

ORDINANCE NO. 10349 (NEW SERIES)

AN ORDINANCE AMENDING SECTION 363
OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE
RELATING TO THE ESTABLISHMENT AND
ADJUSTMENT OF PROBATION FEES AND CHARGES

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

Section 1. The Board of Supervisors finds and determines that Probation Department fees and charges must be adjusted to reflect actual expenses incurred by the Probation Department in the administration of various services and responsibilities. The amendments made by this ordinance will allow the Probation Department to recover actual expenses for certain services provided by the Department.

Section 2. Section 363 of Article XX of the San Diego County Administrative Code related to "Fees and Charges" is hereby 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 not to exceed \$150 for the actual costs of services rendered in the sealing or expunging of juvenile court or arrest records, pursuant to Section 903.3(b) of the Welfare and Institutions Code. Reimbursement shall be applied whether or not the petition is granted and the records are sealed or expunged. A person's ability to pay shall be determined by the court.

(b) A program administrative fee not to exceed \$59 for enrollment, re-enrollment/out-of-county or out-of-state transfer in the Public Service Work Program pursuant to Section 4024.2(e) of the Penal Code, according to his or her ability to pay.

(c) A fee of \$689 charged to public agencies to recover the cost of supervision and supplies to provide Public Service Work Program work crews.

(d) A fee for daily charges for the care of minor persons in the custody of the Probation Officer and minors under Probation supervision shall be imposed upon a person pursuant to Welfare and Institutions Code Sections 903 and 904, as follows:

Facility	Fee (up to)
(1) Juvenile Hall	\$30 per day
(2) Girls Rehabilitation Facility	\$30 per day
(3) Juvenile Ranch Facility	\$30 per day
(4) Camp Barrett	\$30 per day

(e) A fee of \$28 per day for the cost of home supervision or electronic surveillance of the minor may be imposed by the juvenile court, pursuant to Welfare and Institutions Code sections 903.2 and 904, if the father, mother, spouse or other person liable for the support of a minor, the estate of that person and the estate of the minor is determined to have the financial ability to pay.

(f) A fee to recover the County's payments made to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities (DJF) for the care, support and maintenance of County wards under the direct supervision of DJF, or in any institution, boarding home, foster home, or other private or public institution in which they are placed by DJF, and cared for and supported at the expense of DJF on and after July 1, 2012 at a rate of \$65.7534 per day or \$2,000 monthly pursuant to Sections 903 and 912 of the Welfare and Institutions Code.

(g) 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.

(h) Fees for the petition to seal or expunge records related to a misdemeanor committed while under the age of eighteen (18) years shall be the actual cost of services rendered, not to exceed \$150, pursuant to Penal Code section 1203.45. This fee shall be applied to a person whether or not the petition is granted the records are sealed or expunged.

(i) Pursuant to Sections 1203.1b and 1203.9(d) of the Penal Code, the Probation Department shall impose fees for adult probationer services, investigation and supervision, including fees as follows:

(1) Probation Investigative Charges:

Description	Fee (each)
(a) Pre-sentence Investigation (General Jurisdiction)	\$1,433
(b) Pre-sentence Investigation (Limited Jurisdiction)	\$793
(c) Conditional Sentencing Pre-Plea or Diversion Report	Above rates as appropriate (Same as pre-sentence reports as required)
(d) Process Investigation for transfer of Jurisdiction under Interstate Compact Agreement	\$77

(2) Probation Supervision Charges:

Description	Fee (monthly, except (e))
(a) High Risk Supervision	\$176
(b) Medium Risk Supervision	\$67
(c) Low Risk Supervision	\$17
(d) Interstate Compact Supervision	\$38
(e) Effective November 1, 2001, a polygraph test fee	Effective 11-01-01, \$400 maximum

(3) Related Administrative Fees:

Under Penal Code section 1203.1b(h), the County shall collect a fee of \$75 to cover the administrative and clerical costs of processing of payment made in installments to the Probation Department pursuant to Penal Code section 1203.1b.

(j) Pursuant to Penal Code 1208.2, the program administrative fee and application fee for an electronic home detention program pursuant to Section sections 1203.016, 1203.018 shall be \$28 per day. The amount each participant is charged shall be determined according to the participant's ability to pay. In ability to pay all or a portion of the program fees shall not preclude participation in the program, and eligibility shall not be enhanced by reason of ability to pay.

(k) Fees and charges for the cost of probation supervision that utilizes continuous electronic monitoring, including Global Positioning System (GPS), shall be as follows, pursuant to Penal Code section 1210.7 and 1210.5:

- (1) A fee up to \$9 per unit per day to cover GPS administrative costs;

(2) Charges up to \$600 for equipment replacement costs.

(l) Pursuant to Penal Code section 1210.1(a), in addition to any fine assessed under other provisions of law, the trial judge may require a person 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.

(m) If the court orders restitution to be made to the victim, a fee to cover the actual administrative cost of collection, but not to exceed 15% of the total restitution ordered, shall be added to the restitution fine ordered pursuant to Penal Code Section 1203.1(l).

(n) A fee to cover the actual administrative cost of collecting the restitution fine ordered pursuant to Section 1202.4(l) of the Penal Code, not to exceed 10% of the amount ordered to be paid, shall be added to the restitution fine and included in the order of the court.

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

(p) A fee not to exceed \$30 to cover the cost of collection of fines payable in installment/non-installment pursuant to Penal Code Section 1205(e).

(q) A fee of \$42 to cover the application and administrative costs of work furlough program services pursuant to Penal Code sections 1208 and 1208.2.

(r) Fees and charges for Secure Continuous Remote Alcohol Monitoring (SCRAM) services, pursuant to Penal Code Sections 1202.8 and 1203.1.

(1) A one-time charge of \$100 for installation, battery changes, general maintenance, and removal.

(2) A monthly fee up to the maximum of \$1,530 to cover SCRAM administrative costs.

(3) Charges up to a maximum of \$1,500 for equipment replacement costs.

(s) A fee up to \$5 per month for OffenderLink services.

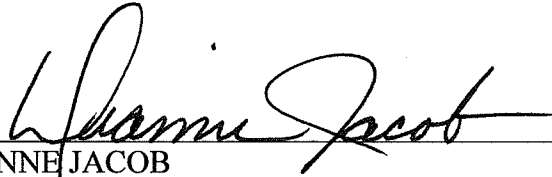
Section 3. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen (15) days after its passage, a summary hereof shall be published once with names of the members of this Board voting for and against it in a publication of general circulation in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY

Dana L. Begley, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 5th day of August, 2014.



DIANNE JACOB

Chairwoman, Board of Supervisors

County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 5th day of August, 2014.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By 
Christina Gomez, Deputy



Ordinance No. 10349 (N.S.)

08-05-14 (6)