
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2019 - 2020 Regular Session

SB 144 (Mitchell) - Criminal fees

Version: March 27, 2019

Urgency: No

Hearing Date: May 16, 2019

Policy Vote: PUB. S. 5 - 2

Mandate: Yes

Consultant: Shaun Naidu

***** ANALYSIS ADDENDUM – SUSPENSE FILE *****

The following information is revised to reflect amendments
adopted by the committee on May 16, 2019

Bill Summary: SB 144 would eliminate a number of administrative fees imposed on a person related to involvement in the criminal justice system.

Fiscal Impact:

- State impact (direct): Major direct ongoing revenue loss to the state minimally in the hundreds of millions of dollars annually. A number of state funds and state entities would experience a revenue loss resulting from the enactment of this measure. Additionally, in some instances, the fee elimination would lead to unfunded positions and programs that still would be required to operate. This in turn would create cost pressures on the General Fund to backfill those losses. (General Fund, various funds)
- County impact: Major ongoing revenue loss to local governments in the hundreds of millions of dollars annually in the aggregate. Some local costs resulting from this measure would be subject to reimbursement by the state to the extent that the Commission on State Mandates determines that the fees that would be eliminated by SB 144 allowed for sufficient cost recovery to pay for mandated programs or increased levels of service by the local agencies. Additionally, local costs associated with this measure may be subject, in part, to Proposition 30 funding-service conditions. (Local funds, General Fund)

Proposition 30 (2012) exempts the state from mandate reimbursement for realigned responsibilities for “Public Safety Services” including the managing of local jails and the provision of services for, and supervision of, minor and adult offenders. The constitutional amendment, however, provides that legislation enacted after September 30, 2012 that has an overall effect of increasing the costs already borne by a local agency for public safety services transferred by the 2011 Realignment Legislation apply to local agencies only to the extent that the state provides annual funding for the cost increase. The provisions of Proposition 30 have not been adjudicated by the courts to date, but to the extent that this measure results in overall cost increases to the locals for programs and services determined to be included within the scope of Proposition 30, local agencies would not be obligated to provide those programs or levels of service above the level for which funding is provided by the state.

Author Amendments: Strike specified fee eliminations and make technical changes.

Committee Amendments: Strike specified fee eliminations.

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