

SUPREME COURT OF CALIFORNIA

People v. Kopp

S257844 (Cal. Dec. 29, 2025) · No. S257844 · Decided December 29, 2025

SUMMARY

The California Supreme Court addresses challenges to fines and ancillary costs imposed as part of criminal sentencing. It holds that challenges to the amount of a criminal fine should initially be reviewed under the federal and California constitutional excessive-fines provisions, while challenges to certain ancillary assessments raise equal protection issues requiring consideration of a defendant’s inability to pay upon request. The opinion also addresses the effect of legislation making certain previously imposed fees and fines unenforceable and uncollectible.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Justice Corrigan; Acting Chief Justice Evans; Justice Liu; Justice Kruger; Justice Groban; Justice Jenkins
JURISDICTION	California Supreme Court
DECIDED	December 29, 2025
DOCKET	S257844
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Review granted from a published decision of the Fourth Appellate District, Division One, concerning fines and ancillary criminal sentencing costs.
STANDARD OF REVIEW	Constitutional challenges to fines are reviewed under the federal and state excessive fines clauses, including proportionality review. Equal protection challenges to the statutory treatment of ancillary costs are reviewed under rational basis scrutiny. A trial court’s ruling on ability to pay is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Christi J. Kopp, Jason Samuel Hernandez v. The People

TOPICS

- sentencing
- excessive fines
- equal protection
- due process
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

sentencing

appellate procedure

QUESTIONS PRESENTED

1. Whether a defendant's inability to pay must be considered before imposing every punitive criminal fine.
2. Whether a challenge to the amount of a criminal fine is properly analyzed under due process and equal protection principles or under the federal and California excessive fines clauses.
3. Whether equal protection requires courts, upon a criminal defendant's request, to consider inability to pay before imposing court operations and court facilities assessments.
4. What monetary obligations remained enforceable or required reconsideration under subsequently enacted legislation.
5. Whether the drug program fee and the amount of the restitution and parole revocation fines required statutory ability-to-pay determinations on remand.

HOLDINGS

1. The Constitution does not require an ability-to-pay hearing before every punitive criminal fine is imposed. A nonexcessive fine may be imposed on an indigent defendant, subject to the prohibition against punishing a defendant solely for a nonwillful inability to pay.
2. A challenge to the amount of a punitive criminal fine should initially be reviewed under the excessive fines provisions of the Eighth Amendment and article I, section 17 of the California Constitution.
3. Upon a criminal defendant's request, the court must consider the defendant's inability to pay before imposing a court operations assessment under Penal Code section 1465.8, subdivision (a)(1), or a court facilities assessment under Government Code section 70373, subdivision (a)(1).
4. The drug program fee may not be imposed unless the court determines that the defendant has the ability to pay it.
5. Inability to pay cannot justify eliminating the statutory minimum restitution fine, but it must be considered in setting any restitution fine above the \$300 felony minimum. The parole revocation fine must be imposed in the same amount as the restitution fine and suspended unless parole is revoked.

KEY QUOTATIONS

"We decline to do so." (23)

"Contrary to Dueñas's suggestion, we do not find a due process requirement to hold an ability to pay hearing before imposing every punitive fine." (23)

"Here we clarify that the excessive fines analysis, which considers ability to pay, is the proper vehicle to challenge punitive fines." (24)

"In sum, in light of the Legislature's provision of fee waivers to indigent civil litigants, equal protection principles require a court, upon request, to consider a defendant's inability to pay before imposing a court

operations assessment under Penal Code section 1465.8, subdivision (a)(1) or a court facilities assessment under Government Code section 70373, subdivision (a)(1).” (35-36)

FACTUAL BACKGROUND

Jason Hernandez, a gang leader and Mexican Mafia member, participated in an assault and stabbing of A.C. and later attempted to dissuade witnesses and arrange a killing. He was convicted of assault, conspiracy to commit murder, conspiracy to dissuade a witness, furnishing a controlled substance, and related enhancements and prior-conviction allegations. The trial court imposed substantial prison terms and monetary obligations, including a \$10,000 restitution fine, a stayed \$10,000 parole revocation fine, a laboratory fee and assessments, a drug program fee, a booking fee, and court operations and facilities assessments. Hernandez asserted that he could not pay the obligations, but the trial court did not determine his ability to pay at sentencing.

PROCEDURAL HISTORY

Hernandez was convicted after a joint jury trial and received a sentence of 50 years to life plus 31 years. At sentencing, counsel requested that the court impose only a minimum restitution fine and stay additional payment orders because of Hernandez's inability to pay; the trial court declined to make an ability-to-pay determination and imposed various fines and ancillary costs. The Court of Appeal reversed a witness-tampering conviction, remanded for resentencing and further proceedings regarding fines and costs, held that ability to pay should be considered for ancillary costs but not necessarily fines, and clarified that fines could be challenged under the excessive fines clauses. The California Supreme Court granted Hernandez's petition for review.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Appeal must remand to the superior court for further proceedings concerning fines and ancillary costs. On remand, the superior court must determine Hernandez's ability to pay the drug program fee; determine the appropriate restitution fine, considering inability to pay for any amount above \$300; impose and stay the parole revocation fine in the same amount as the restitution fine; permit an excessive-fines challenge to any fine; vacate the unpaid booking fee under Government Code section 6111; vacate the unpaid restitution fine balance under Penal Code section 1465.9; and, upon request, consider Hernandez's inability to pay before imposing court operations and court facilities assessments. The Court of Appeal's judgment is affirmed in all other respects.

CASES CITED

- People v. Kopp, 38 Cal.App.5th 47 (2019)
- Southern Union Co. v. United States, 567 U.S. 343 (2012)
- United States v. Bajakajian, 524 U.S. 321 (1998)
- People v. Alford, 42 Cal.4th 749 (2007)
- People v. Ruiz, 4 Cal.5th 1100 (2018)
- People v. McCullough, 56 Cal.4th 589 (2013)

- People v. Hanson, 23 Cal.4th 355 (2000)
- People ex rel. Lockyer v. R.J. Reynolds Tobacco Co., 37 Cal.4th 707 (2005)
- Griffin v. Illinois, 351 U.S. 12 (1956)
- Williams v. Illinois, 399 U.S. 235 (1970)
- Tate v. Short, 401 U.S. 395 (1971)
- Bearden v. Georgia, 461 U.S. 660 (1983)
- People v. Dueñas, 30 Cal.App.5th 1157 (2019)
- People v. Cowan, 47 Cal.App.5th 32 (2020)
- People v. Belloso, 42 Cal.App.5th 647 (2019)
- People v. Castellano, 33 Cal.App.5th 485 (2019)
- People v. Hardin, 15 Cal.5th 834 (2024)
- James v. Strange, 407 U.S. 128 (1972)
- People v. Guzman, 8 Cal.5th 673 (2019)
- People v. Rountree, 56 Cal.4th 823 (2013)
- People v. Hicks, 40 Cal.App.5th 320 (2019)
- People v. Lowery, 43 Cal.App.5th 1046 (2020)
- People v. Aviles, 39 Cal.App.5th 1055 (2019)
- People v. Wilson, 14 Cal.5th 839 (2023)
- People v. Rothschild, 2025 opinion