Distribution Calculations

- Basic and Special Distributions
- Build Your Own Distribution Worksheets

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For Complete IAS Revenue Distribution Webinars/Worksheets

www.sco.ca.gov/ard_trialcourt_manual_guidelines.html www.courts.ca.gov/revenue-distribution.htm

- · Basic Distribution Webinar
- · Special Distribution Webinar
- IAS Distribution Worksheets

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Discussion Topics

- 1. Standard Criminal/Traffic Fine Equation
 - Statutory components, calculation, and distribution
- 2. Application of 2% State Court Automation
- 3. Basic Distribution Example
 - Speeding Bail Forfeiture
- 4. Special Distribution Example
 - Speeding Traffic School City Arrest
 - Top-Down
- 5. Build Your Own Spreadsheet

Standard Criminal/Traffic Fine Equation

Base Fine + Base Fine Enhancements

Total Base Fine

State and Local Penalties

Initial Penalty

Surcharge, Fees, and Assessments

Total Bail or Fine

Standard Criminal/Traffic Fine Equation

Base Fine + Base Fine Enhancements

Total Base Fine

Total Base Tille

State and Local Penalties

Initial Penalty

Surcharge, Fees, and Assessments

= Total Bail or Fine

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Base Fine or Base Bail

- The amount from which the additional penalties required by PC 1464; GC 70372, 76000, 76000.5, 76104.6, & 76104.7; and surcharge required by PC 1465.7 are calculated.
- Total bail shall not exceed statutory limits.
- The 'fine' amount of the total bail shall not exceed the limitations specified by the Vehicle Code.

UB&PS Section II, pg. iii

Base Fine Enhancements

 Enhancement for Prior VC Convictions UB&PS section VII, pg. xiii

\$10 is added to the base fine for each "prior" conviction within 36 months of the new alleged offense. Both the current and "prior" offense must be a moving violation for which a "point" has been assigned per Vehicle Code section 12810 or 12810.2. The \$10 priors enhancement is assessed for each prior violation on a single count but is assessed only once per case. Also, priors enhancement does not apply to traffic school cases.

- HS 11372.5 Criminal Lab Fee Appendix C
 Base fine enhancement of \$50 for each violation of the HS code under subdivision (b)
- HS 11372.7 County Drug Program Fee Appendix C
 Base fine enhancement of up to \$150 for each violation of the HS codes
 11350 through 11392 except HS 11357(b).

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Standard Criminal/Traffic Fine Equation

Base Fine + Base Fine Enhancements

Total Base Fine

Total base i iii

State and Local Penalties

Initial Penalty

initiai Penaity

Surcharge, Fees, and Assessments

Total Bail or Fine

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State and Local Penalties

- These penalties are calculated using the "Per 10, or part of 10" factor from a **ROUNDED UP** base fine.
- State and Local Penalties UB&PS Section III A, pg. iii
 - PC 1464 State penalty = \$10 per 10
 - GC 76104.6 County DNA Identification Fund penalty = \$1 per 10
 - GC 76104.7 state DNA Identification Fund additional penalty = \$4 per 10
 - GC 70372(a) state court facilities construction penalty = \$5 per 10
 - GC 76000(a) county penalty per board of supervisors resolution = \$7 per 10
 - GC 76000.5 emergency medical services (EMS) additional penalty per board of supervisors resolution = \$2 per 10

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State and Local Penalties

- Penal Code section 1464 State Penalty Appendix C
 - A penalty of \$10 per \$10 (or part of \$10) upon every fine, penalty, or forfeiture imposed and collected wherein 70% goes to the State and 30% goes to the County.
- GC 76000 (a) & (e) County Penalties Appendix C
 - A penalty of \$7 per \$10 (or part of \$10) upon every fine, penalty, or forfeiture imposed and collected as levied by the county board of supervisors.
 - Board resolution specifies distribution to the following local funds: GC 76100 Courthouse Construction Fund; GC 76101 Criminal Justice Facilities Fund; GC 76102 Auto Fingerprint ID Fund; GC 76103 Forensic Lab Fund; GC 76104 EWS Fund; GC 76104.5 DNA ID Fund; and/or GC 76105 Special Purpose Fund.
 - If responsibility for facilities transferred to State and NO bonded indebtedness remains, the additional penalty follows GC 76000 (e).

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Additional Penalties

- GC 76104.6 DNA Identification Penalty Appendix C
 - Additional penalty of \$1 per \$10 (or part of \$10) for every fine, penalty, or forfeiture imposed and collected.
 - · Assessed on all criminal offenses.
 - County transfers 25% to State each quarter.
- GC 76104.7 DNA Identification Penalty Appendix C
 - Additional penalty of \$4 per \$10 (or part of \$10) for every fine, penalty, or forfeiture imposed and collected.
 - Assessed on all criminal offenses (for violations after June 27, 2012.)
 - County to transfer 100% to State.

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Additional Penalties

- GC 70372 (a) State Court Facilities Construction Penalty Appendix C
 - Additional penalty of \$5 per 10 (or part of \$10) upon every fine, penalty, or forfeiture imposed and collected.
 - Distributed to the State ICNA and State CFCF
- GC 76000.5 Emergency Medical Services (EMS)
 Appendix C
 - Additional penalty assessment of \$2 per 10 (or part of \$10) of the base fine if the county board of supervisors approves by resolution.
 - Distributed to the County Maddy EMS Fund

Additional Penalties

- GC 76000.10(c)(1) \$4 EMAT Penalty UB&PS Section III F, pg.iii and Appendix C
 - A \$4 penalty for emergency medical air transportation services (EMAT) is imposed for every conviction of a violation of the Vehicle Code, or a local ordinance adopted under the Vehicle Code, committed on or after January 1, 2011.
 - Distributed to the State EMAT Fund

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Standard Criminal/Traffic Fine Equation

Base Fine + Base Fine Enhancements

Total Base Fine

+

State and Local Penalties

Initial Penalty

Surcharge, Fees, and Assessments

Total Bail or Fine

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Surcharge

- PC 1465.7 20% State Surcharge Appendix C
 - 20% state surcharge is calculated on total base fines.
 - The state surcharge is NOT calculated on state and local penalties (PC 1464, GC 70372, and GC 76000).
 - The GC 68090.8 2% state court automation is **NOT** applicable to the state surcharge.

Fees and Assessments

- PC 1465.8 Court Operations Assessment (Formerly Court Security Fee) Appendix C
 - \$40 assessed on every conviction for a criminal offense, including a traffic offense, except parking offenses as defined in subdivision (i) of Section 1462
 - "Conviction" includes the confidential conviction of a traffic violation on the condition that the defendant attend a court-ordered traffic violator school.
 - 100% distribution to State TCTF.
- GC 70373 Criminal Conviction Assessment Appendix C
 - \$30 assessed for each $\underline{\text{felony/misdemeanor}}$ conviction, \boldsymbol{or}
 - \$35 assessed for each <u>infraction</u> conviction (including confidential conviction for completion of traffic school).
 - 100% distribution to State ICNA.

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Fees and Assessments

- VC 42006 Night Court Special Assessment Appendix C
 - Vehicle Code or local ordinance adopted where the court conducts night or weekend court sessions for traffic offenses.
 - Court may levy a \$1 special assessment per fine, forfeiture, and traffic violator school fee imposed and collected.
 - When facilities have transferred w/o bonded indebtedness, the \$1 special assessment goes to the State.

42006. (a) Except as provided in subdivision (c), there may be levied a special assessment in an amount equal to one dollar (\$1) for every fine, forfeiture, and traffic violator school fee imposed and collected by any court that conducts a night or weekend session of the court, on all offenses involving a violation of a section of this code or any local ordinance adopted pursuant to this code, except offenses relating to parking.

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Standard Criminal/Traffic Fine Equation RECAP

Base Fine + Base Fine Enhancements

Total Base Fine

+ State and Local Penalties

Initial Penalty

Surcharge, Fees, and Assessments

Total Bail or Fine

2% State Court Automation

- GC 68090.8 2% State Court Automation Appendix C
 - <u>Transferred</u> from all fines, penalties, and forfeitures (not on surcharges or fees) collected in criminal cases.
 - So, referring to our equation, 2% applies to the:
 - Base Fine
 - Base Fine Enhancement
 - · State and Local Penalties

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Basic Distributions

- PC 1463.001 is the General Distribution Statute
- Gather Information Needed to Prepare for Calculations and Distributions
- Example Distribution Spreadsheets

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General Distribution Statute

- PC 1463.001 dictates monthly distribution of the fines, penalties, service charges, and allocations collected and deposited with the county:
 - State and local penalties, special penalties, service charges, and allocations are transferred to proper funds.
 - Base fines subject to specific distributions per other sections are distributed to the specified funds.
 - 3. Base fines not subject to specific distributions and from county arrests are distributed 100% to county.
 - Base fines not subject to specific distributions and from city arrests are split between city and county pursuant to PC 1463.002. Appendix C

Preparing for the Calculations

- 1. Gather Information (from the case management system/case file) including:
 - · Codes violated
 - · Violation date and conviction date
 - Disposition on each count (conviction, dismissed, traffic school)
 - · Prior violations
 - · Base fine and enhancements for total base fine
 - · Arresting agency

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Preparing for the Calculations

- 2. Obtain County Board of Supervisors resolutions for the following penalties and assessments, if applicable:
 - GC 76000 County Penalty of \$7 per 10
 - GC 76000.5 EMS Additional Penalty of \$2 per 10
 - PC 1463.13 Alcohol & Drug Assessment (up to \$150)
 - PC 1463.16 DUI Program Special Account (\$50)
 - PC 1463.18 DUI Indemnity Allocation (\$20)
 - PC 1463.14(b) DUI Lab Test Penalty (up to \$50)
 - PC 1202.4(I) County Collection Fee (up to 10% of Restitution fine)
 - PC 1205(e) Installment (actual costs) or Accounts Receivable Fee (up to \$30)

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Preparing for the Calculations

- 3. Determine Other Distribution Factors such as:
 - Court-Specific
 - Court administrative fee on $\underline{\text{subsequent}}$ convictions of VC violations (VC 40508.6 (a) = up to \$10)
 - Status of local court facility bond indebtedness (effects GC 76100 LCCF)
 - Case-Specific
 - Standard or Top-Down total fine
 - Installment payments (PC 1205d installment fee)

Distribution Spreadsheets Used by IAS Audits

Disclaimer: All spreadsheets have been updated to reflect what we believe are the statutes in effect as of TODAY. Thus, they are subject to change based on laws that are effective subsequent to today's training. When using the spreadsheets, be sure the fines, penalties, and fees reflect the statutes in effect for the period being reviewed.

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How to Navigate and Use the IAS Spreadsheets

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Basic Distribution Spreadsheets

- Speeding Bail Forfeiture
 - Example #1 County arrest, Prior Violation (LIVE)

Speeding Bail Forfeiture Spreadsheet

Case Example #1

County Arrest Even Base Fine Prior VC Violation

WATCH OUT FOR:

NOT correctly applying enhancement for priors and 2% state court automation

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Information for Speeding Case Example #1

Case Information:

- Violation Date = 1/10/2013
- Disposition Date = 2/10/2013
- Arresting Agency = County Sherriff
 - % Split between County and City (Refer to PC 1463.002)
- Violation = VC 22349(a) 16-25 Over 65 MPH
- Violation Type = Infraction
- Disposition = Bail Forfeiture
- Prior VC Conviction = 1
- UB&PS = \$70 Base Fine

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Information for Speeding Case Example #1

Local BOS Penalties:

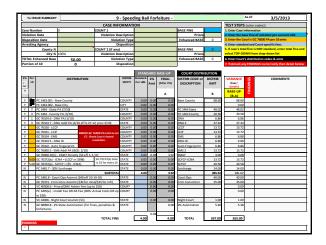
- LCCF = \$2
- LCJF = \$2EMS = \$1
- DNA = \$1
- Auto Fingerprint = \$1
- Additional EMS = \$2

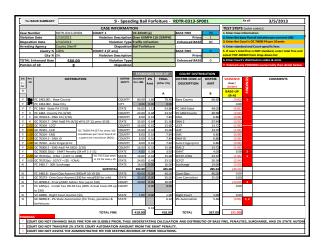
Court Fees:

- DMV Administrative Fee = \$10
- Night Court Fee = \$1

Court Distributions: Entered on spreadsheet from court CMS

CI·IS





Special Distribution Spreadsheets

Special Spreadsheets

Special Base Fine Distribution

- Reckless Driving
- DUI
 Proof of Insurance

Base Enhanced Distribution

Health and Safety

Regular Traffic School Distribution

• Speeding – City Arrest

Red Light Bail Forfeiture Distribution

Red Light – City Arrest

Special Traffic School Distributions

- Red Light Traffic SchoolRailroad Traffic SchoolChild Seat Traffic School
- - · Speeding Bail Forfeiture

Top – Down Distribution Example

Regular Traffic School Distribution

- VC 42007: For a person ordered or permitted to attend traffic school, a fee is collected in an amount equal to the "total bail" set forth in the uniform countywide bail schedule or set forth in UB&PS. Appendix C
- · In short, this "total bail" becomes the TVS fee.
- · Because it is now a fee, 2% state court automation no longer applies.

Regular Traffic School Distribution (cont'd)

- In addition to the TVS Fee, the following must be imposed, collected and distributed to the State:
 - VC 42007.1 \$49 Additional TVS Fee
 - VC 11208 (c) \$3 DMV Admin Fee
- Pursuant to VC 11205.2 (c), Court may also assess an additional fee (up to actual costs) to defray cost incurred by a traffic assistance program. Appendix C

Regular Traffic School Distribution Process

- First, part of the TVS fee on deposit with county, is distributed pursuant to VC 42007(b) and (c):
 - VC 42007 (b)(1) \$1 for each fund established under GC 76100 and GC 76101
 - VC 42007 (b)(2) GC 76104 EMS penalty portion (\$2 per 10) of GC 76000 (\$7 per 10)
 - VC 42007 (b)(2) Additional EMS penalty of GC 76000.5 (\$2 per 10)
 - VC 42007 (b)(3) State Court Construction penalty of GC 70372 (\$5 per 10)
 - VC 42007 (c) City portion of the base fine (net 2%), if city arrest

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Regular Traffic School Distribution Process (cont'd)

- 2. Next, the following are distributed pursuant to their respective codes (not part of "total bail"):
 - PC 1465.7 20% State Surcharge (exempts itself from VC 42007 "total bail")
 - PC 1465.8 Court Operations Assessment
 - GC 70373 Criminal Conviction Assessment
 - GC 42006 -\$1 Night Court Fee, if applicable

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Regular Traffic School Distribution Process (cont'd)

 After the required distributions in steps 1 and 2, the remaining balance of the TVS Fee (TVS Fee Balance) remains on deposit in the County General Fund.

NOTE: For 50% Excess MOE reporting, only 77% of the TVS Fee Balance is reported. The \$1 for GC 76100 and the \$1 for GC 76101 is distributed from the 23% portion of the TVS Fee Balance, NOT from the 77% portion.

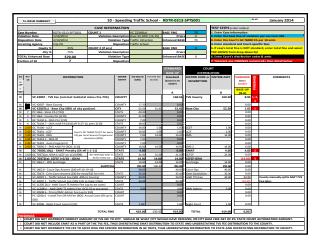
Regular Traffic School Distribution Speeding Spreadsheet

City Arrest

WATCH OUT FOR:

- -What are and are not part of the TVS Fee -City base fine and how it impacts TVS Fee
 - to the County if 2% not applied

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Regular Traffic School Distribution Process RECAP

Remember: "Total fine" becomes a TVS Fee when disposed with traffic school.

- 1. Starting with the TVS Fee, perform required distributions under VC 42007 (b) & (c).
- 2. The remaining balance of the TVS Fee is distributed to the county general fund.
- Distribute the 20% Surcharge and the "Hard" amounts (e.g. Court Operations Assessment, etc) pursuant to their own statutes.

Special Traffic School Distributions

- Some Vehicle Code violations eligible for traffic school do not follow the regular VC 42007 traffic school distributions previously discussed.
- Instead, specific traffic school distributions apply, or are exempted. For example:
 - Red Light Traffic School VC 42007.3
 - Railroad Traffic School VC 42007.4
 - Child Seat Traffic School VC 27360(e)

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Top-Down Distribution

- This special distribution applies for judge-ordered total fines that do not follow the standard total bail in the UB&PS or the countywide penalty schedule.
- These total fines are typically less than the standard total bail.
- There is no stated or agreed-upon method for performing the Top-Down distribution, so the following are examples of two methods.

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Top-Down Distribution Speeding Spreadsheet

ASSUMPTION: Standard total fine is \$367, but the judge ordered a fine of \$290

WATCH OUT FOR: What distribution components are and are not prorated.

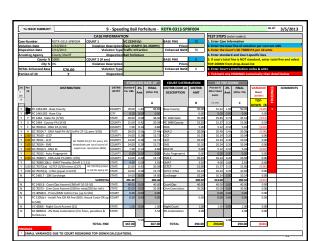
Revenue Distribution Training - July 9, 2014

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Top-Down Distribution METHOD 1

Prorate "soft" distribution components ONLY

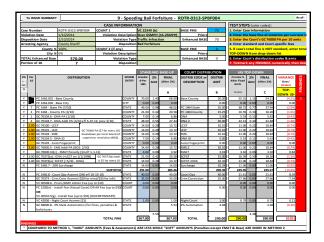
Revenue Distribution Training - July 9, 2014



Top-Down Distribution METHOD 2

Prorate ALL distribution components

Revenue Distribution Training - July 9, 2014



Recap – Basic and Special Distributions

Covered the Following:

- 1. Standard Criminal/Traffic Fine Equation
- 2. Application of 2% State Court Automation
- 3. Basic Distributions
- 4. Navigating the IAS distribution spreadsheet
- 5. Basic Distribution Example Speeding Bail Forfeiture
- 6. Special Distribution Example Speeding Traffic School
- 7. Special Distribution Examples Top-Down

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Build Your Own Distribution Worksheet

Case Example:
Disabled Parking Violation
VC 22507.8 (a-c)

Building Spreadsheets

Will cover the following:

- 1. Look up the statute.
- 2. Research resource materials:
 - ✓ Appendix C
 - ✓ Uniform Bail and Penalty Schedules (cross check)
- 3. Copy similar spreadsheet (as similar as possible)
 - ✓ Clear numbers from spreadsheet
 - ✓ Complete violation data on top
 - ✓ Complete BOS local penalty data for your county
 - ✓ Cross check data to the UB&PS
- 4. If problems, call experts

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VC 22507.8 (a-c)

- (a) It is unlawful for any person to park or leave standing any vehicle in a stall or space designated for disabled persons and disabled veterans pursuant to Section 22511.7 or 22511.8 of this code or Section 14679 of the Government Code, unless the vehicle displays either a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59.
- (b) It is unlawful for any person to obstruct, block, or otherwise bar access to those parking stalls or spaces except as provided in subdivision (a).
- (c) It is unlawful for any person to park or leave standing any vehicle, including a vehicle displaying a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59, in either of the following places:

		("See Profice,			Code)	efice,	Section	IV)					,			
Samine	N Shess	Officers	Base Figur Face	P.2+	County PA400	PA*	/90	Swilliage			oharpe ht	CourtOPS	Con/Asses			Tehl Ref == /Fee
22456 (d)		Failure to Equip Ioe Cream Track With Required Woming Sam	25	30	7,86 21.00	5/10 15	5.00 15	50%	2.00	4	121.00	40	36 35	1	0.00	197.00
22456 (e)(1-3)		Vending From an Ice Cream Truck Under Prohibited Conditions	35	40	28.00	20	30	7	8	4	162.00	40	35	1	0.00	238.00 2
22300 (a)	•	Facking in Duc Londing Area	250	250	175.00	125	125	50	50	4 :	,029.00	40	35	1	0.00	1,105.00 4
22590 (II)	4	Packing at Curb Countrarted to Provide Wheelchair Access delity	250	250	175.00	125	125	50	50	4 1	.029.00	40	35	1	0.00	1,105.00
22500.1		Stopping in Designated Fire Lane	35	40	28.00		30	7	8		162.00					758.00
22584 (4)		Unincorporated Area Stopping	35	40	28.00	20	30	7	8	4	145.00	40	35	1	0.00	238.50 3
22585 (k)		Uncerlooked Stopping on State Highway Prohibited	35	40	29.00	20	20	7	9	4	142.00	40	35	1	0.00	229.00
23587.8 (6~)	×	Violation of Dirabbed Parking Provisions	258	255	175.66	125	125	55	50	4 1	,039.00	45	95	1	0.00	1,105.00 4
29511.1 (4)		Influencian Violations for Parking Standing in Square for Changing Dentity Vehicle While Not Ceasework for Changing Vehicle Standing in Square for Changing Vehicle Standing in Square for Changing Standing in Square Changing Standing in Square Changing Standing Standing Vehicle and Proof of Vehicle Sear Dentity Only Standing Standing Decal Personnel at Time of Vehicles On Not Depthyse	100	30	70.00	15	15	5	6		171.00	_				197.00
22511.1 (6)	e	Infraction Vaolation for Obstructure, Blockure, or Running Access to Space for Charging Floritor Value la	100	100	70.00	50	50	29	20		414.00	-40	35	1	0.00	490.00
22511.1 (b)	e	Influence Violation for Obstruction. Blocking, or Burning Access to Space for Charging Electric Value is and Proof of Violation Forest Paccessed of Time of Violation for Not Displayed	25	30	21.00	15	15	5	6	4	121.00	-40	35	1	0.00	197.00
22506		Looking Vehicle With Period Innde Unible to Except	35	40	28.00	20	20	2	¥	4	162.00					238.00
22517		Opening Door on Traffic Side When Unsufe	3.5	40	28.00	20	20	7	8	4	162.00	40	35	1	0:00	238.00
225 20:5 (a)		Vending on Francis Right of Way Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0:00	238.00

	_
TRAFFIC INFRACTION FIXED PENALTY SCHEDULE (*540 Profess, Seeden III) (**540 Profess, Seeden IV)	
(Vehicle Code)	
Base Court of DAS Surface S New York S Total S X	
End State County DNA PA* € PA* ≤ KPA € ≥ € TAP Dul*** B≥	
Section X American Lett. No. 100 No. 1	
Fig. V. (2013). To the case for all residence of the control of th	
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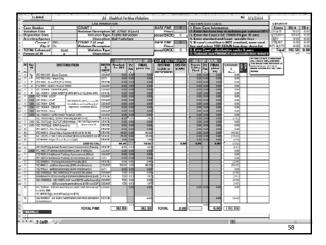
Select An Existing Worksheet

- Infraction worksheet
- Used #9 Speeding Bail Forfeiture
- Clear existing data concerning any earlier infraction

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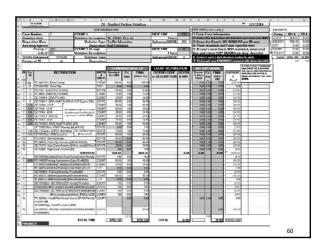
Distribution Worksheet

 Before filling in base fine or enhancements – spreadsheet shows \$192.50 for 'hard dollar' statutory amounts.



Insert Case Data and County BOS for GC 76000

- \$250 base fine
- No enhancements
- County arrest
- BOS GC 76000 \$7 -- et al
 - GC 76100 \$2; GC 76101 \$2
 - GC 76104 \$1; GC 76104.5 \$1
 - GC 76102 \$1
- BOS GC 76000.5 -- \$2 / \$10



Questions to Resolve

- \$1 night court does the court have it?
- \$35 infraction not \$30 misdemeanor
- · Other BOS resolutions
- Installment fee?
- Other statutes that apply based on read of statute?

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Cross Check to UB&PS

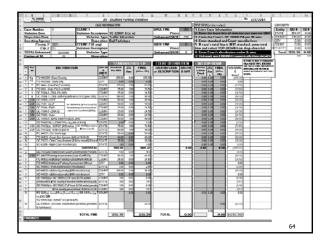
- UB&PS page 29 shows \$1,105.
- Spreadsheet shows \$1,105.
- Footnote 46 adds the \$3 to make it \$1108.

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Cross Check to UB&PS

UB&PS Buckets:

- Base fine \$250
- State PA of \$250 (7 of 10 and 3 of 10)
- County PA of \$175 (GC 76000 7 of 10)
- DNA PA of \$125 (1 of 10 and 4 of 10)
- Court PA of \$125 (GC 70372(a) 5 of 10)



Recap Building Spreadsheets

Covered the Following:

- 1. Look up the statute
- 2. Get resource materials:
 - 1. Appendix C
 - 2. Uniform Bail and Penalty Schedule (cross check)
- 3. Copy spreadsheet as similar as possible
 - 1. Clear numbers from spreadsheet
 - 2. Complete violation data on top
 - 3. Complete BOS local penalty data for your county
 - 4. Cross check data to the UB&PS
- 4. If problems, call experts

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QUESTIONS?

- Basic and Specialized Distribution Calculations
- 2. Building Spreadsheets

The End	
Thank you!!	
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