

AMENDED IN ASSEMBLY MARCH 8, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 106

Introduced by Assembly Member Cohn
(Principal coauthor: Senator Alquist)

January 11, 2005

An act to add Section 1465.9 to the Penal Code, relating to battery.

LEGISLATIVE COUNSEL'S DIGEST

AB 106, as amended, Cohn. Spousal battery: fines: amnesty.

Existing law provides that when battery is committed against a spouse or other specified persons, the battery is punishable by a fine not exceeding \$2,000 or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment. Existing law requires that if a person is granted probation for a crime in which the victim is a spouse or other specified person, the terms of probation include, until January 1, 2007, a minimum payment of \$400, and after January 1, 2007, a minimum payment of \$200.

This bill would require the courts of each county to establish a one-time amnesty program for fines, ~~bail, and other monetary obligations~~ *fees, penalties, and assessments* that were imposed pursuant to these provisions and that have been delinquent for not less than 6 months as of January 1, 2006. It would provide that the amount scheduled by the court shall be 70% of the total ~~fine, bail, or monetary obligation, or \$500,~~ *fees, penalties, and assessments* and would set forth other parameters of the amnesty program.

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 1465.9 is added to the Penal Code, to
2 read:

3 1465.9. (a) The courts of each county shall establish a
4 one-time amnesty program for fines, ~~bail, and other monetary~~
5 ~~obligations~~ *fees, penalties, and assessments* that were imposed
6 for violations of paragraph (1) of subdivision (e) of Section 243,
7 or pursuant to paragraph (5) of subdivision (a) of Section
8 1203.097, and that have been delinquent for not less than six
9 months as of January 1, 2006.

10 (b) Any person owing a fine, ~~bail, or other monetary~~
11 ~~obligation~~ *fee, penalty, or assessment* that is eligible for amnesty
12 under the program may pay to the superior or juvenile court the
13 amount scheduled by the court, which shall be accepted by the
14 court in full satisfaction of the delinquent fine, ~~bail, or monetary~~
15 ~~obligation~~ *fee, penalty, or assessment* and shall be ~~either of the~~
16 ~~following~~:

17 (1) ~~Seventy~~ 70 percent of the total fine, ~~bail, or monetary~~
18 ~~obligation~~ *fee, penalty, or assessment*.

19 (2) ~~Five hundred dollars (\$500)~~.

20 (c) The amnesty program shall be implemented by each court
21 on a one-time basis and conducted in accordance with Judicial
22 Council guidelines for a period of not less than 120 days. The
23 program shall operate not longer than six months from the date
24 the court initiates the program.

25 (d) No criminal action shall be brought against any person for
26 a delinquent fine, ~~bail, or monetary obligation~~ *fee, penalty, or*
27 *assessment* paid under the amnesty program and no other
28 additional penalties, except as provided in Section 1214.1 of the
29 Penal Code, shall be assessed for the late payment of the fine,
30 ~~bail, or monetary obligation~~ *fee, penalty, or assessment* made
31 under the amnesty program.

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