




BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Submitted on:
(COB Stamp)

Department Name: Probation
Department No.: 022
Agenda Date: December 17, 2024
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors 
FROM: Department Director: Holly L. Benton, Chief Probation Officer, (805) 882-3652
Contact Info: Damon Fletcher, Chief Financial and Administrative Officer, (805) 882-3654
SUBJECT: **Assembly Bill (AB) 143 Backfill Allocation Spending Report for Fiscal Year 2023-24 for Criminal Justice Fees Eliminated by AB 1869**

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Consider and adopt the report in Attachment A as the Board of Supervisors' annual report for Fiscal Year (FY) 2023-24 as required by Government Code section 29553 subsection (f), documenting the County's spending of State backfill allocations which provide fiscal relief for revenues lost from fees repealed by Chapter 92, Statutes of 2020 (AB 1869);
- b) Authorize the Chair to sign the letter included in Attachment A, regarding the submission of the above referenced report, and direct Probation staff to submit the letter and report to the State of California Director of Finance, the Legislative Analyst's Office, and the Joint Legislative Budget Committee; and
- c) Determine pursuant to CEQA Guidelines 15378(b)(5) that the above actions are not a project subject to CEQA review, because they are government administrative activities that do not result in direct or indirect physical changes to the environment.

Summary Text:

This item is before your Board to fulfill State reporting requirements of AB 143 by submitting to the State an annual report detailing the County's spending of the State backfill allocated for revenues lost from fees repealed by AB 1869. Effective July 1, 2021, AB 1869 repealed the authority of counties to charge individuals arrested, prosecuted, or convicted of a crime for various criminal justice fees. The bill includes a backfill provision that provides some relief to counties to mitigate revenues lost as a result of the repeal. The backfill provision sunsets in Fiscal Year (FY) 2025-2026. Backfill funds are provided to counties through AB 143, for which each county's board of supervisors is required to submit a report by January 10 of every year beginning 2023 to the Joint Legislative Budget Committee, Legislative Analyst's Office, and the Director of Finance,

documenting the county's spending of the State backfill allocated for revenues lost from fees repealed by AB 1869, which modified Chapter 92 of the Statutes of 2020.

The County received a backfill allocation for FY 2023-24, totaling \$846,777.76, of which the Probation Department received \$650,000 (77%) and the Sheriff-Coroner Office received \$196,777.76 (23%). Probation's allocation was used to fund staff salaries and benefits related to adult supervision and investigation. The Sheriff's Office funding supported salaries and benefits for staff processing alternative sentencing applications as well as other program costs including GPS electronic monitoring services.

Background:

AB 1869 eliminated 23 different criminal administrative fees charged by local governments to individuals arrested, prosecuted, or convicted of a crime. These include fees for administering probation and mandatory supervision, processing arrests and citations, administering home detention programs, continuous electronic monitoring programs, work furlough programs, and work release programs. While not included in the backfill amount, the bill also repeals the authority of the Court to order defendants to pay the costs of the public defender. AB 1869 set aside \$65 million annually from FY 2021-22 through FY 2025-26 to backfill counties for estimated lost revenue. The provisions of the bill took effect on July 1, 2021.

The Department of Finance established an allocation schedule based on the methodology provided by AB 143. The backfill for each county is based on its percentage for the statewide average of the following three variables for the calendar years 2017, 2018, and 2019: 1) adult population (50 percent of the allocation); 2) felony and misdemeanor arrests (25 percent of the allocation); and 3) traffic and non-traffic felony and misdemeanor filings (25 percent of the allocation). Santa Barbara County's annual backfill allocation totals \$846,777.76, which is allocated to the Probation Department and Sheriff-Coroner Office as described above. In comparison to the State-provided backfill, the associated criminal fee revenues collected in the three fiscal years prior to the enactment of AB 1869 averaged \$1,810,662 per fiscal year.

AB 143 requires a county, for the years in which funding is allocated pursuant to the methodology, to report on how the backfill allocation was spent, and at a minimum, the report shall include the total annual budget of the county department or departments that receive the allocation, the share of the allocation received, and an accounting of the expenditures of the allocation by each county department that received a share of the allocation. The required annual report is due by January 10, 2025 for this reporting period, and annually thereafter while the backfill is in effect.

Fiscal and Facilities Impacts:

Staff anticipates no fiscal or facilities impacts as a result of the Board's action on this matter. The Probation Department notes that the sunset of the funds on June 30, 2026 creates a \$650,000 budget shortfall for Probation beginning in FY 2026-27. The sunset of the funds is included in the Probation Department's fiscal issues report.

Staffing Impacts:

Staff anticipates no staffing impacts as a result of the Board's action on this matter.

Special Instructions:

Please send an original signed letter and a copy of the minute order to Damon Fletcher, Chief Financial and Administrative Officer, Probation Department.

Attachments:

Attachment A: Letter to State of California, Director of Finance, Legislative Analyst's Office, and Joint Legislative Budget Committee with Backfill Allocation Spending Report enclosure

Authored by:

Damon Fletcher, Chief Financial and Administrative Officer, Probation Department

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