

**UNIFORM GUIDELINES FOR THE IMPLEMENTATION
OF ASSEMBLY BILL 1805 (CH. 78, STATUTES OF 2006) CONCERNING
CHANGES TO JAIL BOOKING FEE CHARGES
EFFECTIVE JULY 1, 2007**

Prepared by:

**The Accounting Standards and Procedures Committee of the
California State Association of County Auditors**

The California State Association of Counties

**AB1805
July 1, 2007**

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Section I: INTRODUCTION AND HISTORY

As part of the 2006-2007 budget package, the Legislature adopted an alternative to the historic booking fee structure. The purpose of these guidelines is to give cities, counties, and other interested parties a working set of guidelines on how the new booking fees are to be calculated, requirements for the amount and timing of a state appropriation, and to serve as a resource for applying the legislative requirements on a uniform basis throughout the State of California.

It is with deep appreciation that we acknowledge the work of the following individuals and their respective staffs who significantly contributed to these guidelines.

Dave Elledge	Controller-Treasurer, County of Santa Clara
Craig Goodman	Assistant Auditor-Controller, County of Napa
Simona Padilla	Auditor-Controller, County of Solano
Elizabeth Howard	CSAC
Steve Szalay	California State Sheriffs Association
Richard Arrow	Chair, Auditor-Controller, County of Marin

Historical Perspective

In 1990, the Legislature granted counties the statutory authority (Government Code Section 29550 et seq.) to levy a charge against specified public entities – namely a city, special district, school district, community college district, college, or university – to recover costs associated with booking persons into the county jail. The Legislature gave counties this tool as one of a number of measures to offset over \$700 million in reductions in state support for county programs contained in the 1990-91 state budget. The charge, referred to in statute as a “criminal justice administration fee” (booking fee) was intended to permit a county to recoup its actual costs associated with the booking and other processing of persons arrested by a peace officer from one of the specified public entities and brought to the county jail for booking or detention. Forty seven counties charged a booking fee in FY 2005-06.

In 1999, the Legislature took action to continuously appropriate up to \$50 million dollars to backfill cities and qualified special districts for their costs associated with paying booking fees to counties. Cities and special districts received just over \$38 million in reimbursements through FY 2004-05. However, during that time, the state faced numerous fiscal challenges, and at various points during budget negotiations over a several year period both the counties’ booking fee authority and the state-sponsored backfill to cities and special districts were threatened.

The Legislature subsequently adopted a number of changes relating to booking fees as part of the general government trailer bill in 2004. Those provisions amended both Government Code Sections 29550 and 29550.4, which, taken together, resulted in the following:

- Counties’ retained the authority to charge a booking fee for the 2004-05 fiscal year, but rates were “locked in” at the level in place on January 1, 2004;
- Beginning in July 1, 2006, county booking fees were limited to one half of actual administrative costs associated with booking and processing of arrestees; and

- The backfill to cities and special districts ceased on July 1, 2005.

Section II: DESCRIPTION AND NARRATIVE

An agreement on a booking fee alternative reached between the police chiefs and sheriffs was included as part of the FY 2006-07 May Revision. As the final budget came together in mid-June, CSAC engaged in productive discussions with the key stakeholders – sheriffs, police chiefs, cities – along with members of the Governor’s staff to address a number of concerns regarding the proposal as originally conceived. The results of these negotiations produced a new alternative to the booking fee structure that became operative on July 1, 2007.

AB 1805, the local government trailer bill (sections 2 through 4), did all of the following:

- Preserved for FY 2006-07, county authority to charge booking fees under Government Code Section 29550 et seq.;
- Created a new statutory structure that became operative July 1, 2007 whereby counties, – subject to an appropriation by the state – receive \$35 million directly in local detention facility revenue accounts.

Under the new booking fee alternative, effective July 1, 2007, the following will apply:

- In the event that the state appropriates less than \$35 million in any given year, counties would have the option of reverting to the existing booking fee structure in Section 29550 to collect fees at the rate in place on June 30, 2006, escalated by the California Consumer Price Index plus one percent, compounded annually – in proportion to the level of under appropriation.
- Counties would be permitted to charge a jail access fee for certain low-level offenses (ie, municipal code violations and certain non-serious misdemeanors), if a jurisdiction were to exceed its prior three-year average for that defined universe of offenses.
- Funds in the local detention facility revenue accounts may be used “exclusively for the purpose of operation, renovation, remodeling, or constructing local detention facilities and related equipment.”

Separately, the supplemental budget bill (AB 1811) appropriates \$35 million in FY 2006-07 to reimburse cities, based on actual costs incurred in FY 2005-06, for booking fees. It should be noted that a public agency’s ability to collect booking fees from a convicted defendant are preserved under this new structure.

Section III: SUGGESTED IMPLEMENTATION GUIDELINES

Government Code Section 29551, subdivisions (d) through (f), specifies procedures for local entities to follow when the state does not fully appropriate \$35 million for purposes of funding Local Detention Facility Revenue Accounts. (The methodology for allocating the funds into the local revenue accounts is specified in Section 29552.) These provisions became operative on July 1, 2007.

- This section expressly prohibits the exercise of the booking fee authority contained in Section 29550 – subject to exceptions (1) - when the state appropriates at least \$35 million to fund the Local Detention Revenue Account.
 - The section further specifies that in any fiscal year in which the state does not appropriate at least \$35 million for purposes of Section 29552, then local entities may revert to the booking fee authority contained in Section 29550 and 29553.3, up to a rate as specified.
 - In such years of under-appropriation, the booking fee rate in each county shall be determined as follows:
 - **Determine the rate of the fee** charged pursuant to Section 29550 or 29550.3 as of June 30, 2006.
 - **Apply the statewide California Consumer Price Index (2)**, as reported by the Department of Finance, plus 1 percent, compounded annually; this acceleration is to be applied for each year beginning in fiscal year 2006-07.
 - **Apply the proportional reduction.** For example, if the state appropriates \$28 million or (80 percent of the total appropriation identified in Section 29551(d), then the county's maximum allowable booking fee for that year would be 20 percent of its June 30, 2006 rate plus allowable CPI acceleration.
 - Years in which the state under-appropriates the amount identified in Section 29551(d), counties would (1) receive their proportionate share of the state appropriation (pursuant to the distribution methodology defined in Section 29552) and (2) be permitted to assess a booking fee for all arrests, using a booking fee rate determined using the calculation defined in Section 29551(d) and (e) as authorized under Section 29550.
- (1) Government Code Section 29551(d) preserves – by expressly exempting subdivisions (c) through (f) of Section 29550 – local entities' ability to (1) recover actual administrative costs from arrested person who is subsequently convicted; (2) charge an administrative screening fee of \$25 for persons released on their own recognizance; and (3) impose a citation processing fee of \$10 who is cited and released. Further, it protects cities ability to enter into an agreement with other arresting agencies authorizing the imposition of a criminal justice fees for booking or processing of arrestees into a city-run jail.
- (2) See http://www.dof.ca.gov/HTML/FS_DATA/LatestEconData/documents/BBFYCPI.XLS

(3) section IV: JAIL ACCESS FEE PROCEDURE

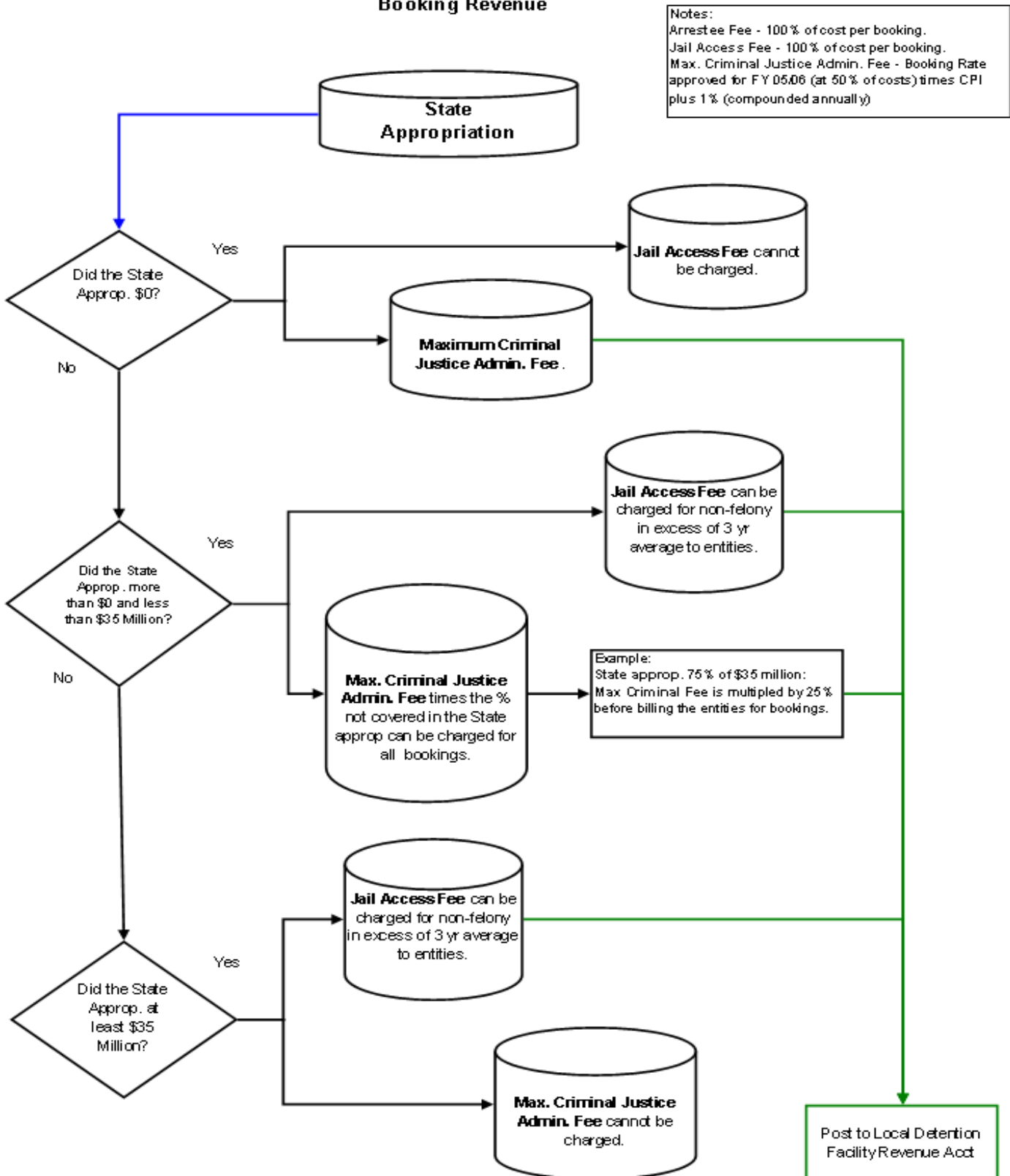
In accordance with Section 29551 of the Government Code, each county, city and county, or city, may charge a Jail Access Fee to a local agency that exceeds the agency's three-year average number of non felony bookings for the following crimes, at a rate not to exceed the actual cost of booking an arrested person into the local detention facility, for each booking in excess of the three year average for the following crimes:

- A. Municipal Code Violations
- B. Misdemeanor Violations, except for driving under the influence offenses and domestic violence misdemeanor offenses, including enforcement of protective orders.

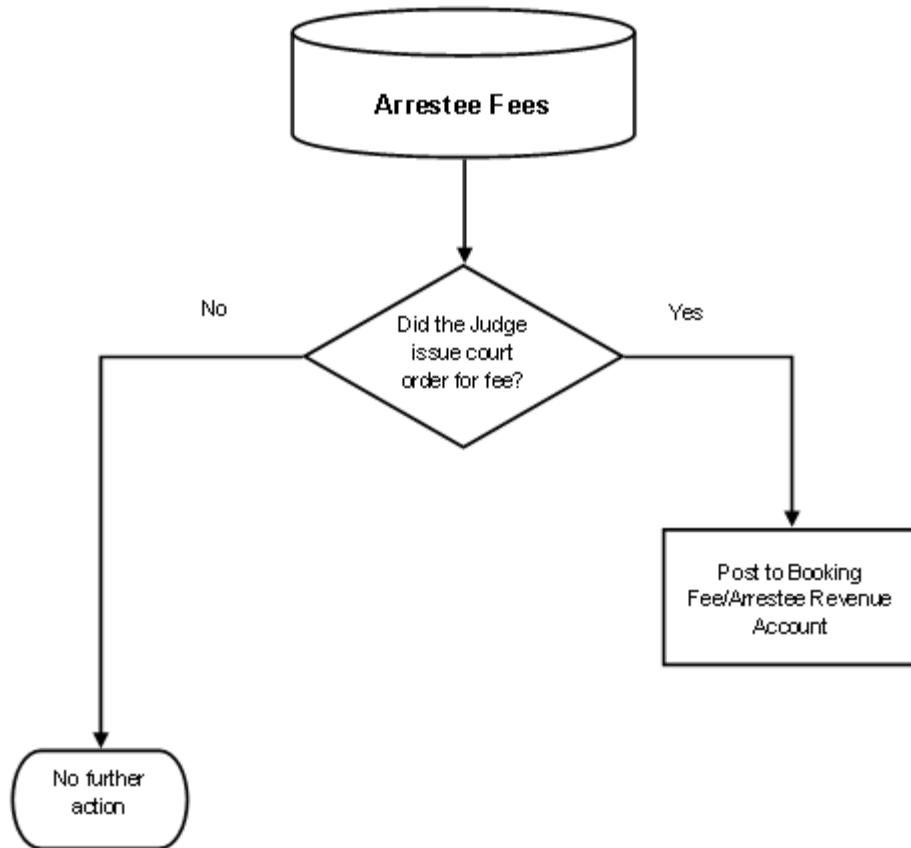
The Sheriff or county official responsible for jail operations in each county, or city police chief shall collect data for all bookings by each law enforcement agency with arrest powers in the county, city and county, or city. The booking information shall be organized in such a manner that enables the jail operator to determine the three year rolling average for each law enforcement agency and to charge the jail access fee for qualified non felony bookings. The Sheriff, county, or city official responsible for jail operations, or county finance official in each county, shall prepare a jail access fee draft plan that describes how the fee will be calculated, assessed, and billed. The plan will then be presented to, and discussed with all enforcement agencies in the county, city and county, or city. After review, the plan will be revised and distributed to all law enforcement agencies within the county. In future years, the plan shall be revised as necessary using the above procedure.

Section V: FLOW CHARTS

Booking Revenue



Booking Revenue



Section VI: CALCULATION MODELS

COUNTY OF WINE CALCULATION OF BOOKING FEES FY2007 - 2008

State appropriates \$35 million
(100 % funded)

Subvention from State

County of Wine \$1,125,000
(based on booking fee revenue received in FY 2006-07)

Booking Fees Charged to Non-County Entities

Not Applicable due to full funding of State subvention

Jail Access Fees

County of Wine - FY 2007-08 full cost of providing a booking \$300

<u>Agencies</u>	<u>Qualified Bookings 3-YR Average</u>	<u>Qualified Bookings Yr To Date</u>	<u>Difference</u>	<u>Qualified Bookings Previously Charged</u>	<u># of Qualified Bookings Chargeable For Last Month</u>	<u>Billing for Last Month's Charges @ \$300/booking</u>
City of Zinfandel	185	152	(33)			
City of Shiraz	229	288	59	47	12	\$3,600
City of Petite Shiraz	158	144	(14)			
City of Merlot	96	93	(3)			
City of Cabernet Sauvignon	155	175	20	17	3	\$900
Sauvignon Blanc Comm College	96	101	5	4	1	\$300
Chardonnay University	45	44	(1)			
Jail Access Fees Monthly Total						<u>\$4,800</u>

See page 5 for definition of bookings to be subject to Jail Access Fee charges.
Jail Access Fees are to be charged to agencies on a monthly basis.

**COUNTY OF WINE
CALCULATION OF BOOKING FEES
FY2007 - 2008**

State appropriates \$35 million
(100 % funded)

Summary of Booking Fees Revenue

Subvention from State		
County of Wine		\$1,125,000
(based on booking fee revenue received in FY 2006-07)		
 Booking Fees Charged to Non-County Entities		 \$0
Not Applicable due to full funding of State subvention		
 Jail Access Fees		
County of Wine - FY 2007-08 full cost of providing a booking	\$300	
Qualified Bookings above 3-year average	<u>84</u>	
		<u>\$25,200</u>
 Total FY 2007-2008 Booking Fees Revenue		 <u><u>\$1,150,200</u></u>

**COUNTY OF WINE
CALCULATION OF BOOKING FEES**

FY2010 - 2011

State appropriates \$28 million
(80 % funded)

Subvention from State

County of Wine	\$900,000
(Paid proportionally based on the # of bookings during the previous year to the current payment)	

Booking Fees Charged to Non-County Entities

County of Wine - Booking fee rate @ 6/30/06		\$275
* Ca CPI for FY 2006-07	4%	
Plus 1 percent	1%	5.0%
Subtotal		\$289
* Ca CPI for FY 2007-08	4.5%	
Plus 1 percent	1%	5.5%
Subtotal		\$305
* Ca CPI for FY 2008-09	3.5%	
Plus 1 percent	1%	4.5%
Subtotal		\$318
* Ca CPI for FY 2009-10	4%	
Plus 1 percent	1%	5.0%
Subtotal		\$334
* Ca CPI for FY 2010-11	4%	
Plus 1 percent	1%	5.0%
Subtotal		\$351
Ratio of Non-State Appropriation to \$35 million		20.0%
Rate Chargeable by County		\$70

* Ca CPI derived from State Department of Finance's published information. See page 4 for web site.

**COUNTY OF WINE
CALCULATION OF BOOKING FEES
FY2010 - 2011**

State appropriates \$28 million
(80 % funded)

Jail Access Fees

County of Wine - full cost of providing a booking \$360

<u>Agencies</u>	<u>Qualified Bookings 3-YR Average</u>	<u>Qualified Bookings Yr To Date</u>	<u>Difference</u>	<u>Qualified Bookings Previously Charged</u>	<u># of Qualified Bookings Chargeable For Last Month</u>	<u>Billing for Last Month's Charges @ \$360/booking</u>
City of Zinfindel	255	296	41	33	8	\$2,880
City of Shiraz	288	311	23	16	7	\$2,520
City of Petite Shiraz	166	152	(14)			
City of Merlot	117	133	16	9	7	2,520
City of Cabernet Sauvignon	189	176	(13)			
Sauvignon Blanc Comm College	103	129	26	20	6	2,160
Chardonnay University	49	39	(10)			
Total Access Fees						<u><u>\$10,080</u></u>

The Qualified Bookings three year average must be recalculated for each fiscal year.

**COUNTY OF WINE
CALCULATION OF BOOKING FEES
FY2010 - 2011**

State appropriates \$28 million
(80 % funded)

Summary of Booking Fees Revenue

Subvention from State		
County of Wine		\$900,000
(Paid proportionally based on the # of bookings during the previous year to the current payment)		
Booking Fees Charged to Non-County Entities		
County of Wine - FY 2010-11 Rate Chargeable by County	\$70	
Total Non-county bookings for FY 12	2,500	\$175,000
Jail Access Fees		
County of Wine - FY 2010-11 full cost of providing a booking	\$360	
Qualified Bookings above 3-year average	106	\$38,160
Total FY 2010-2011 Booking Fees Revenue		\$1,113,160

**COUNTY OF WINE
CALCULATION OF BOOKING FEES**

FY2014 - 2015

State appropriates \$0
(0 % funded)

Subvention from State

County of Wine \$0
Not Applicable due to zero appropriation by the State.

Booking Fees Charged to Non-County Entities

County of Wine - Booking fee rate @ 6/30/06		\$275	Subtotal for FY 2010-11		\$351
Ca CPI for FY 2006-07	1.0%		Ca CPI for FY 2011-12	3.25%	
Plus 1 percent	1.0%	2.0%	Plus 1 percent	1.0%	4.25%
Subtotal		\$289	Subtotal		\$366
Ca CPI for FY 2007-08	4.5%		Ca CPI for FY 2012-13	5.0%	
Plus 1 percent	1.0%	5.5%	Plus 1 percent	1.0%	6.0%
Subtotal		\$305	Subtotal		\$388
Ca CPI for FY 2008-09	3.5%		Ca CPI for FY 2013-14	3.75%	
Plus 1 percent	1.0%	4.5%	Plus 1 percent	1.0%	4.75%
Subtotal		\$318	Subtotal		\$406
Ca CPI for FY 2009-10	4.0%		Ca CPI for FY 2014-15	4.0%	
Plus 1 percent	1.0%	5.0%	Plus 1 percent	1.0%	5.0%
Subtotal		\$334	Subtotal		\$427
Ca CPI for FY 2010-11	4.0%				
Plus 1 percent	1.0%	5.0%	Ratio subject to 50% statutory cap		50%
Subtotal		\$351	Rate Chargeable by County		\$213

Jail Access Fees

County of Wine
Not Applicable due to zero appropriation by the State.

**COUNTY OF WINE
CALCULATION OF BOOKING FEES
FY2014 - 2015**

State appropriates \$0
(0 % funded)

Summary of Booking Fees Revenue

Subvention from State		
County of Wine		\$0
Not Applicable due to zero appropriation by the State.		
Booking Fees Charged to Non-County Entities		
Rate Chargeable by County	\$213	
Total Non-county bookings for FY 2014-15	3,000	
		\$639,000
Jail Access Fees		
County of Wine		\$0
Not Applicable due to zero appropriation by the State.		
Total FY 2014-2015 Booking Fees Revenue		\$639,000

SECTION VII: FREQUENTLY ASKED QUESTIONS

How does the current notice requirement in Government Code Sections 29550 interact with Sections 29551 and 29552?

The 45 day notice requirement is not necessary if costs pursuant to Code Section 29550 are not to be increased in subsequent years. Section 29551(e) provides a limitation of costs to those as of June 30, 2006. Therefore the 45 day notice is not required for fees specified in Sections 29551 and 29552.

What must a county do to create a Local Detention Facility Revenue Account (LDFRA)?

A Board of Supervisors or other local agency opting in to the program must establish a LDFRA pursuant to Government Code 29552. It is recommended that the agency's governing board adopt a resolution or board order designating an account, cost center, or fund, in which the revenue will be accounted for.

Is the jail access fee calculated differently than the existing booking fee pursuant to Section 29550 (but at 100% actual, not 50% limitation specified in Section 29550(a)(1))?

The statute is silent on specifically how to calculate the jail access fee authorized in Government Code Section 29551(d)(1), which provides only that it must be calculated at "not to exceed the actual cost of booking an arrested person into the local detention facility." However, counties may rely on the elements contained in Section 29550 that defines general booking fee costs. It would appear that overhead costs or costs of collecting and tracking the three year arrest average for purposes of determining the applicability of the jail access fee also could be incorporated into the jail access fee.

Is the prorated booking fee in years of under appropriation billed for all bookings?

Yes. The statute places no limitations on the types of bookings to which the booking fee may be applied.

Can the pro-rated booking fee and jail access fee be charged for the same arrest (in those instances when a jail access fee can legitimately be billed)?

The statute appears to permit — but does not require — charging of a jail access fee and applicable booking fee (in years of underappropriation) for the same arrest.

In years of under appropriation, how are CPI + 1% applied?

Cumulatively. The cost escalator is the CPI plus 1%. (For example: 3.6% (CPI) + 1% (statutorily fixed escalator) = 4.6% overall escalator.) See model contained in Section VI of these guidelines.

When does the CPI + 1% accelerator kick in? (FY 2006-07 or 2007-08?) (i.e., what does “each subsequent fiscal year” mean?)

Since base year fees are set at June 30, 2006, the accelerator is applicable for all years beginning July 1, 2006 (FY 2006-07) and compounds annually. The California CPI percentage can be found on the California Department of Finance website (see footnote 2 on page 4 for the web address).

What other than “comply with requests of information,” do counties have to do to assure receipt of allocation from the State Controller?

A county must adopt or establish an appropriate revenue account pursuant to this program as well as furnish requested data needed for purposes of making the statewide revenue allocation as set forth in Section 29552(a).

Is a county required to establish a Local Detention Facility Revenue Fund or is it sufficient to only establish a “revenue account”?

Local agencies may establish separate special revenue fund if desired. However, there is no requirement to do so. The only requirement is that the agency establish a Local Detention Facility Revenue Account and utilize these funds for the purpose of operation, renovation, remodeling, or constructing local detention facilities and related equipment.

SECTION VIII: APPENDIX

LEGISLATIVE ANALYSIS OF AB 1805

3) Authorize a new state subvention of \$35 million annually (subject to appropriation) for the operation, maintenance or construction of local detention facilities, starting in 2007-08, and prohibits counties and cities from charging general booking fees in any fiscal year during which the subvention is fully funded. Existing law authorizes counties to charge cities and other local entities up to half of their costs associated with booking most arrested persons into county jails. Cities with Type One jails also may charge booking fees under voluntary agreements with other agencies. The Budget provides \$35 million for booking fee subventions in 2006-07. The new programs established by this bill will have the following additional features (beginning in 2007-08):

a) Allocate an amount from the new state subvention to each county and city equal to each entity's booking fee revenue in 2006-07 (or in proportion to those revenues if the appropriation is insufficient to fully fund those amounts). Any remaining funds would be allocated on the basis of actual bookings during the prior year.

b) Authorize counties and cities to reinstate booking fees in any year in which the state subvention appropriation is less than \$35 million. The fees would be capped at the amount in effect on June 30, 2006 adjusted by the California Consumer Price Index plus 1 percent compounded annually, and could be imposed only in proportion to the reduction in the state subvention amount below \$35 million.

c) Authorize counties and cities to charge a "jail access fee" during any fiscal year in which the state provides an appropriation for local detention facility subventions (regardless of the amount appropriated). The new fee could be up to the full cost of processing a booking, but it would be assessed only on the number of non-felony bookings for any local entity that exceed that entity's most recent three-year average of bookings. Arrests for driving under the influence offences, domestic violence and violation of protective orders would be excluded from this calculation. Revenue from the jail access fee would be deposited into the local detention facility revenue accounts.

TEXT OF STATUTE – AB 1805 PERTAINING TO BOOKING FEES

Legislative Counsel Digest

(2) Existing law authorizes counties, cities and counties, and cities to impose, among other criminal justice service fees, a fee upon local law enforcement agencies for costs incurred in processing and booking persons arrested by the agency and brought to the local facilities for booking or detention. This bill would, instead, as of July 1, 2007, provide that counties, cities and counties, and certain cities may apply to the Controller to receive funding for local detention facilities and related equipment when an appropriation is made for that purpose. When an appropriation of \$35,000,000 is available, counties, cities and counties, and cities would be prohibited from collecting the fees authorized by current law. If the full appropriation is not available, the counties, cities and counties, and cities may collect a portion of the fees, as specified. This bill would also authorize counties, cities and counties, and cities to collect jail access fees for the cost of booking and processing persons arrested for nonfelony offenses, as specified, in addition to any funds received from the state appropriation.

Test of Statute

SEC. 2. Section 29550 of the Government Code is amended to read:

29550. (a) (1) Subject to subdivision (d) of Section 29551, a county may impose a fee upon a city, special district, school district, community college district, college, or university for reimbursement of county expenses incurred with respect to the booking or other processing of persons arrested by an employee of that city, special district, school district, community college district, college, or university, where the arrested persons are brought to the county jail for booking or detention. The fee imposed by a county pursuant to this section shall not exceed the actual administrative costs, including applicable overhead costs as permitted by federal Circular A-87 standards, as defined in subdivision (d), incurred in booking or otherwise processing arrested persons. For the 2005 -06 fiscal year and each fiscal year thereafter, the fee imposed by a county pursuant to this subdivision shall not exceed one-half of the actual administrative costs, including applicable overhead costs as permitted by federal Circular A-87 standards, as defined in subdivision (d), incurred in booking or otherwise processing arrested persons. A county may submit an invoice to a city, special district, school district, community college district, college, or university for these expenses incurred by the county on and after July 1, 1990. Counties shall fully disclose the costs allocated as federal Circular A-87 overhead.

(2) Any increase in a fee charged pursuant to this section shall be adopted by a county prior to the beginning of its fiscal year and may be adopted only after the county has provided each city, special district, school district, community college district, college, or university 45 days written notice of a public meeting held pursuant to Section 54952.2 on the fee increase and the county has conducted the public meeting.

(3) Any county that imposes a fee pursuant to this section shall negotiate a reduced fee with any city, special district, school district, community college district, college, or university within the county for any services that are performed by the arresting agency in the processing of arrestees that do not have to be duplicated by the county.

(4) This subdivision shall not apply to counties that are under a contractual agreement with a city, special district, school district, community college district, college, or university within the county that is subject to the fee.

(b) The exemption of a local agency from the payment of a fee pursuant to this subdivision does not exempt the person arrested from the payment of fees for booking or other processing.

(1) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for arrests on any bench warrant for failure to appear in court, nor on any arrest warrant issued in connection with a crime not committed within the entity's jurisdiction.

(2) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for a person who is ordered by a court to be remanded to the county jail except that a county may charge a fee to recover those direct costs for those functions required to book a person pursuant to subdivision (g) of Section 853.6 of the Penal Code.

(3) Notwithstanding subdivision (a), a city, special district, school district, community college district, college, or university shall not be charged fees for arrests made pursuant to arrest warrants originating outside of its jurisdiction.

(4) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college district, college, or university on parole violation arrests or probation-ordered returns to custody, unless a new charge has been filed for a crime committed in the jurisdiction of the arresting city, district, college, or university.

(5) An agency making a mutual aid request shall pay fees in accordance with subdivision (a) that result from arrests made in response to the mutual aid request except that in the event the Governor declares a state of emergency, no agency shall be charged fees for any arrest made during any riot, disturbance, or event that is subject to the declaration.

(6) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college district, college, or university for the arrest of a prisoner who has escaped from a county, state, or federal detention or corrections facility.

(7) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college district, college, or university for arrestees held in temporary detention at a court facility for purposes of arraignment when the arrestee has been previously booked at an entity detention facility.

(8) Notwithstanding subdivision (a), no fees shall be charged to a city, special district, school district, community college district, college, or university as the result of an arrest made by its officer assigned to a formal multiagency task force in which the county is a participant. For the purposes of this section, "formal task force" means a task force that has been established by written agreement of the participating agencies.

(9) In those counties where the cities and the county participate in a consolidated booking program and where prior to arraignment an arrestee is transferred from a city detention facility to a county detention facility, the city shall not be charged for those tasks listed in subdivision (d) that are a part of the consolidated booking program which were completed by the city prior to delivering the arrestee to the county detention facility. However, the county may charge the actual administrative costs for those additional tasks listed in subdivision (d) that are performed in order to receive the arrestee into the county detention facility. For the 2005-06 fiscal year and each fiscal year thereafter, the county may charge up to one-half of the actual administrative costs for those additional tasks listed in subdivision (d) that are performed in order to receive the arrestee into the county detention facility.

(c) Any county whose officer or agent arrests a person is entitled to recover from the arrested person a criminal justice administration fee for administrative costs it incurs in conjunction with the arrest if the person is convicted of any criminal offense related to the arrest, whether or not it is the offense for which the person was originally booked. The fee which the county is entitled to recover pursuant to this subdivision shall not exceed the actual administrative costs, including applicable overhead costs incurred in booking or otherwise processing arrested persons.

(d) When the court has been notified in a manner specified by the court that a criminal justice administration fee is due the agency:

(1) A judgment of conviction may impose an order for payment of the amount of the criminal justice administration fee by the convicted person, and execution may be issued on the order in the same manner as a judgment in a civil action, but shall not be enforceable by contempt.

(2) The court shall, as a condition of probation, order the convicted person, based on his or her ability to pay, to reimburse the county for the criminal justice administration fee, including applicable overhead costs.

(e) As used in this section, "actual administrative costs" include only those costs for functions that are performed in order to receive an arrestee into a county detention facility. Operating expenses of the county jail facility including capital costs and those costs involved in the housing, feeding, and care of inmates shall not be included in calculating "actual administrative costs." "Actual administrative costs" may include the cost of notifying any local agency, special district, school district, community college district, college or university of any change in the fee charged by a county pursuant to this section. "Actual administrative costs" may include any one or more of the following as related to receiving an arrestee into the county detention facility:

(1) The searching, wristbanding, bathing, clothing, fingerprinting, photographing, and medical and mental screening of an arrestee.

(2) Document preparation, retrieval, updating, filing, and court scheduling related to receiving an arrestee into the detention facility.

(3) Warrant service, processing, and detainer.

(4) Inventory of an arrestee's money and creation of cash accounts.

(5) Inventory and storage of an arrestee's property.

(6) Inventory, laundry, and storage of an arrestee's clothing.

(7) The classification of an arrestee.

(8) The direct costs of automated services utilized in paragraphs (1) to (7), inclusive.

(9) Unit management and supervision of the detention function as related to paragraphs (1) to (8), inclusive.

(f) An administrative screening fee of twenty-five dollars (\$25) shall be collected from each person arrested and released on his or her own recognizance upon conviction of any criminal offense related to the arrest other than an infraction. A citation processing fee in the amount of ten dollars (\$10) shall be collected from each person cited and released by any peace officer in the field or at a jail facility upon conviction of any criminal offense, other than an infraction, related to the criminal offense cited in the notice to appear. However, the court may determine a lesser fee than otherwise provided in this subdivision upon a showing that the defendant is unable to pay the full amount. All fees collected pursuant to this subdivision shall be transmitted by the county auditor monthly to the Controller for deposit in the General Fund. This subdivision applies only to convictions occurring on or after the effective date of the act adding this subdivision and prior to June 30, 1996.

SEC. 3. Section 29551 is added to the Government Code, to read:

29551. (a) The board of supervisors or city council of any county, city and county, or city that opts to receive funds pursuant to Section 29552 shall establish a local detention facility revenue account, on behalf of the sheriff or the official responsible for local detention facilities in the county, city and county, or city, into which shall be deposited funds paid by the Controller, pursuant to Section 29552. The funds in the local detention facility revenue account shall be used exclusively for the purpose of operation, renovation, remodeling, or constructing local detention facilities and related equipment.

(b) (1) If an appropriation for the purposes specified in Section 29552 is made in any fiscal year, a county, city and county, or city, may charge a jail access fee to a local agency that exceeds the agency's three-year average number of nonfelony bookings for crimes listed in paragraph (2) at a rate not to exceed the actual cost of booking an arrested person into the local detention facility, for each booking in excess of the three-year average. A local agency's three-

year average number of nonfelony bookings for crimes listed in paragraph (2) shall be recalculated each year. The jail access fee shall be calculated and paid on a monthly basis, and all revenue derived from the jail access fee shall be deposited into the local detention facility revenue account created pursuant to subdivision (a).

(2) Bookings for violations of each of the following shall be used to determine a local agency's three-year average:

(A) Municipal code violations.

(B) Misdemeanor violations, except driving under the influence offenses and domestic violence misdemeanor offenses, including enforcement of protective orders.

(c) Cities that operate Type One facilities within a county shall be eligible to receive funds from the county's local detention facility revenue account. Cities that operate Type One facilities and charged booking fees pursuant to Section 29550.3 during the 2006-07 fiscal year shall receive funds in an amount proportional to the number of persons booked into the city's Type One facility for which the city charged fees to the arresting agency.

(d) Except as provided in subdivisions (c) to (f), inclusive, of Section 29550 and subdivisions (a) to (c), inclusive, of Section 29950.3, every year in which at least thirty-five million dollars (\$35,000,000) is appropriated for the purposes of Section 29552, counties, cities and counties, and cities are prohibited from collecting fees pursuant to Sections 29550 and 29550.3 from other public entities. In any fiscal year in which the appropriation for the purposes of Section 29552 is less than thirty-five million dollars (\$35,000,000), a county, city and county, or a city may collect fees pursuant to Section 29550 and Section 29550.3 up to a rate, adjusted as provided in subdivision (e), in proportion to the amount that the amount appropriated is less than thirty-five million dollars (\$35,000,000).

(e) The maximum rate of the fee charged by each local agency pursuant to subdivision (d) shall be the rate charged as of June 30, 2006, pursuant to Section 29550 or 29550.3, increased for each subsequent fiscal year by the California Consumer Price Index as reported by the Department of Finance plus 1 percent, compounded annually.

(f) This section shall become operative on July 1, 2007.

SEC. 4. Section 29552 is added to the Government Code, to read:

29552. (a) (1) Commencing with the 2007-08 fiscal year, all counties and cities and counties that charged fees pursuant to Section 29550 and cities with Type One detention facilities that charged fees pursuant to Section 29550.3 during the 2006-07 fiscal year may apply to the Controller to receive funding provided pursuant to subdivision (b) that is equal to the fee revenue received by the county, city and county, or city during the 2006-07 fiscal year, to the extent that funding is appropriated therefore in the annual budget act or other appropriation legislation. If insufficient funds are appropriated to equal the full amount of fees received in the 2006-07 fiscal year, each county, city and county and city that applies for funding shall receive a share of the appropriated funds proportionate to the share of fees it received in the 2006-07 fiscal year compared to the statewide total reported to the Controller.

(2) The remaining portion of any amount appropriated for purposes of this section shall be paid proportionally to all counties, cities and counties, and cities based on the number of bookings within each county during the year previous to the current payment.

(b) Not later than December 1 of each year, the Controller shall allocate the funds appropriated for the purposes of this section to all eligible counties, cities and counties, and cities. Any city, county, or city and county that applies for funding pursuant to this section shall comply with all requests for information made by the Controller.

(c) This section shall become operative on July 1, 2007.

DEPARTMENT OF FINANCE CONSUMER PRICE INDEX DATE

FISCAL YEAR AVERAGES a/
(1982-84=100)

CONSUMER PRICE INDICES FOR ALL URBAN CONSUMERS (CPI-U)
(1982-84=100)

Fiscal Year	Los Angeles CMSA	% Change	San Francisco CMSA	% Change	Fiscal Year	CALIFORNIA	% Change	United States	% Change
1955-56	26.8	--	25	--	1955-56	25.9	--	26.9	--
1956-57	27.6	3	26	4	1956-57	26.7	3.1	27.6	2.6
1957-58	28.5	3.3	26.9	3.5	1957-58	27.6	3.4	28.6	3.6
1958-59	29.2	2.5	27.7	3	1958-59	28.3	2.5	29	1.4
1959-60	29.7	1.7	28.3	2.2	1959-60	28.9	2.1	29.4	1.4
1960-61	30.2	1.7	28.8	1.8	1960-61	29.3	1.4	29.7	1
1961-62	30.5	1	29.1	1	1961-62	29.7	1.4	30.1	1.3
1962-63	30.9	1.3	29.5	1.4	1962-63	30.1	1.3	30.4	1
1963-64	31.4	1.6	30	1.7	1963-64	30.7	2	30.8	1.3
1964-65	32.1	2.2	30.5	1.7	1964-65	31.2	1.6	31.2	1.3
1965-66	32.6	1.6	31.1	2	1965-66	31.7	1.6	31.9	2.2
1966-67	33.4	2.5	31.9	2.6	1966-67	32.5	2.5	32.9	3.1
1967-68	34.5	3.3	33.2	4.1	1967-68	33.7	3.7	34	3.3
1968-69	35.9	4.1	34.7	4.5	1968-69	35.1	4.2	35.7	5
1969-70	37.8	5.3	36.7	5.8	1969-70	36.9	5.1	37.8	5.9
1970-71	39.4	4.2	38.4	4.6	1970-71	38.7	4.9	39.7	5
1971-72	40.7	3.3	39.6	3.1	1971-72	39.9	3.1	41.1	3.5
1972-73	42.3	3.9	41.3	4.3	1972-73	41.5	4	42.8	4.1
1973-74	45.7	8	44.4	7.5	1973-74	44.8	8	46.6	8.9
1974-75	51	11.6	49.4	11.3	1974-75	49.9	11.4	51.8	11.2
1975-76	55.1	8	53.2	7.7	1975-76	53.9	8	55.5	7.1
1976-77	58.9	6.9	56.3	5.8	1976-77	57.3	6.3	58.7	5.8
1977-78	62.8	6.6	61.3	8.9	1977-78	61.7	7.7	62.6	6.6
1978-79	68.2	8.6	66.7	8.8	1978-79	67.4	9.2	68.5	9.4
1979-80	78.5	15.1	75.5	13.2	1979-80	77.5	15	77.6	13.3
1980-81	87.4	11.3	84.3	11.7	1980-81	86.4	11.5	86.6	11.6
1981-82	95.7	9.5	96	13.9	1981-82	95.7	10.8	94.1	8.7
1982-83	97.7	2.1	97.6	1.7	1982-83	97.9	2.3	98.1	4.3
1983-84	101.3	3.7	100.9	3.4	1983-84	101.4	3.6	101.8	3.8
1984-85	105.9	4.5	106.6	5.6	1984-85	106.4	4.9	105.8	3.9
1985-86	110.4	4.2	110.1	3.3	1985-86	110.7	4	108.8	2.8
1986-87	114.1	3.4	113.4	3	1986-87	114.3	3.3	111.2	2.2
1987-88	119.3	4.6	117.9	4	1987-88	119.1	4.2	115.8	4.1
1988-89	125.1	4.9	123.7	4.9	1988-89	124.9	4.9	121.2	4.7
1989-90	131.9	5.4	128.8	4.1	1989-90	131.2	5	127	4.8
1990-91	139	5.4	135.2	5	1990-91	138.2	5.3	133.9	5.4
1991-92	144	3.6	140.4	3.8	1991-92	143.2	3.6	138.2	3.2
1992-93	148.7	3.3	144.8	3.1	1992-93	147.8	3.2	142.5	3.1

FISCAL YEAR AVERAGES a/
(1982-84=100)

1993-94	151.3	1.7	147.3	1.7
1994-95	153.7	1.6	150.2	2
1995-96	155.7	1.3	153	1.9
1996-97	158.8	2	157.6	3
1997-98	161	1.4	163	3.4
1998-99	164.1	1.9	168.8	3.6
1999-00	168.5	/r 2.6	175.9	/r 4.2
2000-01	174.7	3.7	185.7	5.5
2001-02	179.7	2.8	191.7	3.2
2002-03	185	3	195.3	1.9
2003-04	189.4	2.3	197.1	0.9
2004-05	197.1	4.1	200.5	1.7
2005-06	206.9	5	205.9	2.7
2006-07 f/	213.3	3.1	211.4	2.7
2007-08 f/	219.1	2.7	216.6	2.5

CONSUMER PRICE INDICES FOR ALL URBAN CONSUMERS (CPI-U)
(1982-84=100)

1993-94	150.4	1.8	146.2	2.6
1994-95	153	1.7	150.4	2.9
1995-96	155.2	1.4	154.5	2.7
1996-97	158.8	2.3	158.9	2.9
1997-98	162	2	161.7	1.8
1998-99	166	2.5	164.5	1.7
1999-00	171.2	3.2	169.3	2.9
2000-01	178.6	4.3	175.1	3.4
2001-02	183.9	2.9	178.2	1.8
2002-03	188.7	2.6	182.1	2.2
2003-04	192.2	1.9	186.1	2.2
2004-05	198.6	3.3	191.7	3
2005-06	207	4.2	199	3.8
2006-07 f/	213.1	3	203.3	2.2
2007-08 f/	218.8	2.7	208	2.3

f/ Governor's Budget Forecast, November 2006

r/ US, LA and SF CPI revised by BLS, Sept 28, 2000

a/ July to June

All Urban Consumers: Includes, in addition to wage earners and clerical workers, groups such as professional, managerial, and technical workers, the self-employed, short-term workers, the unemployed, and retirees, and others not in the labor force.

San Francisco CMSA: Includes the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, & Sonoma.

Los Angeles CMSA: Includes the counties of Los Angeles, Orange, Riverside, San Bernardino, & Ventura.

California: Weighted average of San Francisco CMSA, Los Angeles CMSA and (from 1965-1986) San Diego indices.

Sources:

San Francisco CMSA, Los Angeles CMSA and San Diego county, United States -- US Bureau of Labor Statistics (BLS)

California -- Calculated by the CA Department of Finance using a formula developed by the CA Dept. of Industrial Relations (DIR)

Forecasts -- CA Department of Finance

Updated: January 2007

Filename: bbfycpi

f/ Governor's Budget Forecast, November 2006

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Updated: January 2007

Filename: bbfycpi

Use maximum precision for index numbers (many decimal places)