

AMENDED IN ASSEMBLY APRIL 11, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 3095

Introduced by Assembly Member Villaraigosa

February 23, 1996

An act to add Section 42008.5 to the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 3095, as amended, Villaraigosa. Vehicles: fines: amnesty program.

(1) Existing law authorizes any county to operate an amnesty program for delinquent fines and bail imposed for an infraction or misdemeanor violation of the Vehicle Code, except parking and other specified violations, that were delinquent on or before April 1, 1991.

This bill would, *after a county board of supervisors adopts a resolution specifying the total amount of delinquent fines and bails*, authorize ~~any~~ that county to operate an amnesty program for fines or bail that have been delinquent for not less than 6 months as of the date upon which the program commences and were imposed for an infraction or misdemeanor violation of the Vehicle Code, except parking violations and other specified violations.

The bill would authorize any person owing a fine or bail that is eligible for amnesty under the program to pay to the municipal or juvenile court specified amounts scheduled by

the court in full satisfaction of the delinquent fine or bail, with a specified exception relating to civil assessments.

The bill would require the program to be implemented by the courts of the county on a one-time basis and conducted in accordance with Judicial Council guidelines for a period of not less than 120 days.

The bill would require the total amount of funds collected by the court pursuant to the amnesty program to be deposited in the county treasury *until 10% of the total amount of delinquent fines and bails specified by a county board of supervisors are collected.*

The bill would make a statement as to legislative intent.

(2) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. 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 42008.5 is added to the Vehicle
2 Code, to read:

3 42008.5. (a) ~~Any~~ *After a county board of supervisors*
4 *adopts a resolution specifying the total amount of*
5 *delinquent fines and bails described in this subdivision,*
6 *that* county may establish a one-time amnesty program
7 for fines or bail that have been delinquent for not less than
8 six months as of the date upon which the program
9 commences and were imposed for an infraction or
10 misdemeanor violation of the Vehicle Code, except
11 parking violations of the Vehicle Code and violations of
12 Section 23103, 23104, 23152, or 23153.

13 (b) Any person owing a fine or bail that is eligible for
14 amnesty under the program may pay to the municipal or
15 juvenile court the amount scheduled by the court, which
16 shall be accepted by the court in full satisfaction of the
17 delinquent fine or bail and shall be either of the following:

18 (1) Seventy percent of the total fine or bail.

19 (2) The amount of one hundred dollars (\$100) for an
20 infraction or five hundred dollars (\$500) for a
21 misdemeanor.



1 (c) The amnesty program shall be implemented by
2 the courts of the county on a one-time basis and
3 conducted in accordance with Judicial Council guidelines
4 for a period of not less than 120 days.

5 (d) No criminal action shall be brought against any
6 person for a delinquent fine or bail paid under the
7 amnesty program and no other additional penalties,
8 except as provided in Section 1214.1 of the Penal Code,
9 shall be assessed for the late payment of the fine or bail
10 made under the amnesty program.

11 (e) Notwithstanding Section 1463 of the Penal Code,
12 the total amount of funds collected by the courts pursuant
13 to the amnesty program shall be deposited in the county
14 treasury until 10 percent of the total amount of
15 delinquent fines and bails specified in subdivision (a) are
16 collected. Following collection of those fines and bails, all
17 additional fines and forfeitures shall be distributed
18 pursuant to Section 1463 of the Penal Code.

19 (f) The deposit of fines and bails in the county treasury
20 as described in subdivision (e) is limited to the amnesty
21 program described in this section, and it is the intent of
22 the Legislature that it shall not be considered a precedent
23 with respect to affecting programs that receive funding
24 pursuant to Section 1463 of the Penal Code.

25 SEC. 2. This act is an urgency statute necessary for the
26 immediate preservation of the public peace, health, or
27 safety within the meaning of Article IV of the
28 Constitution and shall go into immediate effect. The facts
29 constituting the necessity are:

30 In order to help resolve, at the earliest possible time, an
31 unprecedented fiscal crisis in the funding of trial courts
32 by counties, it is necessary that this act take effect
33 immediately.

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