

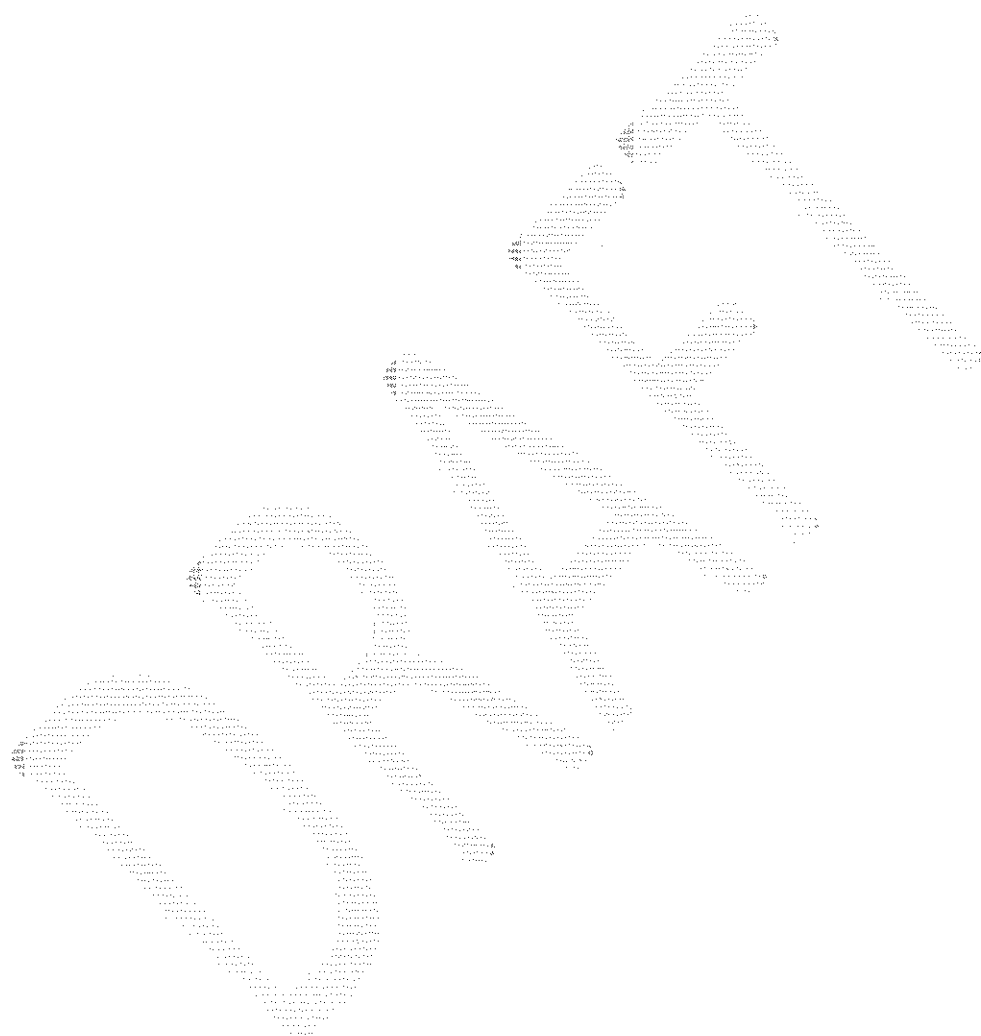


# Amnesty Program Guidelines

AS MANDATED BY VEHICLE CODE  
SECTION 42008.7



JUDICIAL COUNCIL  
OF CALIFORNIA





**Amnesty Program Guidelines  
As Mandated by Vehicle Code Section 42008.7**

**June 17, 2011**



**JUDICIAL COUNCIL  
OF CALIFORNIA**

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# Amnesty Program Guidelines

## Program Authority

In October 2010, Senate Bill 857 (Stats. 2010, ch. 720) added section 42008.7 to the Vehicle Code. (Attachment A) The statute authorizes and sets the general guidelines for a one-time mandatory infraction amnesty program in each county for bail and fines meeting the eligibility requirements.

If enacted, Assembly Bill 1358 (Stats. 2011, ch. \_\_) would amend Vehicle Code section 42008.7 to add a one-time amnesty program for specified Vehicle Code misdemeanor violations to the mandatory infraction amnesty program (as established by Sen. Bill 857).

The statute requires that the amnesty program be implemented in accordance with guidelines adopted by the Judicial Council. The Amnesty Program Guidelines may not address every situation involving a collection program's implementation. Courts and counties should consider the intent of the amnesty programs when developing local policies and procedures for their programs.

## Purpose of the Amnesty Program

The purpose of the one-time amnesty program is to provide relief to individuals who have found themselves in violation of a court-ordered obligation because they have been unable to pay an infraction or misdemeanor bail or fine. The amnesty program will provide increased revenue at a time when revenue is scarce by encouraging payment of old debt that has remained unpaid and will allow court and county collection programs to resolve older delinquent cases and focus limited resources on collecting on more recent cases.

## Court and County Participation

Unless agreed to otherwise by the court and the county in writing, the government entities responsible for the collection of delinquent court-ordered debt under Penal Code section 1463.010(b) will be responsible for implementation of the amnesty program regarding that debt. Juvenile traffic infractions are included in the amnesty program.

The court and county *will* implement an amnesty program to include infractions with a misdemeanor violation added to an underlying infraction violation under Vehicle Code section 40508(a) or (b) or Penal Code section 853.7.

The court and county *may* jointly agree to extend the one-time amnesty program to bail and fines imposed for a misdemeanor violation of the Vehicle Code. The amnesty program shall not apply to parking violations and violations of Vehicle Code sections 23103, 23104, 23105, 23152, or 23153.

# Amnesty Program Guidelines

## Program Costs

Any unreimbursed costs of operating the amnesty program, excluding capital expenditures, may be deducted from the revenues collected under the amnesty program by the court and/or county collection program that incurred the expense of operating the program. To recover costs under the amnesty program, a collection program does not have to be comprehensive, per Penal Code section 1463.007.

Refer to the Judicial Council's *Guidelines and Standards for Cost Recovery*, available at <http://serranus.courtinfo.ca.gov/programs/collections/cr.htm> and <http://www2.courtinfo.ca.gov/collections>.

## Amnesty Period

The one-time amnesty program shall operate from January 1, 2012, through June 30, 2012.

## Eligibility

All adult and juvenile Vehicle Code and non-Vehicle Code infraction violations and/or adult Vehicle Code misdemeanor violations with specified exceptions are eligible for the amnesty program. Cases where a delinquent bail or fine payment was due on or before January 1, 2009, are eligible for the amnesty program. Under Vehicle Code section 42008.7, the terms "bail" and "fine" refer to the total bail amount or fine balance due in connection with a specific Vehicle Code and/or non-Vehicle Code infraction.

## Mandatory Amnesty Program

The mandatory amnesty program includes all traffic and non-traffic infraction violations, including those where a misdemeanor under Vehicle Code section 40508(a) or (b) or Penal Code section 853.7 has been added.

Violations are eligible for the mandatory amnesty program only if each of the following requirements is met:

1. The violation is an infraction violation filed with the court and/or it is a violation of Vehicle Code section 40508(a) or (b) or a violation of Penal Code section 853.7 added to the underlying infraction violation.
2. The due date for payment of the bail or fine was on or before January 1, 2009.
  - A failure to appear case is eligible for amnesty *if* the case is currently on failure to appear status and the appearance date was on or before January 1, 2009.
  - A failure to pay case is eligible for amnesty *if* the fine due date *and* last payment made on an installment plan or accounts receivable was on or before January 1, 2009.
3. The defendant does not owe victim restitution on any case within the county.

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4. There are no outstanding misdemeanors or felony warrants for the defendant within the county, except for misdemeanor warrants for misdemeanor violations authorized by the court pursuant to Vehicle Code section 40508(a) or (b) or Penal Code section 853.7.

To qualify, the defendant must pay 50 percent of the delinquent bail amount or fine balance in full satisfaction of the debt under the amnesty program and meet all requirements 1 through 4 listed above. A defendant is not required to apply in writing or request amnesty in order for the violation to be eligible. Amnesty is granted at the time an eligible defendant makes payment.

### Optional Amnesty Program

The optional amnesty program includes all Vehicle Code misdemeanor violations, with the exception of parking violations and violations of Vehicle Code sections 23103, 23104, 23105, 23152, and 23153.

Violations are eligible for the optional amnesty program only if each of the following requirements is met:

1. The court and the county agree to extend the amnesty program to misdemeanor violations of the Vehicle Code.
2. The due date for payment of the bail or fine was on or before January 1, 2009.
  - A failure to appear case is eligible for amnesty *if* the case is currently on failure to appear status and the appearance date was on or before January 1, 2009.
  - A failure to pay case is eligible for amnesty *if* the fine due date *and* last payment made on an installment plan or accounts receivable was on or before January 1, 2009.
3. The defendant does not owe victim restitution on any case within the county.
4. There are no outstanding misdemeanors or felony warrants for the defendant within the county, except for misdemeanor warrants issued for misdemeanor violations authorized by the court to be included in the amnesty program.

### Payment Processing

Vehicle Code section 42008.7 requires that each amnesty program accept, in full satisfaction of any eligible bail or fine, 50 percent of the bail amount or fine balance. The remaining 50 percent is to be suspended or adjusted to zero in the court and/or county records.

- a. Payment under the amnesty program can be made by cash, cashier's check, money order, or credit card. Personal checks may be accepted, although it is recommended that Department of Motor Vehicle (DMV) holds or suspensions be released *after* the personal checks clear.
- b. Payment under the amnesty program must be made in one lump sum.
- c. The calculation of the fine, fees, penalties, and assessments on eligible violations will be calculated in the same manner as in delinquent cases based on the collecting entity's current policies and procedures.



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- d. The total amount of revenue collected under the amnesty program will be deposited in the county treasury and/or the account established under Government Code section 77009.
- e. The program must maintain a separate and distinct accounting of all revenues collected and operating costs expended under the amnesty program.
- f. No criminal action on the eligible case may be brought against a person after payment of a delinquent bail amount or fine balance under the amnesty program.

### DMV Notification

Upon payment, a court should notify the DMV as required by law.

### Reporting Requirements

Each court and/or county collection program will file a report with the Judicial Council, in a format approved by the Judicial Council, no later than September 30, 2012. (Attachment B)

The report must include monthly data on the number of cases resolved, the amount of money collected, and the operating costs of the amnesty program. Reports may be submitted electronically to the Enhanced Collections Unit at [collections@jud.ca.gov](mailto:collections@jud.ca.gov) or faxed to 818-558-3112.

### Distribution

Refer to the Judicial Council's *Guidelines and Standards for Cost Recovery*, available at <http://serranus.courtinfo.ca.gov/programs/collections/cr.htm>. and <http://courtinfo.ca.gov/collections>.

Revenue collected under the amnesty program will be distributed pro rata based on the distribution guidelines for the applicable year designated in Appendix C of the State Controller's *Manual of Accounting and Audit Guidelines for Trial Courts* and applicable law, without regard to the priorities listed in Penal Code section 1203.1(d). The State Controller's manual and *Assembly Bill 3000 Court Surcharge Distribution Guidelines* are available at [www.sco.ca.gov/Files-ARD-Local/LocRep/Appendix\\_C\\_v22edited.pdf](http://www.sco.ca.gov/Files-ARD-Local/LocRep/Appendix_C_v22edited.pdf) and [www.sco.ca.gov/Files-ARD-Local/acctng\\_guidelines\\_ab3000guidelines.pdf](http://www.sco.ca.gov/Files-ARD-Local/acctng_guidelines_ab3000guidelines.pdf).

For accounts where a partial payment has been made and distributed based on Penal Code section 1203.1(d) priorities, the remaining balance collected under the amnesty program, at the reduced rate of 50 percent, must be distributed pro rata among only the state and local government funds that did not receive their share of the revenues, in accordance with the California State Controller's *Manual of Accounting and Audit Guidelines for Trial Courts*.

For example, an account with an outstanding fine of \$471 is set up on installment payments. The defendant made two payments of \$100 each before defaulting on the payment plan in October

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2008. Of the \$200 paid, \$20 was distributed to the second priority and \$180 to the third priority. Because only 50 percent of the remaining \$271 is eligible for amnesty, upon receipt of a \$135.50 payment, the funds must be distributed pro rata between the remaining items in priorities 3 and 4. Eligible operating costs, including commission fees, are prorated as usual among all funds before the final distribution.

Refer to the Judicial Council's *Guidelines and Standards for Cost Recovery*, available at <http://serranus.courtinfo.ca.gov/programs/collections/cr.htm>. and <http://www2.courtinfo.ca.gov/collections>.

### Amnesty Program Action Plan

#### Administrative Office of the Courts

The Administrative Office of the Courts Enhanced Collections Unit will:

- Develop and distribute the Amnesty Program Guidelines, as approved by the Judicial Council, to court and county collecting entities no later than November 1, 2011.
- Assist, on request, with the coordination of statewide and local media campaigns.
- Assist, on request, with the distribution of advertising materials for court and county collection programs and justice partners.
- Report amnesty program information to the Judicial Council for inclusion in the required report to the Legislature.

#### Mandatory Amnesty Program

Courts and counties should collaborate on developing local policies and procedures for the implementation of the mandatory amnesty program authorized under Vehicle Code section 42008.7. In order for the amnesty program to be implemented successfully, each court and county should develop a joint process for:

- Accepting and posting payments made through the amnesty program;
- Maintaining separate and distinct accounting of all revenues collected under the amnesty program;
- Upon contact by defendant, determining eligibility on individual cases based on criteria established in Vehicle Code section 42008.7;
- Tracking and reporting monthly operating costs;
- Tracking and reporting the monthly number of cases resolved;
- Tracking and reporting the monthly revenue collected under the amnesty program; and
- Tracking and reporting recovered costs.

The court and county should also consider developing a joint procedure for:

- Distributing advertising materials to justice partners and private collection vendors;

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- Designating staff at each court or county satellite location to process all amnesty payments received by mail or in person;
- If cost effective, contracting with an amnesty vendor or amending an existing participation agreement with a vendor under the Collections Master Agreement—or revising an existing contract or agreement with any other collections vendor—to help meet the requirements of the amnesty program; and
- If cost effective, identifying cases eligible for amnesty and mailing information in writing (amnesty notice or postcard) about the amnesty program to those debtors for which a valid address is available.

### Optional Amnesty Program

Local policies and procedures for the implementation of the optional amnesty program authorized under Vehicle Code section 42008.7 should be developed. At a minimum, the court and county should collaborate on:

- Accepting and posting payments made through the amnesty program;
- Maintaining separate and distinct accounting of all revenues collected under the amnesty program;
- Upon contact by defendant, determining eligibility of individual cases based on criteria established in Vehicle Code section 42008.7;
- Tracking and reporting monthly operating costs;
- Tracking and reporting the monthly number of cases resolved;
- Tracking and reporting the monthly revenue collected under the amnesty program; and
- Tracking and reporting recovered costs.

Courts and counties should consider developing a joint procedure for:

- Identifying eligible probation cases to determine *if* a defendant is currently on probation and has met all terms and conditions, except for full payment of outstanding fines.
- Identifying eligible probation cases to determine *if* probation has lapsed or expired and outstanding fines remain unpaid.
- Obtaining appropriate court and county authorization.

### Private Vendor

The responsibility of a private vendor as it pertains to the collection of amnesty-eligible cases is outlined in the Amnesty Master Agreement to be posted on Serranus at <http://serranus.courtinfo.ca.gov/programs/collections/cr.htm> and the Enhanced Collections external website at <http://www2.courtinfo.ca.gov/collections/>

### Franchise Tax Board

Because of its current system limitations and inability to separate cases by violation type, the Franchise Tax Board Court-Ordered Debt Program (FTB-COD) cannot participate fully in the infraction amnesty program. It is recommended that collection programs recall an amnesty-

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eligible case from the FTB-COD only after the 50 percent payment has been made. Over 40 court and county collection programs refer cases to the FTB-COD for the collection of delinquent court-ordered debt. The FTB-COD has identified more than 55,000 infraction, misdemeanor, and felony cases that have been referred to it with a due date prior to January 1, 2009.

### Example Calculations

Please be advised that each of the examples that follow is a tool for calculating total fine and penalty assessments and is not intended to calculate distribution of amounts received. Courts and counties are responsible for inputting local information, and the Administrative Office of the Courts assumes no liability for the failure of this information to be included.

The examples provided are for illustrative purposes only and do not contain all possible fines, fees, penalties, or assessments eligible for the amnesty program under Vehicle Code section 42008.7.

- Example 1: Failure to appear; single Vehicle Code infraction violation with one prior violation
- Example 2: Failure to pay; single Vehicle Code infraction violation by a juvenile filed in Informal Juvenile Traffic Court
- Example 3: Failure to pay; single non-Vehicle Code infraction violation
- Example 4: Failure to appear; multiple Vehicle Code infraction violations
- Example 5: Failure to pay; multiple Vehicle Code misdemeanor violations
- Example 6: Failure to pay; single Vehicle Code misdemeanor violation
- Example 7: Failure to pay; single Vehicle Code misdemeanor violation
- Example 8: Failure to appear; single Vehicle Code infraction violation with added misdemeanor under Vehicle Code section 40508(a)

## Amnesty Program Guidelines

### Example 1: Failure to Appear; Single Vehicle Code Infraction Violation With One Prior Violation \*

Factors:

1. Violation is an infraction under Vehicle Code section 22349(a), *Speeding 1–15 MPH over 65 MPH Limit*, plus one prior conviction of Vehicle Code section 22349.
2. Traffic citation was issued on March 2, 2005; appearance/payment due date was April 7, 2005.
3. Defendant failed to appear and account became delinquent on July 28, 2005.
4. Additional fees include prior conviction monitoring and civil assessment for failure to appear.
5. Total amount of \$415 is eligible for amnesty. The \$207.50 should be distributed pro rata between funds as appropriate.

Vehicle Code Infraction	Original Amount Due	Amnesty Program: 50% Due
Base bail of \$25, plus 1 prior (\$10 added)	\$35.00	\$17.50
State surcharge, 20% of base; Pen. Code, §1465.7	\$7.00	\$3.50
State penalty assessment (PA), \$10 for every \$10; Pen. Code, §1464.4(a)	\$40.00	\$20.00
County PA, \$7 for every \$10; Gov. Code, §76000(a)(e)	\$28.00	\$14.00
Court PA, \$5 for every \$10; Gov. Code, §76000 <sup>†</sup>	\$20.00	\$10.00
DNA PA, \$1 for every \$10; Gov. Code, §76104.6	\$4.00	\$2.00
Administrative fee (prior record); Veh. Code, §40508.6	\$10.00	\$5.00
Night court; Veh. Code, §42006	\$1.00	\$0.50
Court security fee, \$20; Pen. Code, §1465.8	\$20.00	\$10.00
Civil assessment, up to \$250; Pen. Code, §1214.1 <sup>‡</sup>	\$250.00	\$125.00
<b>Total bail amount due</b>	<b>\$415.00</b>	<b>\$207.50</b>

\* Fine, fees, and penalty assessments based on 2005 Uniform Bail and Penalty Schedules.

<sup>†</sup> Penalty assessment (courthouse construction) amount may differ between counties; please verify for each example.

<sup>‡</sup> Civil assessment increase from \$250 up to \$300 effective July 19, 2005 (Assem. Bill 139; Stats. 2005, ch 74).

## Amnesty Program Guidelines

### Example 2: Failure to Appear; Single Vehicle Code Infraction Violation by a Juvenile Filed in Adult Traffic Court\*

Factors:

1. Violation is an infraction under Vehicle Code section 22108, *Signal Required Before Turning or Changing Lanes*.
2. Traffic citation was issued on January 5, 2006; appearance/payment due date was February 6, 2006.
3. Juvenile does not appear.
4. Additional fees include civil assessment for failure to appear.
5. Total balance amount of \$434 is eligible for amnesty. The \$217 should be distributed pro rata between funds as appropriate.

Vehicle Code Infraction	Original Amount Due	Amnesty Program: 50% Due
Base fine	\$35.00	\$17.50
State surcharge, 20% of base, per PC 1465.7	\$7.00	\$3.50
State PA, \$10 on every \$10, per PC 1464.4(a)	\$40.00	\$20.00
County PA, \$7 on every \$10, per GC 76000(a)(e)	\$28.00	\$14.00
Court PA, \$5 of every \$10, per GC 76000	\$20.00	\$10.00
DNA PA, \$1 for every \$10, per GC 76104.6	\$4.00	\$2.00
Civil Assessment up to \$300, per PC 1214.1 <sup>†</sup>	\$300.00	\$150.00
<b>Total bail amount due</b>	<b>\$434.00</b>	<b>\$217.00</b>

\* Fine, fees, and penalty assessments based on 2006 *Uniform Bail and Penalty Schedules*.

## Amnesty Program Guidelines

### Example 3: Failure to Pay; Single Non-Vehicle Code Infraction Violation\*

Factors:

1. Violation is a non-Vehicle Code infraction of Parks and Recreation section 4312(e), *No Dogs or Cats in Area Unless on a Leash*.
2. Citation was issued on September 10, 2007; payment/appearance due date was October 12, 2007.
3. Defendant appeared and fine of \$190 was imposed; accounts receivable with due date of March 10, 2008 was established. Payment was not made and account became delinquent on March 11, 2008.
4. Additional fees include civil assessment for failure to pay and court security and accounts receivable fees.
5. Total fine balance of \$540 is eligible for amnesty. The \$270 should be distributed pro rata between funds as appropriate.

Non-Vehicle Code Infraction	Original Amount Due	Amnesty Program: 50% Due
Base fine	\$50.00	\$25.00
State surcharge, 20% of base; Pen. Code, § 1465.7	\$10.00	\$5.00
State PA, \$10 for every \$10; Pen. Code, § 1464.4(a)	\$50.00	\$25.00
County PA, \$7 for every \$10; Gov. Code, § 76000(a)(e)	\$35.00	\$17.50
Court PA, \$5 for every \$10; Gov. Code, § 76000	\$25.00	\$12.50
EMS PA, \$2 for every \$10; Gov. Code, § 76000.5 <sup>†</sup>	\$10.00	\$5.00
DNA PA, \$2 for every \$10; Gov. Code, §§ 76104.6–76104.7 <sup>‡</sup>	\$10.00	\$5.00
Civil assessment, up to \$300; Pen. Code, § 1214.1	\$300.00	\$150.00
Court security fee, \$20; Pen. Code, § 1465.8	\$20.00	\$10.00
Accounts receivable fee; Pen. Code, § 1205(d)	\$30.00	\$15.00
<b>Total fine balance due</b>	<b>\$540.00</b>	<b>\$270.00</b>

\* Fine, fees, and penalty assessments based on *2007 Uniform Bail and Penalty Schedules*.

<sup>†</sup> Maddie Emergency Medical Services Fund (EMS) additional penalty assessment, under Gov. Code, § 76000.5, if approved by board of supervisors.

<sup>‡</sup> DNA penalty assessment, additional \$1 for every \$10, under Gov. Code § 76104.7.

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### Example 4: Failure to Appear; Multiple Vehicle Code Infraction Violation\*

Factors:

1. Charge is a violation of multiple Vehicle Code infractions:
  - Vehicle Code section 21453(a), "*Red*" Signal—*Vehicular Responsibilities*
  - Vehicle Code section 22108, *Signal Required Before Turning or Changing Lanes*
  - Vehicle Code section 24252(a), *Maintenance of Lamps and Devices Required*
2. Citation was issued on February 4, 2008; payment/appearance due date was March 10, 2008.
3. Defendant appears and a fine is imposed. Defendant agrees to installment payment plan of \$30 per month; a total of \$0 is paid.
4. Additional fees include civil assessment for failure to pay and court security and installment payment fees.
5. Total fine balance eligible for amnesty is \$1003. The \$501.50 should be distributed pro rata between funds or items that have not received their portion of collected revenues

Vehicle Code Infraction	Original Amount Due	Amnesty Program: 50% Due
Base fine, first violation (VC 21453(a))	\$100.00	\$50.00
Base fine, second violation (VC 22108)— Correctable	\$35.00	\$17.50
Base fine, third violation (VC 24252(a))	\$25.00	\$12.50
Subtotal base bail	\$160.00	\$80.00
State surcharge, 20% of base, per PC 1465.7	\$32.00	\$16.00
State PA, \$10 for every \$10, per PC 1464.4(a)	\$160.00	\$80.00
County PA, \$7 for every \$10, per GC 76000(a)(e)	\$112.00	\$56.00
Court PA, \$5 of every \$10, per GC 76000	\$80.00	\$40.00
DNA PA, \$2 for every \$10, per GC 76104.6 and 76104.7	\$32.00	\$16.00
EMS PA, \$2 for every \$10, per GC 76000.5	\$32.00	\$16.00
Court security fee, \$20, per PC 1465.8	\$60.00	\$30.00
Installment payment plan fee, per PC 1205(d)	\$35.00	\$17.50
Civil assessment	\$300.00	\$150.00
<b>Total fine balance due</b>	<b>\$1003.00</b>	<b>\$501.50</b>

\* Fine, fees, and penalty assessments based on 2008 Uniform Bail and Penalty Schedules.



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### Example 5: Failure to Pay, Multiple Vehicle Code Misdemeanor Violation<sup>†</sup>

Factors:

1. Charge is a violation of multiple Vehicle Code misdemeanors:
  - 23109(a), *Engaging in Speed Contests Prohibited*
  - 23109(d), *Placing Barricades or Obstructions Prohibited*
2. Case was filed with the court on September 6, 2005; appearance date was set for October 11, 2005. Defendant appeared, and a fine of \$1,650 was imposed.
3. Defendant agreed to \$60/month payment plan but made only six payments. Defendant complied with the mandatory 40 hours of community service.
4. Additional fees include civil assessment for failure to pay, court security and installment payment fee.
5. Total balance amount of \$1,575 is eligible for amnesty. The \$787.50 should be distributed pro rata between funds or items that have not received their portion of revenues collected.

Vehicle Code Misdemeanor	Original Amount Due	Payment Priority Distributed	Fine Priority Balance Remaining	Amnesty Program: 50% Due
Base fine, Veh. Code, § 23109(a)	\$360.00	\$61.93	\$298.07	\$149.04
Base fine; Veh. Code, § 23109(d)	\$100.00	\$17.20	\$82.80	\$41.40
Subtotal base fine	\$460.00	\$79.13	\$380.87	\$190.44
State surcharge, 20% of base; Pen. Code, § 1465.7	\$92.00	\$92.00	\$0.00	\$0.00
State PA, \$10 for every \$10; Pen. Code, § 1464.4(a)	\$460.00	\$79.13	\$380.87	\$190.44
County PA., \$7 for every \$10; Gov. Code, § 76000(a)(e)	\$322.00	\$55.39	\$266.61	\$133.31
Court PA \$5 for every \$10; Gov. Code, § 76000	\$230.00	\$39.56	\$190.44	\$95.22
DNA PA., \$1 of every \$10; Gov. Code, § 76104.6	\$46.00	\$7.91	\$38.09	\$19.04
Court security fee, \$20; Pen. Code, § 1465.8	\$40.00	\$6.88	\$33.12	\$16.56
Installment payment plan fee; Pen. Code, § 1205(d) <sup>‡</sup>	\$35.00	\$0.00	\$35.00	\$17.50
Total of original amount due	\$1,685.00	\$0.00	\$1325.00	\$662.50
Total of installment payments made	\$0.00	\$360.00	\$0.00	\$0.00
Unpaid balance	\$1,325.00	\$0.00	\$0.00	\$0.00
Civil assessment <sup>§</sup>	\$250.00	\$0.00	\$250.00	\$125.00
Total fine balance due	\$1,575.00	\$0.00	\$1575.50	\$787.50

<sup>†</sup> Fine, fees, and penalty assessments based on 2005 *Uniform Bail and Penalty Schedules*.

<sup>‡</sup> Sen. Bill 676 (Stats. 2009, ch. 606; effective January 2010) amended Pen. Code, § 1205(d): dropped the \$35 maximum and changed to actual cost. The accounts receivable fee of up to \$30 remained the same.

<sup>§</sup> Civil assessment increase from \$250 up to \$300 effective July 19, 2005 (Assem. Bill 139; Stats. 2005, ch. 74).

## Amnesty Program Guidelines

### Example 6: Failure to Pay, Single Vehicle Code Misdemeanor Violation\*

Factors:

1. Violation is a misdemeanor under Vehicle Code section 20002(a), *Hit and Run--Property Damage*.
2. Case was filed with the court on January 5, 2006; appearance date was set for February 6, 2006.
3. Defendant appeared and was sentenced to four months in county jail, and a fine was imposed, but defendant failed to pay.
4. Additional fees include civil assessment for failure to pay.
5. Total balance amount due of \$3,820 is eligible for amnesty. The \$1,910 should be distributed pro rata between funds as appropriate.

Vehicle Code Misdemeanor	Original Amount Due	Amnesty Program: 50% Due
Base fine; Veh. Code, §20002 (a)	\$1,000.00	\$500.00
State surcharge, 20% of base; Pen. Code, §1465.7	\$200.00	\$100.00
State PA., \$10 for every \$10; Pen. Code, §1464.4(a)	\$1,000.00	\$500.00
County PA., \$7 for every \$10; Gov. Code, §76000(a)(e)	\$700.00	\$350.00
Court PA., \$5 for every \$10; Gov. Code, §76000	\$500.00	\$250.00
DNA PA, \$1 for every \$10; Gov. Code, §76104.6	\$100.00	\$50.00
Court security fee, \$20; Pen. Code, §1465.8	\$20.00	\$10.00
Civil assessment, up to \$300; Pen. Code, §1214.1	\$300.00	\$150.00
<b>Total fine balance due</b>	<b>\$3,820.00</b>	<b>\$1,910.00</b>

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\* Fine, fees, and penalty assessments based on 2006 Uniform Bail and Penalty Schedules.

## Amnesty Program Guidelines

### Example 7: Failure to Pay, Single Vehicle Code Misdemeanor Violation\*

Factors:

1. Violation is a misdemeanor under Vehicle Code section 14601(a), *Driving While Suspended or Revoked*.
2. Case was filed with the court on September 10, 2007; appearance date was set for October 12, 2007.
3. Defendant appeared, and a fine of \$1,140 was imposed; at the defendant's request an accounts receivable was set up for March 10, 2008. Payment was not made, and account is delinquent.
4. Additional fees include assessments for failure to pay, court security and accounts receivable fee.
5. Total fine balance of \$1,490 is eligible for amnesty. The \$595.00 should be distributed pro rata between funds as appropriate.

Vehicle Code Violation	Original Amount Due	Amnesty Program: 50% Due
Base fine	\$300.00	\$150.00
State surcharge, 20% of base; Pen. Code, § 1465.7	\$60.00	\$30.00
State PA., \$10 for every \$10; Pen. Code, § 1464.4(a)	\$300.00	\$150.00
County PA., \$7 for every \$10; Gov. Code, § 76000(a)(e)	\$210.00	\$105.00
Court PA., \$5 for every \$10; Gov. Code, § 76000	\$150.00	\$75.00
EMS PA., \$2 for every \$10; Gov. Code, § 76000.5 <sup>†</sup>	\$60.00	\$30.00
DNA PA., \$2 for every \$10; Gov. Code, §§ 76104.6–76104.7 <sup>‡</sup>	\$60.00	\$30.00
Court security fee, \$20; Pen. Code, § 1465.8	\$20.00	\$10.00
Accounts receivable fee; Pen. Code, § 1205(d)	\$30.00	\$15.00
<b>Total fine balance due</b>	<b>\$1,190.00</b>	<b>\$595.00</b>

\* Fine, fees, and penalty assessments based on *2007 Uniform Bail and Penalty Schedules*.

<sup>†</sup> EMS additional penalty assessment, under Gov. Code, § 76000.5, if approved by board of supervisors.

<sup>‡</sup> DNA penalty assessment, additional \$1 for every \$10, under Gov. Code, § 76104.7.

## Amnesty Program Guidelines

### Example 8: Failure to Appear, Single Vehicle Code Infraction Violation With Added Vehicle Code Section 40508(a) Misdemeanor\*

Factors:

1. Violation is an infraction under Vehicle Code section 21453(a), *Red-Signal Vehicle Responsibility*.
2. Citation was issued on February 4, 2008; payment/appearance date set for March 10, 2008.
3. Defendant fails to appear and a charge under Vehicle Code section 40508(a) is added as a misdemeanor.
4. Additional fees include civil assessment for failure to appear and court security.
5. Total fine balance eligible for amnesty is \$880. The \$440 should be distributed pro rata between funds as appropriate.

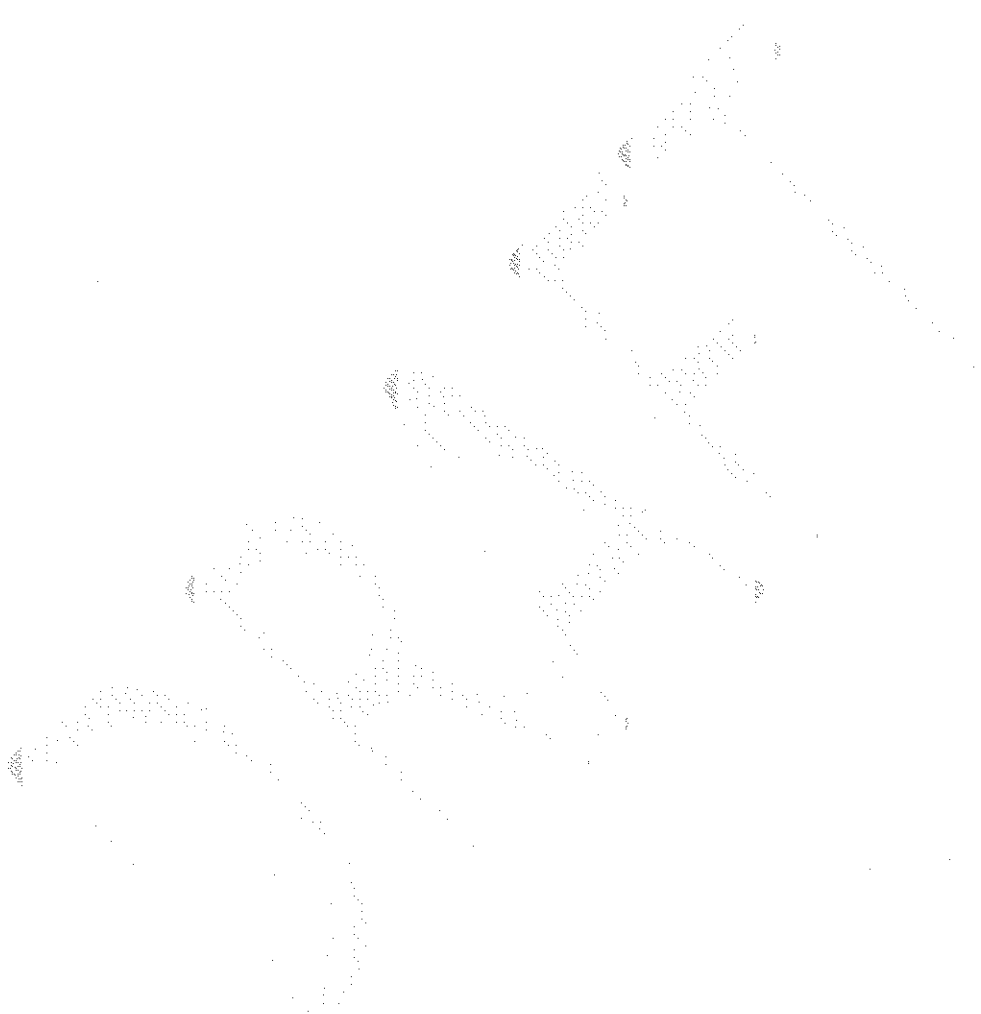
Vehicle Code Infraction	Original Amount Due	Amnesty Program: 50% Due
Base bail; Veh. Code, §21453(a)	\$100.00	\$50.00
Additional charge; Veh. Code, §40508 (a)	\$50.00	\$25.00
<b>Total base bail</b>	<b>\$150.00</b>	<b>\$75.00</b>
State surcharge, 20% of base, Pen. Code, §1465.7	\$30.00	\$15.00
State PA, \$10 for every \$10; Pen. Code, §1464.4(a)	\$150.00	\$75.00
County PA., \$7 for every \$10; Gov. Code, §76000(a)(e)	\$105.00	\$52.50
Court PA \$5 for every \$10; Gov. Code, §76000	\$75.00	\$37.50
DNA PA., \$2 for every \$10; Gov. Code, §§76104.6–76104.7	\$30.00	\$15.00
EMS PA., \$2 for every \$10; Gov. Code, §76000.5	\$20.00	\$10.00
Court security fee, \$20; Pen. Code, §1465.8	\$20.00	\$10.00
Civil assessment	\$300.00	\$150.00
<b>Total bail amount due</b>	<b>\$880.00</b>	<b>\$440.00</b>

\* Fine, fees, and penalty assessments based on 2008 Uniform Bail and Penalty Schedules.

**Amnesty Program Guidelines**

**Vehicle Code Section 42008.7**

**To be Inserted Upon Enactment**



**Amnesty Program Collections Report**  
**January 1, 2012, through June 30, 2012**  
**Court/County: \_\_\_\_\_**

<b>Mandatory Amnesty Program</b>				
	Number of Accounts Resolved	Revenue Collected	Program Operating Cost	Recovered Cost
January				
February				
March				
April				
May				
June				
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Optional Amnesty Program</b>				
	Number of Accounts Resolved	Revenue Collected	Program Operating Cost	Recovered Cost
January				
February				
March				
April				
May				
June				
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Completed by: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Email \_\_\_\_\_