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**AB-2495 Prosecuting attorneys: charging defendants for the prosecution costs of criminal violations of local ordinances.** (2017-2018)

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**Assembly Bill No. 2495**

**CHAPTER 264**

An act to add Section 688.5 to the Penal Code, relating to criminal procedure.

[ Approved by Governor September 05, 2018. Filed with Secretary of State September 05, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2495, Mayes. Prosecuting attorneys: charging defendants for the prosecution costs of criminal violations of local ordinances.

Existing law establishes various procedures applicable to criminal prosecutions.

This bill would, with exceptions, prohibit a city, county, or city and county, including an attorney acting on behalf of a city, county, or city and county, from charging a defendant for the costs of investigation, prosecution, or appeal in a criminal case, including, but not limited to, a criminal violation of a local ordinance.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 688.5 is added to the Penal Code, to read:

**688.5.** (a) A city, county, or city and county, including an attorney acting on behalf of a city, county, or city and county, shall not charge a defendant for the costs of investigation, prosecution, or appeal in a criminal case, including, but not limited to, a criminal violation of a local ordinance. This prohibition shall not apply in any civil action or civil proceeding.

(b) This section shall not apply to any of the following:

- (1) A violation of Section 186.8, 186.11, or 670.
- (2) Costs ordered by a court pursuant to paragraph (1) of subdivision (d) of Section 17062 of the Health and Safety Code.
- (3) A violation of Section 1871.4 of the Insurance Code.
- (4) A violation of Section 3700.5 of the Labor Code.
- (5) A violation of Section 19542.3, 19701, 19701.5, 19705, 19706, 19720, 19721, 30165.1, 30482, 38800, 46701, 46702, 46704, or 46705 of the Revenue and Taxation Code.
- (6) A violation of Section 2126 of the Unemployment Insurance Code.

(7) A violation of any other provision of state law where recovery of the costs of investigation, prosecution, or appeal in a criminal case is specifically authorized by statute or ordered by a court. This paragraph does not apply to a local ordinance.

(c) Nothing in this section shall be interpreted to affect the authority of a probation department to assess and collect fees or other charges authorized by statute.

(d) For the purposes of this section, the term "costs" means the salary, fees, and hourly rate paid to attorneys, law enforcement, and inspectors for hours spent either investigating or enforcing the charged crime. Costs shall not include the cost, including oversight, to remediate, abate, restore, or otherwise clean-up harms caused by criminal conduct.