



Legislation Text

File #: 22-0653, **Version:** 1

Probation Department, Sheriff's Office, and Public Defender, recommending the Board:

- 1) Accept the recommended distribution of funds in the amount of \$290,686.72 for Fiscal Year 2021-22 to El Dorado County pursuant to California AB 143 to backfill counties as a result of revenues lost from the repeal of various criminal administrative fees outlined in California AB 1869;
- 2) Provide direction to the Chief Administrative Office to include Fiscal Year 2022-23 backfill allocations in the Adopted Budget; and
- 3) Ratify submittal of the Report of Revenue Impact to State of California (Fiscal Revenue Loss Report for Fees Eliminated by AB 1869).

FUNDING: California AB 143. (100%)

DISCUSSION / BACKGROUND

California AB 143 (2021) (AB 143) provides backfill to counties as a result of revenues lost from the repeal of various criminal administrative fees. AB 1869 eliminated 23 different criminal administrative fees charged by local governments to individuals arrested, prosecuted, or convicted of a crime. The Board approved discharge and discontinuance of AB 1869 fees on December 7, 2021 (Item 21-0954 #42). Additionally, AB 1869 set aside \$65 million annually from fiscal years 2021-22 through 2025-26 to backfill counties for estimated lost revenue. Allocations are based on three variables for the calendar years 2017, 2018, and 2019: 1) adult population (50% of the allocation); 2) felony and misdemeanor arrests (25% of the allocation) and; 3) traffic and non-traffic felony and misdemeanor filings (25% of the allocation). El Dorado County has been allocated \$290,686.72 for Fiscal Year 2021-22.

Monies received will be assigned to the Probation Department (Probation), Sheriff's Office (EDSO), and Public Defender (PD), though the allocation totals were initially distributed to the Chief Administrative Office. On March 29, 2022, Probation was made aware that counties are required to file a "Fiscal Loss of Revenue Report for Fees Eliminated by AB 1869" with the California Department of Finance by May 1, 2022. Attachment B to this item shows how the funds will be distributed and outlines revenue lost to Probation, EDSO, and PD for fiscal years 2016-17, 2017-18, and 2018-19. Probation, EDSO, and PD respectfully request the Board to accept the funding, though the report has been filed with the Department of Finance to meet the due date of May 1, 2022.

\$290,686.72 has also been allocated to El Dorado County for Fiscal Year 2022-23. Since Requested Budgets have already been submitted for Fiscal Year 2022-23, Probation, EDSO, and PD are asking the Board for direction to be given to the Chief Administrative Office to include the Departments' allocations in the Adopted Budget.

Future year allocations will be factored into each Department's annual budgets.

Attachment C to this item further outlines background; legislation; Probation, EDSO, and PD utilizations; and timeline pertaining to implementation of AB 143.

ALTERNATIVES

N/A. AB 143 was signed by Governor Newsom on July 16, 2021.

PRIOR BOARD ACTION

See Discussion / Background

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Sheriff's Office, Public Defender

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

Criminal administrative fees pursuant to AB 1869 were discontinued and discharged effective July 1, 2021. AB 143 will provide \$290,686.72 to offset a portion of those fees for Fiscal Year 2021-22.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

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