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Your Responsibility When Using the Information Provided Below:

When we wrote this Informational Material we did our best to give you useful and accurate information because we know that people in prison and jail often have difficulty obtaining legal information and we cannot provide specific advice to everyone who requests it. The laws change frequently and are subject to differing interpretations. We do not always have the resources to make changes to this material every time the law changes. If you use this pamphlet it is your responsibility to make sure that the law has not changed and is applicable to your situation. Most of the materials you need should be available in your institution law library.

RESTITUTION, FEES, & FINES INFORMATION FOR PEOPLE IN CALIFORNIA PRISONS AND JAILS

November 2021

We received your request for information or assistance concerning your criminal case restitution, fines, and/or fees. We apologize for this form letter response, and we hope that it helps answer your questions.

There are two new laws that eliminates many of the fees that courts used to impose on people as part of their criminal sentences. The new laws are:

- **Assembly Bill 1869** --Effective July 1, 2021, the fees affected by AB 1869 can no longer be collected.
- **Assembly Bill 177**--Effective July 1, 2021, the fees affected by AB 177 can no longer be collected. For example, AB 177 eliminates the administrative fees that CDCR and county officials used to charge to cover the costs of collecting restitution and restitution fines. (Former Penal Code §§ 2085.5-2085.7)

If you have one or more of these fees as part of your sentence, you do not need to take any action – any unpaid fees and/or interest you owe should automatically be written off and no longer collected as of the dates that AB 1869 and AB 177 take effect. If your case is still on appeal, the court of appeal may take the extra step of modifying your sentencing papers to vacate any part of the fees that you have not already paid. However, you cannot get back any part of the fees you already paid before the new laws went into effect. (See *People v. Clark* (2021) 67 Cal.App.5th 248; *People v. Lopez-Vinck* (2021) 68 Cal.App.5th 945.)

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The attached information sheets list the fees that have been eliminated and contact information for organizations that may be able to help with specific questions or problems.

The new laws do not affect the many other types of fees or fines that can be imposed under other statutes. You still must pay any restitution, restitution fines, fines, or fees that are not affected by the new law. Importantly, the new law does not affect direct restitution or restitution fines imposed under Penal Code §§ 1202.4, 1202.44, and 1202.45. The California Department of Corrections and Rehabilitation (CDCR) and county jails can still collect 50 percent of your prison wages and trust account deposits to pay your direct restitution and restitution fines. (Penal Code § 2085.5.) However, some types of deposits cannot be taken to pay direct restitution or restitution fines; these include funds sent to pay for family visits, Joint Venture Program deposits, federal disability payments, veteran benefits, and reimbursements for lost or damaged property or undeliverable purchase orders. (15 CCR 3097(j).)

attached: info on AB 1869 and AB 177

List of Repealed Criminal Case Fees AB 1869

Code Section	Fee Type
Cal. Gov. Code § 27712	Cost of counsel
Cal. Gov. Code § 27753	Cost of counsel
Cal. Gov. Code § 29550	(c) CJ Admin fee associated with arrest
	(f) Admin screening for those arrested, OR, or upon conviction
Cal. Gov. Code § 29550.1	CJ Admin fee associated with arrest
Cal. Gov. Code § 29550.2	Arrest and booking county jail
Cal. Gov. Code § 29550.3	Arrest and booking city jail
Cal. Pen. Code § 987.4	Cost of counsel for minor in criminal court
Cal. Pen. Code § 987.5	Registration counsel fee
Cal. Pen. Code § 987.8	Cost of counsel
Cal. Pen. Code § 987.81	Cost of counsel
Cal Pen. Code § 1203	Interstate compact supervision
Cal. Pen. Code § 1203.016	Home detention
Cal. Pen. Code § 1203.018	EM in lieu of bail or jail
Cal. Pen. Code § 1203.1b	Probation supervision, investigation report, jurisdictional transfer
	Installment processing
Cal. Pen. Code § 1203.1e	Parole supervision
Cal. Pen. Code § 1208.2	Work furlough, home detention, county parole
	Work furlough administration
Cal. Pen. Code § 1210.15	EM as probation condition
Cal. Pen. Code § 3010.08	EM supervision for parolees
Cal. Pen. Code § 4024.2	Voluntary work release program
Cal. Pen. Code § 6266	Work furlough program

List of Fees Eliminated by AB 177

Relevant Code Section	Description of Fee Eliminated	Relevant Section of AB 177
Pen. Code, § 1001.15	Related to enrollment in felony diversion program; eliminates administrative fees related to payment of criminalistics laboratory analysis, application for diversion, and cost of supervising diversion.	AB 177, §§ 15
Pen. Code, § 1001.16	Related to enrollment in misdemeanor diversion; eliminates administrative fees related to criminalistics laboratory analysis, application for diversion, and supervising diversion.	AB 177, § 16
Pen. Code, § 1001.90	Eliminates administrative fee to cover the costs of collection of a diversion restitution fine (former § 1001.90, subds. (g) & (h)). A diversion restitution fine may still be imposed.	AB 177, §§ 17, 18
Pen. Code, § 1202.4	Eliminates administrative fee to cover the costs of collecting a restitution fine (former § 1202.4, subd. (l)).	AB 177, §§ 19, 20
Pen. Code, § 1203.1, subd. (l)	Eliminates administrative fee related to collection of victim restitution ordered as condition of probation (former § 1203.1, subd. (l)).	AB 177, §§ 21, 22
Pen. Code, § 1203.1ab	Eliminates fee related to cost of drug testing ordered as condition of probation.	AB 177, §§ 23, 24
Pen. Code, § 1203.1c	Eliminates fee to cover costs of incarceration in county jail, city jail, or local detention facility.	AB 177, § 25
Pen. Code, § 1203.1m	Eliminates fee to cover costs of imprisonment in state prison.	AB 177, § 26
Pen. Code, § 1203.4a	Eliminates application fee for petition of dismissal of misdemeanor or infraction after 1 year (former subd. (e)).	AB 177, §§ 27, 28
Pen. Code, § 1203.9	<p>Eliminates provision in former subdivision (d)(2) allowing the receiving court and county probation department to impose additional local fees after an individual's probation or mandatory supervision is transferred to a different county.</p> <p>The new subdivision (d)(2) provides: "The receiving court and county probation department shall not impose additional local fees and costs."</p> <p>Also prohibits the receiving county from charging administrative fees for collections performed for the transferring county (subd. (e)(1)).</p>	AB 177, §§ 29, 30
Pen. Code, § 1205	Eliminates administrative fees for the processing of both installment accounts and non-installment accounts (former subd. (e)).	AB 177, §§ 31, 32

List of Fees Eliminated by AB 177 (continued)

Pen. Code, § 1214.5	Eliminates collection of interest on unpaid restitution when restitution imposed as a condition of probation.	AB 177, § 33
Pen. Code, § 1463.07	Eliminates administrative screening fee when individual released on own recognizance; eliminates citation processing fee.	AB 177, § 34
Pen. Code, § 2085.5	Eliminates administrative fee to cover the cost of collecting restitution fines and orders from people incarcerated state prison, people incarcerated in county jail pursuant to section 1170, subd. (h), and parolees (former § 2085.5, subds. (e), (f), (i)).	AB 177, §§ 36, 37
Pen. Code, § 2085.6	Eliminates administrative fee imposed by county on individuals subject to PRCS or mandatory supervision to cover costs of collecting restitution fines and orders (former § 2085.6, subd. (d)).	AB 177, §§ 38, 39
Pen. Code, § 2085.7	Eliminates administrative fee related to collection of restitution fine and orders from individuals released from county jail after completion of term pursuant to section 1170, subd. (h)(5)(A) (former § 2085.7, subd. (d)).	AB 177, §§ 40, 41
Veh. Code, § 40508.5	Eliminates assessment on individuals who fail to appear following arrest for a violation of the Vehicle Code or local traffic ordinance.	AB 177, § 42
Veh. Code, § 40510.5	Eliminates collection of processing fee on installment accounts related to Vehicle Code infractions (former § 40510.5, subd. (g)).	AB 177, §§ 43, 44

LIST OF SERVICE PROVIDERS



Root & Rebound Hotline (Statewide, Fridays 9-5 PT)

- Phone: (510) 279-4662

East Bay Community Law Center (Alameda County)

- Main Desk: (510) 548-4040
- Clean Slate Information Line: (510) 296-6696

Lawyer's Committee for Civil Rights of the SF Bay Area (Bay Area)

- Phone: (415) 543-9444

Legal Services for Northern California (Northern California)

- Phone: (866) 815-5990

For a more comprehensive list of service providers please visit:

<https://ebclc.org/cadebtjustice/resources/>

Interested in joining the fight to end all fees in the criminal system, go to:

<https://ebclc.org/cadebtjustice/about/>



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