

FILED
SUPERIOR COURT OF CA, COUNTY OF KERN

MAR 22 2018

TERRY McNALLY, CLERK
BY *[Signature]* DEPUTY

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

BCM-18-000013

TO WAIVE ALL OR A PORTION OF A
CIVIL ASSESSMENT PURSUANT TO
PENAL CODE § 1214.1 AND/OR PENAL
CODE § 1214.2(A) AND TO CONVERT
OUTSTANDING FAILURE TO PAY FINE
FEES ON NON-VEHICLE CODE CASES
TO CIVIL ASSESSMENT

MISCELLANEOUS NO.: _____

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.

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

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


- 5 • Sufficient documentation is provided establishing that a defendant was unable to
6 pay by their due date as a result of one of the following limited conditions:
 - 7 ▪ Hospitalization;
 - 8 ▪ Military Duty;
 - 9 ▪ Incarceration; or
 - 10 ▪ Death.
- 11 • It is determined that the civil assessment was erroneously added due to clerical or
12 system error by the court.
- 13 • When the delinquent balance is twenty-five dollars (\$25) or less and the defendant
14 pays that amount in full.

15 When a defendant agrees to pay the full amount of the fine(s) after civil assessment
16 was added, authority is granted to Revenue Recovery and Regional Court staff to reduce the
17 civil assessment with the following authority level:

- 18 • Clerk \$100
- 19 • Lead \$150
- 20 • Supervisor or Manager \$300

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22 and until such time as the order is vacated or superseded by the Presiding Judge.

23 Dated: March 22, 2018

24 
25 _____
Charles R. Brehmer, Presiding Judge
Kern County Superior Court