



# Board Agenda Item 45

DATE: November 6, 2018

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 to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending subsections 1805, 1814, and 1819 of Section 1800-Probation relating to Probation exempting young adults from paying fees associated with the Work Furlough Program, Drug Testing and Juvenile Record Sealing; waive reading of the Ordinance in its entirety; and adopt proposed Ordinance.**

Senate Bill (SB) 190, which went into effect on January 1, 2018, resulted in changes to the California Government Code, Penal Code, and Welfare and Institutions Code, barring the courts from ordering (as of January 1, 2018) the assessment of fees for legal services, drug testing, support, detention, supervision and electronic monitoring for juveniles in the delinquency system. Your Board, on April 17, 2018, approved an amendment to Probation's Master Schedule of Fees (MSF) eliminating the above-referenced juvenile fees. In order to comply with SB 190, an additional amendment to the MSF is recommended to exempt individuals 21 years or younger from paying fees related to the Work Furlough Program and drug testing. SB 504, which went into effect on September 30, 2015, exempted individuals 25 years or younger from paying fees for juvenile record sealing. With this MSF amendment, Probation will be in compliance with these two laws. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative recommended action. SB 190 and SB 504 exempt young adults from paying the above-referenced fees.

FISCAL IMPACT:

The Probation Department's Adopted FY 2018-19 Budget addressed the loss of revenue associated with SB 190. Probation has not been charging young adults, 25 years or younger, for juvenile record sealing since the passage of SB 504 in 2015, so there will be no loss of revenue in FY 2018-19 associated with this legislation.

DISCUSSION:

Effective January 1, 2018, SB 190 repealed County authority to assess juvenile fees in the delinquency system, including fees related to Probation. The Probation Department is no longer authorized to charge juvenile fees for screening, electronic monitoring, home supervision, Juvenile Hall support, and drug testing as of January 1, 2018. Your Board approved an amendment to Probation's MSF on April 17, 2018 to eliminate the fees for juveniles. The recommended action provides for an additional amendment to the MSF

in order to comply with SB 190 and SB 504. In accordance with SB 190 and SB 504, the amendment would exempt individuals 21 years or younger from paying fees associated with drug testing and the work furlough program and individuals 25 years or younger from paying fees for juvenile record sealing. With this amendment, the Department is in compliance with the above-mentioned legislation. Refunds have been given to those individuals who should have been exempted from paying the fees after the effective date of the legislation. The recommended updates to the MSF for Section 1800 - Probation, Subsection 1805, 1814, and 1819, are shown in Attachment A.

The recommended updates have been reviewed and approved by the Auditor-Controller/Treasurer-Tax Collector and the Department concurs with the recommended action.

REFERENCE MATERIAL

BAI #10, October 23, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - Probation Fee Schedule Comparison Ordinance

CAO ANALYST:

Samantha Buck