

Booking Fees: A Shift in Paradigm

October 2006

As part of the 2006–07 budget package, the Legislature adopted an alternative to the historic booking fee structure. This fact sheet is intended to provide — from the county perspective — background on the policy issue, detail how the issue evolved during the 2006–07 budget discussions, and summarize the changes in law, which, in large part, become effective on July 1, 2007.

The History

In 1990, the Legislature granted counties the statutory authority (Government Code Section 29550 et seq.) to levy a charge against specified public entities — namely a city, special district, school district, community college district, college, or university — to recover costs associated with booking persons into the county jail. The Legislature gave counties this tool as one of a number of measures to offset over \$700 million in reductions in state support for county programs contained in the 1990–91 state budget. The charge — referred to in statute as a “criminal justice administration fee,” but commonly called a “booking fee” — was intended to permit a county to recoup its actual costs associated with the booking and other processing of persons arrested by a peace officer from one of the specified public entities and brought to the county jail for booking or detention. Forty-seven counties charged a booking fee in 2005–06.

In 1999, the Legislature took action to continuously appropriate up to \$50 million dollars to backfill cities and qualified special districts for their costs associated with paying booking fees to counties. Cities and special districts received just over \$38 million in reimbursements through 2004–05. However, during that time, the state faced numerous fiscal challenges, and at various points during budget negotiations over a several year period, both the counties’ booking fee authority and the state-sponsored backfill to cities and special districts were threatened.

The Legislature subsequently adopted a number of changes relating to booking fees as part the general government trailer bill in 2004.¹ Those provisions amended both Government Code Sections 29550 and 29550.4, which, taken together, resulted in the following:

- Counties’ retained the authority to charge a booking fee the 2004-05 fiscal year, but rates were “locked in” at the level in place on January 1, 2004;
- Beginning in July 1, 2006, county booking fees were limited to one-half of actual administrative costs associated with booking and processing of arrestees; and

- The backfill to cities and special districts ceased on July 1, 2005.

Counties’ Historic Perspective on Booking Fees

The California State Association of Counties’ (CSAC) long-standing policy regarding booking fees has advocated for the retention of booking fees, citing negative policy and fiscal implications that would likely result if counties were to lose the ability to charge fees to recover costs associated with booking services. It has been the counties’ view that booking fees have functioned as an important fee-for-service — a tool permitting a county to recoup its actual administrative costs associated with the booking and other processing of arrestees, a critical county function. The booking fee construct is, in counties’ view, a mechanism that compels all governmental entities to make strategic decisions about arrest and booking practices.

Despite the fact that counties continue to believe that these policy considerations are worth protecting, we were compelled to accept a new structure given that the entire authority appeared to at risk. Therefore, CSAC engaged in negotiations with key stakeholders, during the 2006–07 budget process, which resulted in a fairly substantial paradigm shift.

An Alternative Emerges

An agreement on a booking fee alternative reached between the police chiefs and sheriffs was included as part of the 2006–07 May Revision. As the final budget came together in mid-June, CSAC engaged in productive discussions with the key stakeholders — sheriffs, police chiefs, cities — along with members of the Governor’s staff to address a number of concerns regarding the proposal as originally conceived. The result of those negotiations produced a new alternative to the booking fee structure that becomes operative on July 1, 2007. (For position letters on the booking fee issue as it evolved during the 2006–07 budget process, please refer to the [Budget Advocacy](#) section of the CSAC Web site.)

AB 1805², the local government trailer bill (Sections 2 through 4), does all of the following:

¹ SB 1102 (Chapter 227, Statutes of 2004)

² Chapter 78, Statutes of 2006.



- Preserves existing county authority to charge booking fees under Government Code (GC) Section 29550 et seq. for 2006–07;
- Creates a new statutory structure that becomes operative July 1, 2007 whereby counties, in lieu of exercising their existing authority under GC Section 29550 et seq., would — subject to an appropriation by the state — receive \$35 million directly into local detention facility revenue accounts.
- Specifies under the new booking fee alternative, **effective July 1, 2007**, the following:
 - In the event that the state appropriates less than \$35 million in any given year, counties would have the option of reverting to the existing booking fee structure in Section 29550 to collect fees — at the rate in place on June 30, 2006 escalated by the California Consumer Price Index plus one percent, compounded annually — in proportion to the level of under-appropriation.
 - Counties would be permitted to charge a jail access fee for certain low-level offenses (i.e., municipal code violations and certain non-serious misdemeanors), if a jurisdiction were to exceed its prior three-year average for that defined universe of offenses.
 - Funds in the local detention facility revenue accounts may be used “exclusively for the purpose of operation, renovation, remodeling, or constructing local detention facilities and related equipment.”

Separately, the supplemental budget bill (AB 1811³) appropriates \$35 million in 2006–07 to reimburse cities, based on actual costs incurred in 2005–06, for booking fees.

It should also be noted that a public agency’s ability to collect booking fees from a convicted defendant are preserved under this new structure.

Next Steps

When Governor Arnold Schwarzenegger signed the 2006–07 budget and its companion trailer bills, he included an important signing message relative to the booking fee provisions. It recognizes that there remain unresolved technical issues related to the implementation of the booking fee alternative that could require subsequent legislation and establishes a working group to address those issues. Governor Schwarzenegger writes:

“The [working group] discussion will include, but not be limited to, the roles and responsibilities of local entities, appropriate overall funding totals, and multi-year contracting issues with the objective of concluding discussions prior to December 1, 2006. In addition, I am asking the working group to consider and make recommendations regarding the detail, scope and timeline for a study of booking and arrest patterns by California law enforcement agencies by December 15, 2006. In making these recommendations the working group should consider the type and amount of data currently available and necessary to evaluate the policy and fiscal implications of the implementation of Government Code Section 29550, 29551 and 29552 and related issues on all affected public agencies.”

CSAC will keep counties apprised of the working group effort, which is expected to begin this month in order to meet the early December deadline. We also will keep counties advised of any legislative activity that may be necessitated in 2007 as a result of the working group effort.

Questions

For additional information on this issue, please feel free to contact Elizabeth Howard of the CSAC staff at 916/327-7500, extension 537 or ehoward@counties.org.

³ Chapter 48, Statutes of 2006.

