

ASSEMBLY BILL

No. 82

Introduced by Assembly Member Pringle

December 22, 1994

An act to amend Section 29550 of the Government Code, relating to booking fees.

LEGISLATIVE COUNSEL'S DIGEST

AB 82, as introduced, Pringle. Booking fees.

Existing law authorizes a county to impose, among other fees with respect to criminal justice services, a booking fee, upon other local agencies or colleges and universities for county costs incurred in processing or booking persons arrested by employees of those entities and brought to county facilities for booking or detention.

This bill would provide that any increase in a booking fee charged by a county shall be adopted prior to the beginning of the county's fiscal year and may be adopted only after a noticed, public hearing has been held, as specified. The bill would also require any county that imposes a booking fee to negotiate a reduced fee with any city within the county that is involved with the processing of arrestees.

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 29550 of the Government Code
2 is amended to read:

1 29550. (a) (1) Notwithstanding any other provision
2 of law, a county may impose a fee upon a city, special
3 district, school district, community college district,
4 college, or university for reimbursement of county
5 expenses incurred with respect to the booking or other
6 processing of persons arrested by an employee of that
7 city, special district, school district, community college
8 district, college, or university, where the arrested persons
9 are brought to the county jail for booking or detention.
10 The fee imposed by a county pursuant to this section shall
11 not exceed the actual administrative costs, including
12 applicable overhead costs as permitted by federal
13 Circular A-87 standards, as defined in subdivision (d),
14 incurred in booking or otherwise processing arrested
15 persons. A county may submit an invoice to a city, special
16 district, school district, community college district,
17 college, or university for these expenses incurred by the
18 county on and after July 1, 1990. Counties shall fully
19 disclose the costs allocated as federal Circular A-87
20 overhead.

21 (2) *Any increase in a fee charged pursuant to this*
22 *section shall be adopted by a county prior to the*
23 *beginning of its fiscal year and may be adopted only after*
24 *the county has provided each city 45 days written notice*
25 *of a public hearing on the fee increase and the county has*
26 *conducted the public hearing.*

27 (3) *Any county that imposes a fee pursuant to this*
28 *section shall negotiate a reduced fee with any city within*
29 *the county that is involved, in whole or in part, with the*
30 *processing of arrestees to reflect that cost incurred by the*
31 *city.*

32 (b) (1) Notwithstanding subdivision (a), a city,
33 special district, school district, community college
34 district, college, or university shall not be charged fees for
35 arrests on any bench warrant for failure to appear in
36 court, nor on any arrest warrant issued in connection with
37 a crime not committed within the entity's jurisdiction.

38 (2) Notwithstanding subdivision (a), a city, special
39 district, school district, community college district,
40 college, or university shall not be charged fees for a



1 person who is ordered by a court to be remanded to the
2 county jail except that a county may charge a fee to
3 recover those direct costs for those functions required to
4 book a person pursuant to subdivision (g) of Section 853.6
5 of the Penal Code.

6 (3) Notwithstanding subdivision (a), a city, special
7 district, school district, community college district,
8 college, or university shall not be charged fees for arrests
9 made pursuant to arrest warrants originating outside of
10 its jurisdiction.

11 (4) Notwithstanding subdivision (a), no fees shall be
12 charged to a city, special district, school district,
13 community college, college, or university on parole
14 violation arrests or probation-ordered returns to custody,
15 unless a new charge has been filed for a crime committed
16 in the jurisdiction of the arresting city, district, college, or
17 university.

18 (5) An agency making a mutual aid request shall pay
19 fees that result from arrests made in response to the
20 mutual aid request except that in the event the Governor
21 declares a state of emergency, no agency shall be charged
22 fees for any arrest made during any riot, disturbance, or
23 event that is subject to the declaration.

24 (6) Notwithstanding subdivision (a), no fees shall be
25 charged to a city, special district, school district,
26 community college, college, or university for the arrest of
27 a prisoner who has escaped from a county, state, or
28 federal detention or corrections facility.

29 (7) Notwithstanding subdivision (a), no fees shall be
30 charged to a city, special district, school district,
31 community college, college, or university for arrestees
32 held in temporary detention at a court facility for
33 purposes of arraignment when the arrestee has been
34 previously booked at an entity detention facility.

35 (8) Notwithstanding subdivision (a), no fees shall be
36 charged to a city, special district, school district,
37 community college, college, or university as the result of
38 an arrest made by its officer assigned to a formal
39 multiagency task force in which the county is a
40 participant. For the purposes of this section, “formal task



1 force” means a task force that has been established by
2 written agreement of the participating agencies.

3 (9) In those counties where the cities and the county
4 participate in a consolidated booking program and where
5 prior to arraignment an arrestee is transferred from a city
6 detention facility to a county detention facility, the city
7 shall not be charged for those tasks listed in subdivision
8 (d) that are a part of the consolidated booking program
9 which were completed by the city prior to delivering the
10 arrestee to the county detention facility. However, the
11 county may charge the actual administrative costs for
12 those additional tasks listed in subdivision (d) that are
13 performed in order to receive the arrestee into the
14 county detention facility.

15 (c) Any county whose officer or agent arrests a person
16 is entitled to recover from the arrested person a criminal
17 justice administration fee for administrative costs it incurs
18 in conjunction with the arrest if the person is convicted
19 of any criminal offense related to the arrest, whether or
20 not it is the offense for which the person was originally
21 booked. The fee which the county is entitled to recover
22 pursuant to this subdivision shall not exceed the actual
23 administrative costs, including applicable overhead costs
24 incurred in booking or otherwise processing arrested
25 persons.

26 (d) When the court has been notified in a manner
27 specified by the court that a criminal justice
28 administration fee is due the agency:

29 (1) A judgment of conviction may impose an order for
30 payment of the amount of the criminal justice
31 administration fee by the convicted person, and
32 execution may be issued on the order in the same manner
33 as a judgment in a civil action, but shall not be enforceable
34 by contempt.

35 (2) The court shall, as a condition of probation, order
36 the convicted person, based on his or her ability to pay,
37 to reimburse the county for the criminal justice
38 administration fee, including applicable overhead costs.

39 (e) As used in this section, “actual administrative
40 costs” include only those costs for functions that are



1 performed in order to receive an arrestee into a county
2 detention facility. Operating expenses of the county jail
3 facility including capitol costs and those costs involved in
4 the housing, feeding, and care of inmates shall not be
5 included in calculating “actual administrative costs.”
6 “Actual administrative costs” may include any one or
7 more of the following as related to receiving an arrestee
8 into the county detention facility:

9 (1) The searching, wristbanding, bathing, clothing,
10 fingerprinting, photographing, and medical and mental
11 screening of an arrestee.

12 (2) Document preparation, retrieval, updating, filing,
13 and court scheduling related to receiving an arrestee into
14 the detention facility.

15 (3) Warrant service, processing, and detainer.

16 (4) Inventory of an arrestee’s money and creation of
17 cash accounts.

18 (5) Inventory and storage of an arrestee’s property.

19 (6) Inventory, laundry, and storage of an arrestee’s
20 clothing.

21 (7) The classification of an arrestee.

22 (8) The direct costs of automated services utilized in
23 paragraphs (1) to (7), inclusive.

24 (9) Unit management and supervision of the
25 detention function as related to paragraphs (1) to (8),
26 inclusive.

27 (f) An administrative screening fee of twenty-five
28 dollars (\$25) shall be collected from each person arrested
29 and released on his or her own recognizance upon
30 conviction of any criminal offense related to the arrest
31 other than an infraction. A citation processing fee in the
32 amount of ten dollars (\$10) shall be collected from each
33 person cited and released by any peace officer in the field
34 or at a jail facility upon conviction of any criminal offense,
35 other than an infraction, related to the criminal offense
36 cited in the notice to appear. However, the court may
37 determine a lesser fee than otherwise provided in this
38 subdivision upon a showing that the defendant is unable
39 to pay the full amount. All fees collected pursuant to this
40 subdivision shall be transmitted by the county auditor



1 monthly to the Controller for deposit in the General
2 Fund. This subdivision applies only to convictions
3 occurring on or after the effective date of the act adding
4 this subdivision and prior to June 30, 1996.

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