

Resolution No.:

Meeting Date: April 26, 2022

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO
RELATING TO FINES COLLECTED FOR CHEMICAL TESTING FOR DRUG AND
ALCOHOL SUBSTANCES

WHEREAS, Penal Code Section 1463.14(a) provides that fifty dollars (\$50) of each fine collected for each conviction of a violation of Section 23101, 23104, 23152, or 23153 of the Vehicle Code shall be deposited in a special account with a county treasurer to be used exclusively to pay for the county's cost of performing an analysis of blood, breath or urine for alcohol content or for the presence of drugs, or for the reasonable costs of services related to that testing; and

WHEREAS, the costs incurred for performing these tests have significantly increased over the years yet current funding sources do not allow for cost recovery; and

WHEREAS, Penal Code Section 1463.14(b) authorizes the San Diego County Board of Supervisors to adopt a resolution authorizing an additional penalty upon each defendant convicted of a violation of Section 23152 or 23153 of the Vehicle Code; and

WHEREAS, the additional penalty authorized by Penal Code Section 1463.14(b) shall be imposed only in those instances where the defendant has the ability to pay, but in no case shall the defendant be ordered to pay a penalty in excess of fifty dollars (\$50); and

WHEREAS, the additional penalty authorized by Penal Code Section 1463.14(b) is to be an amount equal to the cost of tests, less the \$50 court fine, and is not to exceed an additional fifty dollars (\$50)

NOW, THEREFORE, BE IT RESOLVED that the San Diego County Board of Supervisors hereby adopts and imposes, effective immediately, an additional penalty in the amount of fifty dollars (\$50) as set forth above, and pursuant to Penal Code Section 1463.14(b), on those who are convicted of a violation of Section 23152 or 23153 of the Vehicle Code and have the ability to pay said additional penalty.

IT IS FURTHER RESOLVED that pursuant to Penal Code Section 1463.14(b) the additional penalty collected shall be deposited directly with the Regional Crime Laboratory's account already utilized pursuant to Penal Code Section 1463.14(a), and the additional penalty shall be used exclusively to pay for the cost of performing an analysis of blood, breath or urine for alcohol content or for the presence of drugs including the reasonable costs of services related to that testing.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By: Mark Day, Senior Deputy County Counsel