



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date

July 16, 2012

To

Presiding Judges of the Superior Courts
Court Executive Officers of the Superior
Courts

From

Mary M. Roberts, General Counsel
Courtney Tucker, Attorney 
Office of the General Counsel

Action Requested

Implement Changes to the Countywide
Uniform Bail and Penalty Schedules,
Effective July 13, 2012

Deadline

Immediately

Contact

Courtney Tucker
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Subject

Changes to the Uniform Bail and Penalty
Schedules to Become Effective July 13, 2012

The Judicial Council has adopted by Circulating Order 12-04 the revised July 2012 Uniform Bail and Penalty Schedules, effective July 13, 2012. An Excel version of the adopted schedules is posted on Serranus at <http://serranus.courtinfo.ca.gov/jc/traffic.htm>. A PDF version, which shows the July 2012 changes as strikeouts and underlined text, is attached and is also posted on Serranus. Please contact Courtney Tucker if you would like a hard copy of the documents mailed to you.

Adoption of County Bail Schedule

Under Vehicle Code section 40310, the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Penal Code section 1269b requires that courts annually revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The Judicial Council establishes the schedule for Vehicle Code infractions. Although sections 40310 and 1269b require adoption of revised local

and statewide bail schedules annually, no statute prohibits revision of the schedules more often when new laws that affect the schedules are enacted.

The revisions update the schedules for 2012 and bring them into conformance with enactment of Senate Bill 1006 (Stats. 2012, ch. 32). Upon signing by the Governor on June 27, 2012, SB 1006 became effective and amended Government Code section 76104.7 to authorize an increase of the state DNA penalty imposed on fines assessed in criminal cases and distributed to the state DNA Identification Fund. For violations committed after the Governor signed SB 1006 on June 27, the state DNA penalty under section 76104.7 is increased from \$3 to \$4 for every \$10, or part of \$10, of every fine imposed in a criminal case. In addition, Government Code section 76104.6 currently requires collection for a county DNA Identification Fund of a penalty of \$1 on every \$10, or part of \$10, of every criminal fine. Collection of both the state and county DNA penalty will result in a total DNA penalty of \$5 for every \$10, or part of \$10, of every criminal fine. The updated schedules will facilitate proper collection of penalties and fees in criminal cases.

Changes to the revised preface of the schedules appear as blue text, with additions underlined and deletions struck out. The numerical changes in the schedules appear as blue underlined text that replaces the original text. Formatting limitations for the Excel document do not enable display of the previous numerical values.

The bail amounts in the schedules are calculated by using the county penalty amount authorized by Government Code section 76000(a) of \$7 for every \$10, or part of \$10, of a base fine. Under section III.E on page iv of the preface to the schedules, when a court adopts a county bail schedule, the county penalty and total bail amount should be amended, if necessary, to reflect the appropriate amounts that apply to the county under Government Code section 76000(e) based on transfer of court facilities without bonded indebtedness. The schedules also include the emergency medical services (EMS) penalty assessment under Government Code section 76000.5 that applies to offenses that occur after the EMS penalty is approved by the county board of supervisors. Because some counties have not approved the EMS penalty, the schedules have been prepared to allow recalculation of the total bail without the EMS penalty.

The schedules are prepared in Excel format. The spreadsheet format enables a court to easily customize its county bail schedule by using the specific penalty amounts that apply to the county when adopting a uniform county bail schedule that incorporates the council's schedules. The Excel version of the schedules posted on Serranus at <http://serranus.courtinfo.ca.gov/jc/traffic.htm> can help courts revise their county bail schedules. The Excel version can be used to recalculate the penalties and total bail in all schedules when the county and EMS penalty amounts that apply to a particular county are inserted into the county reference worksheet. When the local penalty amounts are inserted to replace the council's penalty amounts, all of the schedules are automatically revised

with the local amounts. If the board of supervisors has not approved imposition of the EMS penalty under section 76000.5, the penalty can be reset to zero instead of \$2.

Changes to the Schedules for July 2012

Revisions to conform the July 2012 schedules to recent legislative changes from enactment of Senate Bill 1006 (Stats. 2012, ch. 32) include the following:

1. Revision of page iii of the preface to add information regarding Senate Bill 1006 and the increase of the state DNA penalty for violations committed after enactment of the bill.
2. Revision of sections IV.H on page vii; V on page viii; VIII on page x; and IX on page xi of the preface to recalculate numerical references to penalty assessments and total bail to reflect the increased state DNA penalty assessment.
3. Revision of the entire schedule to recalculate the total DNA penalty and the subtotal and total bail amounts.

To implement the revised schedules, courts may need to prepare updated county bail schedules in accordance with Penal Code section 1269b to reflect the increased state DNA penalty assessment to be collected for violations that occur after enactment of SB 1006, and provide training for court staff and judicial officers. Local case management systems, courtesy notices for traffic cases, and court websites also should be updated to reflect the increased state DNA penalty.

Please contact Courtney Tucker at 415-865-7611 or courtney.tucker@jud.ca.gov if you have questions about changes to the schedules.

MMR/CCT/ec

Attachment

By e-mail

cc: Jody Patel, Interim Administrative Director of the Courts
Curt Soderlund, Interim Chief Deputy Director, Administrative Office of the Courts