, on or before January 1, 2000, to finance debt service on
21 a capital facility that existed before January 1, 2000.

22 (B) The reduction of the availability of penalty assessment
23 revenues that had been pledged, on or before January 1, 2000, as
24 a means of financing a facility that was approved by a county board
25 of supervisors, but on January 1, 2000, is not under construction.

26 (3) The amount of the fee that is attributable to Section 70372
27 of the Government Code shall be transferred pursuant to
28 subdivision (f) of that section.

29 (c) For fees resulting from city arrests, an amount equal to the
30 amount of base fines that would have been deposited in the treasury
31 of the appropriate city pursuant to paragraph (3) of subdivision
32 (b) of Section 1463.001 of the Penal Code shall be deposited in
33 the treasury of the appropriate city.

34 (d) The clerk of the court, in a county that offers traffic school
35 shall include in any courtesy notice mailed to a defendant for an
36 offense that qualifies for traffic school attendance the following
37 statement:

38
39 NOTICE: If you are eligible and decide not to attend traffic
40 school your automobile insurance may be adversely affected. One

1 conviction in any 18-month period will be held confidential and
2 not show on your driving record if you complete a traffic violator
3 school program.

4
5 (e) Notwithstanding any other provision of law, a county that
6 has established a Maddy Emergency Medical Services Fund
7 pursuant to Section 1797.98a of the Health and Safety Code shall
8 not be held liable for having deposited into the fund, prior to
9 January 1, 2009, an amount equal to two dollars (\$2) for every ten
10 dollars (\$10) that would have been collected pursuant to Section
11 76000.5 of the Government Code from revenues derived from
12 traffic violator school fees collected pursuant to this section.

13 (f) This section shall become operative on July 1, 2011.

14 SEC. 11. Section 42007.1 of the Vehicle Code is amended to
15 read:

16 42007.1. (a) The amount collected by the clerk pursuant to
17 subdivision (a) of Section 42007 shall be in an amount equal to
18 the total bail set forth for the eligible offense on the ~~uniform~~
19 ~~countywide~~ *statewide* bail schedule plus a forty-nine-dollar (\$49)
20 fee, and a fee determined by the department to be sufficient to
21 defray the cost of routine monitoring of traffic violator school
22 instruction pursuant to subdivision (c) of Section 11208, and a fee,
23 if any, established by the court pursuant to subdivision (c) of
24 Section 11205.2 to defray the costs incurred by a traffic assistance
25 program.

26 (b) Notwithstanding subdivision (b) of Section 42007, the
27 revenue from the forty-nine-dollar (\$49) fee collected under this
28 section shall be deposited in the county general fund. Fifty-one
29 percent of the amount collected under this section and deposited
30 into the county general fund shall be transmitted therefrom monthly
31 to the Controller for deposit in the Immediate and Critical Needs
32 Account of the State Court Facilities Construction Fund,
33 established in Section 70371.5 of the Government Code.

34 (c) The fee assessed pursuant to subdivision (c) of Section 11208
35 shall be allocated to the department to defray the costs of
36 monitoring traffic violator school instruction.

37 SEC. 12. Section 42008.7 of the Vehicle Code is amended to
38 read:

39 42008.7. (a) The State of California continues to face a fiscal
40 and economic crisis affecting the state budget and the overall state

1 economy. In light of this crisis, a one-time infraction amnesty
2 program would do the following:

3 (1) Provide relief to individuals who have found themselves in
4 violation of a court-ordered obligation because they are financially
5 unable to pay traffic bail or fines.

6 (2) Provide increased revenue at a time when revenue is scarce
7 by encouraging payment of old fines that have remained unpaid.

8 (3) Allow courts and counties to resolve older delinquent cases
9 and focus limited resources on collecting on more recent cases.

10 (b) A one-time amnesty program for fines and bail meeting the
11 eligibility requirements set forth in subdivision (d) shall be
12 established in each county. Unless agreed otherwise by the court
13 and the county in writing, the government entities that are
14 responsible for the collection of delinquent court-ordered debt
15 shall be responsible for implementation of the amnesty program
16 as to that debt, maintaining the same division of responsibility in
17 place with respect to the collection of court-ordered debt under
18 subdivision (b) of Section 1463.010 of the Penal Code.

19 (c) As used in this section, the term “fine” or “bail” refers to
20 the total amounts due in connection with a specific violation, which
21 include, but are not limited to, the following:

22 (1) Base fine or bail, as established by court order, by statute,
23 or by the ~~court's~~ *state's* bail schedule.

24 (2) Penalty assessments imposed pursuant to Section 1464 of
25 the Penal Code and Sections 76000, 70372, 76104.6, 76104.7, and
26 76000.5 of the Government Code.

27 (3) Civil assessment imposed pursuant to Section 1214.1 of the
28 Penal Code.

29 (4) State surcharge imposed pursuant to Section 1465.7 of the
30 Penal Code.

31 (5) Court security fee imposed pursuant to Section 1465.8 of
32 the Penal Code.

33 (d) Violations are only eligible for amnesty if all of the following
34 requirements are met:

35 (1) The violation is an infraction violation filed with the court.

36 (2) The due date for payment of the fine or bail was on or before
37 January 1, 2009.

38 (3) The defendant does not owe victim restitution on any case
39 within the county.

- 1 (4) There are no outstanding misdemeanor or felony warrants
2 for the defendant within the county.
- 3 (e) Each amnesty program shall accept, in full satisfaction of
4 any eligible fine or bail, 50 percent of the fine or bail amount, as
5 defined in subdivision (c) of this section. Payment of a fine or bail
6 under an amnesty program implemented pursuant to this section
7 shall be accepted beginning January 1, 2012, and ending June 30,
8 2012. The Judicial Council shall adopt guidelines for the amnesty
9 program no later than November 1, 2011, and each program shall
10 be conducted in accordance with Judicial Council guidelines.
- 11 (f) No criminal action shall be brought against a person for a
12 delinquent fine or bail paid under the amnesty program.
- 13 (g) The total amount of funds collected under the amnesty
14 program shall as soon as practical after receipt thereof be deposited
15 in the county treasury or the account established under Section
16 77009 of the Government Code. Any unreimbursed costs of
17 operating the amnesty program, excluding capital expenditures,
18 may be deducted from the revenues collected under the amnesty
19 program by the court or the county that incurred the expense of
20 operating the program. Notwithstanding Section 1203.1d of the
21 Penal Code, the remaining revenues collected under the amnesty
22 program shall be distributed on a pro rata basis in the same manner
23 as a partial payment distributed pursuant to Section 1462.5 of the
24 Penal Code.
- 25 (h) Each court or county implementing an amnesty program
26 shall file, not later than September 30, 2012, a written report with
27 the Judicial Council, on a form approved by the Judicial Council.
28 The report shall include information about the number of cases
29 resolved, the amount of money collected, and the operating costs
30 of the amnesty program. Notwithstanding Section 10231.5 of the
31 Government Code, on or before December 31, 2012, the Judicial
32 Council shall submit a report to the Legislature summarizing the
33 information provided by each court or county.