

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 3.13
(ID # 16987)

MEETING DATE:

Tuesday, October 26, 2021

FROM : PROBATION:

SUBJECT: PROBATION DEPARTMENT: CEQA EXEMPT; Introduction and Adoption of Ordinance No. 966, An Ordinance Repealing Ordinance Nos. 914 (as amended through 914.1), 591 (as amended through 591.2), and 720 (as amended through 720.1) as a result of the passage of Assembly Bill (AB) 1869 which eliminates certain fees associated with the cost of administering the criminal justice system, All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that Ordinance no. 966 is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule Exception);
2. Direct the Clerk of the Board to file the Notice of Exemption with the County Clerk for posting within five days of approval of this matter.
3. Introduce, read title and waive further reading of ordinance, and adopt on successive weeks Ordinance No. 966, an ordinance repealing Ordinance Nos. 914 (as amended through 914.1), 591 (as amended through 591.2), and 720 (as amended through 720.1) which will eliminate fees for the cost of administering the criminal justice system, including administering probation and mandatory supervision, administering home detention programs, and continuous electronic monitoring programs;
4. Authorize the Clerk of the Board to provide notice to the Superior Court of California Enhanced Collections Division, to cease collection of fees associated with cost of administering the criminal justice system; and
5. Delegating authority to the Chief Probation Officer to approve the write-off and relief of accountability for the existing receivables.

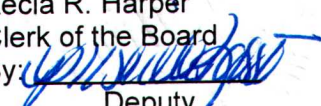
ACTION:Consent


Ronald L. Miller, Chief Probation Officer 9/23/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Washington, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended and that the above Ordinance is approved as introduced with a waiver of the reading.

Ayes: Jeffries, Spiegel, Washington and Perez
Nays: None
Absent: Hewitt
Date: October 26, 2021
xc: Probation, Recorder, COB


Kecia R. Harper
Clerk of the Board
By: Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 1,745,400	\$ 788,400	\$ 2,533,800	\$ 788,400
NET COUNTY COST	\$ 1,745,400	\$ 788,400	\$ 2,533,800	\$ 788,400
SOURCE OF FUNDS:			Budget Adjustment: No	
			For Fiscal Year: N/A	

C.E.O. RECOMMENDATION: [CEO use]

BACKGROUND:

Summary

AB 1869 Criminal fees was signed into law on September 18, 2020 and went into effect on July 1, 2021. This bill repeals the authority of counties to collect specific court-imposed fees on adult cases for the cost of administering the criminal justice system. These costs include administering probation and mandatory supervision, processing arrests and citations, and administering home detention programs, continuous electronic monitoring programs, work furlough programs, and work release programs. AB 1869 made the unpaid balance of these court-imposed costs unenforceable and uncollectible, and required any portion of a past judgment to be vacated. The bill also included revenue backfill paid to counties for five years beginning in FY 2021-22 in recognition of revenue loss connected to elimination of fee authority.

In Riverside County, there are three ordinances that are impacted by the passage of AB1869, Ordinance Nos. 591.2, 720.1, and 914.1. On March 2, 2010, the Board of Supervisors adopted Ordinance No. 591.2, which allowed the collection of certain fees such as pre-sentencing investigations and reports and the cost of supervision pursuant to California Penal Code 1203.1b. Ordinance No. 720.1, adopted by the Board of Supervisors on March 2, 2010 authorized the collection of administrative fees to defray the cost of specified services rendered by the Probation Department. Ordinance 914.1 adopted on October 21, 2014, authorized the collection of the reasonable cost of incarceration from each probationer.

As a result of the passage of AB 1869, the Riverside County Probation Department immediately took action to ensure compliance with the bill. The Riverside County Superior Court Enhanced Collections Division (ECD) currently responsible for the collection of all fees, was notified of AB 1869 and the prohibition of collecting specified fees effective July 1, 2021. It should be noted that AB 1869 does not change the County's ability to collect drug testing fees, or to charge restitution fines.

For Fiscal Year 2020/21, the Probation Department received approximately \$957,000 in net revenue. This represents approximately 4% of the currently outstanding amounts owed of approximately \$22,224,287. As a result, the Probation Department is recommending the discontinuance of all collection efforts for the outstanding adult supervision fees and the repeal of all outstanding balances owed effective July 1, 2021.

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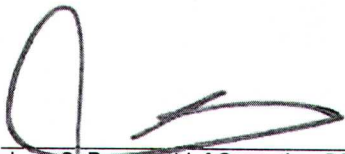
Impact on Residents and Businesses

Per AB 1869, "A national survey of formerly incarcerated people found that families often bear the burden of fees, and that 83 percent of the people responsible for paying these costs are women." Eliminating the collection of outstanding fees and providing debt forgiveness would be critical to the financial health of the adults and their families in this County. Furthermore, data suggests the inability to meet basic needs has been found to contribute to higher rates of recidivism and is a barrier to family reunification.

Additional Fiscal Information

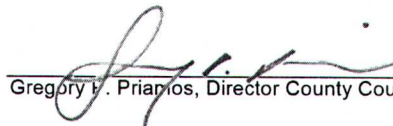
AB 1869 states that the bill would annually appropriate \$65,000,000 from the state's general fund beginning in the 2021–22 fiscal year to the 2025–26 fiscal year to counties to backfill revenues lost from the repeal of fees. The Department of Finance is required to develop a specific county-by-county allocation schedule by October 1, 2021 and will notify each county of their respective allocations. As this bill impacts multiple public safety departments, the board of supervisors has the authority to determine how those funds are spent and allocated to individual county departments.

The Superior Court of California Enhanced Collections Division (ECD) currently collects all fees on behalf of the Probation Department. Based on preliminary estimates received from the ECD, Riverside County has approximately \$22,224,286 in outstanding adult fees. The department previously received revenue from collected efforts in the amount of \$957,000. Prospectively, this revenue will no longer be available to the department. In addition to the loss in annual revenues, the department is now responsible for the cost of alcohol monitoring, an estimated annual cost of \$788,400. During the development of the FY21/22, the department did not anticipate the new cost associated with electronic monitoring and did not include those cost in the budget. Overall, the department is estimating a \$1.7 million impact to the FY20-21 budget, a portion of which will be offset by estimated state funding. The Probation Department will work with the Executive Office to assess the budgetary impacts and return to the board for budget adjustments at the time of the mid-year report.



Juan C. Perez, Chief Operating Officer

10/21/2021



Gregory B. Priamos, Director County Counsel

10/6/2021