SENATE RULES COMMITTEE AB 2428

Office of Senate Floor Analyses

(916) 651-4171

THIRD READING

Bill No: AB 2428

Author: Celeste Rodriguez (D), et al.

Amended: 5/18/26 in Assembly

Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 6/23/26

AYES: Arreguín, Caballero, Cortese, Pérez, Wiener

NO VOTE RECORDED: Seyarto

SENATE APPROPRIATIONS COMMITTEE: 5-1, 8/13/26

AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab

NOES: Dahle

NO VOTE RECORDED: Seyarto

ASSEMBLY FLOOR: 56-18, 5/26/26 - See last page for vote

SUBJECT: Criminal fees

SOURCE: All of Us or None; Communities United for Restorative Youth Justice; Corporation for Supportive Housing; Debt Free Justice California; Legal Services for Prisoners with Children; The Maven Collaborative; The San Francisco Public Defender's Office; Western Center on Law and Poverty

DIGEST: This bill repeals authority to collect certain court fees contingent upon a criminal arrest, prosecution, or conviction, for the cost of administering the criminal justice system, including traffic court fees, costs for when a minor is adjudged a ward of the court, or costs incurred by a state or local agency for the disposal of various substances if the person is convicted of the sale, possession, or transportation of a controlled substance, among others. This bill makes the unpaid balance of certain court-imposed costs unenforceable and uncollectible and requires any portion of a judgment imposed by those costs to be vacated. This bill relieves a person who is sentenced to state prison or confined in a county jail from being required to pay any trial court filing fees or costs related to the person's underlying criminal conviction.

ANALYSIS:

Existing law:

1) Requires that a person sentenced to state prison or county jail pay the full amount of the trial court fees as specified. (Government (Gov.) Code, § 65835, subd. (b).)

2) Allows an incarcerated individual to apply for a fee waiver. (Gov. Code, § 68635, subd. (c).)

3) Requires that an incarcerated individual not be prohibited from filing pleadings or other papers solely because the inmate has no assets and no means to partially pay the initial filing fee. (Gov. Code, § 68635, subd. (h).)

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 Safety Code, § 11374.5.)

5) 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. (Penal (Pen.) Code, § 597.3.)

6) 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 4018.6.)

7) 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.)

8) Provides that when a defendant is convicted of an offense and granted probation, and the court orders the defendant either to pay a fine or to perform

specified community service work, that the court shall specify that if community service work is performed, it shall be performed in place of the payment of all fines and restitution fines on a proportional basis, as specified. (Pen. Code, § 1205.3.)

9) Allows that when a defendant is convicted of an infraction and makes a showing that paying the total fine would pose a hardship on the defendant, the defendant may elect to perform community service in lieu of the total fine that would be otherwise imposed. (Pen. Code, § 1209.5.)

10) 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.)

11) 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. (Vehicle (Veh.) Code, § 42007.)

12) 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.)

This bill:

1) Declares the intent of the Legislature to eliminate the assessment of certain fees on low-income Californians who cannot afford to pay court-ordered debt.

2) 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.

3) 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.

4) 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.

5) 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 law shall pay a penalty equal into the amount occurred by the local or state agency to remove the hazardous substance.

6) Provides that 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.

7) Deletes the ability to charge a fee not to exceed $100 for a course 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.

8) 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.

9) 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.

10) 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, as specified.

11) Provides that a court shall not deny participation in community service programs based on an inability to charge fees or otherwise recoup costs.

12) 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.

13) 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.

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

15) 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.

16) 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.

Background

The Debtors' Prison Act of 1833, outlawed debtors' prisons in the United States under federal law. (H.R. 279 – 22nd Congress, January 17, 1832.) Between 1829 and 1849, twelve states outlawed debtors' prisons. (The Marshall Project (Feb. 2015). *Debtors' Prisons, Then and Now: FAQ* https://www.themarshallproject.org/2015/02/24/debtors-prisons-then-and-now-faq.) Both the U.S. Constitution and the California Constitution prohibit the imposition of excessive fines. (U.S. Const., 8th Amend.; Cal. Const., Art. I § 17.) However, vestiges of unequal financial impact remain in current law, requiring low-income individuals to pay fees for the administration of payment plans and community service alternatives to fines. Because of this, billions of dollars in delinquent court-ordered debt remain outstanding, illustrating the limited collectability of court debt and the need to address uncollectible debt burdens. (Judicial Counsel for California (Dec. 2023). *Report on Statewide Collection of Court-Ordered Debt for 2022–23* https://courts.ca.gov/sites/default/files/courts/default/2024-12/lr-2023-jc-statewide-court-ordered-debt-2022-23-pc1463_010c-68514a.pdf.) Criminal justice administrative fees are difficult to collect, create barriers to reentry, and generate little reliable revenue, as they have an average collection rate of only 17% for locally authorized fees. (San Francisco Financial Justice Project (April 2019). *Criminal Justice Administrative Fees: High Pain for People, Low Gain for Government* https://sftreasurer.org/high-pain-low-gain.)

Changes have been made to help people pay fines or reduce or forgive them based on economic circumstances. For example, California has enacted several related criminal and juvenile administrative fee reforms in recent years. (AB 134 (Committee on Budget, Chapter 47, Statutes. of 2023); AB 1119 (Wicks, Chapter [Ch.] 562, Statutes of [Stats.] 2023); AB 199 (Committee on Budget, Ch. 57, Stats. of 2022; AB 177 (Committee on Budget, Ch. 257, Stats. of 2021); AB 1869 (Committee on Budget, Ch. 92, Stats. of 2020); SB 1290 (Durazo, Ch. 340, Stats of 2020); SB 190 (Mitchell, Ch. 678, Stats. of 2017). Since 2020, California has discharged more than $6.9 billion in criminal fee debt, much of it from criminal administrative fees burdening low-income individuals, women, and communities of color. (UC Berkeley Law Policy Advocacy Clinic (Dec. 2024), *Ending Unjust and Ineffective Criminal Fees in California* https://www.law.berkeley.edu/experiential/clinics/policy-advocacy-clinic/adult-fees/ending-criminal-adult-fees-in-california/; Ella Baker Center for Human Rights, Forward Together, and Research Action Design (Sept. 2015). *Who Pays? The True Cost of Incarceration on Families* https://ellabakercenter.org/wp-content/uploads/2022/09/Who-Pays-exec-summary.pdf.)

In December 2025, the California Supreme Court decided *People v. Kopp*. (*People v. Kopp* (2025) 19 Cal. 5th 1.) The Court held that ability to pay must be considered for certain fees, extending jurisprudence in a long line of ability-to-pay cases. (Other related ability-to-pay cases include: *People v. Dueñas* (2019) 30 Cal.App.5th 1157, *Williams v. Illinois* (1970) 399 U.S. 235, *Tate v. Short* (1971) 401 U.S. 395, and *Bearden v. Georgia* (1983) 461 U.S. 660.) *Kopp* may directly address the fees affected by this bill, particularly Government Code section 70373 and Penal Code section 1465.8; regardless, the Court urged the Legislature to revisit court-ordered ancillary payments in criminal cases comprehensively.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- 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.

- Ongoing minor workload costs to the trial courts, for processing returned checks tendered for court-ordered debt without the ability to recover bank charges or clerk processing time. California Rules of Court, Rule 10.821, generally requires courts to accept checks; the bill leaves that obligation in place while removing the ability to recoup returned-check costs under Government Code Section 71386, which applies to court payments generally. For court-ordered debt relating to criminal proceedings specifically, Government Code Section 6157 also makes acceptance of checks discretionary, though courts remain bound by Rule 10.821. Whether courts will respond by limiting the practical availability of check payment is uncertain.

- 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)

SUPPORT: (Verified 8/13/26)

All of Us or None (co-source)
Communities United for Restorative Youth Justice (co-source)
Corporation for Supportive Housing (co-source)
Debt Free Justice California (co-source)
Legal Services for Prisoners with Children (co-source)
The Maven Collaborative (co-source)
The San Francisco Public Defender's Office (co-source)
Western Center on Law & Poverty (co-source)

ACLU California Action
Alliance for Boys and Men of Color
California Community Foundation
California Public Defenders Association
Californians for Safety and Justice
Care First California
Courage California
Democrats of Rossmoor
Dignity and Power Now
Drug Policy Alliance
Ella Baker Center for Human Rights
Friends Committee on Legislation of California
GLIDE
Initiate Justice
Jesse's Place Org
Justice2Jobs Coalition
La Defensa
Local 148 Los Angeles County Public Defender's Union
Multi-Faith Action Coalition
Peace and Justice Law Center
Restoring Hope California
Rubicon Programs
San Quentin Skunkworks
Smart Justice California
UnCommon Law
Universidad Popular
Vera Institute of Justice

OPPOSITION: (Verified 8/13/26)

None received

ARGUMENT IN SUPPORT:

According to Debt Free Justice California:

> Assembly Bill AB 2428 would eliminate criminal administrative fees that are nearly exclusively assessed on people who cannot afford to pay them. These include administrative fees to enter into an installment payment plan, fees for release from incarceration, court

filing fees for incarcerated individuals, and administrative fees to participate in court-ordered community service. By their very nature, these fees disproportionately impact the lowest-income Californians.

Low-Income Californians Face Higher Fee Burdens

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 pay off related debt**. 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."

Fees Waste Administrative Resources and Fail to Recoup Revenue

While some fees intend to help local jurisdictions recoup costs, actual revenue from fees comes at a substantial and counterproductive cost. 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. In fact, collecting fees costs counties almost as much or more than they end up collecting in revenue. Further, In December, 2025, the ***People v. Kopp*** decision ruled that

California courts must now determine an individual's ability to pay a fee, before imposing criminal administrative fees against them. Prior to the decision, records showed that fees were collected infrequently and at extremely low rates. However, the *Kopp* decision will cause any revenue previously recouped by the fees addressed in this bill to plummet further for state, county, and court collection entities.

AB 2428 Codifies People V. Kopp and Aligns Current Law and Practice

As a result of the ***People v. Kopp*** decision by the California Supreme Court, jurisdictions may no longer assess criminal administrative fees unless courts have determined that an individual is able to pay. As AB 2428 addresses only criminal fees assessed to people experiencing poverty, the bill aligns California statute and the protections for poor Californians established by the Court. Further, **the bill aligns statute and current practices for filing fee ability-to-pay determinations for incarcerated individuals, which are not currently charged, and removes a costly and unnecessary waiver protocol.** Because AB 2428 comports with current practices and laws regarding filing fees, there are no anticipated impacts on trial courts beyond those mandated by the *People v. Kopp* decision.

Imposing fees on Californians experiencing poverty traps people and families in a cycle of debt and prolonged criminal-legal involvement, 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, we are proud supporters of this bill.

[citations omitted]

ARGUMENT IN OPPOSITION:

None received

ASSEMBLY FLOOR: 56-18, 5/26/26
AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Garcia, Gipson, Mark González, Haney, Harabedian,

Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas
NOES: Alanis, Castillo, Davies, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Johnson, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis
NO VOTE RECORDED: Bains, Chen, Gabriel, Lackey, Muratsuchi, Celeste Rodriguez

Prepared by: Natalia DaSilva Telles / PUB. S. /
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****** END ******