

ASSEMBLY BILL

No. 2069

Introduced by Assembly Member Tucker

January 16, 1996

An act to amend Section 853.7a of the Penal Code, and to amend Section 40508.5 of the Vehicle Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 2069, as introduced, Tucker. Crime: penalty assessments.

Existing law authorizes the imposition of a specified assessment against certain criminal defendants who are convicted for violating a promise to appear or for any other offense for which an arrest warrant has been issued, whether or not a fine is imposed.

This bill would revise this provision to authorize instead the imposition of a specified assessment against criminal defendants who willfully violate their written promise to appear or a lawfully granted continuance of their promise to appear in court or before a person authorized to receive a deposit of bail, or who otherwise fail to comply with any valid court order.

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 853.7a of the Penal Code is
2 amended to read:

1 853.7a. (a) In addition to the fees authorized or
 2 required by any other provision of law, a county may, by
 3 resolution of the board of supervisors, authorize the
 4 courts of that county to impose an assessment of seven
 5 dollars (\$7) upon every person ~~convicted under Section~~
 6 ~~853.7, or for any other offense for which a warrant for~~
 7 ~~arrest has been issued, whether or not a fine is imposed.~~
 8 ~~Bail forfeiture constitutes a conviction for purposes of this~~
 9 ~~section who willfully violates his or her written promise~~
 10 ~~to appear or a lawfully granted continuance of his or her~~
 11 ~~promise to appear in court or before a person authorized~~
 12 ~~to receive a deposit of bail, or who otherwise fails to~~
 13 ~~comply with any valid court order for a violation of any~~
 14 ~~provision of this code or local ordinance adopted pursuant~~
 15 ~~to this code. This assessment shall apply whether or not~~
 16 ~~a violation of Section 853.7 is concurrently charged or a~~
 17 ~~warrant of arrest is issued pursuant to Section 853.8.~~

18 (b) The clerk of the court shall deposit the amounts
 19 collected under this section in the county treasury. All
 20 money so deposited shall be used exclusively for the
 21 development and operation of an automated county
 22 warrant system.

23 SEC. 2. Section 40508.5 of the Vehicle Code is
 24 amended to read:

25 40508.5. (a) In addition to the fees authorized or
 26 required by any other provision of law, a county may, by
 27 resolution of the board of supervisors, authorize the
 28 courts of that county to impose an assessment of seven
 29 dollars (\$7) upon every person ~~convicted under Section~~
 30 ~~40508, or for any other offense for which a warrant for~~
 31 ~~arrest has been issued, whether or not a fine is imposed.~~
 32 ~~Bail forfeiture constitutes a conviction for the purpose of~~
 33 ~~this section who willfully violates his or her written~~
 34 ~~promise to appear or a lawfully granted continuance of~~
 35 ~~his or her promise to appear in court or before a person~~
 36 ~~authorized to receive a deposit of bail, or who otherwise~~
 37 ~~fails to comply with any valid court order for a violation~~
 38 ~~of any provision of this code or local ordinance adopted~~
 39 ~~pursuant to this code. This assessment shall apply whether~~



1 *or not a violation of Section 40508 is concurrently charged*
2 *or a warrant of arrest is issued pursuant to Section 40515.*

3 (b) The courts authorized pursuant to subdivision (a)
4 shall increase the bail schedule amounts to reflect the
5 amount of the assessment imposed by this section.

6 (c) If bail is returned, the amount of the assessment
7 shall also be returned.

8 (d) The clerk of the court shall deposit the amounts
9 collected under this section in the county treasury. All
10 money so deposited shall be used exclusively for the
11 development and operation of an automated county
12 warrant system.

