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**SB-164 Infractions: community service.** (2019-2020)

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**Senate Bill No. 164**

**CHAPTER 138**

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

[ Approved by Governor July 30, 2019. Filed with Secretary of State July 30, 2019. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 164, McGuire. 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 the person's family.

This bill would authorize a person who has been convicted of an infraction to elect to perform that community service in the county in which the infraction violation occurred, the county of the person's residence, or any other county to which the person has substantial ties if the court determines that the person has shown that payment of the total fine would pose a hardship on the person and the person has elected to perform community service in lieu of paying the total fine. The bill would require the court to retain jurisdiction until the community service has been verified as complete regardless of the county in which the person elects to perform the community service.

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

**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 the defendant's 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).

(d) (1) If the court determines that a person who has been convicted of an infraction has shown that payment of the total fine would pose a hardship pursuant to subdivision (a) and the person has elected to perform community service in lieu of paying the total fine, the person may elect to perform that community service in the county in which the infraction violation occurred, the county of the person's residence, or any other county to which the person has substantial ties, including, but not limited to, employment, family, or education ties.

(2) Regardless of the county in which the person elects to perform community service pursuant to paragraph (1), the court shall retain jurisdiction until the community service has been verified as complete.