



County of Fresno

Hall of Records, Rm. 301
2281 Tulare Street
Fresno, California
93721-2198

Legislation Text

File #: 18-0221, **Version:** 1

DATE: April 3, 2018

TO: Board of Supervisors

SUBMITTED BY: Elizabeth Diaz, Public Defender
Philip F. Kader, Interim Chief Probation Officer

SUBJECT: Amendment to Master Schedule of Fees- Public Defender and the Probation Department

RECOMMENDED ACTION(S):

- 1. Conduct first hearing to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs Ordinance by deleting subsections 1802, 1804, 1809, 1815, and 1817 of Section 1800-Probation relating to Probation juvenile fees; waive reading of the ordinance in its entirety; and set second hearing for April 17, 2018;**
- 2. Conduct first hearing to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs Ordinance by deleting subsections 2001(b)(1) and 2001(c)(3) of Section 2000-Public Defender relating to legal services provided to juveniles in the delinquency system; waive reading of the ordinance in its entirety; and set second hearing for April 17, 2018;**
- 3. Designate County Counsel to prepare a fair and adequate summary of each proposed ordinance; and**
- 4. Direct the Clerk of the Board to post and publish the required summary for each proposed ordinance in accordance with Government Code Section 25124(b)(1).**

Approval of the recommended actions will delete all juvenile fees in Section 1800-Probation and Section 2000-Public Defender of the Master Schedule of Fees (MSF). This is necessary to bring the MSF in line with Senate Bill 190, which took effect on January 1, 2018. The passage of Senate Bill 190 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. Accordingly, as of January 1, 2018, California counties may no longer charge the foregoing types of fees.

ALTERNATIVE ACTION(S):

There is no viable alternative to deleting the specified fees. Senate Bill 190 provides that such fees cannot be assessed as of January 1, 2018.

FISCAL IMPACT:

The Public Defender projects an estimated decrease of \$4,000 in revenue for FY 2017-18 and \$9,000 in FY 2018-19 as a result of the recommended actions. The Probation Department projects a loss of approximately \$47,000 in revenue for FY 2017-18, and approximately \$94,000 in FY 2018-19 resulting from the recommended actions.

DISCUSSION:

Effective January 1, 2018, Senate Bill 190 repealed county authority to assess juvenile fees in the delinquency system, including fees related to:

- **Registration Fees:** The Public Defender is no longer authorized to collect registration fees for juveniles;
- **Legal Representation:** juvenile delinquent cases are no longer subject to court ordered attorney fees; and
- **Probation Fees:** the Probation Department is no longer authorized to charge juvenile fees for screening, electronic monitoring, home supervision, Juvenile Hall support, and drug testing.

To comply with Senate Bill 190, the Public Defender and the Probation Department no longer seek court orders for assessment of juvenile-related fees. Both County departments now bring this item to your Board to amend their respective sections of the Master Schedule of Fees to reflect the changes resulting from passage of Senate Bill 190.

A. Public Defender

The recommended updates to the Master Schedule of Fees for Section 2000 - Public Defender are detailed in Attachment A. As noted therein, Public Defender subsections 2001(b)(1) (the Juvenile Case Registration Fee) and 2001(c)(3) (Juvenile Felony/Misdemeanor Case fees) are being deleted to comply with Senate Bill 190.

B. Probation

The recommended updates to the MSF for Section 1800 - Probation are shown in Attachment B. Subsections 1802, 1804, 1809 (a) and (b), 1815, and 1817 of Section 1800 – Probation (all fees that relate to the detention, support, supervision or electronic monitoring of juveniles) are being deleted to comply with Senate Bill 190. There are no changes to the specified fees for drug testing or other items that may still be assessed for adult offenders. The courts will simply no longer order such fees be payable for juvenile offenders.

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

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - Public Defender Fee Schedule Comparison

Attachment B - Probation Fee Schedule Comparison

Public Defender Proposed Ordinance

Probation Proposed Ordinance

On file with Clerk - Ordinance Summary-Public Defender and Ordinance Summary-Probation

CAO ANALYST:

Samantha Buck