

ORDINANCE NO. 10489 (N.S.)

AN ORDINANCE TO ADD SECTIONS 448.1 TO ARTICLE XXV, AMEND SECTIONS 953 OF ARTICLE LXIII AND 441.2 OF ARTICLE XXV OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, AND AMEND SECTIONS 21.102 AND 21.1901 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES

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

Section 1. The Board of Supervisors finds and determines it is necessary to add Section 448.1 to the Administrative Code, pertaining to the Sheriff Department's ability to establish fees related to inmate accounts and commissary services, to read as follows:

SEC 448.1. RATES FOR DEPOSITS TO INMATE ACCOUNT, SHERIFF'S COMMISSARY WEBSITE, AND PRE-PAID DEBIT CARDS TO BE ISSUED UPON RELEASE

(a) Jail kiosks will accept inmate property (including currency) at Booking/Intake and add funds to an inmate's account without charge. For each additional deposit, fees will be assessed as listed under Deposits.

(b) For each credit or debit card transaction, an additional charge of 3.5% of the deposit amount will be assessed.

DEPOSITS		
Deposit Amount	Lobby Kiosks	Telephone (IVR), Web or Countertop Terminal
0- \$20.00	\$2.95	\$3.95
\$20.01- \$50.00	\$3.95	\$3.95
\$50.01- \$100.00	\$4.45	\$4.45
\$100.01- \$200.00	\$5.45	\$5.45

(c) If an inmate requests messaging services, fees will be assessed as listed under Optional Messaging Services.

OPTIONAL MESSAGING SERVICES	
Voice Alert Messaging service for predetermined messages to specific phone numbers. Fee is either deducted from inmate property at intake, or by sender credit card.	\$2.00 per message
Canned messaging for senders to send predetermined text message to specific inmate in conjunction with deposit to inmate	\$1.00 per message

(d) For all transactions made through the Sheriff's Commissary website (<http://www.sdsheriffcommissary.com>), including deposits to an inmate account, gift packs, and telephone time purchases, a fee of \$3.25 per transaction will be assessed. This fee will be deposited in the Sheriff's Jail Store Enterprise Fund.

(e) Fees associated with issued pre-paid debit cards to inmates upon release from custody. There is no charge to issue the debit card or for the inmate to withdraw their balance by using the card to make a purchase and selecting the option for cash back (Cash Back Point of Sale), transferring their funds from the card and into their bank account (Card to Bank Funds Sharing), or through a Bank cash advance, provided the transactions are initiated within five days of the debit card's issuance. Fees will be assessed as listed under Pre-Paid Debit Cards.

PRE-PAID DEBIT CARDS	
Administrative Fees (a)	
Monthly account maintenance (if funds are not withdrawn within 5 days)	\$5.95
Paper statement (c)	\$3.00
Card balance refund fee- Paper Check (c)	\$9.95
Administrative- Services without Fees	
Online statement	\$0.00
Weekly account maintenance	n/a
Inactivity Fee	n/a
Spending and Getting Cash (a)	
Decline of transaction	\$0.95
ATM (additional ATM surcharge fee may also apply)	\$2.95
ATM- International (additional ATM surcharge fee may also apply)	\$4.95
ATM- balance inquiry	\$1.50
ATM- balance inquiry international	\$1.50
Declined ATM transaction	\$1.95
Foreign Transaction Fee (b)	3%
Spending and Getting Cash- Services without Fees	
PIN Point of Sale (POS) Purchase	\$0.00
POS Signature	\$0.00
ATM (MoneyPass) at surcharge FREE ATM	\$0.00
Cash Back at POS	\$0.00
Card to Bank Funds Sharing	\$0.00
Bank over the counter withdrawal (cash advance)	\$0.00
Card to card transfer	n/a
Stop payment fee for ACH Debit	n/a
ACH Debit Decline Fee	n/a

(a) all fees are payable directly by customer to the vendor

(b) fee is assessed as a percentage of total amount of the charge

(c) fee is charged if the inmate requests the service

Section 2. Section 953 of Article LXIII of the Administrative Code is amended to read as follows:

SEC 953. HOME DETENTION AND ELECTRONIC MONITORING FEES.

(a) Unless otherwise provided in this Article or State law, the Probation Department or County collection agent shall be paid pursuant to the fees and charges under County Administrative Code section 363 for home supervision and electronic monitoring of minor persons in custody of the Probation Officer, minors under Probation supervision and adult probation services, investigation and supervision.

(b) Each participant in the home detention program administered by the Sheriff pursuant to Penal Code sections 1203.016 and 1203.018 shall be charged a program administrative fee up to \$16 per day, as specified in the table below. The Sheriff's contracted electronic monitoring vendor shall charge all or a portion of the program administrative fee based on the participant's ability to pay. If applicable, participants shall also be charged a fee for replacement of the Portable Device for Remote Alcohol Test or GPS Tracking Device, as specified below. Inability to pay all or a portion of these fees shall not preclude participation in the program, and eligibility shall not be enhanced by reason of ability to pay. The Sheriff shall ensure that all fees are administered in compliance with the requirements of Penal Code section 1208.2.

	Offender- Funded Fees			
Daily Rates/ Fee per Income Range	\$0- \$10,000	\$11,000- \$20,000	\$21,000- \$30,000	\$31,000- \$40,000+
GPS Monitoring	\$6.50	\$7.25	\$8.00	\$9.00
OPTIONAL (based on needs assessment)	Offender- Funded Fees			
Portable Device for Remote Alcohol Test	\$7.00	\$7.00	\$7.00	\$7.00
TOTAL (maximum possible)	\$13.50	\$14.25	\$15.00	\$16.00

Replacement Costs	Offender- Funded Fee			
GPS Tracking	\$600.00	\$600.00	\$600.00	\$600.00
Portable Device for Remote Alcohol Test	\$975.00	\$975.00	\$975.00	\$975.00

Section 3. Section 441.2 of Article XXV of the Administrative Code is amended to read as follows:

SEC 441.2. COSTS OF INCARCERATION.

The provisions of Penal Code Section 1203.1c shall be applicable in the County of San Diego. The Board of Supervisors hereby determines the following charges for each detention facility, which are the actual average costs of incarceration for each day or part thereof, including incarceration pending disposition of the case:

Facility	Average Per Day Cost
East Mesa Reentry Facility	184.84
Facility 8	134.78
George Bailey Detention Facility	126.01
Las Colinas Detention & Reentry Facility	239.88
South Bay Detention Facility	165.56
San Diego Central Jail	183.16
Vista Detention Facility	205.57

The charges shall be annually reviewed by the Board of Supervisors.

The Director of Revenue and Recovery is designated as the County Officer responsible for collection of moneys ordered paid pursuant to Penal Code Section 1203.1c. All sums paid by defendants pursuant to this section shall be deposited in the General Fund of the County of San Diego.

Section 4. Section 21.102 of the Code of Regulatory Ordinances is amended to read as follows:

The following activities require a license for which the Sheriff is the Issuing Officer:

- (a) Amusement Establishment and Devices
- (b) Amusement Ride Centers/Go-Cart Centers
- (c) Bathhouses
- (d) Carnivals and Circuses
- (e) Casino Parties
- (f) Entertainment Establishments
- (g) Entertainment Managers
- (h) Firearms Dealers
- (i) Fortune Telling
- (j) Holistic Health Practitioners
- (k) Junk Yards and Motor Vehicle Wrecking Yards
- (l) Massage Establishments
- (m) Massage Technicians
- (n) Massage Technician Trainees
- (o) Medical Marijuana Operations Certificate
- (p) Merchandise Coupons
- (q) Off-Premises Massage
- (r) Outdoor Assemblies
- (s) Outdoor Assembly Managers
- (t) Pawnbrokers and Second Hand Dealers
- (u) Public Dances
- (v) Solicitors
 - (1) License
 - (2) Identification Card
- (w) Swap Meets
- (x) Taxicab Operators and Taxicab Drivers
 - (1) Operator's License
 - (2) Driver's Identification Card
- (y) Teenage Dances

Section 5. Section 21.1901 of the Code of Regulatory Ordinances is amended to read as follows:

The fees for the licenses, permits and registration certificates issued by the Sheriff and services provided by the Sheriff pursuant to this code shall be as follows:

(a) LICENSES AND PERMITS

- (1) Adult Entertainment Employee License: Initial fee \$277, renewal fee \$252.
- (2) Adult Entertainment Establishment License: Initial fee \$756, renewal fee \$706.
- (3) Amusement Establishment License: Annual fee \$622 plus \$60 per device.
- (4) Bath-house Permit: Initial fee \$614, renewal fee \$589.
- (5) Bingo License: Annual fee \$50.
- (6) Carnival or Circus License: Annual fee \$336 plus \$100 per day.
- (7) Casino Party License: Event fee \$336.
- (8) Charitable Solicitor Registration: No fee.
- (9) Concealed Weapons License: Initial fee \$ 63.14, renewal fee \$21.52, in addition to fees to the State of California, the Department of Justice and the FBI. Any license amendment \$10.
- (10) Entertainment Establishment License: Annual fee \$293.
- (11) Entertainment Establishment Manager Registration: Annual fee \$105.
- (12) Explosives Permit: Initial fee \$640, renewal fee \$437.
- (13) Firearms Dealer Permit: Initial fee \$467, renewal fee \$442.
- (14) Fireworks Permit: Initial fee \$322, renewal fee \$297.
- (15) Fortune Telling License: Initial fee \$275, renewal fee \$250.
- (16) Junk Yards or Motor Vehicle Wrecking Yards License: Annual fee \$394.
- (17) Massage Establishment License: Initial fee \$398, renewal fee \$379.
- (18) Medical Marijuana Operation Certificate: Annual fee \$49,460
- (19) Merchandise Coupon Distributor: Annual fee \$180.
- (20) Outdoor Assembly License: Event license \$457.
- (21) Outdoor Assembly Manager Registration: Manager event registration \$105.
- (22) Pawnbroker or Second Hand Dealer License: Initial fee \$427, renewal fee \$401.
- (23) Permanent Amusement Rides and Go-cart Centers Permit: Annual fee \$625.

- (24) Public Dance License: Initial fee \$235, renewal fee \$210.
- (25) Public Dance Manager Registration: Annual fee \$105.
- (26) Security Alarm Systems Permit: Permit fee \$151.
- (27) Solicitor's ID Cards: Initial fee \$105, renewal fee \$80.
- (28) Solicitor's License: Initial fee \$208, renewal fee \$155.
- (29) Swap Meets License: Initial fee \$341 plus \$24 per stall, renewal fee \$ 315 plus \$24 per stall.
- (30) Taxicab Drivers Identification Card: Initial fee \$103, renewal fee \$38. Fee for changes to card between renewals: \$25.
- (31) Taxicabs and Taxicab Operator's License: Initial fee \$155, plus \$147 per cab inspection fee. Renewal fee \$130, plus \$147 per cab inspection fee.
- (32) Teenage Public Dances License: Initial fee \$235, renewal fee \$210.

(b) SERVICES

- (1) Copies of Reports: \$20.
- (2) Records Search/Criminal History Copies: \$14.
- (3) Police Clearance Letter (Good Conduct Letter): \$50
- (4) Fingerprint Service by License Division: \$25.
- (5) Copies of Evidence Photos: \$25.
- (6) Copies of Crime Lab Reports: \$14.

Section 6. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the Daily Transcript newspaper of general circulation published in the County of San Diego.

Meeting Date: 06/27/17 (3)

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 27th day of June, 2017.



DIANNE JACOB
Chairwoman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 27th day of June, 2017.

DAVID HALL
Clerk of the Board of Supervisors

By Diana Lopez
Diana Lopez, Deputy



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06/27/17 (3)