

STANDING ORDER NO. 97-20

SUPERIOR AND MUNICIPAL COURTS OF SAN MATEO COUNTY
COUNTY OF SAN MATEO, STATE OF CALIFORNIA

FILED
SUPERIOR AND MUNICIPAL COURTS
OF SAN MATEO COUNTY

JUN 16 1997

Peggy Thompson Ct. Executive Officer/Clerk
By:  Deputy

IN THE SUPERIOR COURT)
AND MUNICIPAL COURTS)
COUNTY OF SAN MATEO) ss.
STATE OF CALIFORNIA)

**STANDING ORDER RE: FINES IN CRIMINAL MATTERS BE CIVILLY PURSUED;
AND AUTHORIZING \$250 ASSESSMENT FOR FAILURE TO PAY
ALL OR PORTION OF FINE
[PC 1214, 1214.1, 1214.2]**

WHEREAS, Penal Code Section 1214(a) provides that if the judgment is for a fine, including a restitution fine, the judgment may be enforced in the manner provided for the enforcement of money judgments generally; and

WHEREAS, Penal Code Section 1214.2(a) provides that if a defendant is ordered to pay a fine as a condition of probation, the order to pay a fine may be enforced during the term of probation in the same manner as is provided for the enforcement of a money judgment, except that if an order to pay a fine as a condition of probation is stayed, a writ of execution shall not issue until the stay is lifted; and

WHEREAS, Penal Code Section 1214.2(b)(2) provides that if any balance of a fine remains unpaid at the end of the term of probation, an order to pay a fine as a condition of probation may be enforced in the same manner as a judgment in a civil action, except that if an order to pay a fine as a condition of probation is stayed, a writ of execution shall not issue until the stay is lifted; and

WHEREAS, Penal Code Section 1214.1 provides that subject to specified procedural safeguards, including notice to the defendant and the recalling of bench warrants that may be outstanding for the failure to pay a fine, the court may impose a civil assessment of up to two hundred fifty dollars (\$250) against any defendant who fails, after notice and without good cause, to pay all or any portion of a fine ordered by the court; and

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WHEREAS, the San Mateo County Superior and Municipal Courts wish to implement these statutes;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all criminal fines or restitution which are not paid by six (6) months following the date on which the fine was imposed are to be civilly pursued by the Revenue Services Division of the San Mateo County Employee and Public Services Department of San Mateo County. The delinquent fines referred to Revenue Services for civil collection shall not be processed as a violation of probation and no warrant shall issue for the failure to pay the fine.

IT IS FURTHER ORDERED that the clerk is authorized to add a civil assessment pursuant to the provisions of Penal Code Section 1214.1, to all fines wherein a payment or the fine has not been paid pursuant to the schedule established by the court, subject to the procedural requirements set forth in Section 1214.1.

This order shall supersede any previous order(s) and shall remain in effect indefinitely and until such time as the order is vacated or superseded by the Presiding Judge.

Dated: _____

6-16-97



Mark R. Forcum

Mark R. Forcum, Presiding Judge