

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Probation	(2) MEETING DATE 5/14/2013	(3) CONTACT/PHONE Chief Jim Salio, 781-1039	
(4) SUBJECT Submittal of a resolution appointing the Probation Department as the agency to collect restitution, fines, and/or fees from offenders currently imprisoned or mandatory supervision offenders and post release community offenders in San Luis Obispo County.			
(5) RECOMMENDED ACTION It is recommended the Board approve a resolution appointing the Probation Department as the agency to collect restitution, fines and/or fees from offenders currently imprisoned or mandatory supervision offenders and post release community offenders in San Luis Obispo County.			
(6) FUNDING SOURCE(S) None	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? No
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input checked="" type="checkbox"/> 4/5th's Vote Required <input type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A    Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Geoff O'Quest, Administrative Analyst			
(18) SUPERVISOR DISTRICT(S) All Districts -			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Probation / Chief Jim Salio, 781-1039

DATE: 5/14/2013

SUBJECT: Submittal of a resolution appointing the Probation Department as the agency to collect restitution, fines, and/or fees from offenders currently imprisoned or mandatory supervision offenders and post release community offenders in San Luis Obispo County.

## **RECOMMENDATION**

It is recommended the Board approve a resolution appointing the Probation Department as the agency to collect restitution, fines and/or fees from offenders currently imprisoned or mandatory supervision offenders and post release community offenders in San Luis Obispo County.

## **DISCUSSION**

On April 4, 2011, the Governor of California approved and had filed with the Secretary of State Assembly Bill 109, which modified numerous code sections including a felony was a crime that was punishable with death, by imprisonment in the state prison, or notwithstanding any other provision of law, by imprisonment in a county jail for more than one year. The bill provided exceptions to imprisonment in a county jail for a variety of felonies, including serious felonies and violent felonies, as defined, felonies requiring registration as a sex offender, and when the defendant has a prior conviction for a serious or violent felony, or a felony subjecting the defendant to registration as a sex offender, among other exceptions. This bill failed to address who could collect restitution, fines and fees for those convicted of a felony, sentenced to state prison but housed at a county jail to serve their imprisonment term or who were released from prison, not on parole, but on post release community supervision and supervised by a probation officer.

On September 29, 2012, the Governor of California approved and had filed with the Secretary of State Senate Bill 1210, which modified several code sections regarding the collection of restitution and restitution fines for post release community supervision offenders and those imprisoned in a county jail and/or released on mandatory supervision. Penal Code Section 2085.5 authorized the agency designated by the board of supervisors in the county where the prisoner, parolee or person imprisoned or was previously imprisoned in the county jail to collect any outstanding court ordered restitution or restitution fine monies.

The San Luis Obispo County Probation Department's Collection Unit has been collecting restitution, fines and fees for over twenty years for the Courts and delinquent fees for several other County Departments and vendors who provide services to current or former probationers. The Probation Department has proven to be a cost effective way for offenders to be held financially responsible and for the collection and distribution of outstanding restitution for victims. Staff recommends the Probation Department take on collection responsibilities under SB 1210 as well.

## **OTHER AGENCY INVOLVEMENT/IMPACT**

The District Attorney's Victim/Witness Division will advise crime victims of their right to seek an order of restitution from the Court. County Counsel has reviewed the resolution as to legal and effect.

## **FINANCIAL CONSIDERATIONS**

The additional expense to establish financial cases and to bill offenders is expected to be minimal. These costs will be offset by process fees, which will be collected from those imprisoned in county jail or released on mandatory supervision and post release community supervision offenders.

## **RESULTS**

Those offenders imprisoned in a county jail and/or released on mandatory supervision and post release community supervision will be held accountable to pay outstanding restitution, fines and/or fees which are currently not being collected as there is no County agency which has been designated by the San Luis Obispo County Board of Supervisors to collect the outstanding restitution, fines and/or fees from those imprisoned in a county jail and/or released on mandatory supervision or post release community supervision offenders.

## **ATTACHMENTS**

Resolution Appointing Probation as Collection Agency for PRCS and mandatory supervision offenders