

Trial Court Revenue Distribution Guidelines Urgency Legislation



California State Controller's Office

Revision 26 Addendum #1

Amendments after *January 1, 2016*

This Addendum to the **Trial Court Revenue Distribution Guidelines Revision 26** provides direction on specific urgency legislation pertaining to the distribution of fines, fees, forfeitures, penalties, and assessments that have been amended after *January 1, 2016*, and should be used in concurrence with Revision 26. Statutory codes may be modified by the legislature after this date. Current code may supersede any guidelines provided in this document.

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Legend

Abbreviation	Code	Abbreviation	Code	Abbreviation	Code
B&P	Business and Professions	F&G	Fish and Game	PRO	Probate
CC	Civil Code	F&A	Food and Agriculture	PRC	Public Resources
CCP	Code of Civil Procedure	GC	Government	R&T	Revenue and Taxation
CORP	Corporations	H&N	Harbors and Navigation	VC	Vehicle
ED	Education	H&S	Health and Safety	WC	Water
ELEC	Elections	IC	Insurance	W&I	Welfare and Institutions
FC	Family Code	LC	Labor		
FIN	Financial Code	PC	Penal		

How to Use the Trial Court Revenue Distribution Guidelines

The **Trial Court Revenue Distribution Guidelines** (Guidelines) consist of nine distribution tables that provide guidance on the distribution of trial court revenues that are required by California Code. Each table is preceded with a narrative that identifies the code section within the table, as well as any special rules or background that may apply. The purpose of the narrative is to provide guidance to questions that may arise when working with the code sections within the table; the narrative may also apply to code sections in other tables. While a few tables have additional specialized columns, the basic organization and the definition of terms used in the tables are shown below.

Note: This Addendum to Revision 26 contains only those tables and code sections which have been added or amended after January 1, 2016. Please see Revision 26 for the Trial Court Revenue Distribution Guidelines effective January 1, 2016.

Code Section	The California code section, with a descriptive title. Each code section will be cited using the legend above for the code, followed by the section number. For example, PC 1464 refers to Penal Code section 1464.
Violation/Situation	The California code under which the conviction occurred (unless the code is the same as the distribution code) and/or a description of the situation that resulted in the charge.
Arresting Officer/Jurisdiction	The jurisdiction of the arresting officer (“city” versus “county”) is included when relevant for distribution purposes.
Distribution	The entity or entities to which the revenue is distributed (state, county, city, other agency, or victim) and the percentages of and/or conditions for the distribution.
Applicable Fund	The fund to receive the distribution, as designated in the statute. “Not specified” means no specific fund is designated in the statute; the general fund of the receiving agency is the default fund in such cases.
Fund Use	The use of funds as restricted in the statute. “Not specified” means that a use is not specified in the statute.
Priority of Installment Payments	Court-ordered installment payments are disbursed according to the priorities set by PC 1203.1d. For more information, see page 5 of the <i>Trial Court Revenue Distribution Guidelines, Revision 26</i> .

Table 3 — Specific Fine and Forfeiture Distributions

Table 3 includes fines and forfeitures that have a specific charge and/or distributions to a specific party, fund, or purpose. If a fine or a part of a fine is distributed pursuant to PC 1463.001, the details of the distribution are shown in Table 1.

For example, F&G 12009 is a fine assessed on illegal abalone fishing. The money collected from any fine or forfeiture imposed or collected is specifically distributed 50% to the Abalone Restoration and Preservation Account and 50% to the county treasury of the county in which the violation occurred.

The following apply to the fines and forfeitures in Table 3:

- State and local penalties
- 2% deposit for automation
- State surcharge

**Table 3
Specific Fine and Forfeiture Distributions**

CODE SECTION	VIOLATION/SITUATION	DISTRIBUTION	APPLICABLE FUND	FUND USE/SPECIAL PROVISION	PRIORITY OF INSTALLMENT PAYMENTS
PC 308 — Tobacco Products; Civil/Criminal Penalty <i>Note: Prosecution may not occur if civil penalties have been levied under B&P 22958 for the same offense.</i> Effective June 9, 2016	(a) Person, firm, or corporation furnishes or sells tobacco products to persons under 21 years of age, except for active duty military personnel who are 18 years of age or older.	25% of each civil and criminal penalty collected to the agency bringing the successful action (city attorney, county counsel, or district attorney).	Not specified.	Not specified.	3
		Remaining 75%: Civil penalty distribution is not stated in the code section and is pending research.			
		If criminal penalty.	See PC 1463.001 (Table 1).	See PC 1463.001 (Table 1).	
	(b) Person, firm, or corporation that sells or deals in tobacco does not post a copy of this act in the place of business.	See PC 1463.001 (Table 1).	See PC 1463.001 (Table 1).	See PC 1463.001 (Table 1).	

Table 8 — Civil Fine and Penalty Distributions

Table 8 includes administrative or civil penalties and fines. Because they are not criminal, state and local penalties (PC 1464, GC 70372, GC 76000, GC 76104.6, and GC 76104.7), the 2% deposit for automation (GC 68090.8), and the state surcharge (PC 1465.7) do not apply to the fines and penalties in this table.

**Table 8
Civil Fine and Penalty Distributions**

CODE SECTION	VIOLATION/SITUATION	DISTRIBUTION	APPLICABLE FUND	FUND USE/SPECIAL PROVISION
<p>B&P 22958 — Tobacco Products; Sale to Persons Under 21</p> <p><i>Note: Civil penalties may not be imposed if prosecution under PC 308 has occurred for the same offense.</i></p> <p><i>Effective June 9, 2016</i></p>	<p>Person, firm, or corporation furnishes or sells tobacco products to persons under 21 years of age, except for active duty military personnel who are 18 years of age or older; or who advertises or causes to be advertised a tobacco product on an outdoor billboard.</p> <p>Violations subject to civil penalties from \$400 to \$6,000, as specified.</p>	To the State.	Sale of Tobacco to Minors Control Account.	To administer and enforce B&P 22950-22964.
	<p>Person, firm, or corporation that sells or deals in tobacco does not post a notice in the place of business stating that sale of tobacco products to persons under 21 years of age is illegal.</p> <p>Violations subject to civil penalties of \$200 for first offense and \$500 for each subsequent offense.</p>	To the State.	Sale of Tobacco to Minors Control Account.	To administer and enforce B&P 22950-22964.
<p>B&P 22963 – Sale or Distribution of Tobacco Products to Persons Under 21 via Postal or Delivery Service</p> <p><i>Effective June 9, 2016</i></p>	<p>Violations of B&P 22963 subject to civil penalties from \$1,000 to \$10,000, as specified</p>	To the State.	Sale of Tobacco to Minors Control Account.	To administer and enforce B&P 22950-22964.