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AB-199 Courts. (2021-2022)

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Assembly Bill No. 199

CHAPTER 57

An act to amend Sections 68085, 68085.1, 68085.7, 68632, 68645.2, 68645.4, and 68645.5 of, to add Section 29554 to, to add and repeal Section 71651.1 of, and to repeal Section 76223 of, the Government Code, to amend Sections 1208.2, 1214.1, 1463, 1463.001, and 1465.9 of, to amend, repeal, and add Sections 977 and 1043.5 of, and to add and repeal Section 977.3 of, the Penal Code, and to amend Section 40509 of the Vehicle Code, relating to courts, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 30, 2022. Filed with Secretary of State June 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 199, Committee on Budget. Courts.

(1) Existing law establishes the Trial Court Trust Fund, the proceeds of which are apportioned to fund trial court operations, as well as providing for the direct payment or reimbursement of the actual costs of operating one or more trial courts upon the authorization of the participating courts. Existing law specifies certain fees and fines, including civil assessments, collected on or before December 31, 2005, that are to be deposited in a special account in the county treasury and transmitted monthly to the State Treasury for deposit in the Trial Court Trust Fund.

This bill would no longer require the deposit of civil assessments collected on or before December 31, 2005, into a special account to be transmitted monthly for deposit in the Trial Court Trust Fund.

(2) Existing law authorizes a court to impose a civil assessment of up to \$300 against a defendant who fails, after notice and without good cause, to appear in court or who fails to pay all or any portion of a fine or to pay an installment of bail. Existing law requires this assessment be deposited in the Trial Court Trust Fund.

This bill would, on or after July 1, 2022, decrease the civil assessment to up to \$100 and require the assessment to be deposited with the county treasurer and transmitted to the State Treasurer for deposit, instead, into the General Fund. This bill would make conforming changes.

Under existing law, the balance of any court-imposed costs, as specified, shall be unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.

This bill would, on and after July 1, 2022, apply this provision to the balance of the court-imposed civil assessments imposed prior to July 1, 2022.

Existing law requires that certain fees and fines collected by superior courts, including civil assessments collected on or after January 1, 2006, be deposited into a bank account established by the Administrative Office of the Courts for distribution, as

specified, with the balance transmitted to the State Treasury for deposit in the Trial Court Trust Fund and other funds as required by law.

This bill would remove court-imposed civil assessments from this provision.

(3) Existing law requires the Judicial Council to develop an online tool for adjudicating infraction violations, including ability-to-pay determinations, to implement the tool on a phased schedule, and to make this tool available statewide on or before June 30, 2024. Existing law prohibits a defendant from being compelled to use this online tool and authorizes courts to allow defendants to agree to forfeit bail, plead guilty or nolo contendere, request an ability-to-pay determination, or otherwise adjudicate matters electronically for all infraction violations for which a personal appearance is not required.

This bill would specify that trials conducted under these provisions are to be conducted by declaration through the online tool. The bill would make other clarifying and conforming changes to these provisions.

(4) Existing law repealed specified fees contingent upon a criminal arrest, prosecution, or conviction for the cost of administering the criminal justice system, including lab fees, drug testing, and incarceration, among others. Existing law appropriated \$25,000,000 in the 2021–22 fiscal year, and \$50,000,000 in the 2022–23 fiscal year and each year thereafter, from the General Fund to the Controller for allocation pursuant to a schedule provided by the Department of Finance to counties to backfill revenues lost from the repeal of those fees. Existing law requires those funds to be allocated by the Controller according to a schedule provided by the Department of Finance. Existing law states the intent of the Legislature to pursue legislation to finalize the funding allocation methodology for distribution.

This bill would require the Director of Finance to finalize a methodology for determining per-county allocations for those funds. The bill would require the methodology to distribute 50% of the annual appropriation based on the 3-year average of each county's adult population compared to that of the state, 25% of the appropriation based on the 3-year average of each county's total felony and misdemeanor arrests compared to that of the state, and 25% of the appropriation based on the 3-year average of each county's total traffic and nontraffic felony and misdemeanor filings compared to that of the state, as specified. The bill would require the Director of Finance to, no later than October 1, 2022, 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. The bill would require, no later than May 1, 2023, each county's board of supervisors receiving fiscal relief pursuant to these provisions to 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, as specified. The bill would require each county to additionally provide a report to those entities that documents how the backfill allocation was spent, as specified. By imposing additional duties on counties, this bill would impose a state-mandated local program.

(5) Existing law authorizes counties to create work furlough programs and electronic home detention programs, as specified. Existing law authorizes counties to administer these programs directly through an administrator, or to enter into contracts with private agencies or entities to administer them. Existing law prohibits a county that implements one of these programs from imposing an administrative fee.

This bill would also prohibit a privately operated program from imposing an administrative or application fee.

(6) Existing law requires the court to grant a fee waiver to an applicant at any stage of the proceedings at both the appellate and trial court levels if the applicant meets specified standards of eligibility and application requirements, including a person who is receiving certain public benefits, such as Supplemental Security Income or Medi-Cal, or who has a monthly income of 125% or less of the current poverty guidelines, as specified. An initial fee waiver excuses the applicant from paying, among other fees and costs, fees for the first pleading and other court fees and costs as specified in rules adopted by the Judicial Council. Existing law requires an applicant for a fee waiver to complete, under penalty of perjury, a Judicial Council application form containing specified information.

This bill would require a court to grant a fee waiver to an applicant who has a monthly income of 200% or less of the current poverty guidelines or, additionally, who receives benefits under the California Special Supplemental Nutrition Program for Women, Infants, and Children (WIC Program), or who receives unemployment compensation. The bill would require the Judicial Council to annually publish a table establishing the threshold monthly household income for this income-based fee waiver.

By requiring an applicant who is requesting a fee waiver based on receiving WIC Program benefits or unemployment to complete, under penalty of perjury, a Judicial Council application form and a financial statement, this bill would expand the crime of perjury and impose a state-mandated local program.

(7) Existing law repealed, as of January 1, 2022, an authorization for a county to require the courts of that county to impose an assessment of \$15 upon a person, as specified.

This bill would make conforming changes.

(8) This bill would state the intent of the Legislature to provide greater access to justice while maintaining the integrity of criminal proceedings through the use of remote technology.

(9) Existing law allows a defendant in a case charged with only a misdemeanor to appear by counsel, except as specified, and, if a defendant agrees, allows a defendant to appear by video for the initial court appearance, arraignment, and plea.

This bill would, until January 1, 2024, allow a court, if a defendant agrees, to conduct all proceedings, except jury and court trials, remotely through the use of remote technology.

Existing law requires a defendant in a criminal trial in which a felony is charged to be present at the arraignment, at the time of plea, during the preliminary hearing, during those portions of the trial when evidence is taken before the trier of fact, and at the time of the imposition of sentence. Existing law generally requires a defendant to be personally present at all other proceedings unless the defendant executes a written waiver of their right to be personally present. Existing law permits a defendant's appearance by video for certain proceedings, as specified.

This bill would, until January 1, 2024, specify that a defendant would be required to be physically present at the proceedings listed above in felony cases and would allow a defendant to be physically or remotely present at all other proceedings, unless the defendant waived their right to be physically or remotely present with leave of the court and approval by defendant's counsel.

Existing law permits a defendant to waive their right to be personally present with a written waiver approved by their counsel and filed with the court. Existing law authorizes a court to direct a defendant to be personally present at any proceeding or portion thereof.

This bill would allow, until January 1, 2024, a defendant to waive the right to be physically or remotely present in writing and filed with the court or, with the court's consent, entered personally by the defendant or defendant's counsel. The bill would authorize the court to direct a defendant to be physically or remotely present at any particular proceeding.

Existing law provides a form for a defendant's waiver of personal presence, which includes a waiver of the right to be present at the hearing or any motion, and an agreement that the attorney's presence representing the defendant's interests is the same as if the defendant were personally present in court.

This bill would, until January 1, 2024, append the form to include that the defendant knowingly, intelligently, and voluntarily waives the right to be physically or remotely present at the hearing or motion.

Existing law authorizes a court to permit the initial court appearance and arraignment of a defendant held in any state, county, or local facility within the county on felony or misdemeanor charges, except for those defendants who were indicted by a grand jury, to be conducted by 2-way electronic audiovideo communication between the defendant and the courtroom in lieu of the defendant's physical presence. Existing law requires the defendant to execute a written waiver if the defendant decides not to exercise the right to be physically present in the courtroom to make their plea. Existing law authorizes a judge to order a defendant's personal appearance in court for the initial court appearance and arraignment. In both misdemeanor and felony cases, existing law allows a judge to accept a plea of guilty or no contest from a defendant who is not physically in the courtroom but requires the parties to stipulate thereto in felony cases.

This bill would, until January 1, 2024, upon a defendant's waiver of the right to be physically present, generally allow criminal proceedings to be conducted through the use of remote technology, and allow a defendant to withdraw their waiver at any time.

Existing law allows a defendant, who does not wish to be personally present for noncritical portions of the trial, to make an oral waiver in open court or submit a written request to the court. Existing law authorizes the court, when a defendant has waived the right to be personally present, to require a defendant held in any state, county, or local facility within the county on felony or misdemeanor charges to be present for noncritical portions of the trial by 2-way electronic audiovideo communication between the defendant and the courtroom in lieu of the defendant's physical presence in the courtroom.

This bill would, until January 1, 2024, authorize the court to direct the defendant to be physically present at any particular felony proceeding. The bill would prohibit a defendant charged with a felony to appear remotely for sentencing, except as specified, and a defendant charged with a felony or misdemeanor to appear remotely for a jury or court trial, except as specified. The bill would allow a witness to appear remotely at any misdemeanor or felony criminal proceeding, except for felony trials. The bill would authorize a court to allow a prosecuting attorney or defense counsel to participate in a criminal proceeding through the use of remote technology. The bill would require a court to require a prosecuting attorney, defense counsel, defendant, or witness to appear in person at a proceeding under specified circumstances. The bill would require an official reporter or official reporter pro tempore to be physically present in the courtroom when the court conducts a remote proceeding reported by a reporter. The bill would require a court to make findings on the record that any waiver entered into by the defendant was knowingly, voluntarily, and intelligently made by the defendant. The bill would authorize the Judicial Council to adopt rules to implement these provisions.

This bill would, until January 1, 2024, allow a witness to testify in any misdemeanor or felony criminal proceeding, except for felony trials, through the use of remote technology with the consent of the parties on the record and the court and with the defendant's waiver of the right to have a witness testify in person on the record. The bill would require the court to make specified findings that a waiver entered into was knowingly, voluntarily, and intelligently made by the defendant. The bill would require the Judicial Council to adopt rules to implement the policies and provisions of the act.

Existing law requires a defendant to be personally present in a preliminary hearing. Under existing law, the court is authorized to continue the hearing to holding to answer, filing an information, or discharging the defendant. Existing law prohibits these provisions from limiting the right of a defendant to waive the right to be present.

This bill, until January 1, 2024, would include within these provisions the defendant's right to waive the right to appear through the use of remote technology.

(10) Existing law requires each trial court to establish a trial court employment protection system to become the minimum employment protection system for all trial court employees. Except for layoffs for organizational necessity, existing law requires discipline, up to and including termination of employment, to be for cause.

This bill would, until January 1, 2024, prohibit a trial court from retaliating against an official court reporter or official court reporter pro tempore for notifying a judicial officer that technology or audibility issues are interfering with the creation of the verbatim record for a remote proceeding.

(11) Existing law authorizes a board of supervisors to establish in the county treasury a Courthouse Construction Fund for the purpose of assisting a county in the acquisition, rehabilitation, construction, and financing of courtrooms, a courtroom building, or court facilities. For any construction of court facilities in the County of Merced entered into by the board of supervisors and the presiding judge of the superior court, existing law requires, among other things, that revenue from civil assessments be available, as specified, for the purpose of augmenting other funds made available for construction.

This bill would repeal these provisions.

(12) This bill would appropriate \$10,000,000 in the 2022–23 fiscal year from the General Fund to the Trial Court Trust Fund.

(13) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(14) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

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

SECTION 1. It is the intent of the Legislature to provide greater access to justice while maintaining the integrity of criminal proceedings through the use of remote technology. It is further the intent of the Legislature that, when using remote technology, the court shall maintain criminal proceedings consistent with the standards of in-person criminal proceedings and protect the due process rights of defendants and victims.

SEC. 2. Section 29554 is added to the Government Code, to read:

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.

SEC. 3. Section 68085 of the Government Code is amended to read:

68085. (a) (1) There is hereby established the Trial Court Trust Fund, the proceeds of which shall be apportioned for the purposes authorized in this section, including apportionment to the trial courts to fund trial court operations, as defined in Section 77003.

(2) The apportionment payments shall be made by the Controller. The final payment from the Trial Court Trust Fund for each fiscal year shall be made on or before August 31 of the subsequent fiscal year.

(A) Notwithstanding any other provision of law, in order to promote statewide efficiency, the Judicial Council may authorize the direct payment or reimbursement or both of actual costs from the Trial Court Trust Fund or the State Trial Court Improvement and Modernization Fund to fund the costs of operating one or more trial courts upon the authorization of the participating courts. These paid or reimbursed costs may be for services provided to the court or courts by the Administrative Office of the Courts or payment for services or property of any kind contracted for by the court or courts or on behalf of the courts by the Administrative Office of the Courts. The amount of appropriations from the State Trial Court Improvement and Modernization Fund under this subdivision may not exceed 20 percent of the amount deposited in the State Trial Court Improvement and Modernization Fund pursuant to subdivision (a) of Section 77205. The direct payment or reimbursement of costs from the Trial Court Trust Fund may be supported by the reduction of a participating court's allocation from the Trial Court Trust Fund to the extent that the court's expenditures for the program are reduced and the court is supported by the expenditure. The Judicial Council shall provide the affected trial courts with quarterly reports on expenditures from the Trial Court Trust Fund incurred as authorized by this subdivision. The Judicial Council shall establish procedures to provide for the administration of this paragraph in a way that promotes the effective, efficient, reliable, and accountable operation of the trial courts.

(B) As used in subparagraph (A), the term "costs of operating one or more trial courts" includes any expenses related to operation of the court or performance of its functions, including, but not limited to, statewide administrative and information technology infrastructure supporting the courts. The term "costs of operating one or more trial courts" is not restricted to items considered "court operations" pursuant to Section 77003, but is subject to policies, procedures, and criteria established by the Judicial Council, and may not include an item that is a cost that must otherwise be paid by the county or city and county in which the court is located.

(b) Notwithstanding any other provision of law, the fees listed in subdivision (c) shall all be deposited upon collection in a special account in the county treasury, and transmitted monthly to the State Treasury for deposit in the Trial Court Trust Fund.

(c) (1) Except as specified in subdivision (d), this section applies to all fees collected on or before December 31, 2005, pursuant to Sections 631.3, 116.230, and 403.060 of the Code of Civil Procedure and Sections 26820.4, 26823, 26826, 26826.01, 26827, 26827.4, 26830, 26832.1, 26833.1, 26835.1, 26836.1, 26837.1, 26838, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, 26862, 68086, 72055, 72056, 72056.01, and 72060.

(2) Notwithstanding any other provision of law, except as specified in subdivision (d) of this section and subdivision (a) of Section 68085.7, this section applies to all fees and fines collected on or before December 31, 2005, pursuant to Sections 116.390, 116.570, 116.760, 116.860, 177.5, 491.150, 704.750, 708.160, 724.100, 1134, 1161.2, and 1218 of the Code of Civil Procedure, Sections 26824, 26828, 26829, 26834, and 72059 of the Government Code, and subdivisions (b) and (c) of Section 166 of the Penal Code.

(3) If any of the fees provided for in this subdivision are partially waived by court order, and the fee is to be divided between the Trial Court Trust Fund and any other fund, the amount of the partial waiver shall be deducted from the amount to be distributed to each fund in the same proportion as the amount of each distribution bears to the total amount of the fee.

(d) This section does not apply to that portion of a filing fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056 that is allocated for dispute resolution pursuant to Section 470.3 of the Business and Professions Code, the county law library pursuant to Section 6320 of the Business and Professions Code, the Judges' Retirement Fund pursuant to Section 26822.3, automated recordkeeping or conversion to micrographics pursuant to Sections 26863 and 68090.7, and courthouse financing pursuant to Section 70625. This section also does not apply to fees collected pursuant to subdivisions (a) and (c) of Section 27361.

(e) This section applies to all payments required to be made to the State Treasury by any county or city and county pursuant to Section 77201, 77201.1, or 77205.

(f) Notwithstanding any other provision of law, no agency may take action to change the amounts allocated to any of the funds described in subdivision (a), (b), (c), or (d).

(g) The Judicial Council shall reimburse the Controller for the actual administrative costs that will be incurred under this section. Costs reimbursed under this section shall be determined on an annual basis in consultation with the Judicial Council.

(h) Any amounts required to be transmitted by a county or city and county to the state pursuant to this section shall be remitted to the State Treasury no later than 45 days after the end of the month in which the fees were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the Trial Court Trust Fund to which it is to be deposited. Any remittance that is not made by the county or city and county in accordance with this section shall be considered delinquent, and subject to the interest and penalties specified in this section.

(i) Upon receipt of any delinquent payment required pursuant to this section, the Controller shall do the following:

(1) Calculate interest on the delinquent payment by multiplying the amount of the delinquent payment at a daily rate equivalent to the rate of return of money deposited in the Local Agency Investment Fund pursuant to Section 16429.1 from the date the payment was originally due to either 30 days after the date of the issuance by the Controller of the final audit report concerning the failure to pay or the date of payment by the entity responsible for the delinquent payment, whichever comes first.

(2) Calculate a penalty at a daily rate equivalent to $1\frac{1}{2}$ percent per month from the date 30 days after the date of the issuance by the Controller of the final audit report concerning the failure to pay.

(j) (1) Interest or penalty amounts calculated pursuant to subdivision (i) shall be paid by the county, city and county, or court to the Trial Court Trust Fund no later than 45 days after the end of the month in which the interest or penalty was calculated. Payment shall be made by the entity responsible for the error or other action that caused the failure to pay, as determined by the Controller in notice given to that party by the Controller.

(2) Notwithstanding Section 77009, any interest or penalty on a delinquent payment that a court is required to make pursuant to this section and Section 24353 shall be paid from the Trial Court Operations Fund for that court.

(3) The Controller may permit a county, city and county, or court to pay the interest or penalty amounts according to a payment schedule in the event of a large interest or penalty amount that causes a hardship to the paying entity.

(4) The party responsible for the error or other action that caused the failure to pay may include, but is not limited to, the party that collected the funds who is not the party responsible for remitting the funds to the Trial Court Trust Fund, if the collecting party failed or delayed in providing the remitting party with sufficient information needed by the remitting party to distribute the funds.

(k) The Trial Court Trust Fund shall be invested in the Surplus Money Investment Fund and all interest earned shall be allocated to the Trial Court Trust Fund quarterly and shall be allocated among the courts in accordance with the requirements of subdivision (a).

(l) It is the intent of the Legislature that the revenues required to be deposited into the Trial Court Trust Fund be remitted as soon after collection by the courts as possible.

(m) Except for subdivisions (a) and (k), this section does not apply to fees and fines that are listed in subdivision (a) of Section 68085.1 that are collected on or after January 1, 2006.

(n) The changes made to subdivisions (i) and (j) of this section by Chapter 435 of the Statutes of 2007 apply to all delinquent payments for which no final audit has been issued by the Controller prior to January 1, 2008.

(o) The Judicial Council shall not expend any of these funds on the system known as the Court Case Management System without consent from the Legislature, except for the maintenance and operation of Court Case Management System Version 2 and Version 3.

(p) This section or any other provision of law shall not be construed to authorize the Judicial Council to redirect funds from the Trial Court Trust Fund for any purpose other than for allocation to trial courts or as otherwise specifically appropriated by statute.

(q) This section shall become operative on January 1, 2013.

SEC. 4. Section 68085.1 of the Government Code is amended to read:

68085.1. (a) This section applies to all fees and fines that are collected on or after January 1, 2006, under all of the following:

(1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150, 704.750, 708.160, 724.100, 1134, 1161.2, 1218, and 1993.2 of, subdivision (g) of Section 411.20 and subdivisions (c) and (g) of Section 411.21 of, subdivision (b) of Section 631 of, and Chapter 5.5 (commencing with Section 116.110) of Title 1 of Part 1 of, the Code of Civil Procedure.

(2) Section 3112 of the Family Code.

(3) Section 31622 of the Food and Agricultural Code.

(4) Subdivision (d) of Section 6103.5, Sections 68086 and 68086.1, subdivision (d) of Section 68511.3, Sections 68926.1 and 69953.5, and Chapter 5.8 (commencing with Section 70600).

(5) Section 103470 of the Health and Safety Code.

(6) Subdivisions (b) and (c) of Section 166 of the Penal Code.

(7) Sections 1835, 1851.5, 2343, 7660, and 13201 of the Probate Code.

(8) Sections 14607.6 and 16373 of the Vehicle Code.

(9) Section 71386 of this code, Sections 304, 7851.5, and 9002 of the Family Code, and Section 1513.1 of the Probate Code, if the reimbursement is for expenses incurred by the court.

(10) Section 3153 of the Family Code, if the amount is paid to the court for the cost of counsel appointed by the court to represent a child.

(b) On and after January 1, 2006, each superior court shall deposit all fees and fines listed in subdivision (a), as soon as practicable after collection and on a regular basis, into a bank account established for this purpose by the Administrative Office of the Courts. Upon direction of the Administrative Office of the Courts, the county shall deposit any money it collects under the sections listed in subdivision (a) as soon as practicable after collection and on a regular basis into the bank account established for this purpose and specified by the Administrative Office of the Courts. The deposits shall be made as required by rules adopted by, and financial policies and procedures authorized by, the Judicial Council under subdivision (a) of Section 77206. Within 15 days after the end of the month in which the fees and fines are collected, each court, and each county that collects any fines or

fees under subdivision (a), shall provide the Administrative Office of the Courts with a report of the fees by categories as specified by the Administrative Office of the Courts. The Administrative Office of the Courts and any court may agree upon a time period greater than 15 days, but in no case more than 30 days after the end of the month in which the fees and fines are collected. The fees and fines listed in subdivision (a) shall be distributed as provided in this section.

(c) (1) Within 45 calendar days after the end of the month in which the fees and fines listed in subdivision (a) are collected, the Administrative Office of the Courts shall make the following distributions:

(A) To the small claims advisory services, as described in subdivision (f) of Section 116.230 of the Code of Civil Procedure.

(B) To dispute resolution programs, as described in subdivision (b) of Section 68085.3 and subdivision (b) of Section 68085.4.

(C) To the county law library funds, as described in Sections 116.230 and 116.760 of the Code of Civil Procedure, subdivision (b) of Section 68085.3, subdivision (b) of Section 68085.4, and Section 70621 of this code, and Section 14607.6 of the Vehicle Code.

(D) To the courthouse construction funds in the Counties of Riverside, San Bernardino, and San Francisco, as described in Sections 70622, 70624, and 70625.

(E) Commencing July 1, 2011, to the Trial Court Trust Fund, as described in subdivision (e) of Section 70626, to be used by the Judicial Council to implement and administer the civil representation pilot program under Section 68651.

(2) If any distribution under this subdivision is delinquent, the Administrative Office of the Courts shall add a penalty to the distribution as specified in subdivision (i).

(d) Within 45 calendar days after the end of the month in which the fees and fines listed in subdivision (a) are collected, the amounts remaining after the distributions in subdivision (c) shall be transmitted to the State Treasury for deposit in the Trial Court Trust Fund and other funds as required by law. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the Trial Court Trust Fund or other fund to which it is to be deposited. Upon the receipt of any delinquent payment required under this subdivision, the Controller shall calculate a penalty as provided under subdivision (i).

(e) From the money transmitted to the State Treasury under subdivision (d), the Controller shall make deposits as follows:

(1) Into the Judges' Retirement Fund and the Equal Access Fund, as described in subdivision (c) of Section 68085.3 and subdivision (c) of Section 68085.4.

(2) Into the Health Statistics Special Fund, as described in subdivision (b) of Section 70670 of this code and Section 103730 of the Health and Safety Code.

(3) Into the Family Law Trust Fund, as described in Section 70674.

(4) Into the State Court Facilities Construction Fund, as described in subdivision (c) of Section 68085.3, subdivision (c) of Section 68085.4, subdivision (b) of Section 70657.5, and subdivision (e) of Section 70617.

(5) The remainder of the money shall be deposited into the Trial Court Trust Fund.

(f) The amounts collected by each superior court under Section 116.232, subdivision (g) of Section 411.20, and subdivision (g) of Section 411.21 of the Code of Civil Procedure, Sections 304, 3112, 3153, 7851.5, and 9002 of the Family Code, subdivision (d) of Section 6103.5, subdivision (d) of Section 68511.3 and Sections 68926.1, 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386 of this code, and Sections 1513.1, 1835, 1851.5, and 2343 of the Probate Code shall be added to the monthly apportionment for that court under subdivision (a) of Section 68085.

(g) If any of the fees provided in subdivision (a) are partially waived by court order or otherwise reduced, and the fee is to be divided between the Trial Court Trust Fund and any other fund or account, the amount of the reduction shall be deducted from the amount to be distributed to each fund in the same proportion as the amount of each distribution bears to the total amount of the fee. If the fee is paid by installment payments, the amount distributed to each fund or account from each installment shall bear the same proportion to the installment payment as the full distribution to that fund or account does to the full fee. If a court collects a fee that was incurred before January 1, 2006, under a provision that was the predecessor to one of the paragraphs contained in subdivision (a), the fee may be deposited as if it were collected under the paragraph of subdivision (a) that corresponds to the predecessor of that paragraph and distributed in prorated amounts to each fund or account to which the fee in subdivision (a) must be distributed.

(h) Except as provided in Sections 470.5 and 6322.1 of the Business and Professions Code, and Sections 70622, 70624, and 70625 of this code, an agency shall not take action to change the amounts allocated to any of the funds described in subdivision (c), (d), or (e).

(i) The amount of the penalty on any delinquent payment under subdivision (c) or (d) shall be calculated by multiplying the amount of the delinquent payment at a daily rate equivalent to $1\frac{1}{2}$ percent per month for the number of days the payment is delinquent. The penalty shall be paid from the Trial Court Trust Fund. Penalties on delinquent payments under subdivision (d) shall be calculated only on the amounts to be distributed to the Trial Court Trust Fund and the State Court Facilities Construction Fund, and each penalty shall be distributed proportionately to the funds to which the delinquent payment was to be distributed.

(j) If a delinquent payment under subdivision (c) or (d) results from a delinquency by a superior court under subdivision (b), the court shall reimburse the Trial Court Trust Fund for the amount of the penalty. Notwithstanding Section 77009, any penalty on a delinquent payment that a court is required to reimburse pursuant to this section shall be paid from the court operations fund for that court. The penalty shall be paid by the court to the Trial Court Trust Fund no later than 45 days after the end of the month in which the penalty was calculated. If the penalty is not paid within the specified time, the Administrative Office of the Courts may reduce the amount of a subsequent monthly allocation to the court by the amount of the penalty on the delinquent payment.

(k) If a delinquent payment under subdivision (c) or (d) results from a delinquency by a county in transmitting fees and fines listed in subdivision (a) to the bank account established for this purpose, as described in subdivision (b), the county shall reimburse the Trial Court Trust Fund for the amount of the penalty. The penalty shall be paid by the county to the Trial Court Trust Fund no later than 45 days after the end of the month in which the penalty was calculated.

SEC. 5. Section 68085.7 of the Government Code is amended to read:

68085.7. (a) (1) Notwithstanding any other provision of law, Section 68085.5 does not apply to the following fees and fines collected on or after July 1, 2005: any fees and fines specified in subdivision (a) or (b) of Section 68085.5, Section 177.5 or 1218 of the Code of Civil Procedure, or Section 166 or 1214.1 of the Penal Code. Commencing July 1, 2005, and except as otherwise provided in subdivision (g), these fees and fines shall be distributed as provided by Section 68085, except that the fees listed in subdivision (b) of Section 68085.5 and the fee in Section 1835 of the Probate Code shall be distributed to the court or the county, whichever provided the services for which the fee is charged or incurred the costs reimbursed by the fee.

(2) Notwithstanding any other provision of law, until January 1, 2006, upon direction of the Administrative Office of the Courts, the court and the county shall deposit the money each collects under the sections listed in paragraph (2) of subdivision (c) of Section 68085 as soon as practicable after collection and on a regular basis into a bank account established for this purpose and specified by the Administrative Office of the Courts. The deposits shall be made as required by rules adopted by and financial policies and procedures authorized by the Judicial Council under subdivision (a) of Section 77206 of the Government Code. Within 15 days after the end of the month in which the money is collected, the court and the county each shall provide the Administrative Office of the Courts with a report of the money it collects, as specified by the Administrative Office of the Courts. The money shall be transmitted to the State Controller for deposit in the Trial Court Trust Fund by the Administrative Office of the Courts.

(3) Commencing January 1, 2006, and except as otherwise provided in subdivision (g), the fees and fines listed in Section 68085.5 shall be distributed as provided by Section 68085.1, or if no provision is made in Section 68085.1, as specified in the section that provides for the fee or fine. The fees in Sections 26840.1, 26847, 26854, 26855.1, 26855.2, and 27293 shall be distributed to the county.

(b) Commencing July 1, 2005, in each fiscal year, the amount of each county's annual remittance to the state Trial Court Trust Fund under paragraph (2) of subdivision (b) of Section 77201.1 shall be reduced by the amount that the county received from civil assessments under Section 1214.1 of the Penal Code, after deducting the cost of collecting those civil assessments as defined in subdivision (f), in the 2003-04 fiscal year. The reduction provided by this subdivision for the 2005-06 fiscal year shall apply only to a county that transmits to the Trial Court Trust Fund any money received by the county between July 1, 2005, and the effective date of this section that would have been transmitted to the Trial Court Trust Fund pursuant to subdivision (a), and the amendments to Section 68085 of this code and Section 1214.1 of the Penal Code, if this section had been effective on July 1, 2005.

(c) The amount of the reduction under this section for each county shall be determined by agreement between the Administrative Office of the Courts (AOC) and the California State Association of Counties (CSAC). Each county and each superior court shall exchange relevant factual information to determine and jointly report to the AOC and the CSAC the total amount the county received from civil assessments for the 2003-04 fiscal year, both gross and net after costs, on or before August 31, 2005. If the court and the county do not agree on the amount, the court and the county shall each report the amount each believes is correct to the AOC and the CSAC on or before August 31, 2005.

(d) The AOC and the CSAC shall agree on the amount of the reduction for each county under this section on or before October 31, 2005. If a court or county disagrees with the amount agreed to by the AOC and the CSAC for that county, the court or county may appeal to the AOC and the CSAC for an adjustment. The AOC and the CSAC shall determine whether to make any requested adjustment.

(e) If the AOC and the CSAC do not agree on the amount of the reduction for a county, they may request a mutually agreed-upon third party to arbitrate and determine the amount. The amount shall be determined on or before December 31, 2005.

(f) Guidelines of the Controller shall apply to the determination of revenues from civil assessments under Section 1214.1 of the Penal Code. The costs of collecting civil assessments applied in determining net civil assessments are only those costs used to collect those civil assessments.

(g) Notwithstanding any other provision in this section, commencing July 1, 2022, any revenues from civil assessments imposed under Section 1214.1 of the Penal Code shall be distributed as provided under Sections 1214.1 and 1463.001 of the Penal Code.

SEC. 6. Section 68632 of the Government Code is amended to read:

68632. Permission to proceed without paying court fees and costs because of an applicant's financial condition shall be granted initially to all of the following persons:

(a) An applicant who is receiving public benefits under one or more of the following programs:

(1) Supplemental Security Income (SSI) and State Supplementary Payment (SSP) (Article 5 (commencing with Section 12200) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code).

(2) California Work Opportunity and Responsibility to Kids Act (CalWORKs) (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code) or a federal Tribal Temporary Assistance for Needy Families (Tribal TANF) grant program (Section 10553.25 of the Welfare and Institutions Code).

(3) Supplemental Nutrition Assistance Program (Chapter 51 (commencing with Section 2011) of Title 7 of the United States Code) or the California Food Assistance Program (Chapter 10.1 (commencing with Section 18930) of Part 6 of Division 9 of the Welfare and Institutions Code).

(4) County Relief, General Relief (GR), or General Assistance (GA) (Part 5 (commencing with Section 17000) of Division 9 of the Welfare and Institutions Code).

(5) Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants (CAPI) (Chapter 10.3 (commencing with Section 18937) of Part 6 of Division 9 of the Welfare and Institutions Code).

(6) In-Home Supportive Services (IHSS) (Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code).

(7) Medi-Cal (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code).

(8) California Special Supplemental Nutrition Program for Women, Infants, and Children (WIC Program) (Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code).

(9) Unemployment compensation (Chapter 5 (commencing with Section 1251) of Part 1 of Division 1 of the Unemployment Insurance Code).

(b) (1) An applicant whose monthly income is 200 percent or less of the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of paragraph (2) of Section 9902 of Title 42 of the United States Code or a successor statute or regulation.

(2) The Judicial Council shall annually publish a table establishing the threshold monthly household income for a fee waiver pursuant to paragraph (1) that is adjusted for household family size to be used with form FW-001.

(c) An applicant who, as individually determined by the court, cannot pay court fees without using moneys that normally would pay for the common necessities of life for the applicant and the applicant's family. Only if a trial court finds that an applicant under this subdivision can pay a portion of court fees, or can pay court fees over a period of time, or under some other equitable arrangement, without using moneys that normally would pay for the common necessities of life for the applicant and the applicant's family, the court may grant a partial initial fee waiver using the notice and hearing procedures set forth in paragraph (5) of subdivision (e) of Section 68634. "Common necessities of life," as used in this article, shall be interpreted consistently with the use of that term in paragraph (1) of subdivision (c) of Section 706.051 of the Code of Civil Procedure, as that paragraph read prior to January 1, 2012.

(d) A person who files a petition for appointment of a fiduciary in a guardianship or conservatorship, or files pleadings as the appointed fiduciary of a conservatee or ward, when the financial condition of the conservatee or ward meets the standards for a fee waiver pursuant to subdivision (a), (b), or (c).

SEC. 7. Section 68645.2 of the Government Code is amended to read:

68645.2. (a) By June 30, 2024, every court shall offer online ability-to-pay determinations using the tool developed by the Judicial Council. The following shall apply to ability-to-pay determinations made pursuant to this article:

(1) The defendant has the burden of establishing the inability to pay. Courts shall establish criteria for the determination of an inability to pay, and, in doing so, shall consider certain factors including, at a minimum, all of the following:

(A) Receipt of any of the public benefits listed in subdivision (a) of Section 68632.

(B) A monthly income of 125 percent or less of the current poverty guidelines, as updated periodically in the Federal Register by the United States Department of Health and Human Services pursuant to Section 9902 of Title 42 of the United States Code.

(2) The court has discretion to make an order consistent with the defendant's present and reasonably discernible future financial circumstances. Except as provided for in paragraph (4), the court is not required to make express findings as to the factors bearing on the determination or the amount it orders payable by the defendant.

(3) Based on any ability-to-pay determination, a court may do any of the following:

(A) Waive or reduce the sum of the total amount due for an infraction violation. Notwithstanding any other law, if the total amount due is reduced, the revenues collected shall be distributed on a pro rata basis.

(B) Extend the time for payment or provide for payment on an installment plan, including those amounts due after any reduction under subparagraph (A).

(C) Allow the defendant to complete community service in lieu of the total amount due. If a defendant qualifies for a reduction in the total amount due, the court may allow the defendant to complete the community service in lieu of the payment on the reduced amount.

(D) Suspend the total amount due in whole or in part.

(E) Offer an alternative disposition.

(4) The online tool shall recommend a reduction of 50 percent or more of the total amount due for all defendants who are in receipt of benefits described in subparagraph (A) of paragraph (1). The court shall make express findings if it deviates from the online tool recommendation by ordering a defendant to pay an amount greater than the recommendation pursuant to this paragraph.

(5) The online tool shall recommend a payment of no more than twenty-five dollars (\$25) per month for a defendant who is eligible for a reduction pursuant to paragraph (3) and requests an installment plan.

(6) For purposes of this section, the "total amount due" is the sum of the base fine, penalty assessments, civil assessments, and fees, including mandatory fees, owed and unpaid by the defendant.

(7) As feasible, courts shall notify defendants of the result of the ability-to-pay determination within 30 days.

(8) A defendant is not required to submit bail or pay any fines or fees prior to an ability-to-pay determination.

(9) A court or county shall not charge an administrative fee to an individual for requesting an ability to pay determination or participating in an installment payment plan, on a nondelinquent or delinquent account, ordered pursuant to this chapter.

(10) A court or county may recover costs associated with the administration of all installment payment plans ordered under this chapter through a comprehensive collection program pursuant to subdivision (d) of Section 1463.007 of the Penal Code. Recovered costs shall not exceed thirty-five dollars (\$35) per nondelinquent installment plan approved.

(b) If a court is using the online tool, paragraphs (1) to (3), inclusive, and paragraphs (6) to (10), inclusive, of subdivision (a) apply to all ability-to-pay determinations conducted through means other than the online tool, which includes paper submissions or in-person applications. When an ability to pay determination is made through means other than the online tool, the court shall follow the recommendations stated in paragraphs (4) and (5) of subdivision (a), but may deviate from the recommendation in paragraph (4) of subdivision (a), as provided therein.

(c) The online tool shall provide information in English, Spanish, and any other languages the Judicial Council chooses.

(d) This section does not preclude a court that has not yet adopted online ability-to-pay determinations from adopting procedures or local rules in accordance with this section, unless the Judicial Council adopts rules of court or forms for purposes of this section.

SEC. 8. Section 68645.4 of the Government Code is amended to read:

68645.4. (a) A court may offer trials by declaration through an online tool for all infractions for which a personal appearance is not required. If a court offers online trials pursuant to this section, all of the following shall apply, notwithstanding Section 40902 of the Vehicle Code:

(1) A defendant shall elect to have an online trial prior to the appearance date indicated on the notice to appear, unless the court grants the defendant an extension, or the court permits the defendant to have a trial at a later date.

(2) If a defendant elects to have a trial through the online tool pursuant to this section, the court shall not require the defendant to submit bail in advance, unless the court makes express findings as to why a particular defendant shall be required to submit bail.

(3) Testimony and other relevant evidence may be introduced in the form of a notice to appear, a business record or receipt, a sworn declaration of the arresting officer, and a sworn declaration by the defendant.

(4) If a defendant elects to have a trial through the online tool pursuant to this section, the defendant shall not have a right to a trial de novo.

(b) If a court elects to offer online trials pursuant to this section, it shall also make trials by written declaration available to defendants, and paragraphs (1) to (4), inclusive, of subdivision (a) shall apply to all trials by written declaration.

(c) A court may adopt local rules or forms to be consistent with this section, and the rules and forms shall govern proceedings pursuant to this section unless the Judicial Council adopts rules of court or forms for purposes of this article.

SEC. 9. Section 68645.5 of the Government Code is amended to read:

68645.5. (a) No later than February 1, 2022, and annually until February 1, 2025, the Judicial Council shall provide to the Legislature a report including the following information from participating courts that have adopted online ability-to-pay determinations for infraction violations:

(1) Total number of infraction filings.

(2) Total number of ability-to-pay requests made through:

(A) The online tool.

(B) Other locally established ability-to-pay procedures.

(3) Demographic information on defendants using the online tool as reported by the defendant, including but not limited to, income level, public benefits status, race or ethnicity or both, when feasible, and ZIP Code.

(4) The total amount of initial fines and fees assessed for individuals making ability-to-pay requests.

(5) The total amount of adjusted fines and fees recommended by the online tool.

(6) The total amount of fines and fees ordered through:

(A) The online tool.

(B) Other locally established ability-to-pay procedures.

(7) Of the total amount of fines and fees ordered, the total amount collected from:

(A) Online requests.

(B) Requests via locally established ability-to-pay procedures.

(8) The number of payment plans ordered through the online tool.

(9) The number of online trials by declaration conducted in participating courts.

(b) The Judicial Council shall submit the report required pursuant to subdivision (a) in compliance with Section 9795.

(c) In the report due to the Legislature on February 1, 2023, and in addition to the information required in subdivision (a), the Judicial Council shall provide information on the first seven pilot courts, including implementation challenges, the overall effectiveness of the programs in these courts, and how those pilots informed the implementation in subsequent courts.

SEC. 10. Section 71651.1 is added to the Government Code, to read:

71651.1. (a) Consistent with federal and California labor law, a trial court shall not retaliate against an official reporter or official reporter pro tempore who notifies the judicial officer that technology or audibility issues are interfering with the creation of the verbatim record for a remote proceeding pursuant to subdivisions (f) and (g) of Section 977 of the Penal Code.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 11. Section 76223 of the Government Code is repealed.

SEC. 12. Section 977 of the Penal Code is amended to read:

977. (a) (1) In all cases in which the accused is charged with a misdemeanor only, they may appear by counsel only, except as provided in paragraphs (2) and (3). If the accused agrees, the initial court appearance, arraignment, plea, and all other proceedings, except jury and court trials, may be conducted remotely through the use of technology, as provided by subdivision (c).

(2) If the accused is charged with a misdemeanor offense involving domestic violence, as defined in Section 6211 of the Family Code, or a misdemeanor violation of Section 273.6, the accused shall be present for arraignment and sentencing, and at any time during the proceedings when ordered by the court for the purpose of being informed of the conditions of a protective order issued pursuant to Section 136.2.

(3) If the accused is charged with a misdemeanor offense involving driving under the influence, in an appropriate case, the court may order a defendant to be present for arraignment, at the time of plea, or at sentencing. For purposes of this paragraph, a misdemeanor offense involving driving under the influence shall include a misdemeanor violation of any of the following:

(A) Subdivision (b) of Section 191.5.

(B) Section 23103 as specified in Section 23103.5 of the Vehicle Code.

(C) Section 23152 of the Vehicle Code.

(D) Section 23153 of the Vehicle Code.

(b) (1) Except as provided in subdivision (c), in all cases in which a felony is charged, the accused shall be physically present at the arraignment, at the time of plea, during the preliminary hearing, during those portions of the trial when evidence is taken before the trier of fact, and at the time of the imposition of sentence. The accused shall be physically or remotely present at all other proceedings unless they waive their right to be physically or remotely present, with leave of court and with approval by defendant's counsel.

(2) The waiver of a defendant's right to be physically or remotely present may be in writing and filed with the court or, with the court's consent, may be entered personally by the defendant or by the defendant's counsel of record.

(A) A defendant's personal waiver of the right to be physically or remotely present shall be on the record and state that the defendant has been advised of the right to be physically or remotely present for the hearing at issue and agrees that notice to the attorney that the defendant's physical or remote presence in court at a future date and time is required is notice to the defendant of that requirement.

(B) A waiver of the defendant's physical or remote presence may be entered by counsel, after counsel has stated on the record that the defendant has been advised of the right to be physically or remotely present for the hearing at issue, has waived that right, and agrees that notice to the attorney that the defendant's physical or remote presence in court at a future date and time is required is notice to the defendant of that requirement.

(3) The court may specifically direct the defendant, either personally or through counsel, to be physically or remotely present at any particular proceeding or portion thereof, including upon request of a victim, to the extent required by Section 28 of Article I of the California Constitution.

(4) A written waiver of the defendant's physical or remote presence shall be substantially in the following form:

“Waiver of Defendant’s Physical or Remote Presence”

“The undersigned defendant, having been advised of their right to be present at all stages of the proceedings, including, but not limited to, presentation of and arguments on questions of fact and law, and to be confronted by and cross-examine all witnesses, hereby knowingly, intelligently, and voluntarily waives the right to be physically or remotely present at the hearing of any motion or other proceeding in this cause. The undersigned defendant hereby requests the court to proceed during every absence of the defendant that the court may permit pursuant to this waiver, and hereby agrees that their interest is represented at all times by the presence of their attorney the same as if the defendant were physically or remotely present in court, and further agrees that notice to their attorney that their physical or remote presence in court on a particular day at a particular time is required is notice to the defendant of the requirement of their physical or remote appearance at that time and place.”

(c) (1) (A) Upon waiver of the right to be physically present by the defendant, criminal proceedings may be conducted through the use of remote technology, except as provided in subparagraphs (D) and (E). The defendant may withdraw the waiver at any time.

(B) The court may specifically direct the defendant, either personally or through counsel, to be physically present at any particular felony proceeding or portion thereof, including as provided in subdivision (f).

(C) If the defendant is represented by counsel, the attorney shall not be required to be physically present with the defendant if remote technology allows for private communication between the defendant and the attorney prior to and during the proceeding, unless, upon request of defense counsel, the court allows the appearance without private communication. Any private communication shall be confidential and privileged pursuant to Section 952 of the Evidence Code.

(D) A defendant charged with a felony or misdemeanor shall not appear remotely for a jury trial or court trial, except as provided in subparagraph (A) of paragraph (2).

(E) A defendant charged with a felony shall not appear remotely at sentencing, except for postconviction relief proceedings and as otherwise provided by law.

(F) A witness may appear at any misdemeanor or felony criminal proceeding, except for felony trial, remotely pursuant to section 977.3.

(2) (A) A felony defendant who does not wish to be physically or remotely present for noncritical portions of the trial when no testimonial evidence is taken may make an oral waiver in open court prior to the proceeding, or may submit a written request to the court, which the court may grant in its discretion.

(B)

This paragraph does not expand or limit the right of a defendant to be personally present with their counsel at a particular proceeding as required by Section 15 of Article 1 of the California Constitution.

(d) (1) Notwithstanding any other provision in this section, the court may allow a defendant to appear by counsel on that day, at a trial, hearing, or other proceeding, with or without a written waiver, if the court finds, by clear and convincing evidence, all of the following to be true:

(A) The defendant is in custody and is refusing, without good cause, to appear in court on that day for that trial, hearing, or other proceeding.

(B) The defendant has been informed of their right and obligation to be personally present in court.

(C) The defendant has been informed that the trial, hearing, or other proceeding will proceed without the defendant being present.

(D) The defendant has been informed that they have the right to remain silent during the trial, hearing, or other proceeding.

(E) The defendant has been informed that their absence without good cause will constitute a voluntary waiver of any constitutional or statutory right to confront any witnesses against them or to testify on their own behalf.

(F) The defendant has been informed whether or not defense counsel will be present.

(2) The court shall state on the record the reasons for the court’s findings and shall cause those findings and reasons to be entered into the minutes.

(3) If the trial, hearing, or other proceeding lasts for more than one day, the court is required to make the findings required by this subdivision anew for each day that the defendant is absent.

(4) This subdivision does not apply to any trial, hearing, or other proceeding in which the defendant was personally present in court at the commencement of the trial, hearing, or other proceeding.

(e) A court may, as appropriate and practicable, allow a prosecuting attorney or defense counsel to participate in a criminal proceeding through the use of remote technology without being physically present in the courtroom and in accordance with subdivision (f).

(f) Except as otherwise provided by law, the court shall require a prosecuting attorney, defense counsel, defendant, or witness to appear in person at a proceeding, if any of the following conditions are present and cannot be resolved in a reasonable amount of time:

(1) The court does not have the technology necessary to conduct the proceeding remotely.

(2) Although the court has the requisite technology, the quality of the technology or audibility at a proceeding prevents the effective management or resolution of the proceeding.

(3) The quality of the technology or audibility at a proceeding inhibits the court reporter's ability to accurately prepare a transcript of the proceeding.

(4) The quality of the technology or audibility at a proceeding prevents defense counsel from being able to provide effective representation to the defendant.

(5) The quality of the technology or audibility at a proceeding inhibits a court interpreter's ability to provide language access, including the ability to communicate and translate directly with the defendant and the court during the proceeding.

(g) (1) Before the court may proceed with a remote proceeding, the court shall have a process for a defendant, defense counsel, prosecuting attorney, witness, official reporter, official reporter pro tempore, court interpreter, or other court personnel to alert the judicial officer of technological or audibility issues that arise during the proceeding.

(2) When the court conducts a remote proceeding that will be reported by an official reporter or official reporter pro tempore, the reporter shall be physically present in a courtroom.

(h) The court shall make findings on the record that any waiver entered into pursuant to this section is knowingly, voluntarily, and intelligently made by the defendant.

(i) The Judicial Council shall adopt rules and standards that are necessary to implement the policies and provisions of this section and the intent of the Legislature.

(j) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 13. Section 977 is added to the Penal Code, to read:

977. (a) (1) In all cases in which the accused is charged with a misdemeanor only, they may appear by counsel only, except as provided in paragraphs (2) and (3). If the accused agrees, the initial court appearance, arraignment, and plea may be by video, as provided by subdivision (c).

(2) If the accused is charged with a misdemeanor offense involving domestic violence, as defined in Section 6211 of the Family Code, or a misdemeanor violation of Section 273.6, the accused shall be present for arraignment and sentencing, and at any time during the proceedings when ordered by the court for the purpose of being informed of the conditions of a protective order issued pursuant to Section 136.2.

(3) If the accused is charged with a misdemeanor offense involving driving under the influence, in an appropriate case, the court may order a defendant to be present for arraignment, at the time of plea, or at sentencing. For purposes of this paragraph, a misdemeanor offense involving driving under the influence shall include a misdemeanor violation of any of the following:

(A) Subdivision (b) of Section 191.5.

(B) Section 23103 as specified in Section 23103.5 of the Vehicle Code.

(C) Section 23152 of the Vehicle Code.

(D) Section 23153 of the Vehicle Code.

(b) (1) Except as provided in subdivision (c), in all cases in which a felony is charged, the accused shall be personally present at the arraignment, at the time of plea, during the preliminary hearing, during those portions of the trial when evidence is taken

before the trier of fact, and at the time of the imposition of sentence. The accused shall be personally present at all other proceedings unless they shall, with leave of court, execute in open court, a written waiver of their right to be personally present, as provided by paragraph (2). If the accused agrees, the initial court appearance, arraignment, and plea may be by video, as provided by subdivision (c).

(2) The accused may execute a written waiver of their right to be personally present, approved by their counsel, and the waiver shall be filed with the court. However, the court may specifically direct the defendant to be personally present at any particular proceeding or portion thereof. The waiver shall be substantially in the following form:

“Waiver of Defendant’s Personal Presence”

“The undersigned defendant, having been advised of their right to be present at all stages of the proceedings, including, but not limited to, presentation of and arguments on questions of fact and law, and to be confronted by and cross-examine all witnesses, hereby waives the right to be present at the hearing of any motion or other proceeding in this cause. The undersigned defendant hereby requests the court to proceed during every absence of the defendant that the court may permit pursuant to this waiver, and hereby agrees that their interest is represented at all times by the presence of their attorney the same as if the defendant were personally present in court, and further agrees that notice to their attorney that their presence in court on a particular day at a particular time is required is notice to the defendant of the requirement of their appearance at that time and place.”

(c) (1) The court may permit the initial court appearance and arraignment of defendants held in any state, county, or local facility within the county on felony or misdemeanor charges, except for those defendants who were indicted by a grand jury, to be conducted by two-way electronic audiovideo communication between the defendant and the courtroom in lieu of the physical presence of the defendant in the courtroom. If the defendant is represented by counsel, the attorney shall be present with the defendant at the initial court appearance and arraignment, and may enter a plea during the arraignment. However, if the defendant is represented by counsel at an arraignment on an information in a felony case, and if the defendant does not plead guilty or nolo contendere to any charge, the attorney shall be present with the defendant or if the attorney is not present with the defendant, the attorney shall be present in court during the hearing. The defendant shall have the right to make their plea while physically present in the courtroom if they request to do so. If the defendant decides not to exercise the right to be physically present in the courtroom they shall execute a written waiver of that right. A judge may order a defendant’s personal appearance in court for the initial court appearance and arraignment. In a misdemeanor case, a judge may, pursuant to this subdivision, accept a plea of guilty or no contest from a defendant who is not physically in the courtroom. In a felony case, a judge may, pursuant to this subdivision, accept a plea of guilty or no contest from a defendant who is not physically in the courtroom if the parties stipulate thereto.

(2) (A) A defendant who does not wish to be personally present for noncritical portions of the trial when no testimonial evidence is taken may make an oral waiver in open court prior to the proceeding or may submit a written request to the court, which the court may grant in its discretion. The court may, when a defendant has waived the right to be personally present, require a defendant held in any state, county, or local facility within the county on felony or misdemeanor charges to be present for noncritical portions of the trial when no testimonial evidence is taken, including, but not limited to, confirmation of the preliminary hearing, status conferences, trial readiness conferences, discovery motions, receipt of records, the setting of the trial date, a motion to vacate the trial date, and motions in limine, by two-way electronic audiovideo communication between the defendant and the courtroom in lieu of the physical presence of the defendant in the courtroom. If the defendant is represented by counsel, the attorney shall not be required to be personally present with the defendant for noncritical portions of the trial, if the audiovideo conferencing system or other technology allows for private communication between the defendant and the attorney prior to and during the noncritical portion of trial. Any private communication shall be confidential and privileged pursuant to Section 952 of the Evidence Code.

(B) This paragraph does not expand or limit the right of a defendant to be personally present with their counsel at a particular proceeding as required by Section 15 of Article 1 of the California Constitution.

(d) (1) Notwithstanding any other provision in this section, the court may allow a defendant to appear by counsel on that day, at a trial, hearing, or other proceeding, with or without a written waiver, if the court finds, by clear and convincing evidence, all of the following to be true:

(A) The defendant is in custody and is refusing, without good cause, to appear in court on that day for that trial, hearing, or other proceeding.

(B) The defendant has been informed of their right and obligation to be personally present in court.

(C) The defendant has been informed that the trial, hearing, or other proceeding will proceed without the defendant being present.

(D) The defendant has been informed that they have the right to remain silent during the trial, hearing, or other proceeding.

(E) The defendant has been informed that their absence without good cause will constitute a voluntary waiver of any constitutional or statutory right to confront any witnesses against them or to testify on their own behalf.

(F) The defendant has been informed whether or not defense counsel will be present.

(2) The court shall state on the record the reasons for the court's findings and shall cause those findings and reasons to be entered into the minutes.

(3) If the trial, hearing, or other proceeding lasts for more than one day, the court is required to make the findings required by this subdivision anew for each day that the defendant is absent.

(4) This subdivision does not apply to any trial, hearing, or other proceeding in which the defendant was personally present in court at the commencement of the trial, hearing, or other proceeding.

(e) This section shall become operative on January 1, 2024.

SEC. 14. Section 977.3 is added to the Penal Code, to read:

977.3. (a) A witness may testify in any misdemeanor or felony criminal proceeding, except for felony trials, through the use of remote technology with the written or oral consent of the parties on the record and with the consent of the court. The defendant shall waive the right to have a witness testify in person on the record.

(b) Notwithstanding subdivision (a), the court may allow a witness to testify through the use of remote technology as otherwise provided by statutes regarding the examination of victims of sexual crimes and conditional examinations of witnesses.

(c) The court shall make findings on the record that any waiver entered into pursuant to this section is knowingly, voluntarily, and intelligently made by the defendant.

(d) The Judicial Council shall adopt rules and standards that are necessary to implement the policies and provisions of this section and the intent of the Legislature.

(e) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 15. Section 1043.5 of the Penal Code is amended to read:

1043.5. (a) Except as otherwise provided in this section, the defendant in a preliminary hearing shall be personally present.

(b) The absence of the defendant in a preliminary hearing after the hearing has commenced in their physical presence shall not prevent continuing the hearing to, and including, holding to answer, filing an information, or discharging the defendant in any of the following cases:

(1) Any case in which the defendant, after being warned by the judge that they will be removed if they continued their disruptive behavior, nevertheless insists on acting in a manner so disorderly, disruptive, and disrespectful of the court that the hearing cannot be carried on with the defendant present in the courtroom.

(2) Any prosecution for an offense which is not punishable by death in which the defendant is voluntarily absent.

(c) Any defendant who is absent from a preliminary hearing pursuant to paragraph (1) of subdivision (b) may reclaim their right to be present at the hearing as soon as they are willing to act consistently with the decorum and respect inherent in the concept of courts and judicial proceedings.

(d) Subdivisions (a) and (b) shall not limit the right of a defendant to waive the right to be physically present or to appear through the use of remote technology in accordance with Section 977.

(e) (1) For purposes of subdivision (b), a preliminary hearing shall be deemed to have commenced in the presence of the defendant if the court finds, by clear and convincing evidence, all of the following to be true:

(A) The defendant is in custody and is refusing, without good cause, to appear in court on that day for that preliminary hearing.

(B) The defendant has been informed of their right and obligation to be personally present in court.

(C) The defendant has been informed that the preliminary hearing will proceed without the defendant being present.

(D) The defendant has been informed that they have the right to remain silent during the preliminary hearing.

(E) The defendant has been informed that their absence without good cause will constitute a voluntary waiver of any constitutional or statutory right to confront any witnesses against them or to testify on their own behalf.

(F) The defendant has been informed whether or not defense counsel will be present.

(2) The court shall state on the record the reasons for the court's findings and shall cause those findings and reasons to be entered into the minutes.

(3) If the preliminary hearing lasts for more than one day, the court is required to make the findings required by this subdivision anew for each day that the defendant is absent.

(4) This subdivision does not apply to any preliminary hearing in which the defendant was personally present in court at the commencement of the preliminary hearing.

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 16. Section 1043.5 is added to the Penal Code, to read:

1043.5. (a) Except as otherwise provided in this section, the defendant in a preliminary hearing shall be personally present.

(b) The absence of the defendant in a preliminary hearing after the hearing has commenced in their physical presence shall not prevent continuing the hearing to, and including, holding to answer, filing an information, or discharging the defendant in any of the following cases:

(1) Any case in which the defendant, after being warned by the judge that they will be removed if they continued their disruptive behavior, nevertheless insists on acting in a manner so disorderly, disruptive, and disrespectful of the court that the hearing cannot be carried on with the defendant present in the courtroom.

(2) Any prosecution for an offense which is not punishable by death in which the defendant is voluntarily absent.

(c) Any defendant who is absent from a preliminary hearing pursuant to paragraph (1) of subdivision (b) may reclaim their right to be present at the hearing as soon as they are willing to act consistently with the decorum and respect inherent in the concept of courts and judicial proceedings.

(d) Subdivisions (a) and (b) shall not limit the right of a defendant to waive the right to be present in accordance with Section 977.

(e) (1) For purposes of subdivision (b), a preliminary hearing shall be deemed to have commenced in the presence of the defendant if the court finds, by clear and convincing evidence, all of the following to be true:

(A) The defendant is in custody and is refusing, without good cause, to appear in court on that day for that preliminary hearing.

(B) The defendant has been informed of their right and obligation to be personally present in court.

(C) The defendant has been informed that the preliminary hearing will proceed without the defendant being present.

(D) The defendant has been informed that they have the right to remain silent during the preliminary hearing.

(E) The defendant has been informed that their absence without good cause will constitute a voluntary waiver of any constitutional or statutory right to confront any witnesses against them or to testify on their own behalf.

(F) The defendant has been informed whether or not defense counsel will be present.

(2) The court shall state on the record the reasons for the court's findings and shall cause those findings and reasons to be entered into the minutes.

(3) If the preliminary hearing lasts for more than one day, the court is required to make the findings required by this subdivision anew for each day that the defendant is absent.

(4) This subdivision does not apply to any preliminary hearing in which the defendant was personally present in court at the commencement of the preliminary hearing.

(f) This section shall become operative on January 1, 2024.

SEC. 17. Section 1208.2 of the Penal Code is amended to read:

1208.2. (a) (1) This section shall apply to individuals authorized to participate in a work furlough program pursuant to Section 1208, or to individuals authorized to participate in an electronic home detention program pursuant to Section 1203.016 or 1203.018, or to individuals authorized to participate in a county parole program pursuant to Article 3.5 (commencing with Section 3074) of Chapter 8 of Title 1 of Part 3.

(2) As used in this section, as appropriate, "administrator" means the sheriff, probation officer, director of the county department of corrections, or county parole administrator.

(b) (1) A board of supervisors that implements programs identified in paragraph (1) of subdivision (a) shall not impose a program administrative fee.

(2) Privately operated electronic home detention programs pursuant to Section 1203.016 or 1203.018 or work furlough programs pursuant to Section 1208 shall not impose program administrative fees or application fees.

(c) In all circumstances where a county board of supervisors has approved a program administrator, as described in Section 1203.016, 1203.018, or 1208, to enter into a contract with a private agency or entity to provide specified program services, the program administrator shall ensure that the provisions of this section are contained within any contractual agreement for this purpose. All privately operated home detention programs shall comply with all appropriate, applicable ordinances and regulations specified in subdivision (a) of Section 1208.

SEC. 18. Section 1214.1 of the Penal Code is amended to read:

1214.1. (a) On or after July 1, 2022, in addition to any other penalty in infraction, misdemeanor, or felony cases, the court may impose a civil assessment of up to one hundred dollars (\$100) against a defendant who fails, after notice and without good cause, to appear in court for a proceeding authorized by law or who fails to pay all or any portion of a fine ordered by the court or to pay an installment of bail as agreed to under Section 40510.5 of the Vehicle Code. This assessment shall be deposited with the county treasurer as provided in Section 1463.001, and transmitted to the State Treasurer for deposit into the General Fund.

(b) (1) The assessment imposed pursuant to subdivision (a) shall not become effective until at least 20 calendar days after the court mails a warning notice to the defendant by first-class mail to the address shown on the notice to appear or to the defendant's last known address. If the defendant appears within the time specified in the notice and shows good cause for the failure to appear or for the failure to pay a fine or installment of bail, the court shall vacate the assessment.

(2) Payment of bail, fines, penalties, fees, or a civil assessment shall not be required in order for the court to vacate the assessment at the time of appearance pursuant to paragraph (1). Payment of a civil assessment shall not be required to schedule a court hearing on a pending underlying charge.

(c) If a civil assessment is imposed pursuant to subdivision (a), no bench warrant or warrant of arrest shall be issued with respect to the failure to appear at the proceeding for which the assessment is imposed or the failure to pay the fine or installment of bail. An outstanding, unserved bench warrant or warrant of arrest for a failure to appear or for a failure to pay a fine or installment of bail shall be recalled prior to the subsequent imposition of a civil assessment.

(d) The assessment imposed pursuant to subdivision (a) shall be subject to the due process requirements governing defense and collection of civil money judgments generally.

(e) Each court and county shall maintain the collection program that was in effect on July 1, 2005, unless otherwise agreed to by the court and county. If a court and a county do not agree on a plan for the collection of civil assessments imposed pursuant to this section, or any other collections under Section 1463.010, after the implementation of Sections 68085.6 and 68085.7 of the Government Code, the court or the county may request arbitration by a third party mutually agreed upon by the Administrative Director of the Courts and the California State Association of Counties.

SEC. 19. Section 1463 of the Penal Code is amended to read:

1463. All fines and forfeitures imposed and collected for crimes shall be distributed in accordance with Section 1463.001.

The following definitions shall apply to terms used in this chapter:

(a) "Arrest" means any law enforcement action, including issuance of a notice to appear or notice of violation, which results in a criminal charge.

(b) "City" includes any city, city and county, district, including any enterprise special district, community service district, or community service area engaged in police protection activities as reported to the Controller for inclusion in the 1989–90 edition of the Financial Transactions Report Concerning Special Districts under the heading of Police Protection and Public Safety,

authority, or other local agency (other than a county) which employs persons authorized to make arrests or to issue notices to appear or notices of violation which may be filed in court.

(c) "City arrest" means an arrest by an employee of a city, or by a California Highway Patrol officer within the limits of a city.

(d) "County" means the county in which the arrest took place.

(e) "County arrest" means an arrest by a California Highway Patrol officer outside the limits of a city, or any arrest by a county officer or by any other state officer.

(f) "Court" means the superior court or a juvenile forum established under Section 257 of the Welfare and Institutions Code, in which the case arising from the arrest is filed.

(g) "Division of moneys" means an allocation of base fine proceeds between agencies as required by statute, including, but not limited to, Sections 1463.003, 1463.9, 1463.23, and 1463.26 of this code, Sections 13001, 13002, and 13003 of the Fish and Game Code, and Section 11502 of the Health and Safety Code.

(h) "Offense" means any infraction, misdemeanor, or felony, and any act by a juvenile leading to an order to pay a financial sanction by reason of the act being defined as an infraction, misdemeanor, or felony, whether defined in this or any other code, except any parking offense as defined in subdivision (i).

(i) "Parking offense" means any offense charged pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, including registration and equipment offenses included on a notice of parking violation.

(j) "Penalty allocation" means the deposit of a specified part of moneys to offset designated processing costs, as provided by Section 1463.16 of this code and by Section 68090.8 of the Government Code.

(k) "Total parking penalty" means the total sum to be collected for a parking offense, whether as fine, forfeiture of bail, or payment of penalty to the Department of Motor Vehicles (DMV). It may include the following components:

- (1) The base parking penalty as established pursuant to Section 40203.5 of the Vehicle Code.
- (2) The DMV fees added upon the placement of a hold pursuant to Section 40220 of the Vehicle Code.
- (3) The surcharges required by Section 76000 of the Government Code.
- (4) The notice penalty added to the base parking penalty when a notice of delinquent parking violations is given.

(l) "Total fine or forfeiture" means the total sum to be collected upon a conviction, or the total amount of bail forfeited or deposited as cash bail subject to forfeiture. It may include, but is not limited to, the following components as specified for the particular offense:

- (1) The "base fine" upon which the state penalty and additional county penalty is calculated.
- (2) The "county penalty" required by Section 76000 of the Government Code.
- (3) The "DNA penalty" required by Sections 76104.6 and 76104.7 of the Government Code.
- (4) The "emergency medical services penalty" authorized by Section 76000.5 of the Government Code.
- (5) The "service charge" permitted by Section 853.7 of the Penal Code.
- (6) The "special penalty" dedicated for blood alcohol analysis, alcohol program services, traumatic brain injury research, and similar purposes.
- (7) The "state penalty" required by Section 1464.

SEC. 20. Section 1463.001 of the Penal Code is amended to read:

1463.001. Except as otherwise provided in this section, all fines and forfeitures imposed and collected for crimes other than parking offenses resulting from a filing in a court, including civil assessments imposed under Section 1241.1, shall as soon as practicable after receipt thereof, be deposited with the county treasurer, and each month the total fines and forfeitures which have accumulated within the past month shall be distributed, as follows:

(a) The state penalties, county penalties, special penalties, service charges, penalty allocations, and civil assessments imposed under Section 1241.1, shall be transferred to the proper funds as required by law.

(b) The base fines shall be distributed, as follows:

(1) Any base fines which are subject to specific distribution under any other section shall be distributed to the specified funds of the state or local agency.

(2) Base fines resulting from county arrest not included in paragraph (1), shall be transferred into the proper funds of the county.

(3) Base fines resulting from city arrests not included in paragraph (1), an amount equal to the applicable county percentages set forth in Section 1463.002, as modified by Section 1463.28, shall be transferred into the proper funds of the county. Until July 1, 1998, the remainder of base fines resulting from city arrests shall be divided between each city and county, with 50 percent deposited to the county's general fund, and 50 percent deposited to the treasury of the appropriate city, and thereafter the remainder of base fines resulting from city arrests shall be deposited to the treasury of the appropriate city.

(4) In a county that had an agreement as of March 22, 1977, that provides for city fines and forfeitures to accrue to the county in exchange for sales tax receipts, base fines resulting from city arrests not included in paragraph (1) shall be deposited into the proper funds of the county.

(c) Each county shall keep a record of its deposits to its treasury and its transmittal to each city treasury pursuant to this section.

(d) The distribution specified in subdivision (b) applies to all funds subject thereto distributed on or after July 1, 1992, regardless of whether the court has elected to allocate and distribute funds pursuant to Section 1464.8.

(e) Any amounts remitted to the county from amounts collected by the Franchise Tax Board upon referral by a county pursuant to Article 6 (commencing with Section 19280) of Chapter 5 of Part 10.2 of Division 2 of the Revenue and Taxation Code shall be allocated pursuant to this section.

SEC. 21. Section 1465.9 of the Penal Code is amended to read:

1465.9. (a) The balance of any court-imposed costs pursuant to Section 987.4, subdivision (a) of Section 987.5, Sections 987.8, 1203, 1203.1e, 1203.016, 1203.018, 1203.1b, 1208.2, 1210.15, 1463.07, 3010.8, 4024.2, and 6266, as those sections read on June 30, 2021, shall be unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.

(b) On and after January 1, 2022 the balance of any court-imposed costs pursuant to Section 1001.15, 1001.16, 1001.90, 1202.4, 1203.1, 1203.1ab, 1203.1c, 1203.1m, 1203.4a, 1203.9, 1205, 1214.5, 2085.5, 2085.6, or 2085.7, as those sections read on December 31, 2021, shall be unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.

(c) On and after July 1, 2022, the balance of any court-imposed civil assessments pursuant to Section 1214.1 imposed prior to that date shall be unenforceable and uncollectible and any portion of a judgment imposing those assessments shall be vacated.

SEC. 22. Section 40509 of the Vehicle Code is amended to read:

40509. (a) Except as required under subdivision (b) of Section 40509.5, if a person has violated a written promise to appear or a lawfully granted continuance of his or her promise to appear in court or before the person authorized to receive a deposit of bail, or violated an order to appear in court, including, but not limited to, a written notice to appear issued in accordance with Section 40518, the magistrate or clerk of the court may give notice of the failure to appear to the department for any violation of this code, or any violation that can be heard by a juvenile traffic hearing referee pursuant to Section 256 of the Welfare and Institutions Code, or any violation of any other statute relating to the safe operation of a vehicle, except violations not required to be reported pursuant to paragraphs (1), (2), (3), (6), and (7) of subdivision (b) of Section 1803. If thereafter the case in which the promise was given is adjudicated or the person who has violated the court order appears in court or otherwise satisfies the order of the court, the magistrate or clerk of the court hearing the case shall sign and file with the department a certificate to that effect.

(b) (1) Notwithstanding subdivision (a), the court may notify the department of the total amount of bail, fines, assessments, and fees authorized or required by this code, that are unpaid by a person.

(2) Once a court has established the amount of bail, fines, assessments, and fees, and notified the department, the court shall not further enhance or modify that amount.

(3) This subdivision applies only to violations of this code that do not require a mandatory court appearance, are not contested by the defendant, and do not require proof of correction certified by the court.

(c) Any violation subject to Section 40001 that is the responsibility of the owner of the vehicle shall not be reported under this section.

SEC. 23. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other 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.

SEC. 24. The sum of ten million dollars (\$10,000,000) is hereby appropriated for the 2022–23 fiscal year from the General Fund to the Trial Court Trust Fund to provide a one-time backfill to the Trial Court Trust Fund to offset the elimination of past civil assessment debt.

SEC. 25. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.