



Judicial Council of California

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January 19, 2024

Subject Text

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File #: 22-200, Version: 1

Title

Uniform Bail and Penalty Schedules | 2023 Edition for Traffic, Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, and Business Licensing (Action Required)

Summary

The Traffic Advisory Committee recommends revisions to *Uniform Bail and Penalty Schedules, 2023 Edition: Traffic, Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, Business Licensing* (UBPS). Vehicle Code section 40310 mandates that the Judicial Council annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Additionally, Penal Code section 1269b and rule 4.102 of the California Rules of Court require all trial courts annually to revise and adopt a countywide schedule of penalties for all felony, misdemeanor, and infraction offenses, except Vehicle Code infractions. Rule 4.102 additionally provides that counties consider the UBPS approved by the Judicial Council. Unlike for traffic infractions, the schedules in the proposed UBPS for infractions and misdemeanors under boating, forestry, fish and game, public utilities, parks and recreation, and business licensing laws are *advisory*. These schedules are intended to provide guidance and uniformity to the trial courts for their schedules for nontraffic misdemeanors and infractions.

Recommendation

The Traffic Advisory Committee recommends that the Judicial Council, effective January 1, 2023, adopt revised *Uniform Bail and Penalty Schedules, 2023 Edition: Traffic, Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, Business Licensing*, approving:

1. Removing references to the Emergency Medical Air Transportation (EMAT) in all UBPS schedules where it was present and the Preface. This change is based on previous legislation, including Assembly Bill 1104 (stats. 2021, ch. 476), which eliminates imposition of the EMAT after December 31, 2022, but continues the collection and distribution until Dec. 31, 2023;
2. For the Traffic Infraction Fixed Penalty Schedule:
 - a. The addition or modification of various sections based on new legislation;
 - b. The addition of Vehicle Code section 27803(a), revision of section 38026.5, and deletion of section 22352 based on three different justice system partner requests; and
 - c. Deletion of Vehicle Code section 21456 following committee examination of the new legislation;
3. Changes of Vehicle Code misdemeanors in the Traffic Misdemeanor Bail and Penalty Schedule for Vehicle Code sections, all based on new legislation;
4. Changes to the Boating Bail and Penalty Schedule footnotes based on new legislation; and
5. Changes to the Fish and Game Bail and Penalty Schedule based on two justice system partner requests.