



To: County Boards of Supervisors  
From: SB 190 Implementation Working Group  
Re: Implementation of Senate Bill 190 in Criminal Court  
Date: August 13, 2018

We write to remind you that effective January 1, 2018, Senate Bill 190 repealed county authority not only to charge specified fees to parents with youth in the delinquency system but also to charge certain fees to young adults age 18-21 in criminal court.

In late 2017, we sent you a packet with concrete steps to implement the new law.<sup>1</sup> Since that time, it has come to our attention that some counties continue to assess fees on young adults in criminal court. We encourage you to read this letter carefully and to ensure that all relevant actors in your county are informed of SB 190's requirements.

**Pursuant to SB 190, effective January 1, 2018, counties can only charge fees for home detention (PC 1203.016), drug testing (PC 1203.1ab), and electronic monitoring (PC 1208.2) to adults under the jurisdiction of the criminal court who are over 21 years of age.<sup>2</sup>**

Therefore, with respect to youth who are *not* over 21 years of age in criminal court, counties:

1. *Must end prohibited fee assessments and refund payments made on any assessments imposed after December 31, 2017.*

As required by SB 190, all counties should end prohibited fee assessments immediately. Payments made on any fees assessed to people not over 21 years of age after December 31, 2017 should be refunded, since they were not authorized by state law.

2. *Should end collection on and discharge fees assessed prior to January 1, 2018.*

Beyond the requirements of the new law but consistent with its purpose, we encourage counties to end collection of and formally discharge all previously assessed fees to youth who were not over 21 years in criminal court prior to January 1, 2018.

More generally, counties should update their internal and public-facing ordinances, policies, procedures, and communication to comply with SB 190 as it pertains to youth in juvenile and criminal court.

We will be submitting a Public Records Act request to obtain more information about how counties have implemented the repeal of the home detention, drug testing, and electronic monitoring fees to people not over 21 years of age as required by the new law.

Thank you for everything you are doing to help young people succeed. We will soon be sharing with you a report documenting the progress counties have made to comply with SB 190, including what remains to be done to relieve youth and families of regressive and racially discriminatory fees.

Please do not hesitate to contact us at [SB190@clinical.law.berkeley.edu](mailto:SB190@clinical.law.berkeley.edu) if we can assist you in the full implementation of SB 190.



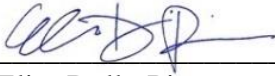
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Chief Probation Officer  
Collections/Revenue Officer  
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District Attorney  
Presiding Juvenile Court Judge  
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<sup>1</sup> SB 190 Implementation Packet, available at <https://wclp.org/wp-content/uploads/2017/11/SB-190-County-Implementation-Packet-2017.11.08-2.pdf>.

<sup>2</sup> SB 190, 2017-2018 Reg. Sess. (enacted). Note that SB 190 also limits county authority to charge fees for alternative sentencing programs only to youth who are over 21 years of age.