

ORDINANCE NO. 2009-28
(uncodified)

(Fee for Probation Officer's Preplea Investigation and Preplea Report)

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I. Authority. This ordinance is enacted pursuant to Penal Code sections 1203.1b and 1203.7 and Ordinance Code section 62-8.002.

SECTION II. Definitions. For purposes of this ordinance the following terms have the following meanings:

- (a) "Preplea investigation" means an investigation of a criminal defendant conducted by a probation officer pursuant to subsection (a) of Penal Code section 1203.7.
- (b) "Preplea report" means a written report, based on a preplea investigation of a criminal defendant, that is prepared by a probation officer pursuant to subsection (a) of Penal Code section 1203.7.

SECTION III. Cost Determination. The Board of Supervisors determines that the actual average cost to the County for the County Probation Department to conduct a preplea investigation of a criminal defendant and prepare a preplea report pursuant to Penal Code section 1203.7 is \$176 (one hundred seventy-six dollars) per investigation and report.

SECTION IV. Investigation and Report Fee.

- (a) The County Probation Department is authorized to charge a criminal defendant a fee of no more than \$176 for conducting a preplea investigation of the defendant and preparing a preplea report pursuant to Penal Code section 1203.7.
- (b) A fee for conducting a preplea investigation and preparing a preplea report will be charged to any criminal defendant who has been ordered by the court to appear before the probation officer for an inquiry into the defendant's ability to pay all or a portion of the cost of the investigation and report.
- (c) No criminal defendant will pay an amount for a preplea investigation and preplea report that exceeds the defendant's ability to pay. The probation officer's determination of a criminal defendant's ability to pay will be based on the factors specified in subsection (e) of Penal Code section 1203.1b. The probation officer will determine the amount of payment and the manner in

which the payments must be made to the County, based upon the defendant's ability to pay, if the defendant waives his or her right to have the court determine the amount of payment and manner in which payments must be made. If the defendant does not waive this right, the probation officer will refer the matter to the court for a hearing to determine the amount of payment and the manner in which the payment must be made.

SECTION V. Effective Date.

This ordinance shall be effective 30 days after passage, and within 15 days of passage shall be published once with the names of the supervisors voting for and against it in the Contra Costa Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: DAVID TWA,

Clerk of the Board of Supervisors
and County Administrator

Board Chair

By: _____
Deputy

[SEAL]

EMM/mm