

MAY 18 2020

BY  DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

IN RE: AUTHORITY OF DEPUTY
CLERK OVER PAYMENT AND/OR
CONVERSION OF CIVIL
ASSESSMENTS PURSUANT TO
PENAL CODES §§ 1214.1 AND/OR
PENAL CODE 1214.2(A)

MISCELLANEOUS NO.: STO-20-0009

By Order of the Presiding Judge:

WHEREAS, Penal Code Section 1214.1 provides that the court may impose a civil assessment of up to three hundred dollars (\$300) against any defendant who fails, after notice and without good cause, to pay all or any portion of a fine ordered by the court; and

WHEREAS, Penal Code Section 1214.2(a) provides that if the judgment is for a fine, including a restitution fine, the judgment may be enforced in the manner provided for the enforcement of money judgments generally; and

WHEREAS, the Kern County Superior Court wishes to implement these statutes.

1 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED**, that when a
2 defendant chooses to clear a forfeitable failure to pay warrant on a non-vehicle code
3 case, by way of payment reset or payment in full, the failure to pay fine fee assessed
4 shall be converted to civil assessment in the same amount.

5 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED**, that when the
6 defendant makes a request for a payment reset due to good cause that the clerk may
7 administratively deem good cause satisfied and reset an existing payment plan.

8 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED**, that when the
9 defendant makes a request to have a civil assessment set aside due to good cause
10 that the clerk may administratively deem good cause satisfied and waive the balance
11 of unpaid civil assessment due when:

- 12 • Sufficient documentation is provided establishing that a defendant was
13 unable to pay by their due date as a result of one of the following limited
14 conditions:
 - 15 ○ Hospitalization;
 - 16 ○ Military Duty;
 - 17 ○ Incarceration
 - 18 ○ Extenuating Circumstances; or
 - 19 ○ Death.
- 20 • It is determined that the civil assessment was erroneously added due to
21 clerical or system error by the court.
- 22 • When the delinquent balance is twenty-five dollars (\$25) or less and the
23 defendant pays that amount in full.

24 When a defendant agrees to pay the full amount of the fine(s) after civil
25 assessment was added, authority is granted to Revenue Recovery and Regional

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Court staff to reduce the civil assessment with the following authority level:

- Clerk - \$100.00
- Lead - \$150.00
- Supervisor or Manager - \$300.00

This order shall supersede any previous order(s) and shall remain in effect indefinitely and until such time as the order is vacated or superseded by the Presiding Judge.

Dated: May 18, 2020.



Judith K. Dulcich, Presiding Judge
Kern County Superior Court