

## Local Detention Facility Booking Fees for FY2008-09

The just approved Budget Act of 2008, includes \$31.5 million for local detention facility subventions to county sheriffs pursuant to Government Code Section 29552. This is a 10% reduction from the prior year appropriation of \$35 million and triggers the following procedures under current law:

### 1. Local Detention Facility Subventions.

- a. Counties that charged booking fees during FY2006-07 may apply to receive funding in proportion to the share of fees received in FY2006-07 and total bookings in the prior year (FY2007-08). [GovCode Sec. 29552]
- b. Cities that operate Type One facilities within a county are eligible to receive funds from the county's local detention facility revenue account and those that charged booking fees during FY2006-07 are entitled to receive funds in proportion to the number of persons booked for which the city charged fees to the arresting agency. [GovCode Sec. 29551(c)]
- c. Each agency must deposit these funds in a local detention facility revenue account to be used only for the operation, renovation, remodeling, or construction of local detention facilities and related equipment. [GovCode Sec. 29551(a)]

### 2. Booking Fees. Booking fees may be charged as follows:

- a. A county may charge a booking fee limited to 10% of the rate in effect on June 30, 2006, adjusted annually by the annual California Consumer Price Index plus 1% compounded annually and reduced in proportion to the extent the Legislature appropriates part of the \$35 million. [GovCode Sec. 29551(d)]

Note that, for the FY2005-06 year, booking fee rates were limited to one-half of actual costs plus applicable overhead as defined. [GovCode Sec. 29550(a)(1)] Consequently, booking fees would be about 5% of FY2005-06 actual costs adjusted by CPI+1%/year.

- b. The county must have adopted this rate
  - i. prior to July 1, 2008 (the beginning of the fiscal year) and
  - ii. only after the county has provided each city, special district, school district, community college district, college, or university 45 days written notice of a public meeting on the fee increase and the county has conducted the public meeting. [GovCode Sec. 29550(a)(2)].
- c. Booking fee revenues received by counties and cities under these sections are not restricted in use but may be placed in the county or city general fund.

### 3. Jail Access Fees.

- a. A county sheriff may charge a "Jail Access Fee" for bookings of low-level offenses in excess of an agency's three year average of such bookings. The jail access fee may

be charged at a rate not to exceed the actual cost of booking an arrested person into the local detention facility and must be deposited into the county's Local Detention Facility Account [GovCode Sec. 29551(b)].

- b. The county must have adopted this rate
  - i. prior to July 1, 2008 (the beginning of the fiscal year) and
  - ii. only after the county has provided each city, special district, school district, community college district, college, or university 45 days written notice of a public meeting on the fee increase and the county has conducted the public meeting.
- c. Counties take the position that nothing in the law prevents the charging of both a booking fee and a jail access fee for the same arrest.

For more information on Local Detention Facility Subventions, Booking Fees and Jail Access Fee, see <http://www.californiacityfinance.com/BkgFeeFacts080915.pdf>

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