

AMENDED IN SENATE AUGUST 18, 1998

AMENDED IN ASSEMBLY MAY 12, 1998

AMENDED IN ASSEMBLY APRIL 22, 1998

AMENDED IN ASSEMBLY APRIL 2, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 2197**

**Introduced by Assembly Member Washington**

February 19, 1998

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An act to add Section 1209.5 to the Penal Code, relating to penalties.

LEGISLATIVE COUNSEL'S DIGEST

AB 2197, as amended, Washington. Infractions: penalties: community service.

Under existing law, persons convicted of infractions are subject to prescribed fines as punishment therefor. Under existing law, courts may impose reasonable conditions in lieu of fines that are necessary to secure justice, make amends to society and individuals injured by the defendant's breach of law, and to assist the reformation and rehabilitation of the defendant.

This bill would provide that upon a showing that payment of fines would be a hardship on the defendant or his or her family, a court may sentence the defendant to perform community service in lieu of the total fine to be imposed, as defined. The bill would provide that for purposes of this

provision, this community service work would be valued at an hourly rate applicable to community service work performed by criminal defendants.

*Existing law establishes a system of trial court funding that includes the requirement of counties to remit to the state specified sums of money based on the amount of fine and forfeiture revenues that are also required to be remitted to the state.*

*This bill would provide that the application of the community service provisions of the bill would not reduce a county’s remittance to the state under the trial court funding provisions of existing law.*

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 1209.5 is added to the Penal  
2 Code, to read:  
3 1209.5. (a) Notwithstanding any other provision of  
4 law, any person convicted of an infraction may, upon a  
5 showing that payment of the total fine would pose a  
6 hardship on the defendant or his or her family, be  
7 sentenced to perform community service in lieu of the  
8 total fine that would otherwise be imposed. The  
9 defendant shall perform community service at the hourly  
10 rate applicable to community service work performed by  
11 criminal defendants. For purposes of this section, the  
12 term “total fine” means the base fine and all assessments,  
13 penalties, and additional moneys to be paid by the  
14 defendant. For purposes of this section, the hourly rate  
15 applicable to community service work by criminal  
16 defendants shall be determined by dividing the total fine  
17 by the number of hours of community service ordered by  
18 the court to be performed in lieu of the total fine.  
19 (b) *The application of this section shall not reduce a*  
20 *county’s remittance to the state specified in paragraph*  
21 *(2) of subdivision (b) of Section 77201 of the Government*



1 *Code and paragraph (2) of subdivision (b) of Section*  
2 *77201.1 of the Government Code.*

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