

**ORDINANCE NO. 10669 (N.S.)**

**AN URGENCY ORDINANCE AMENDING THE SAN DIEGO  
COUNTY ADMINISTRATIVE CODE,  
RELATING TO JUVENILE DELINQUENCY FEES**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that

(a) California Senate Bill (SB) 190 ended the assessment of juvenile fees statewide on January 1, 2018, but it did not end the collection of fees that were assessed before 2018.

(b) National experts find that juvenile debt correlates with a greater likelihood of recidivism or reoffending rates and are counterproductive to supporting families while protecting public safety. Collecting this outstanding debt has no positive impact on public safety and does not support the rehabilitation of our youth, hindering the families' ability to positively invest in their child and the community.

(c) These fees undermine the County of San Diego's rehabilitative goals for youth and families, many of whom already live below the poverty line. Fees follow families well after the child's offense and term of probation is served, impacting their ability to invest in basic needs such as education and healthcare. The long-term effects of these outstanding debts further exacerbate conditions of poverty for not only the affected families but for the surrounding community and can lead to further unintended costs to society.

(d) The amendments made by this urgency ordinance are intended to reflect those changes in juvenile delinquency fees established by SB 190 as well as make other conforming and technical changes. This ordinance also instructs staff to cease the collection of outstanding juvenile delinquency debt and satisfy all related liens, judgements and payment agreements.

(e) On February 14, 2020, the Board of Supervisors declared a local emergency due to the COVID-19 pandemic. In the following weeks, the federal, state and county government closed non-essential businesses causing thousands of San Diegan residents to go without a paycheck and job for the unforeseeable future. Accordingly, the Board of Supervisors finds the need to implement this ordinance *immediately with a retroactive date of February 14, 2020* to provide direct financial relief to thousands of San Diegan families during this unprecedented time.

Section 2. Section 92 of the San Diego County Administrative Code is hereby amended to read as follows:

**SEC. 92. REVENUE AND RECOVERY FUNCTIONS OF THE DEPARTMENT.**

The Department will provide professional collections and revenue recovery services which will serve all levels of County Government to maximize the recovery of moneys due and owing. The Auditor & Controller shall review and make recommendations upon all budget requests for collection of accounts receivable which may be assigned to the Department. In carrying out these functions, the Department shall perform such functions as may be assigned to it including but not limited to the following:

(a) The billing and collections of moneys for health care services provided by the Health and Human Services Agency. This includes recovery on behalf of State and Federal subsidized programs.

(b) The billing and collection of welfare eligibility frauds and overpayments.

(c) The billing and collection of General Relief repayments. Further, the Auditor & Controller is authorized to defer billing, or compromise and settle a General Relief account when investigation reveals that such action is in the best interest of the County.

(d) The processing, maintenance and recovery on Grants of Liens in favor of the County.

(e) Act on behalf of the Chief Probation Officer to collect fines, restitution, costs of probation supervision, costs of pre-sentence investigation, and other associated fees and costs.

(f) The screening of felony and misdemeanor defendants who receive court-appointed and County provided attorney services to determine their ability to pay and the billing and collection of County provided attorney services.

(g) Enforce recovery of accounts receivable for all County departments when directed to do so by the Chief Administrative Officer (including requests by the Board) or by agreement between the Office of Revenue and Recovery and County departments.

(h) The billing and collection of fines and fees on behalf of State or court agencies by signed agreement between the Office of Revenue and Recovery and the agency.

(i) The collection of restitution orders, restitution fines and revocation restitution fines from offenders pursuant to Penal Codes 1202.45, 2085.5, 2085.6, and 2085.7.

Section 3. Effective February 14, 2020, the Office of Revenue and Recovery shall cease the collection of costs for juvenile delinquency administrative fees, juvenile delinquency legal services, and the support and maintenance of minors placed by order of the Juvenile Court in any of the County Juvenile Probation Facilities or out of home placements as is consistent with California State Senate Bill 190 (2017). These costs do not include restitution and restitution fines.

Section 4. Effective February 14, 2020, the unpaid outstanding balance of any juvenile delinquency administrative fees, juvenile delinquency legal services, juvenile detention fees, juvenile probation and home supervision fees, and juvenile electronic supervision and monitoring fees imposed before January 1, 2018, against a minor, the minor's parent or guardian or other person liable for the minor's support shall be waived, uncollectable and vacated. All related liens, judgements and payment agreements for those costs shall be satisfied.

Section 5. Notwithstanding San Diego County Administrative Code section 86.7(i), the fee for recording every release of lien, encumbrance, or notice executed and submitted for recordation by the Office of Revenue and Recovery pursuant to this ordinance shall be two dollars (\$2) and shall be used solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in the county's system of recorded documents.

Section 6. Section 363 of the San Diego County Administrative Code is hereby amended to read as follows:

**SEC. 363. PROBATION DEPARTMENT.**

The following fees and charges shall be paid to the San Diego County Probation Department or the County collection agent:

(a) A program administrative fee not to exceed \$59 for enrollment, re-enrollment/out-of-county or out-of-state transfer in the Public Service Work Program pursuant to Section 4024.2(e) of the Penal Code, according to his or her ability to pay.

(b) A fee of \$689 charged to public agencies to recover the cost of supervision and supplies to provide Public Service Work Program work crews.

(c) A fee for the cost of services rendered for processing of adult petitions for change of plea or setting aside of a verdict shall be the actual cost of services rendered, not to exceed \$150 per case pursuant to Penal Code Sections 1203.4(d). This fee shall be applied to a person whether or not the petition is granted and the records are sealed or expunged. Ability to make this reimbursement shall be determined by the court.

(d) A person who is 26 years of age or older and petitions for an order sealing a record under Penal Code section 1203.45, related to a misdemeanor committed while under the age of eighteen (18) years, may be required to reimburse the county for the actual cost of services rendered, not to exceed \$150. This fee shall be applied to a person whether or not the petition is granted and the records are sealed or expunged. Ability to make this reimbursement shall be determined by the court.

(e) Pursuant to Sections 1203.1b and 1203.9(d) of the Penal Code, the Probation Department shall impose fees for adult probationer services, investigation and supervision, according to his or her ability to pay, as follows:

(1) Probation Investigative Charges:

Description	Fee (each)
(a) Pre-sentence Investigation (General Jurisdiction)	\$1,433
(b) Pre-sentence Investigation (Limited Jurisdiction)	\$793
(c) Conditional Sentencing Pre-Plea or Diversion Report	Above rates as appropriate (Same as pre-sentence reports as required)
(d) Process Investigation for transfer of Jurisdiction under Interstate Compact Agreement	\$77

(2) Probation Supervision Charges:

Description	Fee
(a) High Risk Supervision	\$176 per month
(b) Medium Risk Supervision	\$67 per month
(c) Low Risk Supervision	\$17 per month
(d) Interstate Compact Supervision	\$38 per month
(e) Effective November 1, 2001, a polygraph test fee	Effective 11-01-01, \$400 maximum
(f) Continuous Electronic Monitoring Supervision (Pen. Code § 1210.15.)	up to \$9 per unit, per day

(3) In addition to the costs of continuous electronic monitoring supervision under subdivision (e)(2)(f) of this section, an adult probationer who damages or discards his or her electronic device may be charged up to \$600 for equipment replacement costs.

(4) Related Administrative Fees: Under Penal Code section 1203.1b(h), the County shall collect from adult offenders a fee of \$75 to cover the administrative and clerical costs of processing of payment made in installments to the Probation Department pursuant to Penal Code section 1203.1b.

(f) Pursuant to Penal Code section 1210.1(a), in addition to any fine assessed under other provisions of law, the trial judge may require an adult convicted of a nonviolent drug possession offense who is reasonably able to do so to contribute to the cost of his or her own placement in a drug treatment program of up to \$79 per month.

(g) If the court orders restitution to be made to the victim, a fee to cover the actual administrative cost of collection, but not to exceed 15% of the total restitution ordered, shall be added to the restitution fine ordered pursuant to Penal Code Section 1203.1(l).

(h) A fee to cover the actual administrative cost of collecting the restitution fine ordered pursuant to Section 1202.4(l) of the Penal Code, not to exceed 10% of the amount ordered to be paid, shall be added to the restitution fine and included in the order of the court.

(i) A fee of up to \$250 each year for administering the approval and annual renewal process of the Batterers Diversion Programs as required by Penal Code Section 1203.097(c)(5)(B).

(j) A fee not to exceed \$30 to cover the cost of collection of fines payable in installment/non-installment pursuant to Penal Code Section 1205(e).

(k) A fee of \$42 to cover the application and administrative costs of work furlough program services pursuant to Penal Code sections 1208 and 1208.2. This fee shall only apply to adults over 21 years of age and under the jurisdiction of the criminal court.

(l) A fee up to \$5 per month for OffenderLink services.

Section 7. Section 2 of San Diego County Ordinance No. 10227, adopted on October 9, 2012 (5), and the provision of the San Diego County Code added by that section of the ordinance are hereby repealed.

Section 8. Section 364.9 of the San Diego County Code is hereby added to read as follows:

**SEC. 364.9. FEES AND CHARGES RELATED TO COURT-APPOINTED COUNSEL**

(a) Registration fees shall be assessed and collected in the amounts allowed by and pursuant to Penal Code section 987.5 and amendments thereto.

(b) Pursuant to Penal Code section 987.8, subdivision (c), defendants shall repay the costs of their legal assistance by a court-appointed attorney.

(c) Unless otherwise provided, the fees under this section shall be collected by the Superior Court of California, County of San Diego, and transmitted to the County of San Diego, Auditor and Controller on a monthly basis.

Section 9. Section 697 of the San Diego County Administrative Code was repealed in its entirety pursuant to Ordinance No. 10227, adopted on October 9, 2012 (5), and the section shall be codified to read as follows:

**SEC. 697. [RESERVED.]**

Section 10. Section 953 of the San Diego County Administrative Code shall be amended to read as follows:

**SEC. 953. HOME DETENTION AND ELECTRONIC MONITORING FEES.**

(a) Unless otherwise provided in this Article or State law, the Probation Department or County collection agent shall be paid pursuant to the fees and charges under County Administrative Code section 363 for home supervision and electronic monitoring of adult probation services, investigation and supervision.

(b) Each participant in the home detention program administered by the Sheriff pursuant to Penal Code section 1203.016 and 1203.018 shall be charged a program administrative fee up to \$16 per day, as specified in the table below. The Sheriff's contracted electronic monitoring vendor shall charge all or a portion of the program administrative fee based on the participant's ability to pay. If applicable, participants shall also be charged a fee for replacement of the Portable Device for Remote Alcohol Test or GPS Tracking Device, as specified below. Inability to pay all or a portion of these fees shall not preclude participation in the program, and eligibility shall not be enhanced by reason of ability to pay. The Sheriff shall ensure that all fees are administered in compliance with the requirements of Penal Code section 1208.2. These fees shall only apply to adults over 21 years of age and under the jurisdiction of the criminal court.

	<b>Offender- Funded Fees</b>			
Daily Rates/ Fee per Income Range	<b>\$0-\$10,000</b>	<b>\$11,000-\$20,000</b>	<b>\$21,000-\$30,000</b>	<b>\$31,000-\$40,000+</b>
GPS Monitoring	\$6.50	\$7.25	\$8.00	\$9.00
<b>OPTIONAL (based on needs assessment)</b>	<b>Offender- Funded Fees</b>			
Portable Device for Remote Alcohol Test	\$7.00	\$7.00	\$7.00	\$7.00
<b>TOTAL (maximum possible)</b>	<b>\$13.50</b>	<b>\$14.25</b>	<b>\$15.00</b>	<b>\$16.00</b>

<b>Replacement Costs</b>	<b>Offender- Funded Fee</b>			
GPS Tracking	\$600.00	\$600.00	\$600.00	\$600.00
Portable Device for Remote Alcohol Test	\$975.00	\$975.00	\$975.00	\$975.00

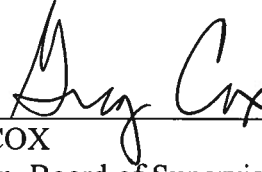
Meeting Date: 05/19/2020 (15)

Section 11. This ordinance shall take effect and be in force immediately after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once the names of the members of this Board voting for and against it in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL

By: Dana B. Maier, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 19<sup>th</sup> day of May 2020.



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GREG COX  
Chairman, Board of Supervisors  
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 19<sup>th</sup> day of May 2020.

ANDREW POTTER  
Clerk of the Board of Supervisors

By   
\_\_\_\_\_  
Grace Caro, Deputy



Ordinance No.: 10669 (N.S.)  
Meeting Date: 05/19/2020 (15)