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AB-2532 Infractions: community service. (2017-2018)

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Assembly Bill No. 2532

CHAPTER 280

An act to amend Section 1209.5 of the Penal Code, relating to infractions.

[Approved by Governor September 06, 2018. Filed with Secretary of State September 06, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2532, Jones-Sawyer. Infractions: community service.

Existing law authorizes a court to sentence a person convicted of an infraction to perform community service in lieu of the total fine, as defined, that would otherwise be imposed, upon a showing that payment of the total fine would pose a hardship on the defendant or his or her family. Existing law requires the defendant to perform community service at the hourly rate applicable to community service work performed by criminal defendants.

This bill would instead require the court to permit the person to elect to perform community service in lieu of the total fine upon making the above-described showing of hardship to the court. To the extent that the bill would expand the scope of persons performing community service and would increase the duties of county officials, the bill would impose a state-mandated local program.

The bill would also value the hourly rate applicable to the community service performed instead at double the minimum wage set for the applicable calendar year, based on the schedule for an employer who employs 25 or fewer employees, as specified. The bill would authorize a court by local rule to increase the amount that is credited for each hour of community service performed, to exceed that hourly rate. The bill would also make clarifying changes to the definition of "total fine" and would make other technical, nonsubstantive changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 1209.5 of the Penal Code is amended to read:

1209.5. (a) Notwithstanding any other law, the court shall permit a person convicted of an infraction, upon a showing that payment of the total fine would pose a hardship on the defendant or his or her family, to elect to perform community service in lieu

of the total fine that would otherwise be imposed.

(b) For purposes of this section, the term "total fine" means the total bail, including the base fine and all assessments, penalties, and additional moneys to be paid by the defendant.

(c) (1) For purposes of this section, the hourly rate applicable to community service performed pursuant to this section shall be double the minimum wage set for the applicable calendar year, based on the schedule for an employer who employs 25 or fewer employees, as established in paragraph (2) of subdivision (b) of Section 1182.12 of the Labor Code.

(2) Notwithstanding paragraph (1), a court may by local rule increase the amount that is credited for each hour of community service performed pursuant to this section, to exceed the hourly rate described in paragraph (1).

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.