



Legislation Text

File #: 21-0954, **Version:** 1

Probation Department (Probation) recommending the Board:

- 1) Discontinue collection of fees for all Probation accounts, effective July 1, 2021, pursuant to California Assembly Bill 1869 (2020) (AB1869);
- 2) Discontinue collection of fees for all Probation accounts, effective January 1, 2022, pursuant to California Assembly Bill 177 (2021) (AB177); and
- 3) Discharge the debts identified in the attached Report in the amount of \$4,116,561.94, for all Probation accounts with charges outlined in AB1869 and AB177.

FUNDING: N/A

DISCUSSION / BACKGROUND

As a result of the enactment of Assembly Bill 1869 (AB1869), effective July 1, 2021:

- 1) Counties will not be allowed to assess or collect certain fees to adult offenders; and
- 2) Counties must discharge certain debts pursuant to AB1869.

AB1869, effective July 1, 2021, repeals and voids the unpaid balances for the following criminal administrative fees: public defense fee, cost of counsel, criminal justice administrative fee, administrative screening fee and citation processing fee, county booking fee, city booking fee, interstate compact supervision, adult home detention administrative fee, electronic monitoring administrative fee, probation department investigation/progress report fee, parole supervision fee, program administrative fee, continuous electronic monitoring fee, parole continuous electronic monitoring fee, work furlough administrative fee, work furlough program fee, minor public defense fee, and public defense registration fee.

As a result of the enactment of Assembly Bill 177 (AB177), effective January 1, 2022:

- 1) Counties will not be allowed charge certain fees to adult offenders; and
- 2) Counties must discharge certain debts pursuant to AB177.

AB177, effective January 1, 2022, repeals and voids the unpaid balances for criminal arrest; prosecution; conviction for the cost of administering the criminal justice system, including lab fees; drug testing; incarceration; administrative fee collected from each person arrested and released on their own recognizance; and citation fee collected from each person cited and released by any peace officer in the field or at a jail facility, for any criminal offence other than an infraction; among others.

AB1869 abolished 23 administrative fees in the criminal justice system and AB177 eliminates an additional 17 fees. These two bills aim to provide relief to individuals from the burden of fines and fees so that they can focus on successfully returning to their families and communities.

The Probation Department (Probation) has identified all accounts affected and contained in Quickbooks (converted from M204 system to Quickbooks on June 27, 2019) in the attached report. The Superior Court will also discharge the debts specified under AB1869 and AB177, as the Courts have been the primary collecting agency for El Dorado County since January 15, 2014.

ALTERNATIVES

N/A. AB1869 was signed by Governor Newsom on September 18, 2020 and AB177 was signed by Governor Newsom on September 23, 2021.

PRIOR BOARD ACTION

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Superior Court of El Dorado County

CAO RECOMMENDATION

Approve as recommended.

FINANCIAL IMPACT

AB1869 will eliminate County collection of certain administrative fees charged to adults in the criminal justice system, such as for booking and arrest, work release programs, home detention, electronic monitoring, and public defenders. This bill takes effect July 1, 2021, and sets aside \$65 million annually for the next five (5) years to backfill revenues California counties will lose as a result of the change.

County allocations will be based on the following:

- 1) 50% of the annual appropriation shall be based on the three-year average of each county's adult population compared to that of the state from 2017-2019, inclusive.
- 2) 25% shall be based on the three-year average of each county's total felony and misdemeanor arrests compared to that of the state from 2017-2019, inclusive.
- 3) 25% shall be based on the three-year average of each county's total traffic and nontraffic felony and misdemeanor filings compared to that of the state from 2017-2019, inclusive.

SB177 will eliminate County collection of additional fees related to criminal arrest, prosecution, or conviction for the cost of administering the criminal justice system. This bill takes effect January 1, 2022. This bill appropriates \$25,000,000 in the 2021-22 fiscal year, and \$50,000,000 in the 2022-23 fiscal year and each year thereafter, from the State General Fund to the Controller for allocation pursuant to a schedule provided by the Department of Finance to counties to backfill revenues lost from the repeal of fees in this bill.

The annual revenue amounts do not have a material impact on Probation's budget.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

N/A

CONTACT

Jackie Cook, Administrative Analyst, 530-621-5588