

ORDINANCE NO. 10227 (N.S.)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF
ADMINISTRATIVE ORDINANCES, RELATING TO FEES AND CHARGES FOR
ADULTS AND MINORS REPRESENTED BY APPOINTED COUNSEL

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

Section 1. The Board of Supervisors finds and determines as follows:

Penal Code section 987.5 provides that, where the Board adopts an ordinance implementing the statute, every criminal defendant who is able to pay shall be assessed a registration fee not to exceed \$50 when represented by court-appointed counsel. More often than not, the court-appointed attorney is from one of the four independent law offices of the County of San Diego Department of the Public Defender. From August 19, 1996 to December 31, 2009, the registration fee allowed by Penal Code section 987.5 could not exceed \$25.

Penal Code section 987.8 subdivision (c) provides that, where the Board of Supervisors adopts a resolution implementing Penal Code section 987.8(c), the court shall make a determination of the defendant's ability to pay all or a portion of the costs of the legal assistance provided. Penal Code section 987.8(c) applies in cases where the defendant privately hires counsel to replace publicly-provided counsel and other situations where it appears the defendant has the ability to pay for all or a portion of the costs of representation.

Welfare and Institutions Code section 903.15 provides that parents or other persons liable for the support of a minor on whose behalf a petition is filed pursuant to Welfare and Institutions Code section 601 or Welfare and Institutions Code section 602, and who are able to pay, shall be assessed a registration fee not to exceed \$50 for minors represented by court-appointed counsel where the Board of Supervisors adopts an ordinance implementing Welfare and Institutions Code section 903.15. From August 19, 1996 to December 31, 2011, the registration fee allowed by Welfare and Institutions Code section 903.15 could not exceed \$25.

Welfare and Institutions Code section 904 provides that the cost-based charges for care, support and maintenance of minors in custody, delinquency-related legal services,

probation supervision and records sealing shall be determined by the Board of Supervisors.

Section 2. Section 364.5 of the San Diego County Code is hereby added to read as follows:

SEC. 364.5. FEES AND CHARGES RELATED TO APPOINTED COUNSEL

(a) Registration fees shall be assessed and collected in the amounts allowed by and pursuant to Penal Code section 987.5 and amendments thereto.

(b) Pursuant to Penal Code section 987.8, subdivision (c), defendants shall repay the costs of their legal assistance by a court-appointed attorney.

(c) Registration fees shall be assessed and collected in the amounts allowed by and pursuant to Welfare and Institutions Code section 903.15 and amendments thereto.

(d) Pursuant to Welfare and Institutions Code section 904, the Board of Supervisors has determined that the cost of legal services rendered to a minor by any of the independent offices of the Department of the Public Defender pursuant to an order of the juvenile court, or by an attorney in private practice appointed pursuant to an order of the juvenile court, shall be established at an amount equal to the full cost paid by the County for such services. These costs shall include, but are not limited to, costs for legal counsel and supportive services, medical and psychiatric examinations, investigative services, expert testimony or any other form of service provided to assist in preparation, and presentation of the case. This definition of cost of legal services shall be used to determine the liability of a person or his or her estate under Welfare and Institutions Code section 903.1.

(e) Unless otherwise provided, the fees under this section shall be collected by the Superior Court of California, County of San Diego, and transmitted to the County of San Diego, Auditor and Controller on a monthly basis.

(f) The effective date for this section, except subdivision (d), shall be September 25, 2009.

Section 3. The provisions of section 697 of Article XXXVII of the San Diego County Code of Administrative Ordinances are repealed in their entirety and the section shall now read as follows:.

SEC. 697. [Reserved.]

Section 4. Before the expiration of 15 days after passage, a summary of this ordinance shall be published once in a newspaper of general circulation in the County of San Diego, showing the names of Board members voting for and against its passage. This ordinance shall be effective 30 days after passage, with its codified sections effective as stated therein.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 9th day of October, 2012.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL
BY
Dana Begley, Deputy County Counsel