

ASSEMBLY BILL

No. 2085

Introduced by Assembly Member Fox

February 20, 2014

An act to amend Section 42008.7 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2085, as introduced, Fox. Vehicles: misdemeanor violations: amnesty.

Existing law requires a county to establish a one-time amnesty program for fines and bail due on or before January 1, 2009, for certain infraction or misdemeanor violations of the Vehicle Code and Penal Code, between January 1, 2012, and June 30, 2012. Existing law authorizes the court and county, in addition to and at the same time as the above one-time amnesty program, to establish a one-time amnesty program for specified misdemeanor violations due on or before January 1, 2009, if certain conditions are met. Existing law allows a person owing a fine or bail that was eligible for amnesty under these programs to pay to the superior or juvenile court 50% of the total fine or bail, as defined, which is required to be accepted by the court in full satisfaction of the delinquent fine or bail. Existing law prohibits criminal action from being brought against a person for a delinquent fine or bail paid under the amnesty programs.

This bill would revise these provisions to authorize a court or county, on or after January 1, 2015, to implement similar amnesty programs for fines and bail due on or before January 1, 2012. The bill would require the amnesty programs to be conducted in accordance with guidelines provided by the Judicial Council.

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~~ *an* 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~~ *An* amnesty program for fines and bail meeting
- 15 the eligibility requirements set forth in subdivision (e) ~~shall~~ *may*
- 16 be 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 70372, 76000, 76000.5, 76104.6, and
- 30 76104.7 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.

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

3 (d) In addition to and at the same time as the mandatory one-time
4 amnesty program is established pursuant to subdivision (b), the
5 court and the county may jointly agree to extend that amnesty
6 program to fines and bail imposed for a misdemeanor violation of
7 this code and a violation of Section 853.7 of the Penal Code added
8 to the misdemeanor case otherwise subject to the amnesty. The
9 amnesty program authorized pursuant to this subdivision shall not
10 apply to parking violations and violations of Section 23103, 23104,
11 23105, 23152, or 23153 of this code.

12 (e) Violations are only eligible for amnesty if paragraph (1),
13 (2), or (3) applies and the requirements of paragraphs (4), (5), and
14 (6) are met:

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

16 (2) It is a violation of subdivision (a) or (b) of Section 40508,
17 or a violation of Section 853.7 of the Penal Code added to the case
18 subject to paragraph (1).

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

21 (4) The due date for payment of the fine or bail was on or before
22 January 1, ~~2009~~ 2012.

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

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

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~~ 2015. ~~The Judicial Council shall adopt guidelines for the~~
35 ~~amnesty program no later than November 1, 2011, and each~~ *Each*
36 ~~program shall be conducted in accordance with Judicial Council~~
37 ~~guidelines provided by the Judicial Council.~~

38 (g) ~~No criminal~~ *Criminal* action shall *not* be brought against a
39 person for a delinquent fine or bail paid under the amnesty
40 program.

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