

ASSEMBLY BILL

No. 1438

Introduced by Assembly Member Briggs

February 26, 1999

An act to amend Section 1463.001 of the Penal Code, relating to fines and forfeitures.

LEGISLATIVE COUNSEL'S DIGEST

AB 1438, as introduced, Briggs. Fines and forfeitures: exchange for sales tax receipts.

Existing law requires that all fines and forfeitures imposed and collected for crimes other than specified offenses be deposited with the county treasurer, and each month the total fines and forfeitures that have accumulated within the past month are distributed as specified. However, in a county that had an agreement on a specified date, that provides for city fines and forfeitures to accrue to the county in exchange for sales tax receipts, base fines resulting from city arrests not included as specified, must be deposited into the proper funds of the county.

This bill would delete the provision relating to counties with agreements.

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 1463.001 of the Penal Code is
2 amended to read:

1 1463.001. Except as otherwise provided in this section,
2 all fines and forfeitures imposed and collected for crimes
3 other than parking offenses resulting from a filing in a
4 court shall as soon as practicable after receipt thereof, be
5 deposited with the county treasurer, and each month the
6 total fines and forfeitures which have accumulated within
7 the past month shall be distributed, as follows:

8 (a) The state penalties, county penalties, special
9 penalties, service charges, and penalty allocations shall be
10 transferred to the proper funds as required by law.

11 (b) The base fines shall be distributed, as follows:

12 (1) Any base fines which are subject to specific
13 distribution under any other section shall be distributed
14 to the specified funds of the state or local agency.

15 (2) Base fines resulting from county arrest not
16 included in paragraph (1), shall be transferred into the
17 proper funds of the county.

18 (3) Base fines resulting from city arrests not included
19 in paragraph (1), an amount equal to the applicable
20 county percentages set forth in Section 1463.002, as
21 modified by Section 1463.28, shall be transferred into the
22 proper funds of the county. Until July 1, 1998, the
23 remainder of base fines resulting from city arrests shall be
24 divided between each city and county, with 50 percent
25 deposited to the county's general fund, and 50 percent
26 deposited to the treasury of the appropriate city, and
27 thereafter the remainder of base fines resulting from city
28 arrests shall be deposited to the treasury of the
29 appropriate city.

30 ~~(4) In a county that had an agreement as of March 22,~~
31 ~~1977, that provides for city fines and forfeitures to accrue~~
32 ~~to the county in exchange for sales tax receipts, base fines~~
33 ~~resulting from city arrests not included in paragraph (1)~~
34 ~~shall be deposited into the proper funds of the county.~~

35 (c) Each county shall keep a record of its deposits to
36 its treasury and its transmittal to each city treasury
37 pursuant to this section.

38 (d) The distribution specified in subdivision (b)
39 applies to all funds subject thereto distributed on or after
40 July 1, 1992, regardless of whether the court has elected



1 to allocate and distribute funds pursuant to Section
2 1464.8.

3 (e) Any amounts remitted to the county from amounts
4 collected by the Franchise Tax Board upon referral by a
5 county pursuant to Article 6 (commencing with Section
6 19280) of Chapter 5 of Part 10.2 of Division 2 of the
7 Revenue and Taxation Code shall be allocated pursuant
8 to this section.

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