



## County of Santa Clara

Policy Name: Bails and Fines Policy

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**Policy Type:** Administrative

**Category:** Fiscal and Budget    **Sub-Category:** Budget Practices

**Policy Name:** Bails and Fines Policy

**Policy Owner:** Controller-Treasurer Department

### Policy Purpose

The purpose of this policy is to ensure that collections from bails fines are deposited into the correct fund, as well as distributed in accordance with state and local laws.

### Policy Summary

Bails and fines collections from the Superior Court, Department of Revenue (DOR), Probation Department, and the Clerk-Recorder's Office are deposited into Fund 0226-City Court Trust. Funds deposited are distributed by the Controller-Treasurer Department within 45 days after the close of the month. Distributions are made to cities in the County of Santa Clara, local agencies, and the State according to government rules and regulations.

Fines, forfeitures and fees (Bails and Fines) are collected from citizens who violate the law. Bails and Fines are collected by the Superior Court, Department of Revenue, Probation Department, and the Clerk-Recorder's Office. The Controller-Treasurer Department distributes Bails and Fines to city governments and state and County departments, as well as to entities such as schools, the California Highway Patrol (CHP), and other state agencies based on specific laws, regulations, and calculations.



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The Controller-Treasurer Department also transmits certain document filing fees collected by the Recorder's Office to the State on a monthly basis.

The Crime Lab provides analysis of breath, blood, and urine samples collected from persons convicted of driving under the influence (DUI). Every quarter, the Crime Lab sends a claim to the Controller-Treasurer Department requesting transfer of funds collected by various departments from Fund 0226 to the Crime Lab's revenue account for the actual costs of services provided per [California Penal Code section 1463.14](#).

Late fees and penalties will apply for failure to remit to the State its share of Bails and Fines at the specified time.

### Procedures

#### Bails and Fines Collection and Distribution Procedure

- 1) The **collecting department** deposits collected Bails and Fines into Fund 0226-City Court Trust Fund.
- 2) On or before the 20<sup>th</sup> of the current month following the close of the prior month, the **collecting department** submits a monthly financial report to the Controller-Treasurer Department based on calculated rates prescribed by law.
- 3) The **Controller-Treasurer Department General Accounting Unit (GAU)** processes the submitted financial reports and schedules.
- 4) Within 45 days of the closing of the collection period, the **GAU** distributes collections in Fund 0226-City Court Trust Fund as follows:
  - 4a) To the State, via TC31:



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The **GAU** mails a warrant to the State along with a copy of the TC31.

4b) To cities, via ACH:

The **GAU** emails cities with an attachment showing the distribution from the Controller-Treasurer Department and the Department of Revenue.

4c) The **GAU** processes either ACH or warrant payments to schools, special districts, local agencies, and other governmental agencies.

4d) To County departments, via journal entry.

5) The **GAU** updates all relevant spreadsheets.

6) The **GAU** prepares reconciliation of collection and disbursements.

### Crime Lab Billing Procedure

1) The **Crime Lab** submits a quarterly billing statement for procedures performed for analysis of breath, blood, and urine samples collected from person convicted of DUI.

2) The **GAU** verifies the number of procedures billed with the collections for convictions made by the Superior Court and the Probation Department.

3) The **GAU** remits payment to the Crime Lab via journal entry.



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### Definitions

For the purposes of this policy, the following definitions apply:

- 1) **"ACH"** means an Automated Clearing House electronic fund transfer.
- 2) **"Bails and Fines"** means the fines, forfeitures and fees collected from citizens who violate the law.
- 3) **"Collecting Department"** means the department that collects any Bails and Fines.
- 4) **"Journal Entry"** means an entry in the County accounting system noting a transaction.
- 5) **"Warrant"** means a check or other similar document issued by the County and approving the disbursement of a set amount of funds.

### Frequently Asked Questions

None.

### Related Policies

None.

### Related Forms and Information

None.



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### History

Date	Changes Made
9/18/2014	Policy Uploaded. (Kyle Larson)