



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-130

For business meeting on: July 15, 2022

Title

Collections: Outdated Policy on Civil Assessments

Agenda Item Type

Action Required

Effective Date

July 1, 2022

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

June 29, 2022

Recommended by

Judicial Branch Budget Committee
Hon. David M. Rubin, Chair

Contact

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Executive Summary

The Judicial Council approved a policy in August 2005 regarding statewide criteria for civil assessments. In light of the Judicial Council's and judicial branch's efforts in the past years, the existing policy is outdated. Therefore, the Judicial Branch Budget Committee recommends that it be rescinded and that any documents that relate to the rescinded policy be revised or removed, as needed.

Recommendation

The Judicial Branch Budget Committee recommends that the Judicial Council, effective July 1, 2022, rescind the outdated August 2005 policy regarding the statewide criteria for civil assessments. The policy was included in the Judicial Council item, *Implementation of Assembly Bill 139 Provisions and Establishment of a Statewide Enhanced Civil Assessments Program*. The documents linked in this report and any others that relate to the rescinded policy are recommended to be revised or removed, as needed.

Relevant Previous Council Action

On August 26, 2005, the Judicial Council approved a policy regarding civil assessments. The approved policy was included in the Judicial Council item, *Implementation of Assembly Bill 139 Provisions and Establishment of a Statewide Enhanced Civil Assessments Program*.¹ The approved policy included provisions related to criteria for establishing or enhancing a civil assessment program.

Analysis/Rationale

Penal Code section 1214.1 authorizes a court to “impose a civil assessment of up to \$300 against a defendant who fails, after notice and without good cause, to appear in court for a proceeding authorized by law or who fails to pay all or any portion of a fine ordered by the court or to pay an installment of bail as agreed.” (Pen. Code, § 1214.1(a).)

Assembly Bill 139 (Stats. 2005, ch. 74) increased the maximum amount that could be imposed under Penal Code section 1214.1 from \$250 to \$300. The bill also stated that if a civil assessment was imposed, no bench warrant or warrant of arrest would be issued.

The Judicial Council approved policy regarding statewide criteria for civil assessments. The existing policy, as approved on August 16, 2005, is outdated, and should be considered for rescission.

Other documents currently available on the Judicial Council’s [website](#) and affected by this policy rescission are linked in the Attachments and Links section of this report. These documents will be revised or removed by Judicial Council staff to conform, as needed.

Policy implications

Revisions to documents and resources currently available on the Judicial Council’s and the collection entities’ websites and affected by this policy rescission will be necessary to conform to such changes.

Comments

There were no public comments received on this item.

Alternatives considered

An alternative to leave the outdated policy in place unchanged was considered. However, the proposed rescission of the outdated policy aligns with the Judicial Council’s and judicial branch’s efforts in the past years.

¹ Judicial Council of Cal., Advisory Com. Rep., *Implementation of Assembly Bill 139 Provisions and Establishment of a Statewide Enhanced Civil Assessment Program* (Aug. 16, 2005), www.courts.ca.gov/documents/0805item8.pdf.

Fiscal and Operational Impacts

The proposed rescission of the outdated policy imposes minor costs on the collections entities. Documents or resources that are currently available on the individual court or county websites and affected by this policy change will need to be revised or removed, as needed.

Attachments and Links

1. Link A: *Criteria for a Successful Civil Assessments Program* (adapted version),
www.courts.ca.gov/partners/documents/Rev-Dist-Criteria-for-Successful-Civil-Assessment-Program.pdf
2. Link B: *Judicial Council Approved Collections Best Practices*,
www.courts.ca.gov/partners/documents/Collections-Best-Practices-Dec2021.pdf
3. Link C: Posted language about the *Criteria for a Successful Civil Assessments Program*,
www.courts.ca.gov/partners/455.htm