

Senate Bill No. 1310

CHAPTER 940

An act to add and repeal Section 12419.2 of the Government Code, to add Section 817.5 to the Penal Code, and to amend Sections 19280 and 19283 of, and to add Section 19550 to, the Revenue and Taxation Code, relating to outstanding warrants.

[Approved by Governor September 29, 2000. Filed
with Secretary of State September 30, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1310, Vasconcellos. Outstanding warrants.

(1) Existing law generally authorizes the Controller to offset any amount due a state agency from a person or entity against any amount owing the person or entity, as specified. Existing law authorizes the Controller to offset any amount due a city or county from a person or entity for specified reasons against any amount owing the person or entity by a state agency on a claim for a tax refund or from lottery winnings. Existing law furthermore requires the Controller, to the extent possible, to offset any amount overdue and unpaid for a fine, penalty, assessment, bail, vehicle parking penalty, or court-ordered reimbursement for court-related services from a person or entity, against any amount owing the person or entity by a state agency on a claim for a tax refund or from lottery winnings.

This bill would provide that the Department of Justice, in consultation with the Controller, the Franchise Tax Board, and the California Lottery Commission, shall examine ways to enhance the use and effectiveness of the above provisions through integration with the Department of Justice's Wanted Persons System and shall report the findings and recommendations to the Legislature on or before January 1, 2002. The bill would provide that this provision shall remain in effect only until January 1, 2003.

(2) Existing law provides for the issuance of an arrest warrant under specified circumstances.

This bill would provide, in addition, that (a) on or after June 30, 2001, upon the issuance of an arrest warrant the issuing law enforcement agency may enter the warrant information into the Department of Justice's Wanted Persons System; and (b) any state or local governmental agency shall, upon request, provide to the Department of Justice, a court, or any California law enforcement agency the address of any person represented by the department, the court, or the law enforcement agency to be a person for whom there is an outstanding arrest warrant. The bill would add a related

provision that would require the Franchise Tax Board, upon the request of the Department of Justice, a court, or any California law enforcement agency, to provide the address of any person represented to be a person for whom there is an outstanding arrest warrant. By imposing new duties on local agencies, this bill would impose a state-mandated local program on local government.

(3) Existing law generally provides that fines, state or local penalties, forfeitures, restitution fines, restitution orders, or any other amounts imposed by a superior or municipal court of the State of California upon a person or any other entity that is due and payable in an amount totaling no less than \$250, in the aggregate, for criminal offenses, may, no sooner than 90 days after payment of that amount becomes delinquent, be referred by the county or the state to the Franchise Tax Board for collection, as specified. Existing law also provides that for the period January 1, 1995, to December 31, 1997, inclusive, for purposes of a manageable implementation and evaluation of this debt collection program, the Franchise Tax Board may limit referrals to nine counties. Existing law requires the Franchise Tax Board to report to committees of the Legislature, as specified, the results of the debt collection program on or before April 1, 2001, and provides that the provisions relating to the debt collection program shall be repealed as of January 1, 2002.

This bill would revise these provisions to instead provide that for the period January 1, 2001, to December 31, 2002, inclusive, the Franchise Tax Board may limit referrals under the debt collection program to 17 counties; the above report required of the Franchise Tax Board would specifically address the feasibility and advisability of expanding the debt collection program so that it may accept referrals from all 58 counties in the state; the term "obligor" would be replaced by the term "debtor," and the repeal date of the provisions relating to the debt collection program would be extended to January 1, 2003. The bill would also require the Department of Justice, in consultation with the Franchise Tax Board, to examine ways to enhance the use and effectiveness of these debt collection provisions through integration with the Department of Justice's Wanted Persons System and to report the findings and recommendations to the Legislature on or before January 1, 2002.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and



school districts may pursue any available remedies to seek reimbursement for these costs.

The people of the State of California do enact as follows:

SECTION 1. Section 12419.2 is added to the Government Code, to read:

12419.2. (a) The Department of Justice, in consultation with the Controller, the Franchise Tax Board, and the California Lottery Commission, shall examine ways to enhance the use and effectiveness of Sections 12419.5 to 12419.10, inclusive, through integration with the Department of Justice's Wanted Persons System and shall report the findings and recommendations to the Legislature on or before January 1, 2002.

(b) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2003, deletes or extends this date.

SEC. 2. Section 817.5 is added to the Penal Code, to read:

817.5. (a) On or after June 30, 2001, upon the issuance of any arrest warrant, the issuing law enforcement agency may enter the warrant information into the Department of Justice's Wanted Persons System.

(b) Notwithstanding any other provision of law, any state or local governmental agency shall, upon request, provide to the Department of Justice, a court, or any California law enforcement agency, the address of any person represented by the department, the court, or the law enforcement agency to be a person for whom there is an outstanding arrest warrant.

SEC. 3. Section 19280 of the Revenue and Taxation Code is amended to read:

19280. (a) (1) Fines, state or local penalties, forfeitures, restitution fines, restitution orders, or any other amounts imposed by a superior or municipal court of the State of California upon a person or any other entity that is due and payable in an amount totaling no less than two hundred fifty dollars (\$250), in the aggregate, for criminal offenses, including all offenses involving a violation of the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, may, no sooner than 90 days after payment of that amount becomes delinquent, be referred by the county or the state to the Franchise Tax Board for collection under guidelines prescribed by the Franchise Tax Board.

(2) For purposes of this subdivision:

(A) The amounts referred by the county or state under this section may include any amounts that a government entity may add to the court-imposed obligation as a result of the underlying offense, trial, or conviction. For purposes of this article, those amounts shall be deemed to be imposed by the court.



(B) Restitution orders may be referred to the Franchise Tax Board only by a government entity, as agreed upon by the Franchise Tax Board, provided that all of the following apply:

(i) The government entity has the authority to collect on behalf of the state or the victim.

(ii) The government entity shall be responsible for distributing the restitution order collections, as appropriate.

(iii) The government entity shall ensure, in making the referrals and distributions, that it coordinates with any other related collection activities that may occur by counties or other state agencies.

(iv) The government entity shall ensure compliance with laws relating to the reimbursement of the State Restitution Fund.

(C) The Franchise Tax Board shall establish criteria for referral, which shall include setting forth a minimum dollar amount subject to referral and collection.

(b) (1) For the period January 1, 2001, to December 31, 2002, inclusive, the Franchise Tax Board may limit referrals under the program authorized by this article to 17 counties.

(2) The report required to be issued by the Franchise Tax Board pursuant to Section 13 of Chapter 1242 of the Statutes of 1994, as amended by Section 46 of Chapter 604 of the Statutes of 1997, is due to the Legislature on or before April 1, 2001, and shall specifically address the feasibility and advisability of expanding the program authorized by this article to accept referrals from all 58 counties.

(c) Upon written notice to the debtor from the Franchise Tax Board, any amount referred to the Franchise Tax Board under subdivision (a) and any interest thereon, including any interest on the amount referred under subdivision (a) that accrued prior to the date of referral, shall be treated as final and due and payable to the State of California, and shall be collected from the debtor by the Franchise Tax Board in any manner authorized under the law for collection of a delinquent personal income tax liability, including, but not limited to, issuance of an order and levy under Article 4 (commencing with Section 706.070) of Chapter 5 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure in the manner provided for earnings withholding orders for taxes.

(d) (1) Part 10 (commencing with Section 17001), this part, Part 10.7 (commencing with Section 21001), and Part 11 (commencing with Section 23001) shall apply to amounts referred under this article in the same manner and with the same force and effect and to the full extent as if the language of those laws had been incorporated in full into this article, except to the extent that any provision is either inconsistent with this article or is not relevant to this article.

(2) Any information, information sources, or enforcement remedies and capabilities available to the court or the state referring to the amount due described in subdivision (a), shall be available to the Franchise Tax Board to be used in conjunction with, or



independent of, the information, information sources, or remedies and capabilities available to the Franchise Tax Board for purposes of administering Part 10 (commencing with Section 17001), this part, Part 10.7 (commencing with Section 21001), or Part 11 (commencing with Section 23001).

(e) The activities required to implement and administer this part shall not interfere with the primary mission of the Franchise Tax Board to administer Part 10 (commencing with Section 17001) and Part 11 (commencing with Section 23001).

(f) For amounts referred for collection under subdivision (a), interest shall accrue at the greater of the rate applicable to the amount due being collected or the rate provided under Section 19521. When notice of the amount due includes interest and is mailed to the debtor and the amount is paid within 15 days after the date of notice, interest shall not be imposed for the period after the date of notice.

(g) In no event shall a collection under this article be construed as a payment of income taxes imposed under Part 10 (commencing with Section 17001) or Part 11 (commencing with Section 23001).

SEC. 4. Section 19283 of the Revenue and Taxation Code is amended to read:

19283. (a) The Department of Justice, in consultation with the Franchise Tax Board, shall examine ways to enhance the use and effectiveness of this article through integration with the Department of Justice's Wanted Persons System and shall report the findings and recommendations to the Legislature on or before January 1, 2002.

(b) This article shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2003, deletes or extends this date.

SEC. 5. Section 19550 is added to the Revenue and Taxation Code, to read:

19550. Pursuant to Section 817.5 of the Penal Code, the Franchise Tax Board, upon request from the Department of Justice, a court, or any California law enforcement agency and in a form and manner prescribed by the board, shall provide to the Department of Justice, the court, or the law enforcement agency the address of any person represented to be a person for whom there is an outstanding arrest warrant.

SEC. 6. No reimbursement shall be made from the State Mandates Claims Fund pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code for costs mandated by the state pursuant to this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Part 7 (commencing with Section 17500) and any other provisions of law.

