

AMENDED IN SENATE JULY 1, 2015

AMENDED IN SENATE MAY 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 673**

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**Introduced by Assembly Member Santiago**

February 25, 2015

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An act to amend Section 1203.9 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 673, as amended, Santiago. Probation and mandatory supervision: jurisdiction.

Existing law requires a court to transfer the case of a person released on probation or mandatory supervision to the superior court in any other county in which the person resides permanently, unless the transferring court determines the transfer would be inappropriate and states its reasons on the record. Existing law requires the court of the receiving county to accept the entire jurisdiction over the case.

This bill would require the receiving court to accept the entire jurisdiction over the case effective the date the transferring court orders the transfer. The bill would provide that when fines, forfeitures, penalties, assessments, or restitution have been ordered by the transferring court and have not been fully paid, those payments would be made to the collecting program for the transferring court for distribution and accounting. The bill would authorize the receiving court and probation department to impose additional local fees and costs, as specified, and would authorize the collection program for the receiving court to collect court-ordered payments from the defendant for transmittal to the collection program for the transferring court, as

specified. The bill would require the Judicial Council to consider adoption of rules of court as it deems appropriate to implement the collection, accounting, and disbursement requirements of the bill.

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

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

1 SECTION 1. Section 1203.9 of the Penal Code is amended to  
2 read:

3 1203.9. (a) (1) Except as provided in paragraph (3), whenever  
4 a person is released on probation or mandatory supervision, the  
5 court, upon noticed motion, shall transfer the case to the superior  
6 court in any other county in which the person resides permanently,  
7 meaning with the stated intention to remain for the duration of  
8 probation or mandatory supervision, unless the transferring court  
9 determines that the transfer would be inappropriate and states its  
10 reasons on the record.

11 (2) Upon notice of the motion for transfer, the court of the  
12 proposed receiving county may provide comments for the record  
13 regarding the proposed transfer, following procedures set forth in  
14 rules of court developed by the Judicial Council for this purpose,  
15 pursuant to subdivision (f). The court and the probation department  
16 shall give the matter of investigating those transfers precedence  
17 over all actions or proceedings therein, except actions or  
18 proceedings to which special precedence is given by law, to the  
19 end that all those transfers shall be completed expeditiously.

20 (3) If victim restitution was ordered as a condition of probation  
21 or mandatory supervision, the transferring court shall determine  
22 the amount of restitution before the transfer unless the court finds  
23 that the determination cannot be made within a reasonable time  
24 from when the motion for transfer is made. If a case is transferred  
25 without a determination of the amount of restitution, the  
26 transferring court shall complete the determination as soon as  
27 practicable. In all other aspects, except as provided in subdivisions  
28 (d) and (e), the court of the receiving county shall have full  
29 jurisdiction over the matter upon transfer as provided in subdivision  
30 (b).

1 (b) The court of the receiving county shall accept the entire  
2 jurisdiction over the case effective the date that the transferring  
3 court orders the transfer.

4 (c) The order of transfer shall contain an order committing the  
5 probationer or supervised person to the care and custody of the  
6 probation officer of the receiving county and, if applicable, an  
7 order for reimbursement of reasonable costs for processing the  
8 transfer to be paid to the sending county in accordance with Section  
9 1203.1b. A copy of the orders and any probation reports shall be  
10 transmitted to the court and probation officer of the receiving  
11 county within two weeks of the finding that the person does  
12 permanently reside in or has permanently moved to that county,  
13 and the receiving court shall have entire jurisdiction over the case,  
14 except as provided in subdivisions (d) and (e), with the like power  
15 to again request transfer of the case whenever it seems proper.

16 (d) (1) Notwithstanding subdivision (b) and except as provided  
17 in subdivision (e), if the transferring court has ordered the  
18 defendant to pay fines, fees, forfeitures, penalties, assessments, or  
19 restitution, the transfer order shall require that those and any other  
20 amounts ordered by the transferring court that are still unpaid at  
21 the time of transfer be paid by the defendant to the collection  
22 program for the transferring court for proper distribution and  
23 accounting once collected.

24 (2) The receiving court and receiving county probation  
25 department may impose additional local fees and costs as  
26 authorized, and shall notify the responsible collection program for  
27 the transferring court of those changes.

28 (3) Any local fees imposed pursuant to paragraph (2) shall be  
29 paid by the defendant to the collection program for the transferring  
30 court which shall remit the additional fees and costs to the receiving  
31 court for proper *accounting and* distribution.

32 (e) (1) Upon approval of a transferring court, a receiving court  
33 may elect to collect *all of the* court-ordered payments from a  
34 ~~defendant~~, *defendant attributable to the case under which the*  
35 *defendant is being supervised*, provided, however, that the  
36 collection program for the receiving court transmits the revenue  
37 collected to the collection program for the transferring court for  
38 deposit, accounting, and distribution. A collection program for the  
39 receiving court shall not charge administrative fees for collections

1 performed for the collection program for the transferring court  
2 without a written agreement with the other program.

3 (2) A collection program for a receiving court collecting funds  
4 for a collection program for a transferring court pursuant to  
5 paragraph (1) shall not report revenue owed or collected on behalf  
6 of the collection program for the transferring court as part of those  
7 collections required to be reported annually by the court to the  
8 Judicial Council.

9 (f) The Judicial Council shall promulgate rules of court for  
10 procedures by which the proposed receiving county shall receive  
11 notice of the motion for transfer and by which responsive  
12 comments may be transmitted to the court of the transferring  
13 county. The Judicial Council shall adopt rules providing factors  
14 for the court's consideration when determining the appropriateness  
15 of a transfer, including, but not limited to, the following:

16 (1) Permanency of residence of the offender.

17 (2) Local programs available for the offender.

18 (3) Restitution orders and victim issues.

19 (g) The Judicial Council shall consider adoption of rules of court  
20 as it deems appropriate to implement the collection, accounting,  
21 and disbursement requirements of subdivisions (d) and (e).