

AMENDED IN ASSEMBLY APRIL 15, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1358**

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**Introduced by Assembly Member Fuentes**

February 18, 2011

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An act to ~~add Section 42008.8 to~~ *amend Section 42008.7* of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1358, as amended, Fuentes. Vehicles misdemeanor: violations: amnesty.

Existing law ~~authorizes~~ *requires* a county to establish a one-time amnesty program for fines and bail ~~that have been delinquent for not less than 6 months as of the date upon which the program commences and were imposed~~ for an infraction or misdemeanor violation of the Vehicle Code, except for parking violations, and specified reckless driving and driving-under-the-influence (DUI) offenses. Existing law allows a person owing a fine or bail that is eligible for amnesty under this program to pay to the superior or juvenile court ~~70%~~ *50%* of the total fine or bail, ~~or \$100 for an infraction or \$500 for a misdemeanor, either amount of as defined,~~ which must be accepted by the court in full satisfaction of the delinquent fine or bail.

This bill would ~~additionally authorize, in conjunction with~~ *addition to and at the same time as the* above one-time amnesty program, ~~a the court and the~~ county to establish a one-time amnesty program that would allow a person to pay 50% of the total fine or bail for a misdemeanor violation, *as specified*.

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 42008.7 of the Vehicle Code is amended  
 2 to read:  
 3     42008.7. (a) The State of California continues to face a fiscal  
 4 and economic crisis affecting the state budget and the overall state  
 5 economy. In light of this crisis, a one-time infraction amnesty  
 6 program would do the following:  
 7       (1) Provide relief to individuals who have found themselves in  
 8 violation of a court-ordered obligation because they are financially  
 9 unable to pay traffic bail or fines.  
 10       (2) Provide increased revenue at a time when revenue is scarce  
 11 by encouraging payment of old fines that have remained unpaid.  
 12       (3) Allow courts and counties to resolve older delinquent cases  
 13 and focus limited resources on collecting on more recent cases.  
 14     (b) A one-time amnesty program for fines and bail meeting the  
 15 eligibility requirements set forth in subdivision (d) shall be  
 16 established in each county. Unless agreed otherwise by the court  
 17 and the county in writing, the government entities that are  
 18 responsible for the collection of delinquent court-ordered debt  
 19 shall be responsible for implementation of the amnesty program  
 20 as to that debt, maintaining the same division of responsibility in  
 21 place with respect to the collection of court-ordered debt under  
 22 subdivision (b) of Section 1463.010 of the Penal Code.  
 23     (c) As used in this section, the term “fine” or “bail” refers to  
 24 the total amounts due in connection with a specific violation, which  
 25 include, but are not limited to, the following:  
 26       (1) Base fine or bail, as established by court order, by statute,  
 27 or by the court’s bail schedule.  
 28       (2) Penalty assessments imposed pursuant to Section 1464 of  
 29 the Penal Code and Sections 76000, 70372, 76104.6, 76104.7, and  
 30 76000.5 of the Government Code.  
 31       (3) Civil assessment imposed pursuant to Section 1214.1 of the  
 32 Penal Code.  
 33       (4) State surcharge imposed pursuant to Section 1465.7 of the  
 34 Penal Code.  
 35       (5) Court security fee imposed pursuant to Section 1465.8 of  
 36 the Penal Code.  
 37     (d) *In addition to and at the same time as the mandatory*  
 38 *one-time amnesty program is established pursuant to subdivision*

1 (b), the court and the county may jointly agree to extend that  
2 amnesty program to fines and bail imposed for a misdemeanor  
3 violation of this code and of Section 853.7 of the Penal Code, as  
4 described in paragraph (1) of subdivision (e), except for parking  
5 violations and violations of Section 23103, 23104, 23105, 23152,  
6 or 23153.

7 ~~(d)~~

8 (e) Violations are only eligible for amnesty if all of the following  
9 requirements are met:

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

11 (2) A violation of subdivision (a) or (b) of Section 40508, or a  
12 violation of Section 853.7 of the Penal Code added to the case  
13 subject to subdivision (a) or (b) of Section 40508 to which  
14 subdivision (d) applies

15 (3) The violation is a misdemeanor violation filed with the court  
16 to which subdivision (d) applies.

17 ~~(2)~~

18 (4) The due date for payment of the fine or bail was on or before  
19 January 1, 2009.

20 ~~(3)~~

21 (5) The defendant does not owe victim restitution on any case  
22 within the county.

23 ~~(4)~~

24 (6) There are no outstanding misdemeanor or felony warrants  
25 for the defendant within the county, *except for misdemeanor*  
26 *warrants for misdemeanor violations authorized by the court and*  
27 *the county pursuant to subdivision (d).*

28 ~~(e)~~

29 (f) Each amnesty program shall accept, in full satisfaction of  
30 any eligible fine or bail, 50 percent of the fine or bail amount, as  
31 defined in subdivision (c) of this section. Payment of a fine or bail  
32 under an amnesty program implemented pursuant to this section  
33 shall be accepted beginning January 1, 2012, and ending June 30,  
34 2012. The Judicial Council shall adopt guidelines for the amnesty  
35 program no later than November 1, 2011, and each program shall  
36 be conducted in accordance with Judicial Council guidelines.

37 ~~(f)~~

38 (g) No criminal action shall be brought against a person for a  
39 delinquent fine or bail paid under the amnesty program.

40 ~~(g)~~

1 (h) The total amount of funds collected under the amnesty  
2 program shall as soon as practical after receipt thereof be deposited  
3 in the county treasury or the account established under Section  
4 77009 of the Government Code. Any unreimbursed costs of  
5 operating the amnesty program, excluding capital expenditures,  
6 may be deducted from the revenues collected under the amnesty  
7 program by the court or the county that incurred the expense of  
8 operating the program. Notwithstanding Section 1203.1d of the  
9 Penal Code, the remaining revenues collected under the amnesty  
10 program shall be distributed on a pro rata basis in the same manner  
11 as a partial payment distributed pursuant to Section 1462.5 of the  
12 Penal Code.

13 ~~(h)~~

14 (i) Each court or county implementing an amnesty program  
15 shall file, not later than September 30, 2012, a written report with  
16 the Judicial Council, on a form approved by the Judicial Council.  
17 The report shall include information about the number of cases  
18 resolved, the amount of money collected, and the operating costs  
19 of the amnesty program. Notwithstanding Section 10231.5 of the  
20 Government Code, on or before December 31, 2012, the Judicial  
21 Council shall submit a report to the Legislature summarizing the  
22 information provided by each court or county.

23 SECTION 1. ~~Section 42008.8 is added to the Vehicle Code,~~  
24 ~~to read:~~

25 ~~42008.8. (a) In conjunction with the amnesty program required~~  
26 ~~under Section 42008.7, a county may establish a one-time amnesty~~  
27 ~~program for fines and bail that have been delinquent for not less~~  
28 ~~than six months as of the date upon which the program commences~~  
29 ~~and were imposed for a misdemeanor violation of this code, except~~  
30 ~~parking violations of this code and violations of Section 23103,~~  
31 ~~23104, 23105, 23152, or 23153.~~

32 ~~(b) A person owing a fine or bail that is eligible for amnesty~~  
33 ~~under the program may pay to the superior or juvenile court 50~~  
34 ~~percent of the total fine or bail that shall be accepted by the court~~  
35 ~~in full satisfaction of the delinquent fine or bail.~~

36 ~~(c) The amnesty program shall be implemented by the courts~~  
37 ~~of the county on a one-time basis and conducted in accordance~~  
38 ~~with Judicial Council guidelines for a period of not less than 120~~  
39 ~~days. The program shall operate not longer than six months from~~  
40 ~~the date the court initiates the program.~~

- 1 ~~(d) A criminal action shall not be brought against a person for~~  
2 ~~a delinquent fine or bail paid under the amnesty program, and~~  
3 ~~additional penalties, except as provided in Section 1214.1 of the~~  
4 ~~Penal Code, shall not be assessed for the late payment of the fine~~  
5 ~~or bail made under the amnesty program.~~  
6 ~~(e) Notwithstanding Section 1463 of the Penal Code, the total~~  
7 ~~amount of funds collected by the courts pursuant to the amnesty~~  
8 ~~program shall be deposited in the county treasury until 150 percent~~  
9 ~~of the cost of operating the program, excluding capital~~  
10 ~~expenditures, have been deposited. Thereafter, 37 percent of the~~  
11 ~~amount of the delinquent fines and bail deposited in the county~~  
12 ~~treasury shall be distributed by the county pursuant to Section 1464~~  
13 ~~of the Penal Code, 26 percent of the amount deposited shall be~~  
14 ~~distributed by the county to the Trial Court Trust Fund of the courts~~  
15 ~~in the participating county as established by Section 68085 of the~~  
16 ~~Government Code, and the remaining 37 percent of the amount~~  
17 ~~deposited shall be retained by the county.~~  
18 ~~(f) The deposit of fines and bails in the county treasury as~~  
19 ~~described in subdivision (e) is limited to the amnesty program~~  
20 ~~described in this section, and it is the intent of the Legislature that~~  
21 ~~it shall not be considered a precedent with respect to affecting~~  
22 ~~programs that receive funding pursuant to Section 1463 of the~~  
23 ~~Penal Code.~~  
24 (g) A county participating in the program shall file, not later  
25 than six months after the termination of the program, a written  
26 report with the Assembly Committee on Judiciary and the Senate  
27 Committee on Judiciary. The report shall summarize the amount  
28 of money collected, operating costs of the program, distribution  
29 of funds collected, and when possible, how the funds were  
30 expended.