

AMENDED IN SENATE JUNE 19, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1075

Introduced by Assembly Member Martinez

February 23, 1995

An act to amend Sections 1463.14 and 1463.16 of the Penal Code, relating to fines.

LEGISLATIVE COUNSEL'S DIGEST

AB 1075, as amended, Martinez. Fines: collection.

(1) Existing law requires that, notwithstanding specified distribution formulas for fines and forfeitures, \$50 for each conviction of a violation of specified Vehicle Code provisions shall be deposited in a special account to be used for alcohol and drug testing, and \$50 of each fine for each such conviction shall be deposited in a special account for the county's alcoholism program.

This bill would require instead that \$50 of each fine collected for each conviction be deposited as specified. *The bill also would require the public entity ordering the testing to bear the costs of the tests if the account becomes exhausted.*

(2) Existing law provides that in counties of specified classes, \$50 for each conviction of specified Vehicle Code violations shall be deposited in a special account for exclusive allocation by the administrator of the county's alcoholism program, with the approval of the board of supervisors, for alcohol programs and services for the general population.

This bill would include in this provision counties of the 20th class, which includes Stanislaus County.

(3) This bill would incorporate additional changes in Section 1463.14 of the Penal Code enacted by AB 129 (Ch. 9, Stats. 1995).

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 1463.14 of the Penal Code is
2 amended to read:

3 1463.14. (a) Notwithstanding the provisions of
4 Section 1463, of the moneys deposited with the county
5 treasurer pursuant to Section 1463, fifty dollars (\$50) of
6 each fine collected for each conviction of a violation of
7 Section 23103, 23104, 23152, or 23153 of the Vehicle Code
8 shall be deposited in a special account which shall be used
9 exclusively to pay for the cost of performing for the
10 county, or a city or special district within the county,
11 analysis of blood, breath or urine for alcohol content or for
12 the presence of drugs, or for services related to that
13 testing. The sum shall not exceed the reasonable cost of
14 providing the services for which the sum is intended.

15 On November 1 of each year, the treasurer of each
16 county shall determine those moneys in the special
17 account which were not expended during the preceding
18 fiscal year, and shall transfer those moneys into the
19 general fund of the county. The county may retain an
20 amount of that money equal to its administrative cost
21 incurred pursuant to this section, and shall distribute the
22 remainder pursuant to Section 1463. *If the account*
23 *becomes exhausted, the public entity ordering a test*
24 *performed pursuant to this subdivision shall bear the costs*
25 *of the test.*

26 ~~(b) The Board of Supervisors of Contra Costa County~~
27 ~~may, by resolution, authorize the imposition of a fifty~~
28 ~~dollar (\$50) assessment by the court upon each defendant~~
29 ~~convicted of a violation of Section 23152 or 23153 of the~~
30 ~~Vehicle Code for deposit in the account from which the~~



1 ~~fifty dollar (\$50) distribution specified in subdivision (a)~~
2 ~~is deducted.~~

3 ~~(e) The board of supervisors of a county other than~~
4 ~~Contra Costa County may, by resolution, authorize an~~

5 *(b) The board of supervisors of a county may, by*
6 *resolution, authorize an additional penalty upon each*
7 *defendant convicted of a violation of Section 23152 or*
8 *23153 of the Vehicle Code, of an amount equal to the cost*
9 *of testing for alcohol content, less the fifty dollars (\$50)*
10 *deposited as provided in subdivision (a). The additional*
11 *penalty authorized by this subdivision shall be imposed*
12 *only in those instances where the defendant has the*
13 *ability to pay, but in no case shall the defendant be*
14 *ordered to pay a penalty in excess of fifty dollars (\$50).*
15 *The penalty authorized shall be deposited directly with*
16 *the county, or city or special district within the county,*
17 *which performed the test, in the special account*
18 *described in subdivision (a), and shall not be the basis for*
19 *any additional assessment pursuant to Section 1464 or*
20 *1465, or Chapter 12 (commencing with Section 76010) of*
21 *Title 8 of the Government Code.*

22 For purposes of this subdivision, “ability to pay” means
23 the overall capability of the defendant to pay the
24 additional penalty authorized by this subdivision, taking
25 into consideration all of the following:

26 (A) Present financial obligations, including family
27 support obligations, and fines, penalties, and other
28 obligations to the court.

29 (B) Reasonably discernible future financial position
30 over the next 12 months.

31 (C) Any other factor or factors which may bear upon
32 the defendant’s financial ability to pay the additional
33 penalty.

34 ~~(d)~~

35 (c) The Department of Justice shall promulgate rules
36 and regulations to implement the provisions of this
37 section.

38 SEC. 2. Section 1463.16 of the Penal Code is amended
39 to read:



1 1463.16. (a) Notwithstanding Section 1203.1 or 1463,
2 fifty dollars (\$50) of each fine collected for each
3 conviction of a violation of Section 23103, 23104, 23152, or
4 23153 of the Vehicle Code shall be deposited with the
5 county treasurer in a special account for exclusive
6 allocation by the county for the county's alcoholism
7 program, with approval of the board of supervisors, for
8 alcohol programs and services for the general population.
9 These funds shall be allocated through the local planning
10 process pursuant to specific provision in the county
11 alcohol program plan which is submitted to the State
12 Department of Alcohol and Drug Programs. Programs
13 shall be certified by the Department of Alcohol and Drug
14 Programs or have made application for certification to be
15 eligible for funding under this section. The county shall
16 implement the intent and procedures of subdivision (b)
17 of Section 11812 of the Health and Safety Code while
18 distributing funds under this section.

19 (b) In a county of the 1st, 2nd, 3rd, ~~or 15th~~ 15th, or 20th
20 class, notwithstanding Section 1463, of the moneys
21 deposited with the county treasurer pursuant to Section
22 1463, fifty dollars (\$50) for each conviction of a violation
23 of Section 23103, 23104, 23152, or 23153 of the Vehicle
24 Code shall be deposited in a special account for exclusive
25 allocation by the administrator of the county's alcoholism
26 program, with approval of the board of supervisors, for
27 alcohol programs and services for the general population.
28 These funds shall be allocated through the local planning
29 process pursuant to a specific provision in the county plan
30 which is submitted to the State Department of Alcohol
31 and Drug Programs. For those services for which
32 standards have been developed and certification is
33 available, programs shall be certified by the State
34 Department of Alcohol and Drug Programs or shall apply
35 for certification to be eligible for funding under this
36 section. The county alcohol administrator shall
37 implement the intent and procedures of subdivision (b)
38 of Section 11812 of the Health and Safety Code while
39 distributing funds under this section.



1 (c) The Board of Supervisors of Contra Costa County
2 may, by resolution, authorize the imposition of a fifty
3 dollar (\$50) assessment by the court upon each defendant
4 convicted of a violation of Section 23152 or 23153 of the
5 Vehicle Code for deposit in the account from which the
6 fifty dollar (\$50) distribution specified in subdivision (a)
7 is deducted.

8 (d) It is the specific intent of the Legislature that funds
9 expended under this part shall be used for ongoing
10 alcoholism program services as well as for contracts with
11 private nonprofit organizations to upgrade facilities to
12 meet state certification and state licensing standards and
13 federal nondiscrimination regulations relating to
14 accessibility for handicapped persons.

15 (e) Counties may retain up to 5 percent of the funds
16 collected to offset administrative costs of collection and
17 disbursement.

