
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 2428 **Hearing Date:** June 23, 2026
Author: Celeste Rodriguez
Version: May 18, 2026
Urgency: No **Fiscal:** Yes
Consultant: NDT

Subject: *Criminal fees*

HISTORY

Source: All of Us or None; Communities United for Restorative Youth Justice; Corporation for Supportive Housing; Debt Free Justice California; Legal Services for Prisoners with Children; The Maven Collaborative; The San Francisco Public Defender's Office; Western Center on Law and Poverty

Prior Legislation: AB 134 (Committee on Budget), Ch. 47, Stats. of 2023
AB 1119 (Wicks), Ch. 562, Stats. of 2023
AB 199 (Committee on Budget), Ch. 57, Stats. of 2022
AB 177 (Committee on Budget), Ch. 257, Stats. of 2021
AB 1869 (Committee on Budget), Ch. 92, Stats. of 2020
SB 144 (Mitchell), held in Assembly Public Safety, 2020
SB 1290 (Durazo), Ch. 340, Stats of 2020
AB 927 (Jones-Sawyer), vetoed, 2019
SB 190 (Mitchell), Ch. 678, Stats. of 2017

Support: ACLU California Action; Alliance for Boys and Men of Color; California Community Foundation; California Public Defenders Association; Californians for Safety and Justice; Courage California; Democrats of Rossmoor; Drug Policy Alliance; Ella Baker Center for Human Rights; Friends Committee on Legislation of California; Glide; Jesse's Place Org; Justice2Jobs Coalition; La Defensa; Local 148 Los Angeles County Public Defender's Union; Multi-Faith Action Coalition; Rubicon Programs; San Quentin Skunkworks; Smart Justice California; Uncommon Law; Vera Institute of Justice

Opposition: None known

Assembly Floor Vote: 56 - 18

PURPOSE

The purpose of this bill is to repeal authority to collect administrative fees related to criminal arrest, prosecution, or conviction.

Existing law requires that a person sentenced to state prison or county jail pay the full amount of the trial court fees as specified. (Gov. Code, § 65835.)

Existing law provides that anyone convicted of manufacture, sale, possession for sale, possession, transportation or disposal of any hazardous controlled substance, in addition to any other penalty shall pay an amount equal to the cost incurred by the local or state entity to clean up the hazardous materials. (Health and Saf. Code, § 11374.5.)

Existing law provides that a person who has a second conviction of failing to comply with regulations regarding a live animal market shall be subject to a fine between \$250-\$1,000 or, if available, the person can take an education course and pay up to \$100 to take the course but then have the \$250-\$1,000 waived upon completion of the course. (Pen. Code, § 597.3.)

Existing law provides that under specified circumstances the probation officer or sheriff may authorize a temporary removal of custody by an inmate and that inmate shall be required to reimburse the county in whole or in part the expenses that incurred. (Pen. Code, §§ 1203.1a and 4018.6.)

Existing law provides that when a court orders a defendant to serve all or part of his or her sentence under house confinement, he or she may be ordered to pay the cost of having a police officer or guard stand guard outside the area in which the defendant has been confined if it has been determined that the defendant is able to pay these costs. (Pen. Code, § 1203.1i.)

Existing law provides that when a defendant is convicted of an offense and granted probation, and the court orders the defendant either to pay a fine or to perform specified community service work, that the court shall specify that if community service work is performed, it shall be performed in place of the payment of all fines and restitution fines on a proportional basis, as specified. (Pen. Code, § 1205.3.)

Existing law allows that when a defendant is convicted of an infraction and makes a showing that paying the total fine would pose a hardship on the defendant, the defendant may elect to perform community service in lieu of the total fine that would be otherwise imposed. (Pen. Code, § 1209.5.)

Existing law allows the costs related to hospital, medical, surgical dental, or optometric care of an incarcerated person, that is not covered by Medi-Cal, to be collected from the prisoner or the person legally responsible for the prisoner or confined juvenile's care if that person is financially able to pay for the care. (Pen. Code, § 4011.1.)

Existing law allows the court clerk to charge a fee up to \$35 to cover the administrative and clerical costs for processing an installment payment of the traffic violator school fee. (Veh. Code, § 42007.)

Existing law allows each court or county responsible for implementation of the amnesty hall recover costs and may charge an amnesty program fee of \$50. (Veh. Code, § 42008.8.)

This bill repeals the provision requiring a person sentenced to state prison or confined in county to pay the full amount of the trial court filing fees and costs and provides for an initial fee waiver and a payment schedule for the fee.

This bill provides that a person who is sentenced to state prison or confined in a county jail shall not be required to pay trial court filing fees or costs related to the person's incarceration for the underlying criminal conviction.

This bill provides that, beginning January 1, 2027, the unpaid balance of any court-imposed cost for court filing fees is unenforceable and uncollectable and any portion of a judgment imposing those costs shall be vacated.

This bill deletes the provision providing that in addition to other penalties a person convicted of the sale, possession for sale, possession, or transportation of any hazardous substance that is a controlled substance or a chemical used in, or is a byproduct of, the manufacture of a controlled substance in violation law shall pay a penalty equal into the amount occurred by the local or state agency to remove the hazardous substance.

This bill provides that beginning January 1, 2027, any unpaid balance related to fees imposed based on a conviction for the manufacture of a controlled substance is unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.

This bill deletes the ability to charge a fee not to exceed \$100 for a course a that may be taken in lieu of a fine for a person who has a second violation relating to live animal markets, and provides that beginning January 1, 2027, any outstanding fees are unenforceable and uncollectible.

This bill deletes the ability of a probation department or sheriff to charge an inmate expenses relating to their temporary removal from custody in preparation for their return to the community and provides that beginning January 1, 2027, any outstanding fees are unenforceable and uncollectible.

This bill deletes the provision stating that a person ordered to serve all or part of his or her sentence under house confinement may be ordered to pay the cost of housing a police officer or guard stand guard outside their house, if it is determined the person has the ability to pay and provides that beginning January 1, 2027, any outstanding fees are unenforceable and uncollectible.

This bill provides that beginning January 1, 2027, a county, municipality, or contracted entity shall not charge a fee to participate in a community service program, educational program, or otherwise fulfill court-ordered community service requirements pursuant to this section, as specified.

This bill provides that a court shall not deny participation in community service programs based on an inability to charge fees or otherwise recoup costs.

This bill provides that a county, municipality, or contracted entity shall not charge an administrative fee for participation in community service work for either of the following circumstances: punishment for a crime or as a financial hardship alternative for a fine or monetary penalty.

This bill deletes the provision allowing the recovery from the responsible party for the costs of hospital, medical, surgical, dental, or optometric care for an injury that occurred while incarcerated or confined and provides that beginning January 1, 2027, any outstanding fees are unenforceable and uncollectible.

This bill requires that when a person confined is temporarily released from the community, as specified, the sheriff shall not require the person detained to reimburse the county for expenses incurred in connection with their release and provides that beginning in January 1, 2027, any outstanding fees are unenforceable and uncollectible.

This bill deletes that existing ability to collect a fee and provides that a court shall not charge a participant ordered or permitted to attend traffic violator school from enrolling in a payment installment plan and provides that beginning January 1, 2027, any outstanding fees are unenforceable and uncollectible.

This bill deletes the requirement that each court or county for implementation of an amnesty program shall recover costs and may charge a program fee of \$50, and provides that beginning January 1, 2027, any outstanding fees are unenforceable and uncollectible.

This bill makes legislative findings and declarations.

COMMENTS

1. Need for This Bill

According to the author:

Low-income Californians continue to be burdened by criminal administrative fees that do not improve public safety and often deepen poverty. These fees are imposed on people who are already struggling to pay court-ordered debt, and they can create additional barriers to successful reentry, compliance, employment, housing, and family stability. Further, in *People v. Kopp* (2025), the California Supreme Court determined that criminal administrative fees must be subject to an ability to pay assessment—rendering fees that are assessed only to indigent people moot under this ruling.

California has already taken important steps to repeal harmful criminal fees, but several poverty fees remain in statute. AB 2428 continues this work by eliminating fees connected to installment payment plans, community service participation, traffic school access, court-ordered programs, and other administrative costs that fall hardest on people who cannot afford to pay upfront. Beginning January 1, 2027, unpaid balances from affected fees would be unenforceable and uncollectible, and related portions of judgments would be vacated.

These fees are poor public policy and poor fiscal policy. They are often assessed against people who lack the ability to pay, making them difficult and costly to collect. AB 2428 promotes a fairer and more effective justice system by removing unnecessary financial penalties that trap low-income Californians in cycles of debt. This bill advances public safety by supporting stability, compliance, and successful reentry rather than forcing families to choose between court debt and basic necessities.

2. Criminalization of Poverty

The Debtors' Prison Act of 1833, outlawed debtors' prisons in the United States under federal law.¹ Between 1829 and 1849, twelve states outlawed debtors' prisons.² Both the U.S. Constitution and the California Constitution prohibit the imposition of excessive fines.³ However, vestiges of unequal financial impact remain in current law, requiring low income individuals to pay fees for the administration of payment plans and community service alternatives to fines. Because of this, billions of dollars in delinquent court-ordered debt remain outstanding, illustrating the limited collectability of court debt and the need to address uncollectible debt burdens.⁴ Criminal justice administrative fees are difficult to collect, create barriers to reentry, and generate little reliable revenue, as they have an average collection rate of only 17% for locally authorized fees.⁵

3. Recent Legal Developments

Changes have been made to help people pay fines or reduce or forgive them based on economic circumstances. For example, California has enacted several related criminal and juvenile administrative fee reforms in recent years.⁶ Since 2020, California has discharged more than \$6.9 billion in criminal fee debt, much of it from criminal administrative fees burdening low-income individuals, women, and communities of color.⁷

In December 2025, the California Supreme Court decided *People v. Kopp*.⁸ The Court held that ability to pay must be considered for certain fees, extending jurisprudence in a long line of ability-to-pay cases.⁹ *Kopp* may directly address the fees affected by this bill, particularly Government Code section 70373 and Penal Code section 1465.8; regardless, the Court urged the Legislature to revisit court-ordered ancillary payments in criminal cases comprehensively.

¹ H.R. 279 – 22nd Congress, January 17, 1832.

² The Marshall Project (Feb. 2015). *Debtors' Prisons, Then and Now: FAQ* <https://www.themarshallproject.org/2015/02/24/debtors-prisons-then-and-now-faq>

³ USCS Const. Amend. 8; Cal. Const., Art. I § 17

⁴ Judicial Counsel for California (Dec. 2023). *Report on Statewide Collection of Court-Ordered Debt for 2022–23* https://courts.ca.gov/sites/default/files/courts/default/2024-12/lr-2023-jc-statewide-court-ordered-debt-2022-23-pc1463_010c-68514a.pdf

⁵ San Francisco Financial Justice Project (April 2019). *Criminal Justice Administrative Fees: High Pain for People, Low Gain for Government* <https://sftreasurer.org/high-pain-low-gain>

⁶ AB 134 (Committee on Budget), Ch. 47, Stats. of 2023; AB 1119 (Wicks), Ch. 562, Stats. of 2023; AB 199 (Committee on Budget), Ch. 57, Stats. of 2022; AB 177 (Committee on Budget), Ch. 257, Stats. of 2021; AB 1869 (Committee on Budget), Ch. 92, Stats. of 2020; SB 1290 (Durazo), Ch. 340, Stats of 2020; SB 190 (Mitchell), Ch. 678, Stats. of 2017.

⁷ UC Berkeley Law Policy Advocacy Clinic (Dec. 2024), *Ending Unjust and Ineffective Criminal Fees in California* <https://www.law.berkeley.edu/experiential/clinics/policy-advocacy-clinic/adult-fees/ending-criminal-adult-fees-in-california/>; Ella Baker Center for Human Rights, Forward Together, and Research Action Design (Sept. 2015). *Who Pays? The True Cost of Incarceration on Families* <https://ellabakercenter.org/wp-content/uploads/2022/09/Who-Pays-exec-summary.pdf>

⁸ *People v. Kopp* (2025) 19 Cal. 5th 1.

⁹ Other related ability-to-pay cases include: *People v. Dueñas* (2019) 30 Cal.App.5th 1157, *Williams v. Illinois* (1970) 399 U.S. 235, *Tate v. Short* (1971) 401 U.S. 395, and *Bearden v. Georgia* (1983) 461 U.S. 660.

4. Effect of This Bill

This bill repeals certain criminal fees relating to incarceration.

Under existing law, a person who is sentenced to state prison must pay the full amount of court filing fees unless they file for a fee waiver. This bill eliminates the ability of the court to collect these fees and explicitly says a person shall not be required to pay court filing fees or costs related to the person's incarceration.

Existing law allows a person who is convicted of the manufacture, sale, possession for sale, possession, transportation or disposal of hazardous substance to upon conviction be required to pay for the clean-up and removal of the hazardous substance. This bill eliminates the ability to collect for clean-up costs when a person is convicted of sale, possession for sale, possession, transportation or disposal.

A person charged with a second violation of a section pertaining to a live animal market is subject to an infraction with a fine of \$250 to \$1,000. In lieu of the fine they have the option of taking an education course, which if completed results in the fine being waived. The course may cost up to \$100. This bill eliminates the ability to charge for the course.

An incarcerated person who is not on Medi-Cal and receives medical treatment may be charged, or in the case of a juvenile their responsible person may be charged, the cost of the medical services if the person or the financially responsible party is able to pay. This bill eliminates the ability to collect these costs.

This bill also removes the ability to charge a fee for participating in community service, fees or enrolling in traffic violator school, fees for home detention, when there is the ability to pay, and costs incurred by probation or the sheriff when an inmate is temporarily removed from custody prior to release.

5. Argument in Support

According to the Debt Free Justice California:

Assembly Bill AB 2428 would eliminate criminal administrative fees that are nearly exclusively assessed on people who cannot afford to pay them. These include administrative fees to enter into an installment payment plan, fees for release from incarceration, and administrative fees to participate in court-ordered community service. By their very nature, these fees disproportionately impact the lowest-income Californians.

Low-income people of color are overrepresented at every stage in the criminal legal system, even when controlling for alleged criminal behavior. Additionally, due to over-policing and targeted surveillance in Black and brown communities, Black and brown Californians are punished more frequently and harshly at many discretion points. As a result, these communities are more likely to face higher fee burdens and the collateral consequences of an inability to pay off related debt.¹ Research also shows that fees and fines are disproportionately imposed on women, and that these debts have an inordinate impact on women who, on average, have lower incomes and more caregiving responsibilities than men.

Eliminating these unjust criminal administrative fees is a critical next step at the intersection of racial justice and budget equity in California.

While California has repealed over half of its criminal administrative fees and relieved \$6.9 billion in debt since 2021, California continues to fund its criminal legal system on the backs of the poorest community members. The Policy Advocacy Clinic at UC Berkeley Law found that people are often forced to choose between paying for court-ordered debts or necessities like food and rent, and the Urban Institute concluded that those with court or incarceration-related debts had a much higher likelihood of experiencing food insecurity and being unable to afford housing and health care, therefore deepening financial hardship.”

While some fees intend to help local jurisdictions recoup costs, actual revenue from fees comes at a substantial and counterproductive cost. The Financial Justice Project San Francisco determined that the collection rates on these fees are, on average, just 17% because of people’s inability to pay. In fact, collecting fees costs counties almost as much or more than they end up collecting in revenue, and studies by both the Center on Budget and Policy Priorities and the Urban Institute found that these collections are unstable and ineffective sources of revenue.

Further, the recent California Supreme Court decision in *People v. Kopp* (2025) now requires ability-to-pay determinations for all these fees; meaning that collections will be even lower moving forward. Because these fees are disproportionately imposed on low-income Californians, most legal system debt will be rendered uncollectable and further deplete court funding. Given that the Kopp decision will further reduce the revenue received from fines and fees, this bill would implement best fiscal policy practices, by eliminating wasteful fee collection schemes on people who cannot afford payment, and redirecting resources directly to essential court services.

Imposing fines and fees on those unable to pay traps people in a cycle of poverty while failing to raise revenue for the state.

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