

ORDINANCE NO. 10736 (N.S.)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO CRIMINAL ADMINISTRATIVE 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) Effective July 1, 2021, California Senate Bill (AB) 1869 will eliminate a range of administrative fees that agencies and courts are authorized to impose to fund elements of the criminal legal system. This bill also eliminates all outstanding debt incurred as a result of the imposition of administrative fees.

(b) National experts find that debt incurred from these criminal administrative fees correlates with a greater likelihood of recidivism or reoffending. Collecting this outstanding debt has no positive impact on public safety and does not support the rehabilitation of our adult offender community.

(c) These fees could be counter to the County of San Diego's rehabilitative goals for adult offenders and their families. The long-term effects of these outstanding debts further exacerbate conditions of poverty and can lead to further unintended costs to society.

(d) The amendments made by this ordinance are intended to reflect those changes in adult criminal administrative fees established by AB 1869 as well as make other conforming and technical changes.

Section 2. Section 92 of Article V of the San Diego County Administrative Code is 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, and other associated fees and costs.
- (f) 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.
- (g) 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.
- (h) 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. Section 363 of Article XX of the San Diego County Administrative Code is 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 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.

(b) 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.

(c) An adult probationer who damages or discards his or her electronic monitoring device may be charged up to \$600 for equipment replacement costs.

(d) 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.

(e) 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).

(f) 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.

(g) 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).

(h) 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).

Section 4. Section 364.9 of Article XX of the San Diego County Administrative Code is repealed in its entirety and shall read as follows:

SEC. 364.9. [RESERVED]

Section 5. Section 695(a) in of Article XXXVII of the San Diego County Administrative Code is amended to read as follows:

SEC. 695. DUTIES OF THE PUBLIC DEFENDER.

(a) Upon request of the defendant or upon order of the court, the Public Defender shall defend or cause to be defended, without expense to the defendant any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior courts of the County of San Diego at all stages of the proceedings, including the preliminary examination. The Public Defender shall, upon request, give or cause to be given counsel and advice to such person about any charge against him or her or upon which the Public Defender is conducting the defense, and shall prosecute all appeals to the superior court and may file notice of appeals to a higher court for any person who has been convicted, where in the opinion of the Public Defender, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

Section 6. Section 953 of Article LXIII of the San Diego County Administrative Code is repealed in its entirety and shall read as follows:

SEC. 953. [RESERVED]

Meeting Date: 6/29/2021 (04)

Section 7. Effective Date. This ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with 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
DAVID J. SMITH, 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 29th day of June 2021.




NATHAN FLETCHER
Chair, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 29th day of June 2021.

ANDREW POTTER
Clerk of the Board of Supervisors

By 
Grace Caro, Deputy



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Meeting Date: 06/29/2021 (04)