

ORDINANCE NO. _____(N.S.)

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE
CODE, RELATING TO CRIMINAL ADMINISTRATIVE FEES.**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that

(a) Effective January 1, 2022, California Senate Bill (AB) 177 eliminated a range of administrative fees that agencies and courts are authorized to impose to fund elements of the criminal legal system. This bill also eliminates all outstanding debt incurred as a result of the imposition of administrative fees.

(b) National experts find that debt incurred from these criminal administrative fees correlates with a greater likelihood of recidivism or reoffending. Collecting this outstanding debt has no positive impact on public safety and does not support the rehabilitation of our adult offender community.

(c) These fees could be counter to the County of San Diego's rehabilitative goals for adult offenders and their families. The long-term effects of these outstanding debts further exacerbate conditions of poverty and can lead to further unintended costs to society.

(d) The amendments made by this ordinance are intended to reflect those changes in adult criminal administrative fees established by AB 177 as well as make other conforming and technical changes.

Section 2. Section 363 of Article XX of the San Diego County Administrative Code is amended to read as follows:

SEC. 363. PROBATION DEPARTMENT.

The following fees and charges shall be paid to the San Diego County Probation Department or the County collection agent.

(a) A fee for the cost of services rendered for processing of adult petitions for change of plea or setting aside of a verdict shall be the actual cost of services rendered, not to exceed \$150 per case pursuant to Penal Code Sections 1203.4(d). This fee shall be applied to a person whether or not the petition is granted and the records are sealed or expunged. Ability to make this reimbursement shall be determined by the court.

(b) A person who is 26 years of age or older and petitions for an order sealing a record under Penal Code section 1203.45, related to a misdemeanor committed while under the age of eighteen

(18) years, may be required to reimburse the county for the actual cost of services rendered, not to exceed \$150. This fee shall be applied to a person whether or not the petition is granted and the records are sealed or expunged. Ability to make this reimbursement shall be determined by the court.

(c) An adult probationer who damages or discards his or her electronic monitoring device may be charged up to \$600 for equipment replacement costs.

(d) Pursuant to Penal Code section 1210.1(a), in addition to any fine assessed under other provisions of law, the trial judge may require an adult convicted of a nonviolent drug possession offense who is reasonably able to do so to contribute to the cost of his or her own placement in a drug treatment program of up to \$79 per month.

(e) A fee of up to \$250 each year for administering the approval and annual renewal process of Batterers Diversion Programs as required by Penal Code Section 1203.097(c)(5)(B).

Section 3. Section 441.2 of Article XXV of the San Diego County Administrative Code is amended to read as follows:

SEC. 441.2. [RESERVED]

Section 4. Effective Date. This ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members of this Board voting for and against it in The Daily Transcript, a newspaper of general circulation published in the County of San Diego.

**APPROVED AS TO FORM AND LEGALITY
CLAUDIA SILVA, COUNTY COUNSEL**

BY: Mark Day, Senior Deputy County Counsel