

AMENDED IN SENATE JULY 14, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 433

Introduced by Assembly Member Rainey

February 15, 1995

An act to amend Section 1463 of the Penal Code, and to amend Section 42200 of the Vehicle Code, relating to fines and forfeitures.

LEGISLATIVE COUNSEL'S DIGEST

AB 433, as amended, Rainey. Fines and forfeitures.

Existing law, for purposes of the distribution of fines and forfeitures imposed and collected for crimes, defines "city" as any city, city and county, district, authority, or other local agency (other than a county) which employs persons authorized to make arrests or to issue notices to appear or notices of violation which may be filed in court.

This bill would expressly include any specified enterprise special district, community service district, or community service area engaged in police protection services within the definition of city for these purposes.

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 1463 of the Penal Code is
2 amended to read:

1 1463. All fines and forfeitures imposed and collected
 2 for crimes shall be distributed in accordance with Section
 3 ~~1463.001. Penalties imposed and collected for parking~~
 4 ~~offenses shall be distributed as provided in Section~~
 5 ~~1463.009. 1463.001.~~

6 The following definitions shall apply to terms used in
 7 this chapter:

8 (a) "Arrest" means any law enforcement action,
 9 including issuance of a notice to appear or notice of
 10 violation, which results in a criminal charge.

11 (b) "City" includes any city, city and county, district,
 12 including any enterprise special district, community
 13 service district, or community service area engaged in
 14 police protection activities as reported to the Controller
 15 for inclusion in the 1989-90 edition of the Financial
 16 Transactions Report Concerning Special Districts under
 17 the heading of Police Protection and Public Safety,
 18 authority, or other local agency (other than a county)
 19 which employs persons authorized to make arrests or to
 20 issue notices to appear or notices of violation which may
 21 be filed in court.

22 (c) "City arrest" means an arrest by an employee of a
 23 city, or by a California Highway Patrol officer within the
 24 limits of a city.

25 (d) "County" means the county in which the arrest
 26 took place.

27 (e) "County arrest" means an arrest by a California
 28 Highway Patrol officer outside the limits of a city, or any
 29 arrest by a county officer or by any other state officer.

30 (f) "Court" means the superior, municipal, or justice
 31 court or a juvenile forum established under Section 257
 32 of the Welfare and Institutions Code, in which the case
 33 arising from the arrest is filed.

34 (g) "Division of moneys" means an allocation of base
 35 fine proceeds between agencies as required by statute
 36 including, but not limited to, Sections 1463.003, 1463.9,
 37 1463.23, 1463.26, and Sections 13001, 13002, and 13003 of
 38 the Fish and Game Code, and Section 11502 of the Health
 39 and Safety Code.



1 (h) “Offense” means any infraction, misdemeanor, or
2 felony, and any act by a juvenile leading to an order to pay
3 a financial sanction by reason of the act being defined as
4 an infraction, misdemeanor, or felony, whether defined
5 in this or any other code, except any parking offense as
6 defined in subdivision (i).

7 (i) “Parking offense” means any offense charged
8 pursuant to Article 3 (commencing with Section 40200)
9 of Chapter 1 of Division 17 of the Vehicle Code, including
10 registration and equipment offenses included on a notice
11 of parking violation.

12 (j) “Penalty allocation” means the deposit of a
13 specified part of moneys to offset designated processing
14 costs, as provided by Section 1463.16 and by Section
15 68090.8 of the Government Code.

16 (k) “Total parking penalty” means the total sum to be
17 collected for a parking offense, whether as fine, forfeiture
18 of bail, or payment of penalty to the Department of Motor
19 Vehicles. It may include the following components:

20 (1) The base parking penalty as established pursuant
21 to Section 40203.5 of the Vehicle Code.

22 (2) The Department of Motor Vehicles (DMV) fees
23 added upon the placement of a hold pursuant to Section
24 40220 of the Vehicle Code.

25 (3) The surcharges required by Section 76000 of the
26 Government Code.

27 (4) The notice penalty added to the base parking
28 penalty when a notice of delinquent parking violations is
29 given.

30 (l) “Total fine or forfeiture” means the total sum to be
31 collected upon a conviction, or the total amount of bail
32 forfeited or deposited as cash bail subject to forfeiture. It
33 may include, but is not limited to, the following
34 components as specified for the particular offense:

35 (1) The “base fine” upon which the state penalty and
36 additional county penalty is calculated.

37 (2) The “county penalty” required by Section 76000 of
38 the Government Code.



1 (3) The “service charge” permitted by Section 853.7 of
2 the Penal Code and Sections 40508.5 and 41103.5 of the
3 Vehicle Code.

4 (4) The “special penalty” dedicated for blood alcohol
5 analysis, alcohol program services, traumatic brain injury
6 research, and similar purposes.

7 (5) The “state penalty” required by Section 1464.

8 SEC. 2. Section 42200 of the Vehicle Code is amended
9 to read:

10 42200. (a) Of the total amount of fines and forfeitures
11 received by a city under Section 1463 of the Penal Code
12 that proportion which is represented by fines and
13 forfeitures collected from any person charged with a
14 misdemeanor under this code following arrest by an
15 officer employed by a city, shall be paid into the treasury
16 of the city and deposited in a special fund to be known as
17 the “Traffic Safety Fund,” and shall be used exclusively
18 for official traffic control devices, the maintenance
19 thereof, equipment and supplies for traffic law
20 enforcement and traffic accident prevention, and for the
21 maintenance, improvement, or construction of public
22 streets, bridges, and culverts within the city, but the fund
23 shall not be used to pay the compensation of traffic or
24 other police officers. The fund may be used to pay the
25 compensation of school crossing guards who are not
26 regular full-time members of the police department of
27 the city.

28 (b) For purposes of this section, “city” includes any
29 city, city and county, district, including any enterprise
30 special district, community service district, or county
31 service area engaged in police protection activities as
32 reported to the Controller for inclusion in the 1989–90
33 edition of the Financial Transactions Report Concerning
34 Special Districts under the heading of Police Protection
35 and Public Safety, authority, or other local agency (other
36 than a county) which employs persons authorized to
37 make arrests or to issue notices to appear or notices of
38 violation which may be filed in court.

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