
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2428 (Celeste Rodriguez) - Criminal fees

Version: May 18, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: PUB. S. 5 - 0

Mandate: No

Consultant: Bob Franzoia

Bill Summary: AB 2428 would repeal the authority to collect administrative fees related to criminal, arrest, prosecution or conviction. The bill would make the unpaid balance of most court-imposed debt unenforceable and uncollectable and require any portion of a judgment imposed by those costs to be vacated. Additionally, persons who are sentenced to jail or prison would be relieved of the requirement to pay court filing fees or costs related to criminal convictions.

Fiscal Impact: Estimated minor revenue reductions related to the repeal of fees. 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 92/2020 which included a \$65 million General Fund appropriation through 2025-26 to backfill county revenues lost from the repeal of fees, this bill does not include a backfill appropriation. While the courts are not funded on a workload basis, a reduction in revenue could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources. The FY 2026-27 Budget appropriated \$70 million General Fund for this purpose.

One-time workload costs and revenue losses, 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 effective date, judgment-vacating provisions, and provide updated notices to affected individuals.

Costs of an unknown amount to the trial courts from a potential increase in civil filings by incarcerated persons under Government Code 68635. (Trial Court Trust Fund, General Fund)

Proposed Law: This bill, as it relates to fees, would do the following:

Repeals provision requiring a person sentenced to state prison or confined in county jail 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.

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.

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.

Deletes the provision providing that in addition to other penalties a person convicted of the sale, possession for sale, possession, or transportation of any hazardous substance that is a controlled substance or a chemical used in, or is a byproduct of, the manufacture of a controlled substance in violation of the law shall pay a penalty equal into the amount occurred by the local or state agency to remove the hazardous substance.

Provides beginning January 1, 2027, any unpaid balance related to fees imposed based on a conviction for the manufacture of a controlled substance is unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.

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 beginning January1, 2027, any outstanding fees are unenforceable and uncollectible.

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 January1, 2027, any outstanding fees are unenforceable and uncollectible.

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 January1, 2027, any outstanding fees are unenforceable and uncollectible.

Provides that beginning January 1, 2027, a local governmental entity shall not charge a fee to participate in a community service program, educational program, or otherwise fulfill court-ordered community service requirements.

Provides that a local governmental entity shall not charge an administrative fee for participation in community service work as punishment for a crime or as a financial hardship alternative for a fine or monetary penalty.

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 January1, 2027, any outstanding fees are unenforceable and uncollectible.

Requires when a person confined is temporarily released from the community, the sheriff shall not require the person detained to reimburse the county for expenses incurred in connection with their release and provides that beginning in January 1, 2027, any outstanding fees are unenforceable and uncollectible.

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.

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.

Staff Notes some of these provisions are antiquated and the fees have not been assessed or collected.

Staff Comments: 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. While filing fee revenue from this population is not a meaningful revenue source, 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 significant increase in civil filings, including filings against the California Department of Corrections and Rehabilitation (CDCR), with corresponding workload pressure on trial court calendaring. The magnitude of the increase is unknown and depends on filing behavior post-implementation.

Recommended Amendments: Delete Sections 3 and 4 of the bill, which repeals and adds Government Code 68635, relating to the waiver of trial court fees in order to limit frivolous lawsuits against CDCR and reduce workload pressure on trial court calendaring.