

AMENDED IN SENATE APRIL 3, 2000
AMENDED IN ASSEMBLY JANUARY 3, 2000
AMENDED IN ASSEMBLY APRIL 27, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1053

**Introduced by Assembly Member Thomson
(Principal coauthor: Assembly Member Zettel)
(Coauthors: Assembly Members Wayne and Wildman)**

February 25, 1999

An act to amend Section 1464 of the Penal Code, relating to brain injuries,—~~and~~ making an appropriation therefor, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1053, as amended, Thomson. Traumatic brain injury services funding.

Existing law, until January 1, 2005, requires the State Department of Mental Health to provide funding for a postacute continuum-of-care model for adults with acquired traumatic brain injuries.

Existing law establishes the Traumatic Brain Injury Fund which, upon appropriation by the Legislature, may be expended for purposes of this program.

Under existing law, once each month there is required to be transferred from the State Penalty Fund into the Traumatic Brain Injury Fund an amount equal to 0.66% of the state penalty funds deposited into the State Penalty Fund during

the preceding month, except that for each of the 1996–97, 1997–98, and 1998–99 fiscal years, the amount transferred is limited to \$500,000.

This bill would limit the application of the \$500,000 limitation to the 1996–97 fiscal year and would appropriate the moneys no longer subject to the limitation for purposes of the traumatic brain injury program. *This bill would authorize the State Department of Mental Health to expend the funds transferred into the Traumatic Brain Injury Fund for the 1997–98, 1998–99, and 1999–2000 fiscal years, in the current fiscal year or a subsequent fiscal year, to provide additional funding to the existing projects funded by the Traumatic Brain Injury Fund, to support new projects, or to do both.*

This bill would declare that it is to take effect immediately as an urgency statute.

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



1 case. When a fine is suspended, in whole or in part, the
2 state penalty shall be reduced in proportion to the
3 suspension.

4 (c) When any deposited bail is made for an offense to
5 which this section applies, and for which a court
6 appearance is not mandatory, the person making the
7 deposit shall also deposit a sufficient amount to include
8 the state penalty prescribed by this section for forfeited
9 bail. If bail is returned, the state penalty paid thereon
10 pursuant to this section shall also be returned.

11 (d) In any case where a person convicted of any
12 offense, to which this section applies, is in prison until the
13 fine is satisfied, the judge may waive all or any part of the
14 state penalty, the payment of which would work a
15 hardship on the person convicted or his or her immediate
16 family.

17 (e) After a determination by the court of the amount
18 due, the clerk of the court shall collect the penalty and
19 transmit it to the county treasury. The portion thereof
20 attributable to Chapter 12 (commencing with Section
21 76000) of Title 8 of the Government Code shall be
22 deposited in the appropriate county fund and 70 percent
23 of the balance shall then be transmitted to the State
24 Treasury, to be deposited in the State Penalty Fund,
25 which is hereby created, and 30 percent to remain on
26 deposit in the county general fund. The transmission to
27 the State Treasury shall be carried out in the same
28 manner as fines collected for the state by a county.

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

31 (1) Once a month there shall be transferred into the
32 Fish and Game Preservation Fund an amount equal to
33 0.33 percent of the state penalty funds deposited in the
34 State Penalty Fund during the preceding month, except
35 that the total amount shall not be less than the state
36 penalty levied on fines or forfeitures for violation of state
37 laws relating to the protection or propagation of fish and
38 game. These moneys shall be used for the education or
39 training of department employees which fulfills a need



1 consistent with the objectives of the Department of Fish
2 and Game.

3 (2) Once a month there shall be transferred into the
4 Restitution Fund an amount equal to 32.02 percent of the
5 state penalty funds deposited in the State Penalty Fund
6 during the preceding month. Those funds shall be made
7 available in accordance with Section 13967 of the
8 Government Code.

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

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

17 (5) Once a month there shall be transferred into the
18 Corrections Training Fund an amount equal to 7.88
19 percent of the state penalty funds deposited in the State
20 Penalty Fund during the preceding month. Money in the
21 Corrections Training Fund is not continuously
22 appropriated and shall be appropriated in the Budget
23 Act.

24 (6) Once a month there shall be transferred into the
25 Local Public Prosecutors and Public Defenders Training
26 Fund established pursuant to Section 11503 an amount
27 equal to 0.78 percent of the state penalty funds deposited
28 in the State Penalty Fund during the preceding month.
29 The amount so transferred shall not exceed the sum of
30 eight hundred fifty thousand dollars (\$850,000) in any
31 fiscal year. The remainder in excess of eight hundred fifty
32 thousand dollars (\$850,000) shall be transferred to the
33 Restitution Fund.

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

38 (8) (A) Once a month there shall be transferred into
39 the Traumatic Brain Injury Fund, created pursuant to
40 Section 4358 of the Welfare and Institutions Code, an



1 amount equal to 0.66 percent of the state penalty funds
2 deposited into the State Penalty Fund during the
3 preceding month. However, the amount of funds
4 transferred into the Traumatic Brain Injury Fund for the
5 1996–97 fiscal year shall not exceed the amount of five
6 hundred thousand dollars (\$500,000). Thereafter, funds
7 shall be transferred pursuant to the requirements of this
8 section. *Notwithstanding any other provision of law, the*
9 *funds transferred into the Traumatic Brain Injury Fund*
10 *for the 1997–98, 1998–99, and 1999–2000 fiscal years, may*
11 *be expended by the State Department of Mental Health,*
12 *in the current fiscal year or a subsequent fiscal year, to*
13 *provide additional funding to the existing projects funded*
14 *by the Traumatic Brain Injury Fund, to support new*
15 *projects, or to do both.*

16 (B) Any moneys deposited in the State Penalty Fund
17 attributable to the assessments made pursuant to
18 subdivision (i) of Section 27315 of the Vehicle Code on or
19 after the date that Chapter 6.6 (commencing with
20 Section 5564) of Part 1 of Division 5 of the Welfare and
21 Institutions Code is repealed shall be utilized in
22 accordance with paragraphs (1) to (8), inclusive, of this
23 subdivision.

24 SEC. 2. The Controller and any other state official of
25 whom action is required in order to implement this act
26 shall take all necessary actions to ensure that any money
27 transferred from the Traumatic Brain Injury Fund to the
28 State Penalty Fund pursuant to the amendments to
29 Section 1464 of the Penal Code made by Chapter 1023 of
30 the Statutes of 1999 is retransferred into the Traumatic
31 Brain Injury Fund.

32 SEC. 3. Any money, the transfer of which was
33 required from the Traumatic Brain Injury Fund pursuant
34 to the amendments to Section 1464 of the Penal Code
35 made by Chapter 1023 of the Statutes of 1999, and that,
36 therefore, is required to be retransferred to that fund
37 pursuant to this act, is hereby appropriated to the State
38 Department of Mental Health for purposes of Chapter 5
39 (commencing with Section 4353) of Part 3 of Division 4



1 of the Welfare and Institutions Code without regard to
2 fiscal years.

3 *SEC. 4. This act is an urgency statute necessary for*
4 *the immediate preservation of the public peace, health,*
5 *or safety within the meaning of Article IV of the*
6 *Constitution and shall go into immediate effect. The facts*
7 *constituting the necessity are:*

8 *In order to provide at the earliest possible time*
9 *essential services to adults with acquired traumatic brain*
10 *injuries by ensuring equitable funding for demonstration*
11 *projects, it is necessary that this act take effect*
12 *immediately.*

