

ASSEMBLY THIRD READING
AB 2428 (Celeste Rodriguez)
As Amended May 18, 2026
Majority vote

SUMMARY

Repeals the authority to collect administrative fees related to criminal, arrest, prosecution, or conviction.

Major Provisions

- 1) 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.
- 2) 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.
- 3) 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.
- 4) Deletes the provision providing that in addition to other penalties a person convicted of the 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.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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.

- 9) 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.
- 10) Provides that a court shall not deny participation in community service programs based on an inability to charge fees or otherwise recoup costs.
- 11) 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.
- 12) 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.
- 13) 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.
- 14) 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.
- 15) Makes legislative findings and declarations.

COMMENTS

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."

Arguments 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."

Arguments in Opposition

None submitted.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Likely minor revenue reductions to the Trial Court Trust Fund (TCTF), with potential General Fund backfill depending on aggregate impact. The Judicial Council reports that the affected fee streams are largely minor and that no individual section is expected to produce notable trial court revenue impact, but indicates it would seek backfill through the established trial court funding process if notable losses materialize. Unlike AB 1869 (Committee on

Budget), Chapter 92, Statutes of 2020, which included an annual \$65 million General Fund appropriation through 2025-26 to backfill county revenues lost from the repeal of fees, the current version of this bill does not include a backfill appropriation. To the extent the Legislature determines that backfill is appropriate to address county or trial court revenue losses identified through implementation, an appropriation in subsequent budget action would be required.

- 2) One-time workload costs to the trial courts (TCTF, General Fund), likely spread across two fiscal years, to cancel fees previously assessed under affected provisions, terminate ongoing collection activities, vacate affected portions of judgments as required by the bill's January 1, 2027, judgment-vacating provisions, and provide updated notices to affected individuals. The Judicial Council has not provided a magnitude estimate for this workload. The judgment-vacating structure mirrors the approach taken in AB 1869 and AB 177 (Committee on Budget), Chapter 257, Statutes of 2021.
- 3) Costs (TCTF, General Fund) of an unknown amount to the trial courts from a potential increase in civil filings by incarcerated persons under amended Government Code Section 68635. Existing law requires incarcerated persons to pay trial court filing fees on a partial-payment schedule; this bill would prohibit those fees for filings related to the person's incarceration for the underlying criminal conviction. Current filing fee revenue from this population is not a meaningful revenue source for the courts. However, the Judicial Council reports that the existing fee structure — coupled with the inability of incarcerated persons to apply for fee waivers in these matters — may be functioning as a de facto barrier to filing. Removal of the fee could result in a meaningful increase in civil filings, including filings against the California Department of Corrections and Rehabilitation, with corresponding workload pressure on trial court calendaring. The magnitude of the increase is unknown and depends on filing behavior post-implementation. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund.

The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26. The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

VOTES

ASM PUBLIC SAFETY: 8-0-1

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Nguyen, Ramos, Sharp-Collins

ABS, ABST OR NV: Lackey

ASM APPROPRIATIONS: 11-4-0

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Hoover, Dixon, Ta, Tangipa

UPDATED

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CONSULTANT: Mary Kennedy / PUB. S. / (916) 319-3744

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