

Date of Hearing: April 14, 2026

Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2428 (Celeste Rodriguez) – As Introduced February 20, 2026

As Proposed to be Amended in Committee

SUMMARY: Repeals the authority to collect administrative fees related to criminal, arrest, prosecution, or conviction and authorizes payment of court-ordered debt by check but prohibits an entity from charging a fee for a returned check. Specifically, **this bill:**

- 1) Provides that if a state, city, whether general law or chartered, county, and district, each subdivision, department, board, commission, body, or agency of the foregoing, may accept personal checks in addition to other forms of payment for court-ordered debt relating to a criminal proceeding, however an entity or jurisdiction that chooses to accept checks, does so at their own risk and is prohibited from charging a fee for returned checks or insufficient funds.
- 2) Provides that beginning January 1, 2027, returned check fees for payments for court-ordered debt relating to a criminal proceeding are unenforceable and uncollectible any portion of a judgment imposing those costs, shall be vacated.
- 3) Repeals the provision requiring a person sentenced to state prison or confined in county to pay the full amount of the trial court filing fees and costs and provides for an initial fee waiver and a payment schedule for the fee.
- 4) Provides that a person who is sentenced to state prison or confined in a county jail shall not be required to pay trial court filing fees or costs related to the person's incarceration for the underlying criminal conviction.
- 5) Provides that, beginning January 1, 2027, the unpaid balance of any court-imposed cost for court filing fees is unenforceable and uncollectable and any portion of a judgment imposing those costs shall be vacated.
- 6) Deletes the provision that allows a superior court to charge a fee for a returned check and states that accepting a check is at the court's own risk and they are prohibited from charging a fee for returned check or insufficient funds.
- 7) Deletes the provision providing that in addition to other penalties a person convicted of the manufacture, sale, possession for sale, possession, transportation or disposal of any hazardous substance that is a controlled substance or a chemical used in, the manufacture of a controlled substance in violation law shall pay a penalty equal into the amount occurred by the local or state agency to remove the hazardous substance.
- 8) Deletes the provision that in lieu of a civil action, a prosecuting attorney in a criminal proceeding may, upon conviction seek recovery of all expenses recoverable from a person

convicted of manufacturing or cultivating a controlled substance or its precursors or any person who aid, abets, or knowingly profits from the manufacture or cultivation of a controlled substance.

- 9) Provides that beginning January 1, 2027, any unpaid balance related to fees imposed based on a conviction for the manufacture or cultivation of a controlled substance is unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.
- 10) Deletes the ability to charge a fee not to exceed \$100 for a course a that may be taken in lieu of a fine for a person who has a second violation relating to live animal markets, and provides that beginning January 1, 2027 any outstanding fees are unenforceable and uncollectible.
- 11) Deletes the ability of a probation department or sheriff to charge an inmate expenses relating to their temporary removal from custody in preparation for their return to the community and provides that beginning January 1, 2027 any outstanding fees are unenforceable and uncollectible.
- 12) Deletes the provision stating that a person ordered to serve all or part of his or her sentence under house confinement may be ordered to pay the cost of housing a police officer or guard stand guard outside their house, if it is determined the person has the ability to pay and provides that beginning January 1, 2027 any outstanding fees are unenforceable and uncollectible.
- 13) Provides that beginning January 1, 2027, a county, municipality, or contracted entity shall not charge a fee to participate in a community service program, educational program, or otherwise fulfill court-ordered community service requirements pursuant to this section.
- 14) Provides that a court shall not deny participation in community service programs based on an inability to charge fees or otherwise recoup costs.
- 15) Provides that a county, municipality, or contracted entity shall not charge an administrative fee for participation in community service work for either of the following circumstances: punishment for a crime or as a financial hardship alternative for a fine or monetary penalty.
- 16) Deletes the provision allowing the recovery from the responsible party for the costs of hospital, medical, surgical, dental, or optometric care for an injury that occurred while incarcerated or confined and provides that beginning January 1, 2027 any outstanding fees are unenforceable and uncollectible.
- 17) Deletes that existing ability to collect a fee and provides that a court shall not charge a participant ordered or permitted to attend traffic violator school from enrolling in a payment installment plan and provides that beginning January 1, 2027 any outstanding fees are unenforceable and uncollectible.
- 18) Deletes the requirement that each court or county for implementation of an amnesty program shall recover costs and may charge a program fee of \$50 and provides that beginning January 1, 2027 any outstanding fees are unenforceable and uncollectible.

19) Makes legislative findings and declarations.

EXISTING LAW:

- 1) Provides that the state, and each city, county, district, shall take personal checks in addition to any other authorized form of payment in payment of any license, permit and may impose a fee to cover costs if the check is returned without payment. (Gov. Code, § 6157)
- 2) Provides that a person sentenced to state prison or county jail shall pay the full amount of the trial court fees as specified. (Gov. Code, § 65835)
- 3) Provides that each superior court shall adopt a written policy regarding the acceptance of checks and money orders in the payment of any fees, fines, or bail deposits and provides that if any check is returned without payment a reasonable charge for the returned check may be imposed. (Gov. Code, § 71386)
- 4) Provides that anyone convicted of manufacture, sale, possession for sale, possession, transportation or disposal of any hazardous controlled substance, in addition to any other penalty shall pay an amount equal to the cost incurred by the local or state entity to clean up the hazardous materials. (Health and Saf. Code, § 11374.5)
- 5) Provides that in lieu of a civil action for forfeiture, the prosecutor in a criminal action may upon conviction for manufacturing or cultivating a controlled substance or who aids, abets, or profits from such manufacture or cultivation, seek recovery of all expenses. (Health and Saf. Code, §11470.2)
- 6) Provides that a person who has a second conviction of failing to comply with regulations regarding a live animal market shall be subject to a fine between \$250-\$1,000 or, if available, the person can take an education course and pay up to \$100 to take the course but then have the \$250-\$1,000 waived upon completion of the course. (Pen. Code, § 597.3)
- 7) Provides that under specified circumstances the probation officer or sheriff may authorize a temporary removal of custody by an inmate and that inmate shall be required to reimburse the county in whole or in part the expenses that incurred. (Pen. Code, §§ 1203.1a and 401.86)
- 8) Provides that when a court orders a defendant to serve all or part of his or her sentence under house confinement, he or she may be ordered to pay the cost of having a police officer or guard stand guard outside the area in which the defendant has been confined if it has been determined that the defendant is able to pay these costs. (Pen. Code, § 1203.1i)
- 9) Allows the costs related to hospital, medical, surgical dental, or optometric care of an incarcerated person, that is not covered by Medi-Cal, to be collected from the prisoner or the person legally responsible for the prisoner or confined juvenile's care if that person is financially able to pay for the care. (Pen. Code, § 4011.1)
- 10) Allows the court clerk to charge a fee up to \$35 to cover the administrative and clerical costs for processing an installment payment of the traffic violator school fee. (Veh. Code, § 42007)
- 11) Allows each court or county responsible for implementation of the amnesty hall recover costs and may charge an amnesty program fee of \$50. (Veh. Code, § 42008.8)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "Despite leading efforts to eliminate harmful monetary sanctions, California continues to attempt to fund its court system by assessing burdensome criminal administrative fees on California's most vulnerable communities, trapping them in cycles of debt. Since these fees are assessed almost exclusively to low-income communities of color who are unable to afford payments, criminal administrative fees are difficult to collect and typically cost counties almost as much or more than they end up collecting in revenue. AB 2428 provides the solution of eliminating 16 fees that disproportionately affect low-income Californians. This bill will provide relief to low-income Californians and their families."
- 2) **Deletes or prohibits administrative fees:** Over the last decade or so there has been an awareness of the burden high fines and fees can have on a person when they are involved in the criminal justice system. A number of changes have been made to help people pay fines or reduce or forgive them based on economic circumstances. This bill goes a step further and deletes or prohibits a number of criminal justice related fees.
- 3) **Eliminating fees for bounced checks:** Under existing law a governmental entity or the courts that accept checks for payment of fees related to criminal proceedings can charge a minimal fee if the check is returned unpaid. This bill would eliminate their ability to charge such a fee and provides expressly that the risk is on the entity for accepting a check in payment.

What will be the consequences for not allowing a fee for a returned check? Will the courts and governmental entities still willingly take checks?

- 4) **Court filing fees:** Under existing law a person who is sentenced to state prison shall pay the full amount of court filing fees unless they file for a fee waiver. This bill eliminates the ability of the court to collect these fees and explicitly says a person shall not be required to pay court filing fees or costs related to the person's incarceration.
- 5) **Clean-up costs for controlled substances:** Existing law allows a person who is convicted of the manufacture, sale, possession for sale, possession, transportation or disposal of hazardous substance to upon conviction be required to pay for the clean-up and removal of the hazardous substance. This bill eliminates the ability to collect for clean-up costs.

Should a manufacturer of one of these substances be required to pay for the clean-up of the hazards that are left behind?

- 6) **Live animal market education class:** A person charged with a second violation of a section pertaining to a live animal market is subject to an infraction with a fine of \$250 to \$1,000. In lieu of the fine they have the option of taking an education course, which if completed results in the fine being waived. The course may cost up to \$100. This bill eliminates the ability to charge for the course.

If payment for the course is eliminated, will the organizations that create the course have an incentive to continue to do so?

- 7) **Hospital and other medical costs:** An incarcerated person who is not on Medi-Cal and receives medical treatment may be charged, or in the case of a juvenile their responsible person may be charged, the cost of the medical services if the person or the financially responsible party is able to pay. This bill eliminates the ability to collect these costs.
- 8) **Elimination of other fees:** This bill also removes the ability to charge a fee for participating in community service, fees or enrolling in traffic violator school, fees for home detention, when there is the ability to pay, and costs incurred by probation or the sheriff when an inmate is temporarily removed from custody prior to release.
- 9) **Argument in Support:** According to *California for Safety and Justice*, “Assembly Bill AB 2428 would eliminate criminal administrative fees that are nearly exclusively assessed on people who cannot afford to pay them. These include returned check fees, administrative fees to enter into an installment payment plan, and administrative fees to participate in community service. By their very nature, these fees disproportionately impact the lowest-income Californians.

“Low-income people of color are overrepresented at every stage in the criminal legal system, even when controlling for alleged criminal behavior. Additionally, due to over-policing and targeted surveillance in Black and brown communities, Black and brown Californians are punished more frequently and harshly at many discretion points. As a result, these communities are more likely to face higher fee burdens and the collateral consequences of an inability to payoff related debt.¹ Research also shows that fees and fines are disproportionately imposed on women, and that these debts have an inordinate impact on women who on average have lower incomes and more caregiving responsibilities than men. Eliminating these unjust criminal administrative fees is a critical next step at the intersection of racial justice and budget equity in California.

“While California has repealed over half of its criminal administrative fees and relieved \$6.9 billion in debt since 2021, California continues to fund its criminal legal system on the backs of the poorest community members. The Policy Advocacy Clinic at UC Berkeley Law found that people are often forced to choose between paying for court-ordered debts or necessities like food and rent, and the Urban Institute concluded that those with court or incarceration-related debts had a much higher likelihood of experiencing food insecurity and being unable to afford housing and health care, therefore deepening financial hardship.”

“While some fees intend to help local jurisdictions recoup costs, actual revenue from fees comes at a substantial cost. The Financial Justice Project San Francisco determined that the collection rates on these fees are on average just 17% because of people’s inability to pay. In fact, collecting fees cost counties almost as much or more than they end up collecting in revenue, and studies by both the Center on Budget and Policy Priorities and the Urban institute found that these collections are unstable and ineffective sources of revenue

“With the recent California Supreme Court decision in *People v. Kopp* (2025) now requiring ability to pay determinations for all these fees, collections will likely be even lower moving forward. Because these fees are disproportionately imposed on low-income Californians,

most legal system debt will be rendered uncollectable and further deplete court funding. Given that the *Kopp* decision will further reduce the revenue received from fines and fees, this bill would improve California's fiscal policy by having the state directly pay for court services rather than relying on collections from people unable to afford payments.

“Imposing fines and fees on those unable to pay traps people in a cycle of poverty while failing to raise revenue for the state. Because AB 2428 ameliorates the harm placed on low-income Californians—in particular Black and Brown women—while strengthening California's fiscal state, Californians for Safety and Justice proudly co-sponsor this bill.”

10) **Argument in Opposition:** None submitted

11) **Related Legislation:** None

12) **Prior Legislation:**

- a) AB 134 (Committee on Budget), Chapter 47, Statutes of 2023, extended the prohibition on denying an expungement petition because of unpaid restitution.
- b) AB 177 (Committee on Budget), Chapter 257, Statutes of 2021, deleted various fees contingent upon a criminal arrest, prosecution, or conviction for the cost of administering the criminal justice system.
- c) SB 586 (Bradford), of the 2021-2022 Legislative Session, deleted various fees contingent upon arrest. SB 586 was amended in the Assembly to an unrelated subject.
- d) AB 1869 (Budget), Chapter 92, Statutes of 2020, repealed the authority to collect various fees related to criminal prosecution.
- e) SB 1290 (Durazo), Chapter 340, Statutes of 2020, vacated certain county-assessed court ordered costs imposed on parents or guardians of minors who were ordered to participate in drug testing or adults under 21 years of age who were sentenced to home detention.
- f) SB 144 (Mitchell & Herzberg), of the 2019-2020 Legislative Session, not heard in Assembly Public Safety deleted various criminal fees.
- g) SB 190 (Mitchell), Chapter 678, Statutes of 2017, deleted or narrowed fees related to juveniles involved in the criminal justice system.

REGISTERED SUPPORT / OPPOSITION:

Support

All of US or None (HQ) (Co-Sponsor)
 Legal Services for Prisoners With Children (Co-Sponsor)
 A New Path
 A New Way of Life Re-entry Project
 Alliance for Boys and Men of Color
 California for Safety and Justice

California Public Defenders Association
Center on Juvenile and Criminal Justice
Coalition on Homelessness, San Francisco
Communities United for Restorative Youth Justice (CURYJ)
Community Legal Services in East Palo Alto
Debt Free Justice California
Ella Baker Center for Human Rights
Felony Murder Elimination Project
Glide
Grace Institute - End Child Poverty in CA
Initiate Justice
Jesse's Place Org
Jesse's Place Organization
Justice2jobs Coalition
LA Defensa
Los Angeles Regional Reentry Partnership (LARRP)
Multi-faith Action Coalition
San Francisco Public Defender
San Quentin Skunkworks
Smart Justice California, a Project of Beyond Impact
Starting Over INC.
The Social Impact Center
The W. Haywood Burns Institute
Viet Voices
Western Center on Law & Poverty, INC.
1 Private Individual

Opposition

None submitted

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