

PENALTY ASSESSMENT BREAKDOWN

Offenses Occurring on or after: 06/28/12 – Forward

(With Conviction Dates - 04/01/2013 Forward)

The Court of Appeal of the State of California, Third Appellate District, has directed this Court to articulate within the probationary order the statutory basis of all penalty assessments that are attached to any fine imposed. Accordingly, in a misdemeanor case, the following apply:

- Penal Code Section 1464(a): "...a state penalty in the amount of ten dollars (\$10) for every ten dollars (\$10)... upon every fine..."
- Penal Code Section 1465.7(a): "A state surcharge of 20%" of the fine imposed.
- Government Code Section 76000(a)(1): "...an additional penalty in the amount of seven dollars (\$7) for every ten dollars (\$10)... upon every fine..."
- Government Code Section 76000.5(a)(1): "...an additional penalty in the amount of two dollars (\$2) for every ten dollars (\$10)... upon every fine..."
- Government Code Section 70372(a)(1): "a... penalty in the amount of five dollars (\$5) for every ten dollars (\$10)... upon every fine..."
- Government Code Section 76104.6(a)(1): "an additional penalty in the amount of one dollar (\$1) for every ten dollars (\$10)... upon every fine..."
- Government Code Section 76104.7(a): "...an additional state-only penalty of four dollars (\$4) for every ten dollars (\$10)... upon every fine."

For a \$500.00 fine, this equates to a total of \$1,550.00 in penalty assessments for a total fine of \$2,050.00:

- \$500 Penal Code Section 1464(a)
- \$100 Penal Code Section 1465.7(a)
- \$350 Government Code Section 76000(a)(1)
- \$100 Government Code Section 76000.5(a)(1)
- \$250 Government Code Section 70372(a)(1)
- \$50 Government Code Section 76104.6(a)(1)
- \$200 Government Code Section 76104.7(a)

In addition to the fine and penalty assessments above, for **each count** that a defendant is convicted of, there is a Criminal Conviction Assessment of thirty dollars (\$30.00) [Government Code Section 70373(a)(1)], and a Court Operations Assessment of forty dollars (\$40.00)[Penal Code Section 1465.8]; **and for each case** that a defendant is convicted of, there is a ten dollar (\$10.00) NTA fee [Government Code Section 29550(c)], a restitution fine of no less than one hundred and fifty dollars (\$150.00) and no more than one thousand dollars (\$1,000) [Penal Code Section 1202.4(b)(1)], and a restitution collection fee of fifteen dollars (\$15.00) or 10% of the amount of restitution fine imposed [Penal Code 1202.4(l)]. **If the case involves a Vehicle Code violation**, there is a ten dollar **(\$10.00) recordkeeping** fee [Vehicle Code Section 40508.6] and a four dollar **(\$4) penalty** for each count pursuant to Government Code 76000.10.

If you are convicted of Vehicle Code Section 23152(a) or (b), in addition to the above fines and penalty assessments, there is also a Victimless Restitution fine of twenty dollars (\$20.00) [Penal code Section 1463.18]; a lab fee of fifty dollars (\$50.00) [Penal Code Section 1463.16] and a second lab fee of fifty dollars (\$50.00) [Penal Code Section 1463.14]. Those three fines and/or fees are subject to penalty assessments as set forth above. In addition to those amounts, there is also an alcohol education fee of fifty dollars (\$50.00) [Penal code Section 1463.25] that is not subject to penalty assessments.

DISMISSAL: Pursuant to Penal Code sec. 1203.4 and 1203.4a, upon completion or termination of probation or after one year following imposition of a sentence without probation, you have the right to petition the Court for dismissal of your case. To learn more about the conditions for a dismissal, please review the law and/or consult your attorney.

I acknowledge receipt of this information (Defendants initials _____)