



AB-1869 Criminal fees. (2019-2020)

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Date Published: 09/21/2020 02:00 PM

Assembly Bill No. 1869

CHAPTER 92

An act to amend, repeal, and add Sections 7158, 7159.5, 7159.14, and 7161 of the Business and Professions Code, to amend and repeal Sections 27712, 27753, 29550.1, 29550.2, and 29550.3 of, to amend, repeal, and add Sections 27706, 27707, 27750, 27752, 29550, and 29551 of, and to add Section 6111 to, the Government Code, and to amend and repeal Sections 987.4, 987.5, 987.8, 987.81, 1203.1b, 1203.1e, 1210.15, 3010.8, and 6266 of, to amend, repeal, and add Sections 295, 987, 987.2, 1000.3, 1203, 1203.016, 1203.018, 1203.1bb, 1203.1d, 1203.9, 1208, 1208.2, 1208.3, and 4024.2 of, and to add Section 1465.9 to, the Penal Code, relating to fees, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor September 18, 2020. Filed with Secretary of State September 18, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1869, Committee on Budget. Criminal fees.

(1) Existing law imposes various fees contingent upon a criminal arrest, prosecution, or conviction for the cost of administering the criminal justice system, including administering probation and mandatory supervision, processing arrests and citations, and administering home detention programs, continuous electronic monitoring programs, work furlough programs, and work release programs.

This bill would repeal the authority to collect many of these fees, among others. The bill would make the unpaid balance of these court-imposed costs unenforceable and uncollectible and would require any portion of a judgment imposing those costs to be vacated.

(2) Existing law allows the board of supervisors of any county to establish the office of the public defender and requires the public defender to defend, without expense to the defendant, any person who is not financially able to employ counsel and who is charged with the commission of a crime. Existing law allows the court to hold a hearing to determine whether a defendant owns an interest in real property or other assets and to impose a lien on the property. Upon conclusion of trial, existing law allows the court to make a determination of a defendant's present ability to pay all or a portion of the cost of the public defender. If the court finds that the defendant has the financial ability to pay, existing law requires the court to order the defendant to pay all or a part of the costs the court believes reasonable and compatible with the defendant's financial ability.

This bill would delete the authority of the court to impose liens on the defendant's property and make a post-trial determination of the defendant's ability to pay and to order the defendant to pay the costs of the public defender. By requiring a county to provide a public defender without charge to a defendant who may have the ability to pay, this bill would impose a state-mandated local program.

