



Contra
Costa
County

To: Board of Supervisors
From: PUBLIC PROTECTION COMMITTEE
Date: May 11, 2021

Subject: Discharge of Certain Criminal Justice Fees

RECOMMENDATION(S):

1. AUTHORIZE the discharge of accountability of collections for accounts with outstanding balances related to the Victim Restitution Administrative Fee and Drug Diversion Fee collected by the Superior Court totaling \$7,527,606, which have been deemed uncollectible; and

2. AUTHORIZE the County Administrator, or designee, to notify the Superior Court of the discharge of accountability and to request that the Superior Court take actions to expunge the outstanding balances from the impacted accounts.

FISCAL IMPACT:

As of April 4, 2021, the outstanding balance due to the victim restitution administrative fee and drug diversion fee is approximately \$7.5 million (a list of each individual account is attached). Collection on these balances have been suspended pursuant to the County's moratorium on certain criminal justice fees. As such the FY 2020/2021 and FY 2021/22 budgets did not include any revenue from these fees. Both fees had historically been used to fund the County's subsidy of the Superior Court's operations. The outstanding balances for these two fees is as follows:

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/11/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: May 11, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Paul Reyes, (925)
655-2049

cc:

FISCAL IMPACT:
(CONT'D)

Fee Description	# of Defendants	Balance Owed	Average Balance	Average Time of Since Assessment (Years)
Drug Diversion Fee	1,459	\$391,001	\$268	6
Victim Restitution Admin Fee	5,273	\$7,136,606	\$1,353	12
Total	6,732	\$7,527,606	\$1,118	

Since the Superior Court is currently removing numerous fees from their accounting system in response to Assembly Bill 1869, no additional costs (system programming, staff time, etc.) would be charged to the County if the County decides to discharge the balances of the Drug Diversion Fees and Victim Restitution Administrative Fees. However, if the balances were to be discharged at a future date, either through County action or new legislation, the County would incur additional costs (programming costs, Court staff time, etc.) to remove the fees from the Court's system.

BACKGROUND: On September 17, 2019, the Board of Supervisors adopted Resolution No. 2019/522 (attached) to place a moratorium on the assessment and collection of certain criminal justice fees. The moratorium has remained in effect since adoption by the Board.

On April 26, 2021, the Public Protection Committee recieved an update on the county moratorium, including the impact of Assemby Bill (AB) 1869 (Criminal Fees) which, effective July 1, 2021, repeals the authority to collect various criminal justice administrative fees and makes the unpaid balance unenforceable and uncollectible and would require any portion of a judgment imposing those costs to be vacated. The County fees impacted by AB 1869 are the public defense fee, various probation fees, criminal justice administration fee (Sheriff Booking Fee), and various sheriff alternative custody fees. Assessment and collection of these fees have been suspended pursuant to the County's moratorium. The collection of fees related to public defense, probation, and the Sheriff booking fee is managed by the Superior Court. Pursuant to AB 1869, the Superior Court is taking action to remove the outstandling balances for the public defense fee, the probation fees, and the Sheriff booking fee. The Superior Court requested direction on if the County wished to discharge the outstanding balances of Drug Diversion Fee and Victim Restitution Administrative Fee, fees suspended by the County's moratorium but not repealed by AB 1869. The Drug Diversion Fee is an administrative fee for cases where the defendant is sentenced to a pre-trial drug diversion program. The Victim Restitution Administrative Fee is a 15% fee charged on any restitution ordered but not yet paid at the time of account set-up. Discharging this fee would not impact the collection of victim restitution. It was noted that new legislation was introduced this year, Senate Bill 586 (Criminal Fees), which would eliminate the Drug Diversion and Victim Restitution Administrative fees. The Public Protection Committee directed staff to forward a recommendation to the Board of Supervisors to request the Superior Court to extinguish the outstanding balances related to the Victim Restitution Administrative Fee and the Drug Diversion Fee.

CONSEQUENCE OF NEGATIVE ACTION: The Superior Court will keep the outstanding balances for the Victim Restitution Administrative Fee and the Drug Diversion Fee in their billing system.

ATTACHMENTS Resolution 2019/522 Discharge of Accountability - Listing of Balances