

Introduced by Senator Rainey

February 10, 2000

An act to amend Section 1464 of the Penal Code, relating to restitution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1482, as introduced, Rainey. State penalty fund: restitution funds.

Existing law imposes a state penalty, calculated as specified, on every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses other than parking violations, and requires 70% of these funds to be transferred from the county treasury and deposited in the State Penalty Fund within the State Treasury, and directs that an amount equal to 32.02% of the state penalty funds deposited in the State Penalty Fund during the preceding month be in turn transferred to the Restitution Fund, the moneys of which are continuously appropriated to benefit victims of crime as specified.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 1464 of the Penal Code is
2 amended to read:

1 1464. (a) Subject to Chapter 12 (commencing with
2 Section 76000) of Title 8 of the Government Code, there
3 shall be levied a state penalty, in an amount equal to ten
4 dollars (\$10) for every ten dollars (\$10) or fraction
5 thereof, upon every fine, penalty, or forfeiture imposed
6 and collected by the courts for criminal offenses,
7 including all offenses, except parking offenses as defined
8 in subdivision (i) of Section 1463, involving a violation of
9 a section of the Vehicle Code or any local ordinance
10 adopted pursuant to the Vehicle Code. Any bail schedule
11 adopted pursuant to Section 1269b may include the
12 necessary amount to pay the state penalties established
13 by this section and Chapter 12 (commencing with Section
14 76000) of Title 8 of the Government Code for all matters
15 where a personal appearance is not mandatory and the
16 bail is posted primarily to guarantee payment of the fine.

17 (b) Where multiple offenses are involved, the state
18 penalty shall be based upon the total fine or bail for each
19 case. When a fine is suspended, in whole or in part, the
20 state penalty shall be reduced in proportion to the
21 suspension.

22 (c) When any deposited bail is made for an offense to
23 which this section applies, and for which a court
24 appearance is not mandatory, the person making the
25 deposit shall also deposit a sufficient amount to include
26 the state penalty prescribed by this section for forfeited
27 bail. If bail is returned, the state penalty paid thereon
28 pursuant to this section shall also be returned.

29 (d) In any case where a person convicted of any
30 offense, to which this section applies, is in prison until the
31 fine is satisfied, the judge may waive all or any part of the
32 state penalty, the payment of which would work a
33 hardship on the person convicted or his or her immediate
34 family.

35 (e) After a determination by the court of the amount
36 due, the clerk of the court shall collect the penalty and
37 transmit it to the county treasury. The portion thereof
38 attributable to Chapter 12 (commencing with Section
39 76000) of Title 8 of the Government Code shall be
40 deposited in the appropriate county fund and 70 percent



1 of the balance shall then be transmitted to the State
2 Treasury, to be deposited in the State Penalty Fund,
3 which is hereby created, and 30 percent to remain on
4 deposit in the county general fund. The transmission to
5 the State Treasury shall be carried out in the same
6 manner as fines collected for the state by a county.

7 (f) The moneys so deposited in the State Penalty Fund
8 shall be distributed as follows:

9 (1) Once a month there shall be transferred into the
10 Fish and Game Preservation Fund an amount equal to
11 0.33 percent of the state penalty funds deposited in the
12 State Penalty Fund during the preceding month, except
13 that the total amount shall not be less than the state
14 penalty levied on fines or forfeitures for violation of state
15 laws relating to the protection or propagation of fish and
16 game. These moneys shall be used for the education or
17 training of department employees which fulfills a need
18 consistent with the objectives of the Department of Fish
19 and Game.

20 (2) Once a month there shall be transferred into the
21 Restitution Fund an amount equal to 32.02 percent of the
22 state penalty funds deposited in the State Penalty Fund
23 during the preceding month. Those funds shall be made
24 available in accordance with *the provisions of* Section
25 13967 of the Government Code.

26 (3) Once a month there shall be transferred into the
27 Peace Officers' Training Fund an amount equal to 23.99
28 percent of the state penalty funds deposited in the State
29 Penalty Fund during the preceding month.

30 (4) Once a month there shall be transferred into the
31 Driver Training Penalty Assessment Fund an amount
32 equal to 25.70 percent of the state penalty funds deposited
33 in the State Penalty Fund during the preceding month.

34 (5) Once a month there shall be transferred into the
35 Corrections Training Fund an amount equal to 7.88
36 percent of the state penalty funds deposited in the State
37 Penalty Fund during the preceding month. Money in the
38 Corrections Training Fund is not continuously
39 appropriated and shall be appropriated in the Budget
40 Act.



1 (6) Once a month there shall be transferred into the
2 Local Public Prosecutors and Public Defenders Training
3 Fund established pursuant to Section 11503 an amount
4 equal to 0.78 percent of the state penalty funds deposited
5 in the State Penalty Fund during the preceding month.
6 The amount so transferred shall not exceed the sum of
7 eight hundred fifty thousand dollars (\$850,000) in any
8 fiscal year. The remainder in excess of eight hundred fifty
9 thousand dollars (\$850,000) shall be transferred to the
10 Restitution Fund.

11 (7) Once a month there shall be transferred into the
12 Victim-Witness Assistance Fund an amount equal to 8.64
13 percent of the state penalty funds deposited in the State
14 Penalty Fund during the preceding month.

15 (8) (A) Once a month there shall be transferred into
16 the Traumatic Brain Injury Fund, created pursuant to
17 Section 4358 of the Welfare and Institutions Code, an
18 amount equal to 0.66 percent of the state penalty funds
19 deposited into the State Penalty Fund during the
20 preceding month. However, the amount of funds
21 transferred into the Traumatic Brain Injury Fund for the
22 1996–97, 1997–98, and 1998–99 fiscal years shall not exceed
23 the amount of five hundred thousand dollars (\$500,000).
24 Thereafter, funds shall be transferred pursuant to the
25 requirements of this section.

26 (B) Any moneys deposited in the State Penalty Fund
27 attributable to the assessments made pursuant to
28 subdivision (i) of Section 27315 of the Vehicle Code on or
29 after the date that Chapter 6.6 (commencing with
30 Section 5564) of Part 1 of Division 5 of the Welfare and
31 Institutions Code is repealed shall be utilized in
32 accordance with paragraphs (1) to (8), inclusive, of this
33 subdivision.

