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GOVERNMENT CODE - GOV

TITLE 3. GOVERNMENT OF COUNTIES [23000 - 33205] (Title 3 added by Stats. 1947, Ch. 424.)

DIVISION 3. FINANCIAL PROVISIONS [29000 - 30406] (Division 3 added by Stats. 1947, Ch. 424.)

CHAPTER 2. Funds [29300 - 29554] (Chapter 2 added by Stats. 1947, Ch. 424.)

ARTICLE 12. Criminal Justice Administrative Fees [29550 - 29554] (Heading of Article 12 amended by Stats. 1991, Ch. 331, Sec. 3.)

29550. (a) (1) Subject to subdivision (d) of Section 29551, a county may impose a fee upon a city, special district, school district, community college district, college, or university for reimbursement of county expenses incurred with respect to the booking or other processing of persons arrested by an employee of that city, special district, school district, community college district, college, or university, where the arrested persons are brought to the county jail for booking or detention. The fee imposed by a county pursuant to this section shall not exceed the actual administrative costs, including applicable overhead costs as permitted by federal Circular A-87 standards, as defined in subdivision (c), incurred in booking or otherwise processing arrested persons. For the 2005–06 fiscal year and each fiscal year thereafter, the fee imposed by a county pursuant to this subdivision shall not exceed one-half of the actual administrative costs, including applicable overhead costs as permitted by federal Circular A-87 standards, as defined in subdivision (c), incurred in booking or otherwise processing arrested persons. A county may submit an invoice to a city, special district, school district, community college district, college, or university for these expenses incurred by the county on and after July 1, 1990. Counties shall fully disclose the costs allocated as federal Circular A-87 overhead.

(2) Any county that imposes a fee pursuant to this section shall negotiate a reduced fee with any city, special district, school district, community college district, college, or university within the county for any services that are performed by the arresting agency in the processing of arrestees that do not have to be duplicated by the county.

(3) This subdivision shall not apply to counties that are under a contractual agreement with a city, special district, school district, community college district, college, or university within the county that is subject to the fee.

(b) The exemption of a local agency from the payment of a fee pursuant to this subdivision does not exempt the person arrested from the payment of fees for booking or other processing.

(1) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for arrests on any bench warrant for failure to appear in court, nor on any arrest warrant issued in connection with a crime not committed within the entity's jurisdiction.

(2) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for a person who is ordered by a court to be remanded to the county jail except that a county may charge a fee to recover those direct costs for those functions required to book a person pursuant to subdivision (g) of Section 853.6 of the Penal Code.

(3) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for arrests made pursuant to arrest warrants originating outside of its jurisdiction.

(4) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college district, college, or university on parole violation arrests or probation-ordered returns to custody, unless a new charge has been filed for a crime committed in the jurisdiction of the arresting city, district, college, or university.

(5) An agency making a mutual aid request shall pay fees in accordance with subdivision (a) that result from arrests made in response to the mutual aid request except that in the event the Governor declares a state of emergency, no agency shall be charged fees for any arrest made during any riot, disturbance, or event that is subject to the declaration.

(6) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college district, college, or university for the arrest of a prisoner who has escaped from a county, state, or federal detention or corrections facility.

(7) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college district, college, or university for arrestees held in temporary detention at a court facility for purposes of arraignment when the arrestee has been previously booked at an entity detention facility.

(8) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college district, college, or university as the result of an arrest made by its officer assigned to a formal multiagency task force in which the county is a participant. For the purposes of this section, "formal task force" means a task force that has been established by written agreement of the participating agencies.

(9) In those counties where the cities and the county participate in a consolidated booking program and where prior to arraignment an arrestee is transferred from a city detention facility to a county detention facility, the city shall not be charged for those tasks listed in subdivision (c) that are a part of the consolidated booking program which were completed by the city prior to delivering the arrestee to the county detention facility. However, the county may charge the actual administrative costs for those additional tasks listed in subdivision (c) that are performed in order to receive the arrestee into the county detention facility. For the 2005–06 fiscal year and each fiscal year thereafter, the county may charge up to one-half of the actual administrative costs for those additional tasks listed in subdivision (c) that are performed in order to receive the arrestee into the county detention facility.

(c) As used in this section, "actual administrative costs" include only those costs for functions that are performed in order to receive an arrestee into a county detention facility. Operating expenses of the county jail facility including capital costs and those costs involved in the housing, feeding, and care of inmates shall not be included in calculating "actual administrative costs." "Actual administrative costs" may include the cost of notifying any local agency, special district, school district, community college district, college, or university of any change in the fee charged by a county pursuant to this section. "Actual administrative costs" may include any one or more of the following as related to receiving an arrestee into the county detention facility:

- (1) The searching, wristbanding, bathing, clothing, fingerprinting, photographing, and medical and mental screening of an arrestee.
- (2) Document preparation, retrieval, updating, filing, and court scheduling related to receiving an arrestee into the detention facility.
- (3) Warrant service, processing, and detainer.
- (4) Inventory of an arrestee's money and creation of cash accounts.
- (5) Inventory and storage of an arrestee's property.
- (6) Inventory, laundry, and storage of an arrestee's clothing.
- (7) The classification of an arrestee.
- (8) The direct costs of automated services utilized in paragraphs (1) to (7), inclusive.
- (9) Unit management and supervision of the detention function as related to paragraphs (1) to (8), inclusive.

(d) This section shall become operative on July 1, 2021.

(Repealed (in Sec. 22) and added by Stats. 2020, Ch. 92, Sec. 23. (AB 1869) Effective September 18, 2020. Operative July 1, 2021, by its own provisions.)

29551. (a) The board of supervisors or city council of any county, city and county, or city that opts to receive funds pursuant to Section 29552 shall establish a local detention facility revenue account, on behalf of the sheriff or the official responsible for local detention facilities in the county, city and county, or city, into which shall be deposited funds paid by the Controller, pursuant to Section 29552. The funds in the local detention facility revenue account shall be used exclusively for the purpose of operation, renovation, remodeling, or constructing local detention facilities and related equipment.

(b) (1) If an appropriation for the purposes specified in Section 29552 is made in any fiscal year, a county, city and county, or city, may charge a jail access fee to a local agency that exceeds the agency's three-year average number of nonfelony bookings for crimes listed in paragraph (2) at a rate not to exceed the actual cost of booking an arrested person into the local detention facility, for each booking in excess of the three-year average. A local agency's three-year average number of nonfelony bookings for crimes listed in paragraph (2) shall be recalculated each year. The jail access fee shall be calculated and paid on a monthly basis, and all revenue derived from the jail access fee shall be deposited into the local detention facility revenue account created pursuant to subdivision (a).

(2) Bookings for violations of each of the following shall be used to determine a local agency's three-year average:

(A) Municipal code violations.

(B) Misdemeanor violations, except driving-under-the-influence offenses and domestic violence misdemeanor offenses, including enforcement of protective orders.

(c) Cities that operate Type One facilities within a county shall be eligible to receive funds from the county's local detention facility revenue account. Cities that operate Type One facilities and charged booking fees pursuant to former Section 29550.3 during the 2006–07 fiscal year shall receive funds in an amount proportional to the number of persons booked into the city's Type One facility for which the city charged fees to the arresting agency.

(d) Every year in which at least the sum of thirty-five million dollars (\$35,000,000) is appropriated for the purposes of Section 29552, counties, cities and counties, and cities are prohibited from collecting fees pursuant to Section 29550 from other public entities. In any fiscal year in which the appropriation for the purposes of Section 29552 is less than thirty-five million dollars (\$35,000,000), a county, city and county, or a city may collect fees pursuant to Section 29550 up to a rate, adjusted as provided in subdivision (e), in proportion to the amount that the amount appropriated is less than thirty-five million dollars (\$35,000,000).

(e) The maximum rate of the fee charged by each local agency pursuant to subdivision (d) shall be the rate charged as of June 30, 2006, pursuant to Section 29550, increased for each subsequent fiscal year by the California Consumer Price Index as reported by the Department of Finance plus 1 percent, compounded annually.

(f) This section shall become operative on July 1, 2021.

(Repealed (in Sec. 27) and added by Stats. 2020, Ch. 92, Sec. 28. (AB 1869) Effective September 18, 2020. Operative July 1, 2021, by its own provisions.)

29552. (a) (1) Commencing with the 2007–08 fiscal year, all counties and cities and counties that charged fees pursuant to Section 29550 and cities with Type One detention facilities that charged fees pursuant to Section 29550.3 during the 2006–07 fiscal year may apply to the Controller to receive funding provided pursuant to subdivision (b) that is equal to the fee revenue received by the county, city and county, or city during the 2006–07 fiscal year, to the extent that funding is appropriated therefore in the annual budget act or other appropriation legislation. If insufficient funds are appropriated to equal the full amount of fees received in the 2006–07 fiscal year, each county, city and county and city that applies for funding shall receive a share of the appropriated funds proportionate to the share of fees it received in the 2006–07 fiscal year compared to the statewide total reported to the Controller.

(2) The remaining portion of any amount appropriated for purposes of this section shall be paid proportionally to all counties, cities and counties, and cities based on the number of bookings within each county during the year previous to the current payment.

(b) Commencing with the 2011–12 fiscal year, payments authorized by this section shall be fully funded from the Local Law Enforcement Services Account in the Local Revenue Fund 2011. The Controller shall allocate thirty-five million dollars (\$35,000,000) of the moneys annually deposited in the Local Law Enforcement Services Account in the Local Revenue Fund 2011 for purposes of these payments.

(c) Commencing with the 2012–13 fiscal year, the Controller shall allocate funds from the Enhancing Law Enforcement Activities Subaccount as follows:

Alameda County	\$2,319,980
Amador County	\$21,403
City of Baldwin Park	\$4,539
Butte County	\$113,887
Calaveras County	\$8,559
Colusa County	\$7,017
Contra Costa County	\$1,897,056
Del Norte County	\$37,501
El Dorado County	\$89,793
City of Fremont	\$250,268
Fresno County	\$1,409,727
Glenn County	\$47,036

City of Hayward	\$11,098
Humboldt County	\$384,311
Inyo County	\$3,522
Kern County	\$732,680
Kings County	\$120,140
Lake County	\$84,030
Lassen County	\$24,041
Los Angeles County	\$676,989
Madera County	\$124,054
Marin County	\$222,060
Mendocino County	\$138,730
Merced County	\$219,669
Modoc County	\$3,244
Monterey County	\$613,463
City of Monterey	\$4,880
Napa County	\$107,578
Nevada County	\$94,239
City of Palm Springs	\$45,986
Placer County	\$464,844
City of Pomona	\$73,757
Riverside County	\$3,413,483
Sacramento County	\$2,247,151
San Benito County	\$32,312
San Bernardino County	\$2,758,057
San Diego County	\$5,818,271
San Joaquin County	\$796,780
San Luis Obispo County	\$456,312
San Mateo County	\$758,641
Santa Barbara County	\$502,813
Santa Clara County	\$3,165,148
Santa Cruz County	\$585,814
Shasta County	\$257,005
Siskiyou County	\$48,850

Solano County	\$848,012
Sonoma County	\$791,066
Stanislaus County	\$832,424
Sutter County	\$64,179
Tehama County	\$50,421
Tulare County	\$829,642
Tuolumne County	\$32,612
Yolo County	\$310,820
Yuba County	\$44,106

(d) Commencing with the 2013–14 fiscal year, the Controller shall allocate funds from the Enhancing Law Enforcement Activities Subaccount in monthly installments. The annual payments to be made to each jurisdiction are as follows:

Alameda County	\$2,319,980
Amador County	\$21,403
City of Baldwin Park	\$4,539
Butte County	\$113,887
Calaveras County	\$8,559
Colusa County	\$7,017
Contra Costa County	\$1,897,056
Del Norte County	\$37,501
El Dorado County	\$89,793
City of Fremont	\$250,268
Fresno County	\$1,409,727
Glenn County	\$47,036
City of Hayward	\$11,098
Humboldt County	\$384,311
Inyo County	\$3,522
Kern County	\$732,680
Kings County	\$120,140
Lake County	\$84,030
Lassen County	\$24,041
Los Angeles County	\$676,989
Madera County	\$124,054
Marin County	\$222,060
Mendocino County	\$138,730

Merced County	\$219,669
Modoc County	\$3,244
Monterey County	\$613,463
City of Monterey	\$4,880
Napa County	\$107,578
Nevada County	\$94,239
City of Palm Springs	\$45,986
Placer County	\$464,844
City of Pomona	\$73,757
Riverside County	\$3,413,483
Sacramento County	\$2,247,151
San Benito County	\$32,312
San Bernardino County	\$2,758,057
San Diego County	\$5,818,271
San Joaquin County	\$796,780
San Luis Obispo County	\$456,312
San Mateo County	\$758,641
Santa Barbara County	\$502,813
Santa Clara County	\$3,165,148
Santa Cruz County	\$585,814
Shasta County	\$257,005
Siskiyou County	\$48,850
Solano County	\$848,012
Sonoma County	\$791,066
Stanislaus County	\$832,424
Sutter County	\$64,179
Tehama County	\$50,421
Tulare County	\$829,642
Tuolumne County	\$32,612
Yolo County	\$310,820
Yuba County	\$44,106

(Amended by Stats. 2013, Ch. 32, Sec. 1. (SB 76) Effective June 27, 2013.)

29553. (a) The amount specified in Chapter 92 of the Statutes of 2020 shall be appropriated according to the methodology specified within this section to counties to provide fiscal relief due to the repeal of the fees specified in Chapter 92 of the Statutes of 2020.

(b) The Director of Finance shall finalize a methodology used to determine per-county allocations commencing in the 2021–22 fiscal year and maintained through the 2025–26 fiscal year. The methodology shall be based on all of the following:

(1) Fifty percent of the annual appropriation shall be based on the three-year average of each county's adult population compared to that of the state from 2017 to 2019, inclusive. For the purposes of this paragraph, population refers to the adult population as documented by the most recent federal census.

(2) Twenty-five percent of the annual appropriation shall be based on the three-year average of each county's total felony and misdemeanor arrests compared to that of the state from 2017 to 2019, inclusive. For the purposes of this paragraph, arrests refer to adult felony and misdemeanor arrests as documented by the Department of Justice.

(3) Twenty-five percent of the annual appropriation shall be based on the three-year average of each county's total traffic and nontraffic felony and misdemeanor filings compared to that of the state from 2017 to 2019, inclusive. For the purposes of this paragraph, filings refer to adult felony and misdemeanor filings as documented by the Judicial Council.

(c) For the allocations in accordance with subdivision (b), each county's board of supervisors shall have the authority to determine how such money will be spent.

(d) No later than October 1, 2021, the Director of Finance shall provide the Assembly and Senate budget subcommittees on public safety, the Legislative Analyst's Office, and the Joint Legislative Budget Committee with the county allocation schedule.

(e) No later than May 1, 2022, each county's board of supervisors receiving fiscal relief pursuant to this section shall submit a report to the Director of Finance, the Legislative Analyst's Office, and the Joint Legislative Budget Committee detailing the actual revenue lost from each individual fee repealed by Chapter 92 of the Statutes of 2020 for each of the three most recent years that a county collected this revenue prior to enactment of Chapter 92 of the Statutes of 2020.

(1) To the extent a county is unable to provide data on its actual revenue loss, the county shall provide a detailed description of how it calculated the revenue loss, report on actual amounts for the most recent year in which they collected with their estimate of the amount along with their methodology of calculation, and report this information by category instead of each of the individual 23 code sections repealed by Chapter 92 of the Statutes of 2020.

(2) To the extent that the local court collects any of the fees repealed by this act on behalf of the county, the court shall provide the three-year revenue collection data to the county upon request.

(f) For the years in which funding is allocated pursuant to the methodology within this section, a county shall submit a report to the Director of Finance, the Legislative Analyst's Office, and the Joint Legislative Budget Committee that documents how the backfill allocation was spent. This report shall be submitted no later than January 10 of every year beginning in 2023 for funding that was provided pursuant to this section in the prior year. At minimum, the report shall contain the following:

(1) The total annual budget of the county department or departments that receive the allocation, the share of this allocation received, and an accounting of the expenditures of the allocation by county department that receive a share of this allocation.

(2) A description of the programs, services, strategies, and enhancements supported by or made with the allocation by county department.

(g) This statute shall remain in effect only until July 1, 2026, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2026, deletes or extends that date.

(Added by Stats. 2021, Ch. 79, Sec. 2. (AB 143) Effective July 16, 2021. Repealed as of July 1, 2026, by its own provisions.)

29554. (a) The amount specified in Chapter 257 of the Statutes of 2021 shall be appropriated according to the methodology specified within this section to counties to provide fiscal relief due to the repeal of the fees specified in Chapter 257 of the Statutes of 2021.

(b) The Director of Finance shall finalize a methodology used to determine per-county allocations for the 2021–22 fiscal year and ongoing fiscal years. The methodology shall be based on all of the following:

(1) Fifty percent of the annual appropriation shall be based on the three-year average of each county's adult population compared to that of the state from 2017 to 2019, inclusive. For the purposes of this paragraph, population refers to the adult population as estimated by the Department of Finance.

(2) Twenty-five percent of the annual appropriation shall be based on the three-year average of each county's total felony and misdemeanor arrests compared to that of the state from 2017 to 2019, inclusive. For the purposes of this paragraph, arrests refer to adult felony and misdemeanor arrests as documented by the Department of Justice.

(3) Twenty-five percent of the annual appropriation shall be based on the three-year average of each county's total traffic and nontraffic felony and misdemeanor filings compared to that of the state from 2017 to 2019, inclusive. For the purposes of this

paragraph, filings refer to adult felony and misdemeanor filings as documented by the Judicial Council.

(c) For the allocations in accordance with subdivision (b), each county's board of supervisors shall have the authority to determine how those moneys will be spent.

(d) No later than October 1, 2022, the Director of Finance shall provide the Assembly and Senate budget subcommittees on public safety, the Legislative Analyst's Office, and the Joint Legislative Budget Committee with the county allocation schedule.

(e) No later than May 1, 2023, each county's board of supervisors receiving fiscal relief pursuant to this section shall submit a report to the Director of Finance, the Legislative Analyst's Office, and the Joint Legislative Budget Committee detailing the actual revenue lost from each individual fee repealed by Chapter 257 of the Statutes of 2021 for each of the three most recent years that a county collected this revenue prior to the enactment of Chapter 257 of the Statutes of 2021.

(1) To the extent a county is unable to provide data on its actual revenue loss, the county shall provide a detailed description of how it calculated the revenue loss, report on actual amounts for the most recent year in which they collected with their estimate of the amount along with their methodology of calculation, and report this information by category instead of each of the individual code sections repealed by Chapter 257 of the Statutes of 2021.

(2) To the extent that the local court collects any of the fees repealed by this act on behalf of the county, the court shall provide the three-year revenue collection data to the county upon request.

(f) For the years in which funding is allocated pursuant to the methodology within this section, a county shall submit a report to the Director of Finance, the Legislative Analyst's Office, and the Joint Legislative Budget Committee that documents how the backfill allocation was spent. This report shall be submitted no later than January 10 of every year beginning in 2024 for funding that was provided pursuant to this section in the prior year. At minimum, the report shall contain the following:

(1) The total annual budget of the county department or departments that receive the allocation, the share of this allocation received, and an accounting of the expenditures of the allocation by county department that receive a share of this allocation.

(2) A description of the programs, services, strategies, and enhancements supported by or made with the allocation by county department.

(g) The report submitted pursuant to subdivision (f) may be combined with the report submitted pursuant to subdivision (f) of Section 29553.

(Added by Stats. 2022, Ch. 57, Sec. 2. (AB 199) Effective June 30, 2022.)