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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair  
2021 - 2022 Regular

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**Bill No:** SB 586                      **Hearing Date:** April 13, 2021  
**Author:** Bradford  
**Version:** February 18, 2021  
**Urgency:** No                              **Fiscal:** Yes  
**Consultant:** MK

**Subject:** *Criminal fees*

### HISTORY

**Source:** ACLU California  
East Bay Community Law Center  
All of Us or None  
Anti-Recidivism Coalition  
Policy Link  
Homeboy Industries  
Insight Center  
Lawyers' Committee for Civil Rights  
Legal Services for Prisoners with Children  
San Francisco Financial Justice Project  
San Francisco Public Defender's Office  
Western Center for Law and Poverty  
Youth Justice Coalition

**Prior Legislation:** AB 1896 (Budget) Chapter 92, Stats. 2020  
SB 144 (Mitchell) 2019 held Assembly Public Safety

**Support:** Center for Responsible Lending; Ella Baker Center for Human Right; Homeboy Industries; Insight Center for Community Economic Development; Lawyers' Committee for Civil Rights - San Francisco; Legal Services of Northern California; Underground Scholars Initiative At the University of California, Irvine University of California, Irvine School of Law Consumer Law Clinic; Underground Scholars Initiative, University of California, Davis

**Opposition:** None known

### PURPOSE

*The purpose of this bill is to eliminate a number of fees related to probation, diversion, traffic violations and other criminal cases.*

*Existing law* provides that the Office of Traffic Safety shall adopt standards for installation, maintenance, and servicing of ignition interlock device, and provides for penalties if the standards are violated. (Business and Professions Code Section 9882.14)

*This bill* would allow for a civil action by an individual against an ignition interlock provider who violates the standards.

*This bill* provides that every interlock provider must annually report to the Bureau of Automotive Repairs the following: total number of people for who income verification was conducted; total number of people who had a reduction in charges based on income, and if denied why denied; total dollar amount of reductions based on income; total amount that remains unpaid for the installation of devices; and, programs standard ignition interlock device charges.

*Existing law* provides on and after July 1, 2021, the unpaid balance of any court-imposed costs pursuant to Section 27712, subdivision (c) or (f) of Section 29550, and Sections 29550.1, 29550.2, and 29550.3, as those sections read on June 30, 2021, is unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated. (Government Code Section 61111)

*This bill* provides in addition that on and after January 1, 2022, the unpaid balance of any court-imposed costs pursuant to Section 6157, 68635, and 71386, as those sections read on December 31, 2021, is unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.

*Existing law* provides that a city or county may charge for a returned check. (Government Code Section 6157)

*This bill* provides a city or county cannot charge for a returned check if the check was used to pay a criminal fine.

*Existing law* provides that a person who is sentenced to the state prison or confined in a county jail shall pay the full amount of the trial court filing fees and costs and sets forth how a fee waiver or reduction in the fee can occur and provides that an inmate shall not be prohibited from filing just because they have not money. (Government Code Section 68635)

*This bill* repeals the existing Government Code Section 68635 and instead provides that a person sentenced to state prison or confined in a county jail shall not be require to pay any trial court filing fees or costs related to the person's underlying criminal conviction for which the person is incarcerated.

*Existing law* provides that if a check is offered in payment to the courts and it is returned without payment, the courts may charge a reasonable fee which becomes part of the underlying obligation. (Government Code Section 71386(d))

*This bill* deletes the provision allowing a court to charge for a returned check.

*Existing law* provides that a person convicted of the manufacture, sale, and possession for sale, possession, or disposal of any hazardous substance that is a controlled substance or a chemical used in, or a byproduct of the manufacture of a controlled substance shall pay a fee in the amount of the actual cost incurred in clean-up. (Health and Safety Code Section 11374.5)

*This bill* deletes the ability to charge a person convicted for a drug offense to be charged for the clean-up of the site.

*Existing law* provides that the expenses related to the seizing, eradicating, destroying, or taking remedial action with respect to the manufacture of controlled substance is recoverable from any person who is responsible for the manufacture of the substance or profits from it and shall be recovered by a civil action. (Health and Safety Code Section 11470.1)

*Existing law* provides that in lieu of a civil action to recover the expenses in Health and Safety Code Section 11470.1, the prosecutor, after a conviction, can seek the recovery of those expenses from any person who manufactures or cultivates a controlled substance or its precursors or any person who aids an abets or knowingly profits from the manufacture. (Health and Safety Code Section 11470.2)

*This bill* deletes the ability of the prosecutor to seek recovery of the expenses in Health and Safety Code Section 11470.1 in lieu of a civil action.

*This bill* provides that on or after January 1, 2022, the unpaid balance of any court-imposed costs pursuant to the deleted Health and Safety Code Sections is unenforceable and uncollectible.

*Existing law* allows for probation in specified child abuse cases with specified requirements including mandatory counseling and provides that the terms of probation shall not be lifted until all reasonable fees due the counseling program have been paid in fee, unless the court determines the defendant does not have the ability to pay and waives the fees. (Penal Code Sections 273a; 273d; 273.1)

*This bill* deletes the provisions saying that probation cannot be lifted until all fees for the child abuse counseling program has been paid.

*Existing law* requires a person who is convicted of violating a protective order, to among other punishments and penalties, make payments to a battered women's shelter or to a shelter for abused elder persons or dependent adults, up to a maximum of \$5,000. (Penal Code Section 273.6 (h)(1))

*This bill* deletes the requirement that a person who violates a protective order pay up to \$5,000 to a battered women's shelter.

*Existing law* requires a registered sex offender who requests a risk assessment shall be required to pay a fee to cover the cost of the assessment. (Penal Code Section 290.06)

*This bill* deletes the requirement that the person requesting the risk assessment pay the fee.

*Existing law* provides that a person who illegally operates a live animal market shall complete and pay for a 6 month course and if they do so other fines will be waived. (Penal Code Section 597.3)

*This bill* deletes the provision stating that a person who illegally operates a live animal market can be charged to take the required course.

*Existing law* provides that a judge may require a fee of a person convicted of a felony enrolled in a diversion program to cover the actual costs of lab fees, not to exceed \$500 and up to \$300 for a person charged with a misdemeanor. (Penal Code Sections 1001.5; 1001.6)

*This bill* deletes the ability of the court to charge a person given diversion up to \$500 if a felony and up to \$300 if a misdemeanor to cover lab fees.

*Existing law* allows a county to impose a fee to cover the actual administrative costs of the collection of a restitution fee. (Penal Code Sections 1001.90; 1202.4)

*This bill* deletes a county's ability to impose a fee to cover the cost of collecting restitution.

*Existing law* allows restitution to be deducted from a person's income and allows an employer to deduct \$5 for the first payment \$1 for every payment after from the person's income. (Penal Code 1202.42)

*This bill* deletes the ability of an employer to deduct a fee for setting up a restitution payment.

*Existing law* provides that if a person is granted probation for specified sex offenses they must meet certain criteria and the court shall order the defendant to comply with all probation requirements, including the requirements to attend counseling and pay program fees based upon an ability to pay. (Penal Code 1203.066)

*This bill* deletes the requirement that the defendant must pay all program fees.

*Existing law* provides that any defendant ordered to be placed in an approved sex offender management program shall be responsible for paying the expense of his or her participation, based on an ability to pay. (Penal Code Section 1203.67)

*This bill* deletes the requirement that a defendant ordered to be placed in an approved sex offender management program shall be required to pay.

*Existing law* provides that if a person is convicted of domestic violence, a minimum fee of \$500 shall be paid and the money used for domestic violence programs special fund in the counties and to the controller for use in the Domestic Violence Restraining Order Reimbursement Fund and in the Domestic Violence Training and Education Fund. If the court waives the fee it must state its reasons on the record. The section further provides that the terms of probation shall not be lifted until fees are paid. (Penal Code Section 1203.097)

*This bill* deletes the requirement that a court that waives the \$500 domestic violence fee on the record.

*This bill* provides that at any *time* a county may choose not to collect the fee and may vacate or declare satisfied any unpaid domestic violence fees.

*This bill* provides that if at any time there is permanent funding sufficient to replace the average annual domestic violence fee revenue appropriated in the budget, then the authority to impose a fee shall not be operative.

*This bill* provides that unpaid fees in a domestic violence case shall not be a bar to ending probation.

*Existing law* provides that when a court grants probation and orders the person to pay restitution to the victim, the entity collecting the restitution may add a fee to cover the actual administrative

cost of the collection, not to exceed 15 person and to be paid to the general fund of the County. (Penal Code Section 1203.1(l))

*This bill* deletes the ability of the entity collecting restitution from a person granted probation to add a fee.

*Existing law* allows the probation officer or a sheriff of a county to authorize the temporary removal from custody of an inmate in order to prepare them for return to the community. The temporary removal shall not be for more than three days and the probation officer may require the inmate to reimburse the county, in whole or in part for any expenses incurred. (Penal Code Sections 1203.1a; 4018.6)

*This bill* removes the three day limitation on temporary removal from custody in preparation for return to the community and removes the ability of the probation officer to charge the inmate for expenses.

*Existing law* provides that a person who is granted probation for the unlawful possession, use, sale or other furnishing of a controlled substance shall be required to not use or be under the influence of any controlled substance and shall submit to drug and substance abuse testing and if the defendant is an adult over 21 years of age, the court shall order the defendant to pay a reasonable fee, not to exceed the actual cost of testing. Penal Code Section 1203.1ab)

*Existing law* requires a person who is ordered to install and ignition interlock device (IID) on their car to pay the cost of purchasing and installing the IID.) (Penal Code Section 1203.1bb)

*This bill* deletes the requirement that a person pay for the purchase and installation of an IID.

*Existing law* provides that when a person is convicted of an offense and ordered to serve time in a county jail or other local detention facility as part of a term of probation or conditional sentence, upon a determination of an ability to pay, the court may order a person t to pay a portion of the reasonable costs of incarceration. (Penal Code Section 1203c)

*This bill* removes the ability of the court to order a person to pay a portion of the reasonable costs of incarceration.

*Existing law* provides that if a person is convicted of any offense involving child abuse or neglect, after a determination of an ability to pay, the court may order the person to pay the cost of any medical examinations ordered on the victim in order to determine the nature of the offense. (Penal Code Section 1203.1h)

*Existing law* provides that person convicted of a violation of any building standards can be ordered to be placed under house confinement or time in county jail or both. If a person is ordered to house confinement, the court can order the person to pay the cost of having a police officer stand guard. (Penal Code Section 1203.1i)

*This bill* deletes the ability of the court to order a person to pay for a police officer to stand guard when the defendant is ordered to house confinement.

*Existing law* provides that if a person is ordered to be confined in state prison, after a determination of an ability to pay, the person can be ordered to pay all or a portion of the reasonable cost of confinement. (Penal Code Section 1203.1m)

*This bill* removes the ability of the court to order a person sentenced to prison to pay all or part of the cost of confinement.

*Existing law* provides that upon completion of a term of probation a person may petition the court to withdraw his or her plea and seek a certificate of rehabilitation and pardon. The person may be required to reimburse the court for the cost of services rendered whether or not the petition is granted (Penal Code Section 1203.4)

*This bill* deletes the ability of a court to charge for a petition to set aside a verdict.

*Existing law* provides that every person convicted of a misdemeanor and not granted probation and every person convicted of an infraction can any time one year from the date of judgement petition to have the conviction dismissed when the person has met the requirement of the underlying sentence and led an upstanding life. A person who petitions for a dismissal for a charge may be required to reimburse the county and court for the costs of services rendered in an amount not to exceed \$60. (Penal Code Section 1203.4a)

*This bill* deletes the ability to require a person petitioning for a dismissal of a charge to pay \$60 to cover the costs of the petition.

*Existing law* provides that a person sentenced to a jail felony, or to a felony which would currently be a jail felony, may a year after the completion of the sentence, seek to have the verdict set aside and the court may charge the person up to \$150 for the costs of filing the petition. (Penal Code Section 1203.41; 1203.42)

*This bill* deletes the ability to require a person seeking to have a verdict set aside up to \$150.

*Existing law* sets forth the process for the sealing of the record of an offense which occurred when the person was under 18 years of age. If a person seeking the sealing of the record is currently 26 years of age or older, the court may order the person to pay up to \$150 for the cost of the sealing. (Penal Code Section 1203.45)

*This bill* deletes the ability of a court to charge a person 26 years or older up to \$150 for the cost of sealing the record of an offense that occurred when the person was under 18 years of age.

*Existing law* provides for a procedure for a court to transfer a case where a person is on probation or mandatory supervision to the person's home county and to allow any local fees to be paid by the defendant to the collection program for the transferring court. (Penal Code Section 1203.9)

*This bill* deletes the ability to charge a fee when probation is transferred to another county.

*Existing law* provides that a person can pay a criminal fine through an installment plan and for the court or collecting agency to be able to collect a fee for the processing of the installment account. (Penal Code Section 1205)

*This bill* deletes the ability to charge a fee for an installment account.

*Existing law* allows a court to allow a person to serve a sentence on weekends, that the person can continue work or school, and upon the determination of an ability to pay, allows the court to require the defendant to pay all or a part of the administration costs. (Penal Code Section 1209)

*This bill* deletes the provision allowing jail terms to be served on weekends and not work days.

*Existing law* provides that any person convicted of a nonviolent drug possession shall receive probation and as a condition of probation be placed in an appropriate drug treatment program and may, if they are reasonably able to do so, contribute to the cost of the program. (Penal Code Section 1210.1)

*This bill* deletes the ability to require a person to contribute to the cost of a drug treatment program.

*Existing law* sets for the basic requirements for an approved drug treatment program and includes rules relating to fees and a fee schedule. (Penal Code Section 1211)

*This bill* deletes all references to fees relating to drug treatment programs.

*Existing law* provides for a \$300 fee to be imposed on a person who fails to appear in court, in addition to any other penalties. (Penal Code Section 1214.1)

*This bill* deletes the \$300 penalty for a failure to appear.

*Existing law* allows a court to impose interest on any unpaid restitution balance. (Penal Code Section 1214.5)

*This bill* deletes the ability of the court to impose interest on unpaid restitution.

*Existing law* provides for a \$25 fee for any person arrested and released on his or her own recognizance upon conviction of the offense and a citation processing fee in the amount of \$10 upon conviction for anyone cited to appear. (Penal Code Section 1463.07)

*This bill* deletes the \$25 fee for any person released on his or her own recognizance and the \$10 fee for cite and release.

*Existing law* provides for \$50 from each fine collected from a DUI related offense to be deposited in an account to be used for the cost of performing breath, blood, and urine tests and further allows a county to impose on a person convicted of a DUI an additional \$50, based on an ability to pay, to pay for the blood alcohol tests. (Penal Code Section 1463.14)

*This bill* removes the ability of a county to impose a \$50 fee on a person convicted of a DUI to cover the costs of tests.

*Existing law* allows money to pay a restitution fine to be deducted from the trust account on person in state prison or county jail and to include an administrative fee of up to 10%. (Penal Code Sections 2085.5; 2085.6)

*This bill* deletes the ability to charge a trust account 10% for administration fees related to collecting restitution.

*Existing law* allows for the medical and dental costs of a person in county jail, the Department of Correction or Youth Authority to be recovered from a prisoner or a person legally responsible for the prisoner subject to an ability to pay. (Penal Code Section 4011.1)

*This bill* removes the ability to collect medical or dental costs from an incarcerated person.

*Existing law* provides for a traffic assistance program (TAP) to assist the court in performing services related to the processing of traffic infraction cases etc. and allows a court to charge a traffic violator fee to defray the costs incurred by a TAP for traffic case administration services. (Vehicle Code Section 11205.2)

*This bill* deletes the ability to charge a fee to defray the costs incurred by a TAP.

*Existing law* prohibits a person under the age of 18 riding a bicycle, motorized scooter, or skateboard etc. and provides for a \$25 fine. It further makes the ticket a fix it ticket if a person shows proof they have bought a helmet with a fee to be paid along with the fix-it. (Vehicle 21212)

*This bill* deletes the fee for a fix-it-ticket.

*Existing law* provides that the manufacturer, installer etc. of ignition interlock devices (IID) shall adopt a fee schedule based on a person's income. (Vehicle Code Section 23575.3(k))

*This bill* clarifies that a person shall be informed about the fee schedule for an IID when they are ordered to install one and at other appropriate times.

*This bill* also provides that the Department of Consumer Affairs may impose a civil assessment of \$1,000 on any IID provider that fails to inform a person that they may be eligible to pay based on the fee schedule. A person may also institute a civil action to recover damages not to exceed \$1,000 per violation.

*Existing law* provides that a county may require the court to impose an assessment of \$15 on a person who fails to appear on a Vehicle Code infraction. (Vehicle Code Section 40508.5)

*This bill* deletes the ability to impose an assessment of \$15 on a Vehicle Code Infraction.

*Existing law* provides that the superior court may establish administrative assessments, not to exceed \$10 for the costs incurred in recording and maintaining a record of the person's prior Vehicle Code violations and the cost of notifying DMV if a license is restricted. (Vehicle Code Section 40508.6)

*This bill* deletes the ability of the court to charge administration fees related to Vehicle Code violations.

*Existing law* allows a person to make payment to pay for a fine associated with an infraction, and if a person fails to make an installment, a civil assessment may be imposed, and requires the defendant to pay a processing fee. (Vehicle Code Section 40510.5)

*This bill* deletes the ability to charge for a failure to pay an installment or to pay a processing fee.



*Existing law* provides that when a person has a fix it ticket for specified Vehicle Code violations they shall pay a \$25 transaction fee for each violation. (Vehicle Code Section 40611)

*This bill* deletes the \$25 transaction fee for the fix it ticket.

*Existing law* provides that a person convicted of an infraction with a fine may pay in installments, subject to the ability to pay and that the reasonable cost of presentence investigation may be charged along with the fine. (Vehicle Code Section 42003)

*This bill* eliminates the ability to charge for presentence investigation to determine the ability to pay.

*Existing law* allows a person to attend traffic school under specified circumstances and provides that a clerk shall collect a \$35 administrative fee. (Vehicle Code Section 42007)

*This bill* eliminates the \$35 administrative fee for traffic school.

*Existing law* adds a \$49 fee to the bail set for any traffic violation. (Vehicle Code Section 42007.1)

*This bill* eliminates the \$49 fee for any traffic violation.

*Existing law* creates an amnesty program to provide relief to people with outstanding traffic fines and provides for a \$50 amnesty program. (Vehicle Code Section 42008.8)

*This bill* deletes the \$50 fee for the amnesty program.

*This bill* provides that on or after January 1, 2022, the unpaid balance of any court imposed costs that are deleted by this bill, shall be unenforceable and uncollectible.

*This bill* makes a number of technical and conforming changes.

## COMMENTS

### 1. Need for the bill

According to the author:

SB 586 would end the assessment and collection of all remaining 67 administrative fees imposed against people in the criminal legal system. (Please see attached excel document for a list of the 67 fees to be eliminated.) By doing so, it would dramatically reduce the suffering caused by court-ordered debt and enhance the economic security of system-involved populations. This bill is a critical next step at the intersection of racial justice and budget equity in California because it ends the practice of using administrative fees to balance the state and county budgets on the backs of those in the Black and Brown communities who are negatively impacted.

The nation has been gripped by organizing efforts to dismantle systemic racism and stop police violence. Violence felt by Black and Brown communities is not limited to the murders and physical assaults by law enforcement caught on camera. The inequities and indignities that these communities face result in their overrepresentation in the criminal system, perpetuate ongoing racialized wealth extraction, contribute to a visceral distrust of government, and limit the ability of people of color to provide for their families' safety and financial needs.

According to data from the California Department of Justice, Black and Brown people are grossly overrepresented in our criminal legal system. Due to over-surveillance and targeted policing in communities of color, Black and Brown people are unjustly arrested, incarcerated, and put on probation at higher rates than other racial groups, and they serve longer jail and probation terms.

California law currently allows counties and courts to charge administrative fees to people in the criminal legal system. Each year, California counties place hundreds of thousands of people in the criminal legal system. At every point in the criminal legal process, state law authorizes localities to charge individuals administrative fees, including fees for diversion programs, drug and alcohol testing, missed court appearances, record sealing, and even a fee for a payment plan. While some fees are mandatory under state law, others can be imposed at the discretion of counties. As a result, fee types, amounts, and burdens on individuals vary widely by county.

These administrative fees—which can quickly add up to thousands of dollars for a single person—operate as a regressive tax on low-income people, especially people in Black and Brown communities. People and their families experience these fees as another form of punishment after already having served time, paid fines, or faced other consequences.

Debt Free Justice California has conducted years of research on fines and fees in the state, including a review of state law, county policies and practices, state and local data, and the experiences of individuals in the criminal legal system, and the results show that in addition to being unjust, these fees are high pain and low gain.

## **2. Elimination of fees**

This bill eliminates a number of fees that are imposed when a person comes in contact with the criminal justice system. These are fees that are imposed in addition to any other penalties and fines. Some of the fees eliminated by this bill include:

### **a. Diversion fees**

This bill deletes a number of fees related to diversion including fees for drug diversion programs. Is there any reason a person on diversion, if they have the ability to pay, should pay for a portion of a program?

### **b. Returned check fee**

This bill eliminates the ability of an entity to charge for a returned check when the check was used to pay a criminal fine.

## c. Civil assessment

This bill eliminates a \$300 civil assessment that is imposed on people who fail to appear and also eliminates other fines and assessments related to failing to appear. It does not eliminate any criminal penalty imposed.

## d. Fees for restitution

This bill eliminates a number of fees related to the collecting of restitution. Fees that could be collected by a governmental entity or business which was facilitating the collection of restitution. Should a non-governmental entity be prohibited from collecting administrative costs for helping collect restitution?

## e. Hazardous clean-up fee

Existing law provides that person convicted of the manufacture, sale and possession of sale, possession or disposal of a hazardous substance that is a controlled substance or a chemical that is a byproduct of the manufacture of a controlled substance, shall pay a fee in the amount of the actual cost incurred in clean-up. This bill deletes the ability for a local entity to charge those costs. While requiring a person who is convicted of possession, or even of selling a small amount, to be charged with clean-up seems unreasonable, should a person who is running a meth lab or something similar with hazardous chemicals be liable for the cost of cleaning up such a site?

## f. Domestic Fees

This bill eliminates the requirement that a person who violates a protective order donate up to \$5,000 to a women's shelter. How will the elimination of this fee impact these shelters?

## g. Cost of incarceration

This bill eliminates the ability for a person to be charged for part or all of the cost of their incarceration in a prison or county jail.

## h. Court fees

This bill eliminates a number of court filing fees relating to setting aside a verdict or sealing a juvenile record.

### 3. Argument in Support

One of the sponsors of this bill, East Bay Community Law Center states:

By eliminating these racially disparate fees, California will further reduce the suffering caused by court-ordered debt and enhance the economic security and wellness of populations with system involvement. This is a vital step towards racial justice, budget equity, and a legal system that does not fund itself by stripping wealth from Black and Brown communities. By ensuring this action also ends the collection of and writes-off all debt from previously assessed fees, we believe that you can help undo the economic harm from decades of racially biased policing and

court decisions and have an immediate impact on California's ability to weather the current economic crisis caused by COVID-19.

SB 586 will continue not only the trajectory of fine and fee justice in California but also stay true to the spirit of Bills passed last cycle, including the Racial Justice Act, the Trial by a Jury of Your Peers Act, and other recent racial justice bills.

Another sponsor, the San Francisco Public Defender's Office adds:

At every point in the criminal legal process, state law authorizes counties to charge administrative fees, including fees for diversion programs, drug and alcohol testing, missing court, record sealing, and even a fee to be placed on a payment plan. While some fees are mandatory under state law, others can be imposed at the discretion of counties. As a result, fee types, amounts, and burdens on individuals vary widely by county and even courtroom.

Once imposed, the court or county can set monthly payments or order amounts to be paid in full. Fees are regularly ordered as civil judgments and can be referred first to local collections agencies, who often add additional service charges, and then to the state Franchise Tax Board, which can intercept tax refunds, levy bank accounts, and garnish wages until paid in full.[1]

Four counties have already stopped charging the majority of fees within their discretion but 54 of 58 California counties continue to charge even discretionary fees. Recognizing the extreme harm caused by criminal administrative fees to individuals, families, and communities, Governor Newsom signed AB 1869 into law, which abolishes 23 fees in the criminal legal system effective July 1, 2021.[2] SB 586 builds upon this important work by eliminating the over 60 fees that remain

#### 4. Concerns

The California State Association of Counties; Rural County Representatives of California; and, Urban Counties of California raise some concerns with this bill while they continue to work with the author:

Our organizations' concerns with SB 586 are not grounded in response to the proposed restructuring or eliminating criminal justice fines and fees. They are, however, tied to the significant and permanent redirection of funding sources that support a diverse set of local programs and services. We cannot support changes to the system that would directly result in program elimination or service disruptions at the county level. For decades, the Legislature has funded a wide array of criminal justice programs using fine and fee revenue. Many such examples date back to the 1990s when the state was facing a multi-billion-dollar deficit. As numerous and diverse programs and reforms have been enacted by the State, many have been accompanied by an associated fee as a funding source. Counties rely on the current funding structure now in place and the funding is critical to ensuring counties can continue to carry out a number of these programs.

SB 586 not only eliminates numerous criminal justice fees, it also relieves court-involved individuals from any obligation to cover court-related costs, even if they

have the ability to pay. The proposed changes in SB 586 then would seemingly push a number of costs to the county and the state. For example, court-involved individuals would no longer have to pay for batterer's intervention programs, drug testing, sex offender treatment, or for an interlock device – again, even if they have the financial capacity to do so. When each of these programs was created statutorily, the Legislature determined that these costs would be borne by the offender. By requiring counties to now pay for these programs and services, this legislation imposes a costly and unmanageable mandate.

In closing, our organizations' concerns are not based on the underlying policy conversation regarding lessening the financial burden associated with fines and fees levied on adults in the criminal justice system. However, the current system – several decades in the making – has been built to fund very critical and core public safety programs at the county-level. A conversation about abolishing fine and fee authority must be accompanied by a comprehensive assessment of the resulting fiscal impacts on agencies and organizations that currently receive associated revenue. Our understanding is that your office is committed to advancing the conversation about the need to backfill lost revenue. We appreciate that commitment and are therefore simply expressing concerns that the current version of this bill does not address these fiscal needs.

**-- END --**