



Senate Bill 405

Access to Justice Act

As Amended July 7, 2015

SUMMARY

SB 405 will improve access to justice for court users challenging traffic infractions. The bill ensures that Californians, even those of limited means, have a realistic opportunity to challenge citations.

ISSUE

Due to increases in fines and fees, a staggering number of Californians have no access to courts when they are cited for traffic citations. Exorbitant fees can make it challenging for low-income people to resolve minor traffic infractions since many counties require fines to be paid prior to a hearing on the infraction. As a result of unclear policy and high fees, drivers often do not have the opportunity to see a judge and essentially lose the right to due process.

The proposed solution is to reverse that general practice. It will have an effect on the 4.2 million California drivers who have had their licenses suspended in the last eight years for not paying what started out as minor traffic violations or for missing a deadline to appear in court.

SB 405 (HERTZBERG)

This bill creates consistency in courts throughout the state by prohibiting courts from requiring people with “fail to appear” (FTA) or “fail to pay” (FTP) citations to pay full bail before seeing a judge, including fines, penalties, and assessments. SB 405 allows persons in good standing on payment plans to pay off court-ordered debt from FTA/FTP fines accrued between 1/1/13-12/31/15 to have their driver’s licenses reinstated. It also grants an additional 10 days for someone to contest civil assessment fees imposed by the court.

SUPPORT

Western Center on Law & Poverty (Sponsor)
A New Way of Life Reentry Project (Co-Sponsor)
East Bay Community Law Center (Co-Sponsor)
Lawyers’ Committee for Civil Rights (Co-Sponsor)
Legal Services for Prisoners with Children (Co-Sponsor)
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American Friends Service Committee
California Association of Highway Patrolmen
California Association of Local Conservation Corps
California Attorneys for Criminal Justice
California Catholic Conference, Inc.
California Immigrant Policy Center



California Partnership
California Public Defenders Association
California Reserve Peace Officers Association
Consumer Attorneys of California
Courage Campaign
Department of Insurance
Friends Committee on Legislation of California
National Association of Social Workers
Personal Insurance Federation of California
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Rubicon Programs