



Board Agenda Item 53

DATE: June 22, 2021

TO: Board of Supervisors

SUBMITTED BY: Kirk Haynes, Chief Probation Officer

SUBJECT: Amendment to Master Schedule of Fees - Probation Department

RECOMMENDED ACTION(S):

Conduct second hearing and adopt an Ordinance amending the County of Fresno Master Schedule of Fees, Charges and Recovered Costs Ordinance by deleting subsections 1801, 1805, 1806, 1810, 1813, and 1818 of Section 1800-Probation, for fees related to the Adult Offender Work Program, Work Furlough Program, Presentence Investigations Reports, Administrative Costs of Collections, Adult Probation Supervision, and Targeted Case Management Fee (the Ordinance); and Waive the reading of the proposed Ordinance in its entirety.

Approval of the recommended actions amends the Master Schedule of Fees, Charges and Recovered Costs Ordinance to delete certain Probation fees that the County no longer has the statutory authority to collect, due to Assembly Bill (AB) 1869. AB 1869, approved on September 18, 2020, and going into effect on July 1, 2021, results in changes to the Government Code, Penal Code and Welfare and Institutions Code. This law repeals the authority of counties to collect various criminal justice and administrative fees for the costs of administering probation and mandatory supervision, administering home detention programs, continuous electronic monitoring programs, work furlough programs, and work release programs, and also appropriates monies for five years to the County to backfill associated revenue losses. In order to comply with AB 1869, the Probation Department recommends an amendment to the Master Schedule of Fees (MSF) to eliminate Probation fees charged to individuals for Adult Supervision, the Adult Offender Work Program, Work Furlough Program, preparation of Presentence Investigation Reports, Administrative Costs of Collections, and a Targeted Case Management Fee. In addition, SB 1869 prohibits the collection of unpaid balances of the above-referenced fees. This item is countywide.

ALTERNATIVE ACTION(S):

There are no viable alternative recommended actions. AB 1869 deletes the above-referenced fees from the Government Code, Penal Code, and Welfare and Institutions Code, and the County will have no further statutory authority to collect these fees.

FISCAL IMPACT:

In FY 2020-21, it is estimated the Probation Department will receive approximately \$565,000 in revenue from the fees impacted by AB 1869. The law requires the State to provide backfill funding to Counties for the loss of this revenue for the next five years. However, at this time, the State has not provided details on the amount of backfill revenue it will provide Probation, or if this backfill revenue will be sufficient to cover the loss of the revenue.

DISCUSSION:

On June 8, 2021, your Board conducted the first hearing to amend Section 1800 of the MSF, to delete certain fees that were affected by AB 1869. AB 1869 repeals the authority of counties to collect various criminal justice and administrative fees for the costs of administering probation and mandatory supervision, administering home detention programs, continuous electronic monitoring programs, work furlough programs, and work release programs, and also appropriates monies for five years to the County to backfill associated revenue losses.

Currently the Probation Department receives fees from individuals who are on Adult Supervision, participate in the Adult Offender Work Program or Work Furlough Program, and for the preparation of Presentence Investigation Reports. Effective July 1, 2021, AB 1869 repealed the County's authority to collect these fees. This law also repeals other fees that do not affect the Probation Department.

The Probation Department no longer collects its "Targeted Case Management Fee," so the Department is recommending deleting that fee, as well. AB 1869 also prohibits the collection of unpaid balances of the above-referenced fees, so the Probation Department will no longer be able to collect these fees, as previously assessed against individuals on Probation.

The recommended actions will eliminate subsections 1801, 1805, 1806, 1810, 1813, and 1818 of Section 1800-Probation from the Master Schedule of Fees, which are shown in Attachment A. As a result of the recommended actions, the Probation Department and Auditor-Controller/Treasure-Tax Collector's Office will:

1. Stop assessing all fees repealed by AB 1869;
2. Cease all collection efforts for any fees repealed by AB 1869, including notifying and updating contracts with third-party debt-collection agencies;
3. Discharge all remaining balances for previously assessed AB 1869 fees; and
4. Notify all impacted individuals of the actions being taken to implement AB 1869, and provide notification of any unpaid balances for other fees and/or fines still owed, and not affected by the implementation of AB 1869.

With your Board's approval, the recommended ordinance will take effect 30 days thereafter.

REFERENCE MATERIAL:

BAI #8 June 8, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - Probation Fee Schedule
Ordinance

CAO ANALYST:

Samantha Buck