



## Judicial Council of California • Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on February 20, 2014

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Title	Agenda Item Type
Uniform Bail and Penalty Schedules: March 2014 Edition	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Adopt Revised Uniform Bail and Penalty Schedules	March 1, 2014
Recommended by	Date of Report
Traffic Advisory Committee	February 3, 2014
Hon. Mark S. Borrell, Chair	Contact
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### Executive Summary

The Traffic Advisory Committee recommends revisions to the Uniform Bail and Penalty Schedules, effective March 1, 2014, to make a technical correction to page x of the preface to the schedules. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. The Judicial Council adopted the Uniform Bail and Penalty Schedules, 2014 Edition, effective January 1, 2014. Page x of the preface to the March 2014 schedules is revised to correct the sample calculation of assessments imposed on multiple traffic violations upon completion of a traffic violator school program, which will facilitate proper collection of assessments for traffic cases.

### Recommendation

The Traffic Advisory Committee recommends that the Judicial Council, effective March 1, 2014, adopt the revised Uniform Bail and Penalty Schedules: March 2014 Edition.

The proposed revision of page x of the preface is attached at page 4.

### **Previous Council Action**

At the Judicial Council meeting on December 13, 2013, the council adopted revised schedules for 2014.

### **Rationale for Recommendation**

Vehicle Code section 40310 requires that the Judicial Council annually adopt for Vehicle Code infractions a uniform traffic penalty schedule. Additionally, Penal Code section 1269b and rule 4.102 of the California Rules of Court provide that trial courts must annually revise and adopt a countywide schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for Vehicle Code infractions is established by the uniform traffic penalty schedule adopted by the Judicial Council in accordance with section 40310. Although sections 40310 and 1269b require adoption of revised local and statewide bail schedules annually, no statutes prohibit revision of the schedules more often when necessary.

The corrections to page x appear as shaded text that is underlined for additions and struck through for deletions. The changes correct a technical error in the sample calculation of the total due for multiple violations when attending traffic violator school. The sample calculation inadvertently included three \$40 court operations assessments and three \$35 criminal conviction assessments for two violations that are eligible for traffic violator school. The sample calculation includes a total bail amount of \$490 for VC 27360.5(a), which includes \$40 and \$35 for both assessments. Both assessments were also imposed twice inadvertently in separate entries, apart from the total bail, instead of one additional charge for each assessment in connection with VC 21453(b). Page x is corrected by reducing the separate entries for each assessment to \$40 and \$35 to reflect single assessments for the violation of VC 21453(b) instead of double assessments for both VC 27360.5(a) and VC 21453(b) in addition to the total bail for VC 27360.5(a). The total amount due for all violations in the corrected sample calculation is reduced accordingly by \$75 from \$742 to \$667. In addition, the explanation is revised to clarify that courts that do not collect a \$1 fee for night or weekend court sessions must deduct \$1 from the total amount.

### **Comments, Alternatives Considered, and Policy Implications**

No alternatives were considered. Annual revision of the schedules is required by statute and by rule 4.102. The schedules must be updated as needed so that courts are able to collect the proper amounts for traffic violations. The Uniform Bail and Penalty Schedules, 2014 Edition, was circulated for statewide comment from October 24 to November 4, 2013. None of the comments received identified the mathematical error on page x of the preface. Corrected page x has not been circulated for comment because the revision involves only a technical correction.<sup>1</sup>

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<sup>1</sup> See Cal. Rules of Court, rule 10.22(d)(2), which says that the council may recommend adoption of a proposal without circulation for comment if the proposal presents a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy.

## **Implementation Requirements, Costs, and Operational Impacts**

Courts may need to update court case management systems and courtesy notices, and provide training for court staff and judicial officers regarding collection of assessments with multiple violations for cases that are referred to a traffic violator school program.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

Adoption of the amended rule supports strategic plan Goal III, Modernization of Management and Administration, and operational plan objective III.4: Uphold the integrity of court orders, protect court user safety, and improve public understanding of compliance requirements; improve the collection of fines, fees, and forfeitures statewide.

## **Attachment**

1. Page x of the preface to the Uniform Bail and Penalty Schedules: March 2014 Edition, at page 4.

with a Class A, Class B, or commercial Class C driver’s license may attend traffic violator school to avoid points for traffic violations in a vehicle that requires only a class M or noncommercial class C license. Vehicle Code section 42005(d) excludes violations of Vehicle Code sections 20001, 20002, 23103, 23104, 23105, 23140, 23152, 23153, or 23103, as specified in section 23103.5, from eligibility for traffic violator school for pretrial diversion, a confidential conviction, or to avoid points.

**Sample Calculation of Bail, Traffic Violator School Fee, and Court Operations Assessment for Multiple Offenses**

1. Violation of Vehicle Code sections 21453(b), 27360.5(a), 24252(a), and 26707.
2. No prior convictions are charged.
3. “Additional penalties” of between \$22 and \$29 as set out in section III for every \$10 of base fine or part thereof plus the surcharge on the base fine and the \$4 penalty assessment for EMAT:

“Total Bail” Without Traffic School or Proof		Traffic Violator School and Correction Total With Proof	
VC 21453(b)	= \$ 35	(VC 21453(b))	(\$ 0)
VC 27360.5(a)	= \$ 100	(VC 27360.5(a))	(\$490)
VC 24252(a), VC 26707	= \$ 50	TVS fee	\$ 49
Total base fine	= \$ 185	TVS/DMV admin. fee	\$ 3
Penalties and surcharge	= \$ 789	Correction fee (2 X \$25)	\$ 50
TOTAL BAIL	= \$ 974	Court operations (21 X \$40)	\$ 80 40
Court operations	= \$ 160	(TAP fee; VC 11205.2)	(\$ )
Conviction assessment	= \$ 140	Conviction assessment	\$ 7035
		TOTAL	\$ 742667

4. If the defendant is ordered to attend traffic violator school under VC 41501 for VC 21453(b) and VC 27360.5(a), per VC 42007 the defendant is charged for the greater/more severe of the qualifying offenses: VC 27360.5(a) @ \$490 plus the \$49 and \$3 DMV TVS fee per VC 42007.1 (total of \$542).
5. The charges of VC 21453(b) and VC 27360.5(a) are continued under VC 41501. The charges of VC 24252(a) and VC 26707 are continued pending proof of correction, required under VC 40522 for dismissal.
6. The defendant presents to the court timely evidence that he or she has completed traffic violator school. The VC 21453(b) and VC 27360.5(a) violations are reported under VC 41501. If the defendant submits to the court timely evidence under VC 40616 that the violations of VC 24252(a) and VC 26707 have been corrected, the VC 24252(a) and VC 26707 violations are dismissed under VC 40522, and a \$50 “transaction fee” is charged under VC 40611. The A court operations assessment of \$8040 is collected and distributed as required by Penal Code section 1465.8 for reporting of VC 21453(b) and VC 27360.5(a) for completion of traffic violator school and a criminal conviction assessment of \$7035 is collected under Government Code section 70373 for VC 21453(b).
7. The case is closed, with the court collecting \$742 667 (\$490 + \$49 + 3+\$50 + \$80 40 + \$7035 +\$3) plus any fee under VC 11205.2 with and deduction of \$1 if the court does not impose a night or weekend court assessment of \$1.

**IX. Late Charge**

Vehicle Code section 40310 requires the imposition of a late charge of 50 percent on any traffic penalties not paid within 20 days.