

AMENDED IN ASSEMBLY MARCH 19, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2085

Introduced by Assembly Member Fox

February 20, 2014

An act to amend Section 42008.7 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2085, as amended, Fox. Vehicles: misdemeanor violations: amnesty.

Existing law requires a county to establish a one-time amnesty program for fines and bail due on or before January 1, 2009, for certain infraction or misdemeanor violations of the Vehicle Code and Penal Code, between January 1, 2012, and June 30, 2012. Existing law authorizes the court and county, in addition to and at the same time as the above one-time amnesty program, to establish a one-time amnesty program for specified misdemeanor violations due on or before January 1, 2009, if certain conditions are met. Existing law allows a person owing a fine or bail that was eligible for amnesty under these programs to pay to the superior or juvenile court 50% of the total fine or bail, as defined, which is required to be accepted by the court in full satisfaction of the delinquent fine or bail. Existing law prohibits criminal action from being brought against a person for a delinquent fine or bail paid under the amnesty programs.

This bill would revise these provisions to authorize a court or county, on or after January 1, ~~2015~~, 2016, and until December 31, 2016, and upon the agreement of both the court and the county, to implement similar amnesty programs for fines and bail due on or before January

1, 2012. The bill would require the amnesty programs to be conducted in accordance with guidelines provided by the Judicial Council.

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 42008.7 of the Vehicle Code is amended
 2 to read:

3 42008.7. (a) The State of California continues to face a fiscal
 4 and economic crisis affecting the State Budget and the overall state
 5 economy. In light of this crisis, an infraction amnesty program
 6 would do the following:

7 (1) Provide relief to individuals who have found themselves in
 8 violation of a court-ordered obligation because they are financially
 9 unable to pay traffic bail or fines.

10 (2) Provide increased revenue at a time when revenue is scarce
 11 by encouraging payment of old fines that have remained unpaid.

12 (3) Allow courts and counties to resolve older delinquent cases
 13 and focus limited resources on collecting on more recent cases.

14 (b) An amnesty program for fines and bail meeting the eligibility
 15 requirements set forth in subdivision (e) may be established in
 16 each county *upon the agreement of the court and the county*. Unless
 17 agreed otherwise by the court and the county in writing, the
 18 government entities that are responsible for the collection of
 19 delinquent court-ordered debt shall be responsible for
 20 implementation of the amnesty program as to that debt, maintaining
 21 the same division of responsibility in place with respect to the
 22 collection of court-ordered debt under subdivision (b) of Section
 23 1463.010 of the Penal Code.

24 (c) As used in this section, the term “fine” or “bail” refers to
 25 the total amounts due in connection with a specific violation, which
 26 include, but are not limited to, the following:

27 (1) Base fine or bail, as established by court order, by statute,
 28 or by the court’s bail schedule.

29 (2) Penalty assessments imposed pursuant to Section 1464 of
 30 the Penal Code and Sections 70372, 76000, 76000.5, 76104.6, and
 31 76104.7 of the Government Code.

32 (3) Civil assessment imposed pursuant to Section 1214.1 of the
 33 Penal Code.

1 (4) State surcharge imposed pursuant to Section 1465.7 of the
2 Penal Code.

3 (5) Court security fee imposed pursuant to Section 1465.8 of
4 the Penal Code.

5 (d) In addition to and at the same time as the ~~mandatory one-time~~
6 amnesty program ~~is~~ established pursuant to subdivision (b), the
7 court and the county may jointly agree to extend that amnesty
8 program to fines and bail imposed for a misdemeanor violation of
9 this code and a violation of Section 853.7 of the Penal Code added
10 to the misdemeanor case otherwise subject to the amnesty. The
11 amnesty program authorized pursuant to this subdivision shall not
12 apply to parking violations and violations of Section 23103, 23104,
13 23105, 23152, or 23153 of this code.

14 (e) Violations are only eligible for amnesty if paragraph (1),
15 (2), or (3) applies and the requirements of paragraphs (4), (5), and
16 (6) are met:

17 (1) The violation is an infraction violation filed with the court.

18 (2) It is a violation of subdivision (a) or (b) of Section 40508,
19 or a violation of Section 853.7 of the Penal Code added to the case
20 subject to paragraph (1).

21 (3) The violation is a misdemeanor violation filed with the court
22 to which subdivision (d) applies.

23 (4) The due date for payment of the fine or bail was on or before
24 January 1, 2012.

25 (5) The defendant does not owe victim restitution on any case
26 within the county.

27 (6) There are no outstanding misdemeanor or felony warrants
28 for the defendant within the county, except for misdemeanor
29 warrants for misdemeanor violations authorized by the court and
30 the county pursuant to subdivision (d).

31 (f) Each amnesty program shall accept, in full satisfaction of
32 any eligible fine or bail, 50 percent of the fine or bail amount, as
33 defined in subdivision (c). Payment of a fine or bail under an
34 amnesty program implemented pursuant to this section shall be
35 accepted beginning January 1, ~~2015~~ 2016, *and ending December*
36 *31, 2016*. Each program shall be conducted in accordance with
37 guidelines provided by the Judicial Council.

38 (g) Criminal action shall not be brought against a person for a
39 delinquent fine or bail paid under the amnesty program.

1 (h) The total amount of funds collected under the amnesty
2 program shall as soon as practical after receipt thereof be deposited
3 in the county treasury or the account established under Section
4 77009 of the Government Code. Any unreimbursed costs of
5 operating the amnesty program, excluding capital expenditures,
6 may be deducted from the revenues collected under the amnesty
7 program by the court or the county that incurred the expense of
8 operating the program. Notwithstanding Section 1203.1d of the
9 Penal Code, the remaining revenues collected under the amnesty
10 program shall be distributed on a pro rata basis in the same manner
11 as a partial payment distributed pursuant to Section 1462.5 of the
12 Penal Code.

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