September 8, 2021

The Honorable Nancy Skinner
Chair, Senate Budget and Fiscal Review Committee
State Capitol, Room 5094
Sacramento, CA 95814

The Honorable Phil Ting
Chair, Assembly Budget Committee
State Capitol, Room 6026
Sacramento, CA 95814

**Subject: SB 177 (Committee on Budget and Fiscal Review) – Amended 9/7/2020 and AB 177 (Committee on Budget) – Amended 9/5/2021**
**Court Trailer Bill – SUPPORT Criminal Justice Administrative Fee Repeal and Permanent County Backfill Provisions**

Dear Senator Skinner and Assembly Member Ting:

On behalf of the California State Association of Counties (CSAC), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC), we write in support of provisions in SB 177 (Committee on Budget and Fiscal Review) and AB 177 (Committee on Budget) related to court fees. These measures would, among other provisions, (1) repeal as of January 1, 2022 the authority to collect another round of specified criminal justice administrative fees upon conviction or arrest; (2) vacate all previously levied debt associated with these same fees on the effective date of the repeal; and (3) appropriate to counties $25 million in 2021-22 (for half-year implementation) and $50 million annually thereafter to backfill associated revenue losses.

Our organizations have engaged extensively in policy conversations on court-related fine and fee reform beginning with SB 144 (Mitchell) in the 2019-20 legislative session; AB 1869, the 2020 trailer bill that eliminated two dozen justice system fees and provided a limited-term backfill to counties; as well as the previous version of this year's SB 586 (Bradford). Our associations never questioned the need for a policy conversation regarding lessening the financial burden associated with fines and fees levied on adults in the criminal justice system; indeed, we have always recognized that our state's system of assessing criminal fees is overly complex, and its financial and legal implications are often crippling for those who can least afford them. Instead, our advocacy has focused on the two interconnected objectives: first, to highlight the need to recognize and assess the direct fiscal impacts to county governments resulting from the repeal of court fines and fees; and, secondly, to ensure that counties receive sustainable funding to replace lost revenue and avoid program elimination or service disruptions at the local level.

We are gratified that the approach outlined in AB 177/SB 177 recognizes local fiscal impacts associated with the repeal of additional court fees and provides counties with a permanent revenue backfill. Our associations appreciate the Legislature's willingness to work with counties over the last several years, leading to a resolution in the September court trailer bill that resolves our fiscal concerns, improves the

criminal justice system, and reduces the disproportionate impact these fees have on those who do not have an ability to pay. We look forward to an opportunity to provide input into the conversation and decision making around the backfill distribution methodology in the months ahead.

Finally, given the complexity of the criminal justice fines and fees construct and the ways in which any remaining court-related fines and fees may interact with long-standing financial obligations counties pay to support the trial courts, we urge the Legislature to pause in any further pursuit of reforms in this area. In the last six months, approximately 40 distinct court-related fees have been eliminated. We believe it would be appropriate to take time to evaluate the impact of the fee elimination on court-involved individuals, assess how and to what extent these reforms have affected revenue streams, and address any unforeseen or unintended technical challenges resulting from these policy changes.

Thank you for your collaboration and for considering the county perspective throughout these important discussions. Should you have any questions regarding our associations' position, do not hesitate to reach out to any of us – Josh Gauger (jgauger@counties.org), Elizabeth Espinosa (ehe@hbeadvocacy.com), or Sarah Dukett (sdukett@rcrcnet.org).

Sincerely,

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| Josh Gauger | Elizabeth Espinosa | Sarah Dukett |
| Legislative Representative | Legislative Representative | Legislative Advocate |
| CSAC | UCC | RCRC |

cc: Members, Senate Committee on Budget and Fiscal Review Committee
Members, Assembly Budget Committee
Christopher A. Francis, Ph.D., Senate Budget and Fiscal Review Committee
Matt Osterli, Senate Republican Fiscal
Jennifer Kim, Assembly Budget Committee
Lyndsay Mitchell, Assembly Republican Caucus
Jessica Devencenzi, Office of the Governor
Amy Jarvis, Department of Finance