

*Ensuring Equal Access to Justice*



# TRIAL COURT FUNDING

*Second Edition*  
**1998**

## *Resource Manual*

Judicial Council of California • Administrative Office of the Courts

## 1998 TRIAL COURT FUNDING LEGISLATIVE UPDATE

The Administrative Office of the Court's commentary incorporates statutory changes made during the 1997–1998 legislative session related to the Trial Court Funding Act of 1997 (AB 233) (Stats. 1997, ch. 850). The following 1998 legislative bills are included in the commentary:

<u>Bill</u>	<u>Chapter</u>	<u>Effective Date</u>
<b>AB 92</b>	<b>764</b>	<b>January 1, 1999</b>
<b>AB 1301</b>	<b>146</b>	<b>July 13, 1998</b>
<b>AB 1590</b>	<b>406</b>	<b>August 26, 1998</b>
<b>AB 1935</b>	<b>1004</b>	<b>January 1, 1999</b>
<b>AB 2788</b>	<b>1017</b>	<b>September 30, 1998</b>
<b>SB 1520</b>	<b>1003</b>	<b>January 1, 1999</b>

Also included are relevant portions of the state Budget Act of 1998, effective August 21, 1998, and the Legislative Analyst's *Supplemental Report on the Budget*. (AB 1656; Stats. 1998, ch. 324.)

Changes in law between the Trial Court Funding Act of 1997 and the 1997–1998 legislation are indicated in the left column, with additions underlined and deletions in strikethrough. Commentary to the Trial Court Funding Act of 1997 has been retained in the right column where the original commentary remains accurate. Commentary to the 1998 legislation is indicated in bold.

*This commentary is for informational purposes only and does not constitute and should not be relied upon as legal advice. The information in this manual is believed to be accurate at the time of publication. Legal requirements applicable to trial court funding may change periodically and such changes may impact, alter, or nullify some or all of the information provided in this manual. This commentary is the work of the Administrative Office of the Courts, and not the Judicial Council.*

## CODE SECTION

## COMMENTARY

### CODE OF CIVIL PROCEDURE

**116.230.** (a) A fee of twenty dollars (\$20) shall be charged and collected for the filing of a claim if the number of claims previously filed by the party in each court within the previous 12 months is 12 or less; and a fee of thirty-five dollars (\$35) shall be collected for the filing of any additional claims.

(b) A fee to cover the actual cost of court service by mail, adjusted upward to the nearest dollar, shall be charged and collected for each defendant to whom the court clerk mails a copy of the claim under Section 116.340.

(c) The number of claims filed by a party during the previous 12 months shall be determined by a declaration by the party stating the number of claims so filed and submitted to the clerk with the current claim.

(d) Five dollars (\$5) of the fees authorized in subdivision (a) shall be deposited upon collection in the special account in the county treasury established pursuant to subdivision (b) of Section 68085 of the Government Code, and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

**631.3.** Notwithstanding any other provision of law, when a party to the litigation has deposited jury fees with the judge or clerk and the case is settled or a continuance is granted on motion of the party depositing ~~said~~ the jury fees, none of ~~said~~ the deposit shall be refunded if the court finds there has been insufficient time to notify the jurors that the trial would not proceed at the time set. If ~~said~~ the jury fees so deposited are not refunded for the reasons herein specified, or if a refund of jury fees deposited with the judge or clerk ~~have not been refunded within three years after the action was dismissed or a final judgment rendered therein because the depositor cannot be found; said fees shall revert to the county and be deposited in the general fund of the county~~ has not been requested, in writing, by the depositing party within 20 business days from the date on which the action is settled, dismissed, or a continuance thereof granted, the fees shall be transmitted to the

### Fees: Small Claims Filings

- *Increases small claims fees from \$15 to \$20 for a party filing 12 or fewer claims in 12 months, and from \$30 to \$35 for additional claims.*
- *Requires transfer of the \$5 increase in the small claims filing fee to a special county account, for deposit in the Trial Court Trust Fund. The remainder of the fee will continue to be deposited in the county general fund.*

### Fees: Jury

- *Deletes the requirement that jury fees be refunded within three years and, instead, requires a party to request refund of jury fees within 20 days of settlement, dismissal, or continuance of action.*
- *Provides that jury fees not refunded are transmitted to the Trial Court Trust Fund rather than deposited in the county general fund.*

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Controller for deposit into the Trial Court Trust Fund. All jury fees and mileage fees that may accrue by reason of a juror serving on more than one case in the same day shall ~~revert to the county and be deposited in the general fund of the county~~ be transmitted to the Controller for deposit into the Trial Court Trust Fund.

### FAMILY CODE

**1852.** (a) There is in the State Treasury the Family Law Trust Fund.

(b) Moneys collected by the state pursuant to subdivision (c) of Section 10605 of the Health and Safety Code, subdivision (a) of Section 26832 of the Government Code, and grants, gifts, or devises made to the state from private sources to be used for the purposes of this part shall be deposited into the Family Law Trust Fund.

(c) Moneys deposited in the Family Law Trust Fund shall be placed in an interest bearing account. Any interest earned shall accrue to the fund and shall be disbursed pursuant to subdivision (d).

(d) Money deposited in the Family Law Trust Fund shall be disbursed for purposes specified in this part and for other family law related activities.

(e) Moneys deposited in the Family Law Trust Fund shall be administered by the Judicial Council. The Judicial Council may, with appropriate guidelines, delegate the administration of the fund to the Administrative Office of the Courts.

(f) Any moneys in the Family Law Trust Fund that are unencumbered at the end of the fiscal year are automatically appropriated to the Family Law Trust Fund of the following year.

(g) In order to defray the costs of collection of these funds, pursuant to this section, the local registrar, county clerk, or county recorder may retain a percentage of the funds collected, not to

### Family Law Trust Fund

- *Establishes the Family Law Trust Fund (FLTF) to be administered by the Judicial Council to support family law-related activities. Provides that funds collected for copies of marriage and marriage dissolution records will be deposited into the FLTF. Prior to AB 233, these funds were deposited in the state General Fund.*
- *Allows interest to accrue to the fund.*
- *Indicates the Judicial Council will administer moneys in the Family Law Trust Fund or, with appropriate guidelines, may delegate administration to the Administrative Office of the Courts.*
- *Provides that funds unencumbered at the end of a fiscal year will be “rolled over” for expenditure in subsequent fiscal years.*
- *Provides that the county may retain up to 10 percent of the amounts collected, to defray collection costs.*

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exceed 10 percent of the fee payable to the state pursuant to subdivision (c) of Section 10605 of the Health and Safety Code.

### GOVERNMENT CODE

**24353.** Each officer of a county or judicial district authorized to collect money shall pay into the county treasury all money collected by him or her, or under his or her control, that is payable into the treasury ~~in the form and at the time a timely manner, and shall remit fee, fine, and forfeiture data within 35 days after the end of the month in which they are collected~~ to the county auditor and treasurer in the form they require. No officer who collects money as described in this section shall be required to accept payment in coin. If the county auditor finds that an officer of the county or an officer of the court has failed to comply with the requirements for payment of moneys pursuant to this section or Section 68101, which directly results in the assessment of a financial penalty pursuant to Section 68085, the county department or local court that failed to comply shall reimburse the ~~judicial district~~ county general fund in an amount equal to the actual penalty. With the approval of the treasurer as provided in Section 27080.1, each depositing officer may deposit directly into the treasurer's active account all money payable into the county treasury.

**26820.4.** The total fee for filing of the first paper in a civil action or proceeding in the superior court, except an adoption proceeding, shall be one hundred eighty-five dollars (\$185).

This section applies to the initial complaint, petition, or application, and the papers transmitted from another court on the transfer of a civil action or proceeding, but does not include documents filed pursuant to Section 491.150, 704.750, or 708.160 of the Code of Civil Procedure.

**26823.** (a) When the venue in a case is changed, the fee for making up and transmitting the

### *Fee, Fine, and Forfeiture Report*

- *Counties and courts must make fee, fine, and forfeiture payments to the county treasury "in a timely manner."*
- *Requires the county and the court to report data to the county auditor and treasurer on all fees, fines, and forfeitures collected. Reports must be made within 35 days after the end of the month in which collected.*
- *Subjects the courts to the same penalty as the county for failure to make timely payments.*
- *(See also Gov. Code, § 68085(i).)*

### *Fees: First Paper Filing in Superior Court Civil Actions*

- *Increases the first paper filing fee in superior court civil actions or proceedings (except adoption proceedings) from \$182 to \$185.*
- *As amended, this section also removes provisions permitting waiver of the fee when an action seeks damages against a defendant based upon the defendant's commission of a felony.*

### *Fees: Change of Venue*

- *Increases the fee for preparing and*

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transcript and papers is twenty-three dollars (\$23) and a further sum equal to the total fee for filing in the court to which the case is transferred. The clerk shall transmit the total filing fee with the papers in the case to the clerk or judge of the court to which the case is transferred.

(b) Notwithstanding Section 68085, fourteen dollars (\$14) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

**26826.01.** (a) The fee for filing an amended complaint or amendment to a complaint in a civil action or proceeding in the superior court is seventy-five dollars (\$75).

(b) The fee for filing a cross-complaint, amended cross-complaint, or amendment to a cross-complaint in a civil action or proceeding in the superior court is seventy-five dollars (\$75).

(c) A party shall not be required to pay the fee provided by this section for an amended complaint, amendment to a complaint, amended cross-complaint, or amendment to a cross-complaint more than one time in any action.

(d) The fee provided by this section shall not apply to any of the following:

(1) An amended pleading or amendment to a pleading ordered by the court to be filed.

(2) An amended pleading or amendment to a pleading that only names previously fictitiously named defendants.

(e) This section shall become inoperative on July 1, 2000, and, as of January 1, 2001, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2001, deletes or extends the dates on which it becomes

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*transmitting the transcript in a change of venue from \$14 to \$23.*

- *Provides that \$14 of the fee will continue to be deposited in the county general fund, with the \$9 increase to be deposited in the Trial Court Trust Fund.*

### **Fees: Amended Complaints in Civil Actions in Superior Court**

- *Creates a fee of \$75 for filing an amended complaint, cross-complaint, amended cross-complaint, amendment to a complaint, or amendment to a cross-complaint in a civil action or proceeding in the superior court.*
- *The fee created in this section will be deposited in the Trial Court Trust Fund pursuant to Gov. Code, § 68085.*
- *Provides that the fee shall not be charged more than once to a party.*
- *Indicates the fee does not apply to pleadings which the court has ordered a party to file, or to pleadings for which the only amendment is the naming of a fictitiously named (Doe) defendant.*
- *This section becomes inoperative on July 1, 2000, and is repealed on January 1, 2001.*

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inoperative and is repealed.

**26827.** (a) The total fee for filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary, a first account of a testamentary trustee of a trust that is subject to the continuing jurisdiction of the court pursuant to Chapter 4 (commencing with Section 17300) of Part 5 of Division 9 of the Probate Code, a petition for letters of guardianship, a petition for letters of conservatorship, a petition for compromise of a minor's claim, a petition pursuant to Section 13151 of the Probate Code, a petition pursuant to Section 13650 of the Probate Code (except as provided in Section 13652 of the Probate Code), or a petition to contest any will or codicil is one hundred eighty-five dollars (\$185).

(b) The fee set forth in subdivision (a) shall also be charged for filing any subsequent petition of a type described in subdivision (a) in the same proceeding by a person other than the original petitioner.

**26827.4.** (a) The fee for filing a subsequent paper in a proceeding under the Probate Code which requires a court hearing is twenty-three dollars (\$23), except for papers for proceedings required by any of the following:

(1) Section 10501 of the Probate Code.

(2) Accountings of trustees of testamentary trusts that are subject to the continuing jurisdiction of the court pursuant to Chapter 4 (commencing with Section 17300) of Part 5 of Division 9 of the Probate Code.

(3) Division 4 (commencing with Section 1400) of the Probate Code.

(b) Objections to any papers exempt from the fee imposed by this section are subject to the filing fee of twenty-three dollars (\$23). This section does not apply to petitions filed pursuant to subdivision (b) of Section 26827.

(c) Notwithstanding Section 68085, fourteen dollars (\$14) of the twenty-three dollar (\$23) fee

### **Fees: Filing Papers in Probate Proceedings**

- *Increases the filing fee for various probate, guardianship, and conservatorship documents from \$182 to \$185.*
- *The fee in this section will be deposited in the Trial Court Trust Fund.*

### **Fees: Subsequent Papers in Probate**

- *Increases the fee for filing a subsequent paper in a proceeding under the Probate Code which requires a court hearing from \$14 to \$23.*
- *Increases the fee from \$14 to \$23 for objections to any papers exempt from the fee imposed by this section.*
- *These exempt papers are listed at subdivisions (a)(1), (a)(2), and (a)(3) of this section.*
- *Provides that \$14 of the fee will continue to be deposited in the county*

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authorized in subdivisions (a) and (b) shall be deposited in the county general fund for use as county general fund revenue.

**26830.** (a) Except as provided in subdivisions (b) and (c), the fee for filing any notice of motion, or any other paper requiring a hearing subsequent to the first paper, or any notice of intention to move for a new trial of any civil action or special proceeding, or an application for renewal of a judgment, is twenty-three dollars (\$23).

However, there shall be no fee for filing any of the following:

- (1) An amended notice of motion.
- (2) A memorandum that a civil case is at issue.
- (3) A hearing on a petition for emancipation of a minor.
- (4) Default hearings.
- (5) A show-cause hearing on a petition for an injunction prohibiting harassment.
- (6) A show-cause hearing on an application for an order prohibiting domestic violence.
- (7) A show-cause hearing on writs of review, mandate, or prohibition.
- (8) A show-cause hearing on a petition for a change of name.
- (9) A hearing to compromise a claim of a minor or an insane or incompetent person.

(b) The fee for filing a motion for summary judgment or summary adjudication of issues is one hundred dollars (\$100).

(c) The fee for the filing of any motion in small claims court matters is fourteen dollars (\$14), which shall be deposited in the county general fund for use as county general fund revenue.

(d) Notwithstanding Section 68085, fourteen dollars (\$14) of the twenty-three dollar (\$23) fee authorized in subdivision (a) and the one hundred dollar (\$100) fee established by subdivision (b) shall be deposited in the county general fund for use as county general fund revenue.

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*general fund, with the \$9 increase to be deposited in the Trial Court Trust Fund.*

### **Fees: Filing Motions, etc.**

- *Increases the filing fees for notices of motion, or any other paper requiring a hearing subsequent to the first paper, or any notice of an intention to move for new trial in a civil action or special proceeding, or an application for renewal of judgment, from \$14 to \$23.*

- *Creates a fee of \$14 for motions filed in small claims court, to be deposited in the county general fund.*
- *Provides that \$14 of the \$23 fee set forth in subdivision (a) will continue to be deposited into the county general fund, with the \$9 increase to be deposited in the Trial Court Trust Fund.*
- *The entire \$100 fee for filing a motion for summary judgment or summary*



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*adjudication of issues will be deposited into the county general fund.*

**26832.1.** (a) Notwithstanding the fee authorized by Section 26833.1, a fee of five dollars (\$5) shall be paid by a public agency applicant for a certified copy of a marriage dissolution record that the agency is required to obtain in the ordinary course of business. A fee of ten dollars (\$10) shall be paid by any other applicant for a certified copy of a marriage dissolution record. Five dollars (\$5) of any ten dollar (\$10) fee shall be transmitted monthly by each clerk of the court to the state for deposit into the Family Law Trust Fund as provided by Section 1852 of the Family Code.

(b) As used in this section, "marriage dissolution record" means the judgment.

(c) Notwithstanding Section 68085, three dollars (\$3) of the five dollar (\$5) fee and three dollars (\$3) of the ten dollar (\$10) fee authorized in subdivision (a) shall be deposited in the county general fund for use as county general fund revenue.

**26833.1.** The fee for certifying a copy of any paper, record, or proceeding on file in the office of the clerk of any court is six dollars (\$6). For every certificate the fee for which is not otherwise fixed, the fee is six dollars (\$6). Notwithstanding Section 68085, one dollar and seventy-five cents (\$1.75) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

### **Fees: Certified Copies of Marriage Dissolution Record**

- *Moves the authority for the fee the clerk of the court charges a public agency for a certified copy of a marriage dissolution record when the agency is required to obtain it in the ordinary course of business, and increases the fee to \$5.*
- *Moves the authority for the fee the clerk of the court charges all others for a certified copy of a marriage dissolution record, and increases the fee to \$10.*
- *Provides that the \$10 fee will be divided as follows: \$5 to the state for deposit in the Family Law Trust Fund; \$3 for deposit in the county general fund; and \$2 for deposit in the Trial Court Trust Fund.*
- *Provides that the \$5 fee will be divided as follows: \$3 for deposit in the county general fund; and \$2 for deposit in the Trial Court Trust Fund.*

### **Fees: Certifying Copies; Other Certificates**

- *Moves the authority for the fee the clerk of the court charges for certifying copies of court documents, and increases the fee to \$6.*
- *Moves the authority for the fee the clerk of the court charges for all certificates for which the fee is not otherwise fixed, and increases the fee to \$6.*
- *Provides that \$1.75 of these fees will continue to be deposited in the county*

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**26835.1.** (a) The clerk of the court shall collect a fee of six dollars (\$6) per signature for any document that is required to be authenticated pursuant to court order.

(b) Each document authenticated by the county clerk shall contain the following statement:

“\_\_\_\_, County Clerk and ex officio Clerk of the Superior Court, in and for the County of \_\_\_\_\_, State of California. Signed pursuant to court order dated \_\_\_\_ in the matter of \_\_\_\_ petitioner v. \_\_\_\_\_, respondent, Case No. \_\_\_\_\_.”

(c) Notwithstanding Section 68085, two dollars (\$2) of the fee authorized by subdivision (a) shall be deposited in the county general fund for use as county general fund revenue.

**26836.1.** For every certificate the fee for which is not otherwise fixed, the fee is six dollars (\$6). Notwithstanding Section 68085, one dollar and seventy-five cents (\$1.75) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

**26837.1.** For comparing with the original on file in the office of the clerk of any court, the copy of any paper, record, or proceeding prepared by another and presented for the clerk’s certificate, the fee is one dollar (\$1) per page, in addition to the fee for the certificate. Notwithstanding Section 68085, fifty cents (\$0.50) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund

*general fund, with the \$4.25 balance to be deposited in the Trial Court Trust Fund.*

### **Fees: Authentication of Documents**

- *Creates a fee of \$6 per signature that the clerk of the court will charge for authenticating documents that the court orders authenticated.*
- *Requires a form statement on each authenticated document.*
- *Provides that \$2 of the fee will be deposited in the county general fund, with the \$4 balance to be deposited in the Trial Court Trust Fund.*

### **Fees: Other Certificates**

- *Moves the authority for the fee the clerk of the court charges for certificates for which the fee is not otherwise fixed, and increases the fee to \$6.*
- *Provides that \$1.75 of the fee will continue to be deposited in the county general fund, with the \$4.25 balance to be deposited in the Trial Court Trust Fund.*

### **Fees: Comparison of Papers**

- *Moves the authority for the fee the clerk of the court charges for comparing a copy of a document with the original on file with the clerk, and increases the fee to \$1 per page.*
- *Provides that \$0.50 of the fee will continue to be deposited in the county*

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revenue.

**26838.** The fee for a certificate required by courts of appeal or the Supreme Court on filing a notice of motion prior to the filing of the record on appeal in the reviewing court is twenty-three dollars (\$23). Notwithstanding Section 68085, fourteen dollars (\$14) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

**26850.1.** For filing and indexing all papers for which a charge is not elsewhere provided, other than papers filed in actions or special proceedings, official bonds, or certificates of appointment, the fee is six dollars (\$6). Notwithstanding Section 68085, two dollars and twenty-five cents (\$2.25) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

**26851.1.** For either recording or registering any license or certificate or issuing any certificate, or both, in connection with a license, required by law for which a charge is not otherwise prescribed, the fee is six dollars (\$6). Notwithstanding Section 68085, two dollars and twenty-five cents (\$2.25) of the fee authorized in this section shall be deposited in the county general fund for use as

*general fund, with the \$0.50 balance to be deposited in the Trial Court Trust Fund.*

### **Fees: Certificates on Appeal**

- *Increases the fee for a certificate required by an appellate court on filing a notice of motion prior to filing the record on appeal from \$14 to \$23.*
- *Provides that \$14 of the fee will continue to be deposited in the county general fund, with the \$9 increase to be deposited in the Trial Court Trust Fund.*

### **Fees: Filing and Indexing of Other Papers**

- *Moves the authority for the fee the clerk of the court charges for filing and indexing any papers for which a charge is not otherwise provided (except papers filed in actions or special proceedings, official bonds, or certificates of appointment), and increases the fee to \$6.*
- *Provides that \$2.25 of the fee will continue to be deposited in the county general fund, with the \$3.75 balance to be deposited in the Trial Court Trust Fund.*

### **Fees: Recording or Registering Licenses or Certificates and Issuing Certificates for Licenses**

- *Moves the authority for the fee the clerk of the court charges for recording or registering any license or certificate or issuing any certificate, or both, in connection with a license, required by law, for which a charge is not otherwise provided, and increases the*

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county general fund revenue.

**26852.1.** The fee for each certificate to the official capacity of any public official is six dollars (\$6). Notwithstanding Section 68085, two dollars and twenty-five cents (\$2.25) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

**26853.1.** The fee for taking an affidavit, except in criminal cases or adoption proceedings, is six dollars (\$6). Notwithstanding Section 68085, two dollars and twenty-five cents (\$2.25) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

**26855.4.** The fee for taking acknowledgment of any deed or other instrument, including the certificate, is six dollars (\$6) for each signature. Notwithstanding Section 68085, two dollars and twenty-five cents (\$2.25) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

*fee to \$6.*

- *Provides that \$2.25 of the fee will continue to be deposited in the county general fund, with the \$3.75 balance to be deposited in the Trial Court Trust Fund.*

### **Fees: Certificate to Official Capacity of Public Official**

- *Moves the authority for the fee the clerk of the court charges for certificates regarding the official capacity of a public official, and increases the fee to \$6.*
- *Provides that \$2.25 of the fee will continue to be deposited in the county general fund, with the \$3.75 balance to be deposited in the Trial Court Trust Fund.*

### **Fees: Affidavits**

- *Moves the authority for the fee the clerk of the court charges for taking an affidavit (except in criminal cases or adoption proceedings), and increases the fee to \$6.*
- *Provides that \$2.25 of the fee will continue to be deposited in the county general fund, with the \$3.75 balance to be deposited in the Trial Court Trust Fund.*

### **Fees: Acknowledgments**

- *Moves the authority for the fee the clerk of the court charges for taking an acknowledgment of any instrument, and increases the fee to \$6 per signature.*
- *Provides that \$2.25 of the fee will continue to be deposited in the county general fund, with the \$3.75 balance to be deposited in the Trial Court Trust*

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**26857.** No fee shall be charged by the clerk for service rendered to a defendant in any criminal action or, to the petitioner in any adoption proceeding except as provided in Section 103730 of the Health and Safety Code, nor shall any fees be charged for any service to the state or for any proceeding brought pursuant to Section 7841 of the Family Code to declare a minor free from parental custody or control. No fee shall be charged by the clerk for service rendered to any municipality or county in the state, or to the state or national government, nor for any service relating thereto.

**26862.** In any county in which there is a family conciliation court, or in which counties have by contract established joint family conciliation court services, a fee of twenty dollars (\$20) shall be paid to the clerk of the court at the time of filing a motion, order to show cause, or other proceeding seeking to modify or enforce that portion of any judgment or order entered in this state or any other state which orders or awards the custody of a minor child or children or which specifies the rights of any party to the proceeding to visitation of a minor child or children. Notwithstanding Section 68085, fifteen dollars (\$15) of the fee authorized in this section shall be deposited in the county treasury and shall be used exclusively to pay the costs of maintaining the family conciliation court.

**26863.** (a) The board of supervisors of any county may provide an additional fee of one dollar (\$1) for filings in a civil action or proceeding, as

*Fund.*

### **Fees: Services Not Subject to Fees**

- *Clarifies that no fees will be charged for services rendered to a defendant in any criminal action or to the petitioner in any adoption proceeding, except as specified.*
- *As amended by AB 233, this section no longer provides for a waiver of fees for services rendered to the People in a criminal action or to the respondent in an adoption proceeding.*
- *As amended by AB 233, this section no longer provides for a waiver of fees for services rendered in any juvenile court proceeding.*
- *Corrects a drafting error by providing no fees be charged for services rendered to the state.*

### **Fees: Family Conciliation Court; Filing Papers**

- *Increases the filing fee for certain family law papers, in counties with a family conciliation court or joint family conciliation court services, from \$15 to \$20, and provides that the fee will be charged by the clerk of the court.*
- *Provides that \$15 of the fee will continue to be deposited in the county treasury (to be used exclusively to pay costs of maintaining the family conciliation court), with the \$5 increase to be deposited in the Trial Court Trust Fund.*

### **Fees: Micrographics**

- *Provides that micrographics automation fee revenues may only be*

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specified in Section 68090.7, to defray the cost of automating the ~~county clerk and municipal and justice trial~~ court recordkeeping system and conversion of the ~~county clerk and municipal and justice trial~~ court document storage system to micrographics.

(b) The board of supervisors may increase this additional fee not more than three dollars (\$3) if it expends an additional, matching amount from the county general fund, equal to the revenue derived from the increase, exclusively to pay the costs of automating the ~~county clerk and municipal and justice trial~~ court recordkeeping system or converting the ~~trial~~ court's document system to micrographics, or both.

(c) Upon completion of the automation and conversion, and payment of the costs therefor, the additional fee shall no longer be imposed.

~~27081.5. Jury fees shall not be returned in the event the action or proceeding is dismissed or the trial by jury is waived after deposit of jury fees.~~

**27361.** (a) The fee for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded is four dollars (\$4) for recording the first page and three dollars (\$3) for each additional page, except the recorder may charge additional fees as follows:

(1) If the printing on printed forms is spaced more than nine lines per vertical inch or more than 22 characters and spaces per inch measured horizontally for not less than 3 inches in one sentence, the recorder shall charge one dollar (\$1) extra for each page or sheet on which printing appears excepting, however, the extra charge shall not apply to printed words which are directive or explanatory in nature for completion of the form or on vital statistics forms. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(2) If a page or sheet does not conform with the dimensions described in subdivision (a) of Section 27361.5, the recorder shall charge three dollars (\$3) extra per page or sheet of the document. The extra charge authorized under this paragraph shall be available solely to support, maintain, improve, and provide for the full operation for modernized

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*used for superior and municipal court automation, not for county clerk automation.*

### Fees: Jury Fee Deposits

- *This section is repealed by SB 1520.*

### Fees: Recording and Indexing Fees

- *As amended by AB 233, this section provides that \$1 of the \$3 fee for recording and indexing each additional page (after the first page) of a document will be deposited in the Trial Court Trust Fund. The remaining \$2 will continue to be deposited into the county general fund. It was not the intention that this \$1, which is part of the revenues that were used to calculate a county's base obligation, be transferred to the Trial Court Trust Fund.*

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creation, retention, and retrieval of information in each county's system of recorded documents. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(b) One dollar (\$1) of each three dollar (\$3) fee for each additional page shall be ~~transmitted by the county auditor monthly to the Controller for deposit in the Trial Court Trust Fund established pursuant to Section 68085~~ deposited in the county general fund.

(c) Notwithstanding Section 68085, one dollar (\$1) for recording the first page and one dollar (\$1) for each additional page shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents.

**68070.** (a) Every court may make rules for its own government and the government of its officers not inconsistent with law or with the rules adopted and prescribed by the Judicial Council. These rules shall not:

- (1) Impose any tax, charge, or penalty upon any legal proceeding, or for filing any pleading allowed by law.
- (2) Give any allowance to any officer for services.

(b) The Judicial Council ~~shall adopt rules or procedures to encourage uniformity of requirements throughout a court~~ is encouraged to adopt rules to provide for uniformity in rules and procedures throughout all courts in a county and statewide. The subjects on which uniformity should be sought shall include, but are not limited to, (1) the form of papers, (2) limitations on the filing of papers, (3) rules relating to law and motion, and (4) requirements concerning documents to be filed at or prior to trial.

**68073.** (a) Commencing July 1, 1997, and each year thereafter, no county or city and county shall be responsible to provide funding for "court operations" as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

- ***Corrects a drafting error by reverting \$1 of the \$3 recording and indexing fee to the county general fund.***

### Local Court Rules

- ***Affirms the authority of the Judicial Council to adopt rules to provide for uniformity in rules and procedures throughout all courts in a county and statewide and encourages the Judicial Council to exercise that authority.***

### Court Operations and Court Facilities

#### Court Operations

- ***The Legislature specifically declared its intent to "[p]rovide state responsibility for funding of trial court operations commencing in the 1997–1998 fiscal year." (AB 233, § 3(a).)***
- ***Accordingly, as of July 1, 1997, counties are no longer responsible for***

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(b) Commencing as of July 1, 1996, and each year thereafter, each county or city and county shall be responsible for providing necessary and suitable facilities for judicial and court support positions created prior to July 1, 1996. In determining whether facilities are necessary and suitable, the reasonable needs of the court and the fiscal condition of the county or city and county shall be taken into consideration.

(c) If a county or city and county fails to provide necessary and suitable facilities as described in subdivision (b), the court shall give notice of a specific deficiency. If the county or city and county then fails to provide necessary and suitable facilities pursuant to this section, the court may direct the appropriate officers of the county or city and county to provide the necessary and suitable facilities. The expenses incurred, certified by the judge or judges to be correct, are a charge against the county or city and county treasury and shall be paid out of the general fund.

(d) Prior to the construction of new court facilities or the alteration, remodeling, or relocation of existing court facilities, a county or city and county shall solicit the review and comment of the judge or judges of the court affected regarding the adequacy and standard of design, and that review and comment shall not be

*funding “court operations.”*

- *“Court operations” is defined in Gov. Code, § 77003 and Cal. Rules of Court, rule 810, as it read on July 1, 1996.*
- *A detailed discussion of funding for court operations appears at Gov. Code, § 77201 et seq. (AB 233, § 46).*

### ***Trial Court Facilities***

- *As of July 1, 1996, counties are responsible for providing “necessary and suitable” facilities for judicial officers and court staff, for judgeships created before July 1, 1996. (See AB 233, § 3(j); Gov. Code, § 77654(i).)*
- *“Facilities” is defined as municipal and superior courtrooms, judges’ chambers, rooms for court staff, and appropriate utilities and fixtures.*
- *The reasonable needs of the court and the fiscal condition of the county are to be taken into account in determining what is “necessary and suitable.”*
- *If the county does not provide necessary and suitable facilities, the court must give notice of the deficiency. If the county still does not comply, the court may direct officers of the county to make such facilities available. Expenses for providing such facilities are chargeable to the county. It is expected that courts and counties will work together in resolving court facility needs, as required.*
- *Before facilities are moved, constructed, remodeled, or otherwise altered, the county is required to solicit comments from the affected judges, and must not disregard them unless there*



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disregarded without reasonable grounds.

*are reasonable grounds. This subdivision is similar to prior law, which required the county to submit proposed plans for court facilities modifications to the affected judges for their review.*

(e) For purposes of this section, “facilities” means: (1) rooms for holding superior and municipal court, (2) the chambers of the judges of the court, (3) rooms for the attendants of the court, and (4) sufficient heat, ventilation, air-conditioning, light, and fixtures for those rooms and chambers.

(f) This section shall not be construed as authorizing a county, a city and county, a court, or the state to supply to the official reporters of the courts stenography, stenotype, or other shorthand machines; nor as authorizing the supply to the official reporters of the courts, for use in the preparation of transcripts, of typewriters, transcribing equipment, supplies, or other personal property.

- *Neither the state, nor the courts, nor the counties are authorized to supply court reporters with stenography or transcription machines, equipment, or supplies.*

**68073.1.** (a) All furniture, furnishings, and equipment used solely by a trial court on June 30, 1997, shall become the property of the court unless the county is prohibited from transferring title by a contract, agreement, covenant, or other provision in the law.

### **Responsibility for Furniture, Furnishings, and Equipment**

- *Trial courts will own all furniture, furnishings, and equipment used solely by them on June 30, 1997, unless the county is prohibited by law from transferring title. It is expected that courts and counties will work together to determine how evidence of ownership will be established.*
- *The counties will continue to make available to the courts any other furniture, furnishings, or equipment that they made available to the courts on June 30, 1997, unless both the court and the county agree in writing to the contrary.*
- *As of January 1, 1998, the court assumes responsibility for leases, repair, maintenance, and replacement*

(b) Any other furniture, furnishings, or equipment made available by the county or city and county for use by a court on June 30, 1997, shall continue to be made available to the court, unless otherwise agreed in writing by the court and the county or city and county.

(c) The court shall assume all responsibility for any furniture, furnishing, and equipment for which title is transferred to the court or that continues to be made available for use by a court pursuant to

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this section, including the fiscal responsibility for any rental or lease obligation, the repair, maintenance, and replacement of such furniture, furnishing, and equipment.

**68085.** (a) (1) There is hereby established the Trial Court Trust Fund, the proceeds of which shall be apportioned ~~in four installments~~ at least quarterly for the purpose of funding trial court operations, as defined in Section 77003. In no event shall apportionment payments exceed 30 percent of the total annual apportionment to the Trial Court Trust Fund for state trial court funding in any 90-day period.

(2) The ~~quarterly~~ apportionment payments shall be made by the Controller. For fiscal year 1997–98, the Controller shall make the first ~~quarterly~~ apportionment payment within 10 days of the operative date of this section ~~with subsequent payments due on October 15, January 15, and April 15.~~ In subsequent years. The final payment from the Trial Court Trust Fund for each fiscal year shall be made on or before August 31 of the subsequent fiscal year.

(3) If apportionment payments are made on a quarterly basis, the payments shall be due on July 15, October 15, January 15, and April 15. In addition to quarterly payments, a final payment from the Trial Court Trust Fund for each fiscal year may be made on or before August 31 of the subsequent fiscal year.

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*of all furniture, furnishings, and equipment that the county has transferred to the court, or that the county continues to make available to the court under this section.*

- *Accordingly, courts will be required to budget for these items. If counties previously had been providing these items without cost to the courts, courts should seek an adjustment in the sum paid by the county to the state under Gov. Code, § 77201(b)(1), in an amount that accurately reflects the costs of the items.*

### **Trial Court Trust Fund**

- *Establishes the Trial Court Trust Fund as the primary source of funding for trial court operations. The budget for the trial courts will be determined each year as part of the annual state budget process. The Judicial Council is required to provide the Controller with an allocation schedule.*
- *Provides the Judicial Council with flexibility in timing the allocations from the Trial Court Trust Fund to the courts. See also Gov. Code, § 77207.*
  - *Payments must be made at least quarterly.*
  - *No more than 30 percent of the total annual apportionment for trial court funding may be dispersed within any 90-day period.*
  - *The final payment for each fiscal year must be made no later than August 31 of the subsequent fiscal year.*

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(b) Notwithstanding any other provision of law, the fees listed in subdivision (c) shall all be deposited upon collection in a special account in the county treasury, and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(c) (1) Except as specified in subdivision (d), this section applies to all fees collected pursuant to Sections ~~116.230~~ 631.3 and 116.230 of the Code of Civil Procedure and Sections 26820.4, 26823, 26826, 26826.01, 26827, 26827.4, 26830, ~~26831~~, 26832.1, 26833.1, 26835.1, 26836.1, 26837.1, 26838, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, 26862, 27081.5, ~~subdivision (b) of Section 27361, and Sections~~ 68086, 72055, 72056, 72056.01, and 72060.

(2) If any of the fees provided for in this subdivision are partially waived by court order, and the fee is to be divided between the Trial Court Trust Fund and any other fund, the amount of the partial waiver shall be deducted from the amount to be distributed to each fund in the same proportion as the amount of each distribution bears to the total amount of the fee.

(3) Any amounts transmitted by a county to the Controller for deposit into the Trial Court Trust Fund from fees collected pursuant to Section 27361 between January 1, 1998, and the effective date of this paragraph shall be credited against the

- *The total annual appropriation to the Trial Court Trust Fund is made up of three sources:*
  1. *The amount of specified civil fees that are collected by the courts and remitted by each county monthly to the State Controller for deposit into the Trial Court Trust Fund, under subdivision (c) of this section.*
  2. *The amount each county is required to remit to the state under Gov. Code, §§ 77201 and 77201.1.*
  3. *The amount appropriated annually from the state General Fund for support of trial court operations under Gov. Code, § 77202.*

- ***Clarifies that forfeited jury fees are required to be deposited into the Trial Court Trust Fund.***
- ***Clarifies that small claims fees are required to be deposited into the Trial Court Trust Fund.***
- *Fees subject to deposit in the Trial Court Trust Fund are the court-related fees specified in this section. AB 233 revised this section to reflect only those fees charged by the clerk of the court, and not the county clerk.*

- *If there is a partial waiver of fees which must be deposited into both the Trial Court Trust Fund and some other fund, the waived portion should be deducted proportionally from the amount deposited to each fund.*

- ***Corrects a drafting error by removing the § 26831 photocopying fee and the § 27361(b) \$1 recording & indexing fee from the Trial Court Trust Fund.***

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total amount the county is required to pay to the state pursuant to paragraph (2) of subdivision (b) of Section 77201 for the 1997–98 fiscal year.

(d) This section does not apply to that portion of a filing fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056 which is allocated for dispute resolution pursuant to Section 470.3 of the Business and Professions Code, the county law library pursuant to Section 6320 of the Business and Professions Code, the Judges' Retirement Fund pursuant to Section 26822.3, automated recordkeeping or conversion to micrographics pursuant to Sections 26863 and 68090.7, and courthouse financing pursuant to Section 76238. This section also does not apply to fees collected pursuant to subdivisions (a) and (c) of Section 27361.

(e) This section applies to all payments required to be made to the Trial Court Trust Fund by any county or city and county pursuant to Section 77201, 77201.1, or 77205.

(f) Notwithstanding any other provision of law, no agency shall take action to change the amounts allocated to any of the above funds.

(~~f~~) (g) Before making any apportionments under this section, the Controller shall deduct, from the annual appropriation for that purpose, the actual administrative costs that will be incurred under this section. Costs reimbursed under this section shall be determined on an annual basis in consultation with the Judicial Council.

(~~g~~) (h) Any amounts required to be transmitted by a county or city and county to the state pursuant to this section shall be remitted to the Controller no later than 45 days after the end of the month in which the fees were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the

- ***Authorizes a credit to the County Fine Base Amount for any funds remitted to the state for the recording and indexing fee between January 1, 1998 and July 13, 1998.***

- ***This subdivision specifies those fee amounts that should not be deposited into this fund. As amended by AB 233, this section clarifies that the amount of the recording and indexing fee authorized in Gov. Code, § 27361 and required to be deposited in the county general fund shall not be deposited into the Trial Court Trust Fund.***

- ***Imposes the existing penalty for late fee remittances to late payments from counties for trial court funding including the County General Fund Base Amount, the County Fine Base Amount, and the state's share of the growth in fine revenue. See definitions for these terms in commentary to Gov. Code, § 77201(a).***

- ***Requires the counties to remit the fees listed in this section to the Trial Court Trust Fund no later than 45 days after the end of the month in which they were collected.***

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appropriate account in the Trial Court Trust Fund to which it is to be deposited. Any remittance which is not made by the county or city and county in accordance with this section shall be considered delinquent, and subject to ~~applicable~~ the penalties specified in this section.

~~(h)~~ (i) Upon receipt of any delinquent payment required pursuant to this section, the Controller shall calculate a penalty on any delinquent payment by multiplying the amount of the delinquent payment at a daily rate equivalent to 1 1/2 percent per month for the number of days the payment is delinquent. Notwithstanding Section 77009, any penalty on a delinquent payment that a court is required to reimburse to a county's general fund pursuant to this section and Section 24353 shall be paid from the Trial Court Operations Fund for that court.

~~(i)~~ (j) Penalty amounts calculated pursuant to subdivision (i) shall be paid by the county to the Trial Court Trust Fund no later than 45 days after the end of the month in which the penalty was calculated.

~~(j)~~ (k) The Trial Court Trust Fund shall be invested in the Surplus Money Investment Fund and all interest earned shall be allocated to the Trial Court Trust Fund semiannually and shall be allocated among the courts in accordance with the requirements of subdivision (a). The specific allocations shall be specified by the Judicial Council, based upon recommendations from the Trial Court Budget Commission.

(l) It is the intent of the Legislature that the revenues required to be deposited into the Trial Court Trust Fund be remitted as soon after collection by the courts as possible. Not later than February 1, 1999, the Judicial Council, in consultation with the California State Association of Counties and the California County Auditors Association, shall study and make recommendations to the Legislature on alternative procedures that would improve the collection and remittance of revenues to the Trial Court Trust Fund.

- *Requires a court to reimburse the county general fund for any late penalties found to be the responsibility of the court from its Trial Court Operations Fund. (See also Gov. Code, § 24353.)*
- *The penalty is calculated daily at 1½ percent per month.*
- *Requires the county to pay any late penalties imposed to the Trial Court Trust Fund within 45 days after the end of the month in which the penalty is calculated.*
- *Provides that moneys in the Trial Court Trust Fund must be deposited in the Surplus Money Investment Fund of the state, and any earned interest be allocated to the courts.*
- *States legislative intent that fees be remitted as soon after collection by the courts as possible and requires the Judicial Council, in consultation with county representatives, to study and make recommendations to the Legislature by February 1, 1999, on alternative procedures that would improve the collection and remittance of revenues to the fund.*

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**68085.5.** (a) Notwithstanding Section 68085 and pursuant to appropriation by the Legislature, the Judicial Council may allocate unexpended funds in the Trial Court Trust Fund, or any other funds available for allocation, for the 1997–98 fiscal year for trial court facilities renovation, repair, and maintenance projects approved by the Judicial Council subject to the conditions in subdivision (d). The amount allocated pursuant to this section shall not exceed five million dollars (\$5,000,000).

(b) The Judicial Council is authorized to allocate moneys from the funds specified in subdivision (a) for such projects as may be approved by the Judicial Council, and shall be paid to the county therefor by the Controller.

(c) Notwithstanding Sections 68085 and ~~pursuant to appropriation by the Legislature, beginning in the 1998–99 fiscal year and each year thereafter, if the county retained share of any fines and forfeitures collected by the trial courts of a county that received funds pursuant to subdivision (a) exceeds the fines and forfeitures collected during the 1994–95 fiscal year, the excess fines and forfeitures~~ 77205, the amount which would otherwise be retained by the county pursuant to Section 77205 shall instead be deposited in the Trial Court Trust Fund, up to the amount of any allocation made pursuant to this section.

(d) Projects approved by the Judicial Council pursuant to this section shall meet the following conditions:

(1) The county has an environmental impact review report certified if it is required for the project.

(2) The county board of supervisors has completed and approved the plans and specifications for the project.

(3) The county has completed the architectural design through a request for proposal process for the project.

(4) The county has completed any update of the justice facility master plan that is necessary.

### **Court Facilities Renovation, Repair, and Maintenance Projects**

- *The Judicial Council may allocate up to \$5 million in unexpended funds from the Trial Court Trust Fund, or other funds available for allocation only in the 1997–1998 fiscal year, for facilities renovation, repair, and maintenance projects. These moneys are allocated directly to the counties.*
- *If a county has received funding for facilities renovation, repair, or maintenance under this section, then it is required to deposit into the Trial Court Trust Fund the county's share of fines and forfeitures that the county would otherwise have received under Gov. Code, § 77205, up to the amount allocated to that county under this section.*
- ***More concisely states existing law. Makes no substantive changes.***
- *The projects must be approved by the Judicial Council, subject to the criteria listed in this section.*

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(5) The county has already completed a competitive bid process for the project.

(6) The county has completed any and all land acquisition, including all necessary condemnation and relocation proceedings, for the project.

(7) The county has received Board of Corrections approval for any holding facilities.

(e) Subdivisions (a), (b), and (d) shall become inoperative on July 1, 2001. Subdivision (c) shall become inoperative when all funds allocated to any county pursuant to this section have been repaid.

**68088.** The Judicial Council may provide by rule of court for racial, ethnic, and gender bias, and sexual harassment training for judges, commissioners, and referees.

**68090.7** ~~The board of supervisors of~~ In any county ~~as specified in~~ that has established a fee pursuant to Sections 26863 and 72054, the fee shall only apply to the following filings in each civil action or proceeding:

(a) The first paper and papers transmitted from another court, as specified in Sections 26820.4 and 72055.

(b) The first paper on behalf of an adverse party, as specified in Sections 26826 and 72056.

(c) A petition or other paper in a probate, guardianship, or conservatorship matter as specified by Section 26827.

The fee shall not apply to adoptions, appeals from an inferior court, or motions.

Except as otherwise specified by law, all fees collected under this section shall be ~~transmitted to~~ deposited into the trial court operations fund of the county ~~treasurer~~ established pursuant to Section 77009, and an amount equal thereto shall be used exclusively to pay the costs of automating the trial court clerk and trial court recordkeeping system or converting the trial court document system to micrographics, or both.

- *Subdivisions (a), (b), and (d), described above, become inoperative on July 1, 2001. Subdivision (c) becomes inoperative when all of the moneys allocated have been repaid to the Trial Court Trust Fund.*

### Fairness Training

- *The council may adopt rules regarding training for judicial officers in the areas of racial, ethnic, and gender bias, and sexual harassment.*

- *Clarifies existing law.*

- *Clarifies that micrographics fees are to be deposited to the county trial court operations fund.*

### Trial Court Automation: Two Percent

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**68090.8.** (a) (1) The Legislature finds that the management of civil and criminal cases, including traffic cases, and the accounting for funds in the trial courts requires these courts to implement appropriate levels of automation.

(2) The purpose of this section is to make a fund available for the development of automated accounting, automated data collection through case management systems, and automated case-processing systems for the trial courts, together with funds to train operating personnel, and for the maintenance and enhancement of the systems.

(3) Automated data collection shall provide the foundation for planning, research, and evaluation programs that are generated from within and outside of the judicial branch. This system shall be a resource to the courts, the Judicial Council and its committees, the Administrative Office of the Courts, the Legislature, the Governor, and the public. During the developmental stage and prior to the implementation of the system, the Legislature shall make recommendations to the Judicial Council as to the breadth and level of detail of the data to be collected.

(b) Prior to making any other required distribution, the county treasurer shall transmit 2 percent of all fines, penalties, and forfeitures collected in criminal cases, including, but not limited to, moneys collected pursuant to Chapter 12 (commencing with Section 76000) of Title 8 of this code, Section 13003 of the Fish and Game Code, Section 11502 of the Health and Safety Code, and Chapter 1 (commencing with Section 1427) of Title 11 of Part 2 of the Penal Code, into the Trial Court Improvement Fund established pursuant to Section 77209, to be used exclusively

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### Automation Fund

- *Prior to AB 233, this section provided for the establishment of local automation funds to be funded from two percent of criminal fine collections, prior to the distribution of those fine revenues. The purpose of the fund was to make money available for automated accounting and recordkeeping systems. The changes made by AB 233 to each provision of this section are described below:*
  1. *Adds civil cases to criminal as the case types eligible for automation funding.*
  2. *Adds superior courts to municipal courts as the court types eligible for automation funding.*
  3. *Adds automated data collection through case management systems and automated case-processing systems to the systems to be funded.*
  4. *Specifies the uses of automated data collection to include planning, research, and program evaluation.*
  5. *Requires the Legislature to make recommendations to the Judicial Council as to the breadth and level of detail of the data to be collected prior to implementation.*
  
- *Provides that two percent of criminal fine, penalty, and forfeiture revenues collected and set aside for court recordkeeping automation projects which meet Judicial Council performance standards be deposited in the Trial Court Improvement Fund. Prior to AB 233, these amounts were to be deposited into the local two percent automation fund established by the*



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to pay the costs of automating trial court recordkeeping systems. These systems shall meet Judicial Council performance standards, including production of reports as needed by the state, the counties, and local governmental entities.

**68113.** (a) The superior and municipal courts in each county shall submit a report to the Judicial Council on progress towards achieving the cost reduction goals associated with the coordination plans and factors impacting the cost of court operations and the collection of revenues. ~~The report shall also include financial information on expenditures for court operations and revenues according to a uniform chart of accounts adopted by the Judicial Council.~~ The reports shall be submitted quarterly on or before the first day of the third month following the end of the quarter, except the fourth-quarter report shall be submitted on the first day of the fourth month following the end of the fourth quarter.

(b) For purposes of the reporting requirements of this section, a court or courts in a county may petition the Judicial Council to permit division of the court or courts into smaller administrative units corresponding to the organization of the court or courts under a coordination plan where reporting courtwide would impose an undue burden because of the number of judges or the physical location of the divisions of the court or courts.

(c) ~~On or before March 1 of each year,~~ the Judicial Council shall ~~submit a~~ provide an annual report to the Legislature ~~on or before February 1 following the end of each fiscal year setting forth all of the following:~~

(1) ~~The revenues and expenditures for each~~

## COMMENTARY

*county.*

- *Courts and counties will retain moneys deposited prior to January 1, 1998 in the local two percent automation funds.*
- *As provided in Gov. Code, § 77209, each court will continue to receive a sum equal to the amount collected in the local two percent automation fund in fiscal year 1994–1995. Any increase in revenues over the 1994–1995 amount will be allocated at the discretion of the Judicial Council.*

### **Trial Court Coordination Efficiency: Reporting Cost Reduction Goals**

- *Removes from this section the requirement that trial courts include information on expenditures and revenues on a quarterly basis.*
- *Gov. Code, § 77206 continues to provide the council with flexible authority to require financial reports.*
- *Modifies the requirements for reporting on coordination (in recognition of the passage of Proposition 220 on trial court unification) and instead requires the*

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superior and municipal court in the state and statewide totals.

(2) A summary of the savings achieved by the courts in each county and statewide.

(3) regarding those counties which have both municipal and superior courts, on their progress in achieving effective and efficient trial court operations, including implementation of coordination as required by law, regarding court revenues and expenditures, and regarding any factors impacting the cost of court operations and or the collection of court revenues.

(d) The Judicial Council shall establish a process to assess the effectiveness and efficiency of those trial court systems that have unified pursuant to subdivision (e) of Section 5 of Article VI of the California Constitution.

**68502.5.** (a) The Judicial Council shall provide by rule for the appointment of a standing Trial Court Budget Commission and the deadlines for meeting its various responsibilities. ~~Under the direction and with the approval of Judicial Council, the commission shall have the authority to~~ The commission's duties and responsibilities shall be limited to those specified in rules of court adopted by the Judicial Council, including, but not limited to, the following:

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*Judicial Council to provide an annual report to the Legislature on the progress of achieving effective and efficient trial court operations in those counties that have not unified.*

- *Changes the due date for this report from February 1 to March 1 of each year.*

- *Requires the Judicial Council to establish a process to assess the effectiveness and efficiency of those trial court systems that have unified.*

### *Trial Court Budget Commission*

- *Clarifies that the Trial Court Budget Commission operates under the rules of court adopted by the Judicial Council.*
- *Under AB 233, the Trial Court Budget Commission will continue to have responsibility for receiving and reviewing the budget requests of the courts, and for making recommendations to the Judicial Council, consistent with rules and policies adopted by the council, on the total trial court budget request to the Governor and the Legislature. The Trial Court Budget Commission has responsibility for recommending to the Judicial Council for its approval the allocation and reallocation of the total court funding budget appropriation from the Legislature.*
- *The Trial Court Budget Commission may also make recommendations on the allocation of funds in the Trial Court Improvement Fund, as directed by and with the approval of the Judicial*

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*Council.*

(1) Receive budget requests from the trial courts. Trial courts shall send to the county board of supervisors a copy of their proposed budgets and any revisions or appeals at the time their budget requests are submitted to the Trial Court Budget Commission, pursuant to this section. The counties may submit timely comments to the commission regarding the contents of the proposed budgets of their respective trial courts. The commission shall consider the counties' comments when determining appropriate budgets for the courts.

(2) Review the trial courts' budget requests and evaluate them against performance criteria established by the Judicial Council by which a court's performance, level of coordination, and efficiency can be measured.

(3) Annually recommend to the Judicial Council for its approval the projected cost in the subsequent fiscal year of court operations as defined in Section 77003 for each trial court. This estimation shall serve as the basis for recommended court budgets, which shall be developed programmatically by court function, as approved by the Judicial Council, for comparison purposes and to delineate the funding responsibilities.

(4) Annually prepare a recommended schedule for the allocation of moneys to individual courts and a recommended overall trial court budget for approval by the Judicial Council and forwarding to the Governor for inclusion in the Governor's proposed State Budget. The recommended schedule shall be based on the performance criteria established pursuant to paragraph (2) and on a minimum standard established by the Judicial Council for the operation and staffing of all trial court operations. This minimum standard shall be modeled on court operations using all reasonable and available measures to increase court efficiency and coordination. The schedule of allocations shall assure that all trial courts receive funding for the minimum operating and staffing standards before funding operating and staffing requests above the minimum standards, and shall include incentives and rewards for any trial court's implementation of efficiencies and cost saving

- ***Clarifies that the Trial Court Budget Commission recommends the court budgets to the Judicial Council.***

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measures.

(5) ~~Reallocate~~ Recommend reallocation of funds in accordance with Judicial Council rules during the course of the fiscal year to ensure equal access to the trial courts by the public, to improve trial court operations, and to meet trial court emergencies. Recommended reallocations shall be limited to 15 percent of that portion of any court's annual budget amount funded by the state. Neither the state nor the counties shall have any obligation to replace moneys appropriated for trial courts and reallocated pursuant to this paragraph.

(6) ~~Allocate~~ Recommend allocation of funds in the Trial Court Improvement Fund in accordance with Judicial Council rules to ensure equal access to trial courts by the public, to improve trial court operations, and to meet trial court emergencies.

(7) Upon approval of the trial courts' budget by the Legislature, prepare during the course of the fiscal year ~~an allocation schedule for quarterly~~ recommended allocation schedules for payments to the counties trial courts, consistent with Sections 68085 and 77205.1, which, upon approval or modification by the Judicial Council, shall be submitted to the Controller's office by the 10th day of the month in which payments are to be made.

(8) Establish rules, pursuant to the authority of the Judicial Council, regarding a court's authority to transfer trial court funding moneys from one functional category to another in order to address needs in any functional category.

(9) At the request of the presiding judge of a trial court, conduct an independent review of the funding level of the court to determine whether it is adequate to enable the court to discharge its statutory and constitutional responsibilities.

(10) From time to time, review the level of fees charged by the courts for various services and prepare recommended adjustments for approval and forwarding to the Legislature by the Judicial Council.

(11) Perform other activities as requested by the Judicial Council.

(b) The Judicial Council may take action on any matter specified in subdivision (a) whether or not

- *Clarifies that the Trial Court Budget Commission recommends to the Judicial Council the reallocation of funds to the trial courts.*

- *Clarifies that the Trial Court Budget Commission recommends to the Judicial Council the allocation of funds in the Trial Court Improvement Fund.*

- *Clarifies that the Trial Court Budget Commission recommends to the Judicial Council the allocation schedule for payments to the trial courts and makes conforming changes concerning the scheduling of payments made pursuant to Gov. Code, § 68085.*

- *Clarifies that the Trial Court Budget Commission performs other activities as requested by the Judicial Council.*

- *Clarifies that the Judicial Council may act without prior Trial Court*

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the commission has taken any action on that matter. The Judicial Council shall retain the ultimate responsibility to adopt a budget and allocate funding for the trial courts that best assures their ability to carry out their functions, promotes implementation of statewide policies, and promotes the immediate implementation of efficiencies and cost savings measures in court operations, in order to guarantee equal access to the courts.

(c) Members of the commission shall receive no compensation from the state for their services. When called into session, they shall receive their actual and necessary expenses for travel, board, and lodging, which shall be paid from the funds appropriated for this use. These expenses shall be appropriated in the manner as the Judicial Council directs, and shall be audited by the Controller in accordance with the rules of the State Board of Control.

**68513.** The Judicial Council shall provide for the uniform entry, storage, and retrieval of court data relating to civil cases in superior court by means provided for in this section, in addition to any other data relating to court administration, including all of the following:

(a) The category type of civil case, such as contract or personal injury-death-property damage by motor vehicle.

(b) The time from filing of the action to settlement.

(c) The type of settlement procedure, if any, which contributed to the settlement disposition.

(d) The character and amount of any settlement made as to each party litigant, but preserving the confidentiality of such information if the settlement is not otherwise public.

(e) The character and amount of any judgments rendered by court and jury trials for comparison with settled cases.

(f) The extent to which damages prayed for compare to settlement or judgment in character and amount.

(g) The extent to which collateral sources have contributed, or will contribute, financially to satisfaction of the judgment or settlement.

***Budget Commission recommendation and that the council has the ultimate responsibility on trial court funding issues as specified.***

### **Uniform Entry, Storage, and Retrieval of Civil Case Data in Superior Court**

- *Amends Gov. Code, § 68513 by:*
  1. *Reordering subdivisions (a) through (g);*
  2. *Requiring the Judicial Council to report to the Legislature on or before January 1, 1998, and annually thereafter, on the uniform entry, storage, and retrieval of civil case data; and*
  3. *Requiring the Legislature to evaluate and adjust the level of funds available for automation (Gov. Code, § 68090.8) for noncompliance with this section.*

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Provision for the uniform entry, storage, and retrieval of court data may be by use of litigant statements or forms, if available, or by collection and analysis of statistically reliable samples.

The Judicial Council shall report to the Legislature on or before January 1, 1998, and annually thereafter on the uniform entry, storage, and retrieval of court data as provided for in this section. The Legislature shall evaluate and adjust the level of funds available to pay the costs of automating trial court recordkeeping systems, pursuant to Section 68090.8, for noncompliance with the requirements of this section.

**68547.** (a) For the purposes of this article, a judge is deemed to serve or sit under assignment on each day during which it is necessary for him or her on account of the assignment to serve in a substantial way on the court to which assigned, to travel to or from such court, or to be absent from his or her residence. If a judge so serves under assignment in one or more courts during all days other than Saturdays, Sundays, and holidays in any period of 30 or more consecutive days (inclusive of Saturdays, Sundays, and holidays), he or she shall be deemed also to have served or sat in such court or courts on all Saturdays, Sundays, and holidays during or immediately preceding that period.

(b) A judge of a municipal court is deemed to have served under assignment in the superior court on any day when both of the following applies:

(1) A cross-assignment issued by the Chief Justice is in effect and the judge's workload is assigned pursuant to a judicial and administrative coordination plan approved by the Judicial Council pursuant to procedures set forth in rules of court and consistent with Section 68112.

(2) The Judicial Council has certified that cases

### **Assignment Pay Deferential** **Use of Daily Rate**

- *Existing law provides that a judge may be compensated at the monthly, as opposed to the daily, rate of pay for the court to which the judge is assigned, if for 30 or more consecutive days the judge is (1) assigned to a court, or (2) traveling because of the assignment, or (3) absent from his or her residence because of the assignment. As amended by AB 233, this subdivision requires that a municipal court judge serve "in a substantial way" in a superior court before that day would count as an assignment day for this purpose.*

### **Judicial Pay Parity**

- *As amended by AB 233, a municipal court judge shall receive the monthly pay of a superior court judge if the following conditions are met:*
  1. *The Chief Justice has issued a cross-assignment order which is in effect;*
  2. *The cases are assigned to the judge under a coordination plan approved by the Judicial Council; and*
  3. *The Judicial Council certifies that*

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in the court's jurisdiction are assigned pursuant to a uniform countywide or regional system for assignment of cases among superior and municipal courts which maximizes the utilization of all judicial officers in that county or region.

(c) The Judicial Council shall adopt rules as necessary to implement this section, including criteria for approval of judicial and administrative coordination plans.

(d) If a judge who serves his or her court on a part-time basis has completed the business of the home court for all days affected by any assignment, compensation attributable to the home court shall only be deducted from the amounts to be paid pursuant to Section 68540.7 for the days the judge is serving on assignment to the extent necessary to limit the assigned judge's total judicial compensation for the month to the amount earned by a regular judge of the court to which the judge is assigned.

(e) This section shall be repealed on January 1, 1999, unless a later enacted statute enacted before that date extends or deletes that date.

**68547.** (a) For the purposes of this article, a judge or justice is deemed to serve or sit under assignment on each day during which it is

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*the cases in that court's jurisdiction are assigned by a uniform system that maximizes the use of judicial officers within the county or region.*

- *The effect of this change is that a municipal court judge who meets these requirements will receive the monthly, as opposed to the daily, rate of pay of a superior court judge, even if he or she does not actually hear superior court matters every day.*
- *The Judicial Council must adopt rules implementing this section.*
- *This amended Gov. Code, § 68547 is operative from January 1, 1998 through December 31, 1998. On January 1, 1999, this section is repealed and a new section 68547 becomes operative containing the same language set forth in § 68547 prior to the enactment of AB 233. (See AB 233, § 33.8.)*
- *Note: SB 2139 (Stats. 1998, ch. 931) delays repeal of this section until January 1, 2000.*

### Assignment Pay Differential

- *Effective January 1, 1999, this code section reverts back to the pre-AB 233*

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necessary for him or her on account of the assignment to serve in a substantial way on the court to which assigned, to travel to or from such court, or to be absent from his or her residence. If a judge so serves under assignment in one or more courts during all days other than Saturdays, Sundays, and holidays in any period of 30 or more consecutive days (inclusive of Saturdays, Sundays, and holidays), he or she shall be deemed also to have served or sat in such court or courts on all Saturdays, Sundays, and holidays during or immediately preceding that period.

If a judge who serves his or her court on a part-time basis has completed the business of the home court for all days affected by any assignment, compensation attributable to the home court shall only be deducted from the amounts to be paid pursuant to Section 68540.7 for the days the judge is serving on assignment to the extent necessary to limit the assigned judge's total judicial compensation for the month to the amount earned by a regular judge of the court to which the judge is assigned.

(b) This section shall become operative on January 1, 1999.

**71383.** As used in Section 71002, "board of supervisors" means county or city and county.

**72054.** Except as otherwise provided by law, the clerk of the court shall charge the fees prescribed by this article, and the fees prescribed by Sections 26823, 26828, 26829, 26830, 26831, 26832.1, 26833.1, 26834, 26836.1, 26837.1, 26839, 26850.1, 26851.1, 26852.1, 26853.1, 26854, 26855.4, and 26863 for all services to be performed.

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*language, thereby eliminating the new provisions of AB 233 specifying conditions under which a municipal court judge in a fully coordinated court will receive the monthly pay of a superior court judge.*

- ***Continues the existing requirement set forth under AB 233 requiring a judge's service be necessary "in a substantial way" before allowing the judge to collect assignment pay.***

- ***Note: SB 2139 (Stats. 1998, ch. 931) delays enactment of this section until January 1, 2000.***

### **Board of Supervisors Definition**

- ***Applies Gov. Code, § 71002 to the City and County of San Francisco.***

### **Fees: Duty to Charge**

- ***Prior to AB 233, this section required only municipal courts to charge fees for certain services. As amended, this section requires both superior and municipal court clerks to charge the fees listed for superior and municipal court services.***
- ***Clerks of trial courts are no longer authorized to charge fees under Gov. Code, §§ 26832, 26833, 26836, 26837, 26853, or 26855.***



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- *This section moves the authority of the court to charge certain fees from existing Government Code sections involving the county clerk to new Government Code sections that only involve the clerk of the court. The old and new sections are:*

<i>Old</i>	<i>New</i>
26832	26832.1
26833	26833.1
26836	26836.1
26837	26837.1
26853	26853.1
26855	26855.4

- *This section gives authority to the clerk of the court to charge certain fees that under prior law was given to either the county clerk or the clerk of the court. Affected Government Code sections are:*

<i>Old</i>	<i>New</i>
26850	26850.1
26851	26851.1
26852	26852.1

**Fees: First Paper in Civil Actions in Municipal Court**

**72055.** The total fee for filing of the first paper in a civil action or proceeding in the municipal court, shall be ninety dollars (\$90), except that in cases where the amount demanded, excluding attorney’s fees and costs, is ten thousand dollars (\$10,000) or less, the fee shall be eighty-three dollars (\$83). The amount of the demand shall be stated on the first page of the paper immediately below the caption.

This section applies to the initial complaint, petition, or application, and any papers transmitted from another court on the transfer of a civil action or proceeding, but does not include documents filed pursuant to Section 491.150, 704.750, or 708.160 of the Code of Civil Procedure.

The term “total fee” as used in this section and

- *As amended, this section increases the municipal court first paper filing fee from \$80 to \$90 in cases where the amount demanded is more than \$10,000.*
- *Increases the fee from \$80 to \$83 in cases where the amount demanded is \$10,000 or less.*
- *The fees provided in this section will be apportioned according to Gov. Code, § 68085(d), with remaining amounts to be deposited in the Trial Court Trust Fund.*
- *Requires the amount of the demand to*

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Section 72056 includes any amount allocated to the Judges' Retirement Fund pursuant to Section 72056.1, any automation fee imposed pursuant to Section 68090.7, any construction fee imposed pursuant to Section 76238, and the law library fee established pursuant to Article 2 (commencing with Section 6320) of Chapter 5 of Division 3 of the Business and Professions Code. The term "total fee" as used in Section 72056 includes any dispute resolution fee imposed pursuant to Section 470.3 of the Business and Professions Code. The term "total fee" as used in this section also includes any dispute resolution fee imposed pursuant to Section 470.3 of the Business and Professions Code, but the board of supervisors of each county may exclude any portion of this dispute resolution fee from the term "total fee."

The fee shall be waived in any action for damages against a defendant, based upon the defendant's commission of a felony offense, upon presentation to the clerk of the court of a certified copy of the abstract of judgment of conviction of the defendant of the felony giving rise to the claim for damages. If the plaintiff would have been entitled to recover those fees from the defendant had they been paid, the court may assess the amount of the waived fees against the defendant and order the defendant to pay that sum to the county.

**72056.01.** (a) The fee for filing an amended complaint or amendment to a complaint in a civil action of proceeding in the municipal court is forty-five dollars (\$45).

(b) The fee for filing a cross-complaint, amended cross-complaint or amendment to a cross-complaint in a civil action or proceeding in the municipal court is forty-five dollars (\$45).

(c) A party shall not be required to pay the fee provided by this section for an amended

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*be stated on the first page of the paper immediately below the caption.*

### **Fees: Amended Complaints in Municipal Court**

- *Creates a fee of \$45 for filing an amended complaint, cross-complaint, amended cross-complaint, amendment to a complaint, or amendment to a cross-complaint in a civil action or proceeding in the municipal court.*
- *The fee created by this section will be deposited in the Trial Court Trust Fund, under Gov. Code, § 68085.*
- *Provides that the fee shall not be charged more than once to a party.*

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complaint, amendment to a complaint, amended cross-complaint or amendment to a cross-complaint more than one time in any action.

(d) The fee provided by this section shall not apply to either of the following:

(1) An amended pleading or amendment to a pleading ordered by the court to be filed.

(2) An amended pleading or amendment to a pleading that only names previously fictitiously named defendants.

**72060.** The fee for a certificate and transmitting transcript and papers on appeal is ten dollars (\$10). Notwithstanding Section 68085, six dollars (\$6) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

**76000.** (a) In each county there shall be levied an additional penalty of seven dollars (\$7) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the amounts established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except parking offenses subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code. These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal Code.

The county treasurer shall deposit those amounts specified by the board of supervisors by resolution in one or more of the funds established pursuant to this chapter. However, deposits to these funds shall continue through whatever period of time is necessary to repay any borrowings made by the county on or before January 1, 1991, to pay for

- *Provides that the fee shall not apply to pleadings which the court has ordered a party to file, or to pleadings for which the only amendment is the naming of a fictitiously named (Doe) defendant.*

### **Fees: Certificate and Transmittal on Appeal**

- *Increases the fee for a certificate and transmitting a transcript and papers on appeal from \$6 to \$10.*
- *Provides that \$6 of the fee will continue to be deposited in the county general fund, with the \$4 increase to be deposited in the Trial Court Trust Fund.*

### **Additional Penalties on Criminal Fines**

- *Prior to AB 233, this section provided for specified penalty assessments. As amended, this section continues to provide for such penalty assessments, and additionally provides that \$1 of every \$2.50 parking penalty authorized in this section will be deposited in the county general fund, rather than the state General Fund. The \$1.50 balance continues to be deposited in the local courthouse or criminal justice facilities construction fund of the county as provided in Gov. Code, §§ 76100 and 76101.*

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construction provided for in this chapter.

(b) In each authorized county, provided that the board of supervisors has adopted a resolution stating that the implementation of this subdivision is necessary to the county for the purposes authorized, with respect to each authorized fund established pursuant to Section 76100 or 76101, for every parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of two dollars and fifty cents (\$2.50) shall be included in the total penalty, fine, or forfeiture. Except as provided in subdivision (c), for each parking case collected in the courts of the county, the county treasurer shall place in each authorized fund two dollars and fifty cents (\$2.50). These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1462.3 or 1463.009 of the Penal Code. The judges of the county shall increase the bail schedule amounts as appropriate to reflect the added penalty provided for by this section. In those cities, districts, or other issuing agencies which elect to accept parking penalties, and otherwise process parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the added penalty provided for by this section. Each agency which elects to process parking violations shall pay to the county treasurer two dollars and fifty cents (\$2.50) for each fund for each parking penalty collected on each violation which is not filed in court. Those payments to the county treasurer shall be made monthly, and the county treasurer shall deposit all those sums in the authorized fund. No issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges established in the resolution adopted pursuant to this chapter, except as otherwise agreed upon by the local governmental entities involved.

(c) The county treasurer shall deposit one dollar (\$1) of every two dollars and fifty cents (\$2.50) collected pursuant to subdivision (b) into the general fund of the county.

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**76224.** Deposits to the Courthouse Construction Fund established in Merced County pursuant to Section 76100 shall continue through and including the 25th year after the initial year in which the surcharge is collected or the 25th year after any borrowings are made for any construction under that section, whichever comes later.

**77001.** On or before July 1, 1998, the Judicial Council shall promulgate rules which establish a decentralized system of trial court management. These rules shall ensure:

(a) Local authority and responsibility of trial courts to manage day-to-day operations.

(b) Countywide administration of the trial courts.

(c) The authority and responsibility of trial courts to manage all of the following, consistent with statute, rules of court, and standards of judicial administration:

(1) Annual allocation of funding, including the authority to move funding between functions or line items.

(2) Local personnel systems, including the promulgation of personnel policies.

(3) Processes and procedures to improve court

### **Merced Courthouse Construction Fund**

- *This section extends by five years the period that Merced County shall make deposits into the courthouse construction fund.*

### **Decentralized System of Trial Court Management**

- *This section requires the Judicial Council to adopt new rules, by July 1, 1998, establishing a decentralized system of trial court management. Consistent with current Judicial Council procedures, draft rules will be circulated for comment to the courts and other interested parties before adoption.*
- *This section provides that the rules will ensure that:*
  - Trial courts have local authority and responsibility for managing day-to-day operations.*
  - Trial courts are administered on a countywide basis.*
  - Trial courts have local authority and responsibility for managing all of the following, consistent with statutes, rules of court, and standards of judicial administration:*
    1. *Annual funding allocations, including the authority to move funding between functions or line items;*
    2. *Local personnel systems, including the adoption of personnel policies;*
    3. *Processes and procedures to*

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operations and responsiveness to the public.

(4) The trial courts of each county shall establish the means of selecting presiding judges, assistant presiding judges, executive officers or court administrators, clerks of court, and jury commissioners.

(d) Trial court input into the Judicial Council budget process.

(e) Equal access to justice throughout California utilizing standard practices and procedures whenever feasible.

**77003.** (a) As used in this chapter, “court operations” means all of the following:

(1) Salaries, benefits, and public agency retirement contributions for superior and municipal court judges and for subordinate judicial officers. For purposes of this paragraph, “subordinate judicial officers” include all commissioner or referee positions created prior to July 1, 1997, including those commissioner positions created pursuant to Sections 69904, 70141, 70141.9, 70142.11, 72607, 73794, 74841.5, and 74908; and includes any staff who provide direct support to commissioners; but does not include commissioners or staff who provide direct support to the commissioners whose positions were created after July 1, 1997, unless approved by the Judicial Council, subject to availability of funding.

*improve court operations and responsiveness to the public; and*

*4. Means of selecting court officers, including presiding judges, assistant presiding judges, executive officers or court administrators, court clerks, and jury commissioners.*

*–Trial courts have input into the Judicial Council budget process.*

*–The rules will also provide that trial courts will provide equal access to justice, eliminating disparate practices and procedures to the extent possible.*

### **Court Operations Defined**

- *Redefines “court operations” for purposes of determining the state’s responsibility to fund the trial courts, amending the definition of “court operations” contained in the Brown-Presley Trial Court Funding Act of 1988.*
- *This section, when read in conjunction with Gov. Code, § 77006.5 and Cal. Rules of Court, rule 810, establishes the basis for restructuring state and county trial court funding responsibilities.*
- *Adds to the definition of court operations costs for “subordinate judicial officers,” defined as all commissioners, referees, and the direct support staff of commissioners and referees whose positions were either:*
  - 1. Created on or before July 1, 1997;*
  - or*
  - 2. Approved by the Judicial Council,*

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(2) The salary, benefits, and public agency retirement contributions for other court staff including all municipal court staff positions specifically prescribed by statute.

(3) Those marshals, constables, and sheriffs as the court deems necessary for court operations.

(4) Court-appointed counsel in juvenile court dependency proceedings and counsel appointed by the court to represent a minor pursuant to Chapter 10 (commencing with Section 3150) of Part 2 of Division 8 of the Family Code.

(5) Services and supplies relating to court operations.

(6) Collective bargaining under the Meyers-Milias-Brown Act with respect to court employees specified in Section 3501.5.

(7) Actual indirect costs for county and city and county general services attributable to court operations, but specifically excluding, but not limited to, law library operations conducted by a trust pursuant to statute; courthouse construction; district attorney services; probation services; indigent criminal defense; grand jury expenses and operations; and pretrial release services.

(b) However, “court operations” does not include collection enhancements as defined in Rule 810 of the California Rules of Court as it read on July 1, 1996.

*subject to available funding.*

- *Prior to AB 233, costs for such judicial officers were specifically excluded from the definition of “court operations,” because these positions were created, and paid for, at the option of the counties. The costs for these positions can now be included as “court operations” since the capped obligation of counties under AB 233 includes the costs for these positions.*

- *Removes the 18 percent cap on indirect costs for general services provided by the county.*

- *Removes the requirement that salary increases for judicial officers and court employees after June 30, 1991, be excluded from the definition of “court operations.”*
- *Provides that “court operations” does not include enhanced revenue collections as defined in Cal. Rules of*

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*Court, rule 810, as it read on July 1, 1996.*

**77009.** (a) For the purposes of funding trial court operations, each board of supervisors shall establish in the county treasury a Trial Court Operations Fund, which will operate as ~~a special revenue~~ an agency fund. All funds appropriated in the Budget Act and allocated and reallocated to each court in the county by the Judicial Council shall be deposited into the fund. Accounts shall be established in the Trial Court Operations Fund for each trial court in the county, except that one account may be established for courts which have a unified budget. In a county where court budgets include appropriations for expenditures administered on a countywide basis, including, but not limited to, court security, centralized data-processing and planning and research services, an account for each centralized service shall be established and funded from those appropriations.

(b) The moneys of the Trial Court Operations Fund arising from deposits of funds appropriated in the Budget Act and allocated or reallocated to each court in the county by the Judicial Council shall be payable only for the purposes set forth in Sections 77003 and 77006.5, and for services purchased by the court pursuant to subdivisions (b) and (c) of Section 77212. The presiding judge of each court in a county, or his or her designee, shall authorize and direct expenditures from the fund and the county auditor-controller shall make payments from the funds as directed. Approval of the board of supervisors is not required for expenditure from this fund.

(c) Interest received by a county which is attributable to investment of money required by this section to be deposited in its Trial Court Operations Fund shall be deposited in the fund and shall be used for trial court operations purposes.

### **Trial Court Operations Fund**

- ***Reclassifies the Trial Court Operations Fund as an agency fund as opposed to a revenue fund. A revenue fund is a fund within the county general fund for which the county has fiduciary responsibilities. An agency fund is separate from the county financial system, and the court has the full authority and responsibility for managing the fund.***
- ***Prior to AB 233, Gov. Code, § 77203.5 required the creation of a local Trial Court Operations Fund in each county to finance trial court operations. This section re-establishes and revises the requirements and purpose of this special revenue fund consistent with the state's assumption of full responsibility for trial court operations. The new fund differs from the preexisting fund in that:***
  1. *The presiding judge, or a designee, will authorize and direct the county auditor-controller to make payments from the fund;*
  2. *State trial court funding expenditures may be used only for court operations; and*
  3. *The board of supervisors is not required to approve expenditures from the fund.*
- ***Interest received on the investment of state trial court funding money deposited in the local Trial Court Operations Fund must be used for trial court operations.***



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(d) In no event shall interest be charged to the Trial Court Operations Fund, except as provided in Section 77009.1.

(e) Reasonable administrative expenses incurred by the county associated with the operation of this fund shall be charged to each court on a pro rata basis in proportion to the total amount allocated to each court in this fund.

(f) A county, or city and county, may bill trial courts within its jurisdiction for costs for services provided by the county, or city and county, as described in Sections 77003 and 77212, including indirect costs as described in paragraph (7) of subdivision (a) of Section 77003 and Section 77212. The costs billed by the county, or the city and the county, pursuant to this subdivision shall not exceed the costs incurred by the county, or the city and the county, of providing similar services to county departments or special districts.

(g) Pursuant to Section 77206, the Controller, at the request of the Legislature or the Judicial Council, may perform financial and fiscal compliance audits of this fund.

(h) The Judicial Council with the concurrence of the Department of Finance and the Controller's office shall establish procedures to implement the provisions of this section and to provide for payment of trial court operations expenses, as described in Sections 77003 and 77006.5, incurred on July 1, 1997, and thereafter.

(i) The Judicial Council shall study alternative methods for the establishment and management of the Trial Court Operations Fund as provided in this section, and shall report its findings and recommendations to the Legislature not later than

- *Permits interest to be charged to a court's operations fund under conditions specified in Gov. Code, § 77009.1.*
- *Counties may charge each court, in proportion to the total amount allocated to each court in the fund, for the reasonable administrative expenses associated with the operation of the fund.*
- *Counties may bill trial courts for the cost of county general services, including indirect costs, that are attributable to court operations. These costs may not exceed the costs of providing similar services to other county departments or special districts.*
- *The State Controller may perform financial and fiscal compliance audits of the fund at the request of the Legislature or the Judicial Council.*
- *Requires the Judicial Council, with the concurrence of the Department of Finance and the State Controller's Office, to establish procedures (1) to implement this section and (2) to provide for the payment of trial court operations expenses incurred beginning on July 1, 1997.*
- *Requires the Judicial Council to study and report to the Legislature by November 1, 1998, on alternative methods for the establishment and*

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November 1, 1998.

*management of the Trial Court Operations Fund.*

77009.1. (a) Notwithstanding any other provision of law, a county or city and county may, pursuant to this section, lend money to the trial courts of that county to help the courts with cash-flow problems or other emergency monetary needs. If a county lends a trial court money pursuant to this section, it may charge interest at the county pooled money investment account rate.

(b) A trial court may seek a loan of funds under this section only after the Judicial Council has given notice of the loan to the Department of Finance and has thereafter approved the loan.

(c) The Judicial Council shall adopt procedures and criteria concerning any loans of funds pursuant to this section and may delegate to the Administrative Director of the Courts the authority to approve the loan.

(d) A trial court budget approved by the Judicial Council shall not be increased as a result of a loan made pursuant to this section.

(e) A county or city and county shall not be compelled or required to provide a loan to the trial courts of that county pursuant to this section.

**77200.** On and after July 1, 1997, the state shall assume sole responsibility for the funding of court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996. In meeting this responsibility, the state shall do all of the following:

### Loans to Trial Courts

- *Authorizes a county to lend funds to trial courts to address cash-flow or other emergency needs. Authorizes the charging of interest at a specified rate.*
- *Requires approval of a loan by the Judicial Council and notice to the Department of Finance.*
- *Requires the Judicial Council to adopt procedures concerning loans.*
- *Permits delegation to the Administrative Director of the Courts of the authority to approve a loan.*
- *Requires that a loan not be used to increase a Judicial Council–approved trial court budget.*
- *Provides a county with discretion whether to grant or deny a loan.*

### **STATE RESPONSIBILITY FOR TRIAL COURT FUNDING; CAP OF COUNTY FUNDING RESPONSIBILITY**

#### State solely responsible for funding court operations

- *As of the 1997–1998 fiscal year and every year thereafter, the state has the sole responsibility to fund trial “court operations.” Prior to this act, the costs of court operations were shared between the state and the counties.*
- *“Court operations” is defined in Gov. Code, § 77003 and Cal. Rules of Court,*

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(a) Deposit in the State Trial Court Trust Fund, for subsequent allocation to or for the trial courts, all county funds remitted to the state pursuant to Section 77201 until June 30, 1998, and pursuant to Section 77201.1, thereafter.

(b) Be responsible for the cost of court operations incurred by the trial courts in the 1997–98 fiscal year and subsequent fiscal years.

(c) Allocate funds to the individual trial courts pursuant to an allocation schedule adopted by the Judicial Council, but in no case shall the amount allocated to the trial courts of a county be less than the amount remitted to the state by the county in which those courts are located pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201 until June 30, 1998, and pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201.1, thereafter.

(d) The Judicial Council shall submit its allocation schedule to the Controller at least 15 days before the due date of any allocation.

**77201.** (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

*rule 810, as it read on July 1, 1996.*

- *This shift of full responsibility to the state was effective July 1, 1997, even though AB 233 was not effective until January 1, 1998. The impact of the differences in these dates is explained in the commentary that accompanies Gov. Code, § 77201(g), discussed below.*
- *The state must deposit the amounts counties are required to remit under Gov. Code, § 77201 into the Trial Court Trust Fund and allocate funds to the individual trial courts based on an allocation schedule adopted by the Judicial Council. The amount of funding the courts of a county receive must be at least the amounts paid by the county to the state under Gov. Code, §§ 77201(b)(1) and (b)(2).*
- *Clarifies that counties must follow the remittance schedule set forth in § 77201.1 beginning in the 1998–1999 fiscal year.*
- *The Judicial Council must submit an allocation schedule to the State Controller at least 15 days before the due date of any allocation.*

### **State to Fund Trial Courts**

- *Note: Former Gov. Code, § 77201 was repealed by its own terms on July 1, 1998. A new Gov. Code, § 77201 was added by AB 1590 (Stats. 1998, ch. 406), incorporating much of the same language of the former section.*
- *This section relieves counties of any direct responsibility to fund trial court operations costs, as defined. (Gov. Code, § 77200 shifts that responsibility*

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to the state). Instead, the county is obligated to pay to the state an amount based on (1) the amount of county general fund money provided for support of the courts in fiscal year 1994–1995 (hereinafter identified as “County General Fund Base Amount”) and (2) the amount of specified fine and penalty revenues the county remitted to the state in fiscal year 1994–1995 (hereinafter identified as “County Fine Base Amount”).

(b) In the 1997–98 fiscal year, each county shall remit to the state in installments due on January 1, April 1, and June 30, the amounts specified in paragraphs (1) and (2), as follows:

- Provides that the counties are required to pay to the state the amounts listed in paragraphs (1) and (2) of subdivision (b).
- Under subdivision (b), on January 1, 1998, counties are required to make a payment equal to one quarter of the amounts listed in paragraphs (1) and (2). Any adjustment(s) made under Gov. Code, § 77201(c) and (g) will be applied as a credit, on a prorated basis, to the payments counties are required to make under Gov. Code, § 77201(b)(1) on April 1, 1997, and June 30, 1997.

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year:

### **County Remittance to State**

- The amount each county is required to remit under subdivision (b)(1), the County General Fund Base Amount, is based on the total expenditures for fiscal year 1994–1995 as reported in the Quarterly Report of Revenues and Expenditures submitted by each county on behalf of the trial courts, excluding reported expenditures for collections enhancements costs for fiscal year 1994–1995 (i.e., Function 5, which is

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*no longer a defined court operations cost), and subtracting the actual allocation of state funding to each county in fiscal year 1994–1995, including salaries and state-provided benefits for superior court judges.*

- *The actual County General Fund Base Amount for each county is listed in subdivision (b)(1).*

<u>Jurisdiction</u>	<u>Amount</u>
<u>Alameda.....</u>	<u>\$ 42,045,093</u>
<u>Alpine.....</u>	<u>46,044</u>
<u>Amador.....</u>	<u>900,196</u>
<u>Butte.....</u>	<u>2,604,611</u>
<u>Calaveras.....</u>	<u>420,893</u>
<u>Colusa.....</u>	<u>309,009</u>
<u>Contra Costa.....</u>	<u>21,634,450</u>
<u>Del Norte.....</u>	<u>780,786</u>
<u>El Dorado.....</u>	<u>3,888,927</u>
<u>Fresno.....</u>	<u>13,355,025</u>
<u>Glenn.....</u>	<u>371,607</u>
<u>Humboldt.....</u>	<u>2,437,196</u>
<u>Imperial.....</u>	<u>2,055,173</u>
<u>Inyo.....</u>	<u>46,508</u>
<u>Kern.....</u>	<u>16,669,917</u>
<u>Kings.....</u>	<u>2,594,901</u>
<u>Lake.....</u>	<u>975,311</u>
<u>Lassen.....</u>	<u>517,921</u>
<u>Los Angeles.....</u>	<u>291,872,379</u>
<u>Madera.....</u>	<u>1,242,968</u>
<u>Marin.....</u>	<u>6,837,518</u>
<u>Mariposa.....</u>	<u>177,880</u>
<u>Mendocino.....</u>	<u>1,739,605</u>
<u>Merced.....</u>	<u>1,363,409</u>
<u>Modoc.....</u>	<u>114,249</u>
<u>Mono.....</u>	<u>271,021</u>
<u>Monterey.....</u>	<u>5,739,655</u>
<u>Napa.....</u>	<u>2,866,986</u>
<u>Nevada.....</u>	<u>815,130</u>
<u>Orange.....</u>	<u>76,567,372</u>
<u>Placer.....</u>	<u>6,450,175</u>
<u>Plumas.....</u>	<u>413,368</u>
<u>Riverside.....</u>	<u>32,524,412</u>
<u>Sacramento.....</u>	<u>40,692,954</u>
<u>San Benito.....</u>	<u>460,552</u>
<u>San Bernardino.....</u>	<u>31,516,134</u>
<u>San Diego.....</u>	<u>77,637,904</u>
<u>San Francisco.....</u>	<u>31,142,353</u>
<u>San Joaquin.....</u>	<u>9,102,834</u>
<u>San Luis Obispo.....</u>	<u>6,840,067</u>

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San Mateo.....	20,383,643
Santa Barbara .....	10,604,431
Santa Clara .....	49,876,177
Santa Cruz .....	6,449,104
Shasta .....	3,369,017
Sierra .....	40,477
Siskiyou.....	478,144
Solano.....	10,780,179
Sonoma.....	9,273,174
Stanislaus.....	8,320,727
Sutter .....	1,718,287
Tehama .....	1,352,370
Trinity.....	620,990
Tulare .....	6,981,681
Tuolumne .....	1,080,723
Ventura.....	16,721,157
Yolo.....	2,564,985
Yuba .....	842,240

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below which is based on an amount of fine and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001 and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994–95 fiscal year:

<u>Jurisdiction</u>	<u>Amount</u>
Alameda.....	\$12,769,882
Alpine .....	58,757
Amador.....	377,005
Butte .....	1,437,671
Calaveras .....	418,558
Colusa.....	485,040
Contra Costa.....	5,646,329
Del Norte.....	727,852
El Dorado .....	1,217,093
Fresno.....	4,505,786
Glenn .....	455,389
Humboldt.....	1,161,745
Imperial .....	1,350,760

**County Remittance of Fine and Penalty Revenues**

- *The amount each county is required to remit under subdivision (b)(2), the County Fine Base Amount, is calculated as the amount of specified fine, fee, and penalty revenues remitted to the state in fiscal year 1994–1995 on a cash basis for deposit in the state General Fund, and does not include penalty assessments deposited in the state Penalty Fund, amounts distributed to cities, or amounts retained by counties prior to AB 233.*
- *The actual County Fine Base Amount is listed in subdivision (b)(2).*

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Inyo.....	878,321
Kern.....	6,688,247
Kings .....	1,115,601
Lake .....	424,070
Lassen.....	513,445
Los Angeles.....	89,771,310
Madera.....	1,207,998
Marin .....	2,700,045
Mariposa.....	135,457
Mendocino.....	948,837
Merced.....	2,093,355
Modoc.....	122,156
Mono .....	415,136
Monterey .....	3,855,457
Napa .....	874,219
Nevada.....	1,378,796
Orange .....	24,830,542
Placer.....	2,182,230
Plumas .....	225,080
Riverside.....	13,328,445
Sacramento .....	7,548,829
San Benito .....	346,451
San Bernardino.....	11,694,120
San Diego .....	21,410,586
San Francisco .....	5,925,950
San Joaquin .....	4,753,688
San Luis Obispo .....	2,573,968
San Mateo.....	7,124,638
Santa Barbara .....	4,094,288
Santa Clara .....	15,561,983
Santa Cruz .....	2,267,327
Shasta .....	1,198,773
Sierra .....	46,778
Siskiyou .....	801,329
Solano.....	3,757,059
Sonoma.....	2,851,883
Stanislaus.....	2,669,045
Sutter .....	802,574
Tehama.....	761,188
Trinity.....	137,087
Tulare .....	2,299,167
Tuolumne .....	440,496
Ventura.....	6,129,411
Yolo.....	1,516,065
Yuba .....	402,077

(3) The installment due on January 1 shall be for 25 percent of the amounts specified in paragraphs

**Counties Protected From Increases**

- ***Sets forth specific dates by which counties must remit funds to the state.***

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(1) and (2). The installments due on April 1 and June 30 shall be prorated uniformly to reflect any adjustments made by the Department of Finance, as provided in this section. If no adjustment is made by April 1, 1998, the April 1, 1998, installment shall be for 15 percent of the amounts specified in paragraphs (1) and (2). If no adjustment is made by June 30, 1998, the June 30, 1998, installment shall be for the balance of the amounts specified in paragraphs (1) and (2).

(4) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(5) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county and (B) the county's portion of fines and forfeitures transmitted to the state in the 1994-95 fiscal year, shall reduce that county's remittance specified in paragraph (2) of this subdivision by an equal amount. Nothing in this paragraph is intended to limit judicial sentencing discretion.

(c) The Department of Finance shall adjust the amount specified in paragraph (1) of subdivision (b) that a county is required to submit to the state, pursuant to the following:

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- ***Creates default installment amounts applicable if the Department of Finance does not make adjustments by the specified dates.***

### **Adjusting County Fine Base Amount Payments**

- *Provides that the County General Fund Base Amount and the County Fine Base Amount shall not be increased except as provided in subdivision (b)(4).*
- *This provision allows for an adjustment of the County Fine Base Amount if there is a change in law that reduces the amount of revenues collected by the county to an amount that is less than (1) the fees, fines, and forfeitures retained by that county, and (2) the County Fine Base Amount.*

### **Base Obligation Adjustment Procedures**

- *To seek an adjustment to the County General Fund Base Amount, the county or the court must submit a declaration to the Department of Finance by February 15, 1998. Counties and courts are required to provide a copy of any declaration submitted to the Department of Finance to the other party, and the other party has the opportunity to comment on any such declaration.*
- ***For the 1997-1998 fiscal year, amendments to this section authorize adjustments to County General Fund Base Amount for local judicial***



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(1) A county shall submit a declaration to the Department of Finance, no later than February 15, 1998, that the amount it is required to submit to the state pursuant to paragraph (1) of subdivision (b) either includes or does not include the costs for local judicial benefits which are court operation costs as defined in Section 77003 and Rule 810 of the California Rules of Court. The trial courts in a county that submits such a declaration shall be given a copy of the declaration and the opportunity to comment on the validity of the statements in the declaration. The Department of Finance shall verify the facts in the county's declaration and comments, if any. Upon verification that the amount the county is required to submit to the state includes the costs of local judicial benefits, the department shall reduce on or before June 30, 1998, the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the cost of those judicial benefits, in which case the county shall continue to be responsible for the cost of those benefits. If a county disagrees with the Department of Finance's failure to verify the facts in the county's declaration and reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b), the county may request that the Controller conduct an audit to verify the facts in the county's declaration. The Controller shall conduct the requested audit which shall be at the requesting county's expense. If the Controller's audit verifies the facts in the county's declaration, the department shall reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the amount verified by the Controller's audit and the state shall reimburse the requesting county for the cost of the audit.

*benefits only (as described below).  
The effective date of all other  
adjustments has been delayed until the  
1998–1999 fiscal year.*

### Judicial Benefits

- *By February 15, 1998, the county must submit a declaration as to whether the County General Fund Base Amount includes local judicial benefits.*
- *The county is required to concurrently submit a copy of its declaration to the affected court.*
- *The court may comment on the validity of the statements in the county's declaration and is required to submit these comments to the Department of Finance by March 1, 1998, under guidelines prepared by the Department of Finance, in consultation with the California State Association of Counties and the Administrative Office of the Courts, released on December 1, 1997.*
- *The Department of Finance has 30 days to act on the declaration.*
- *If the county declaration states that the County General Fund Base Amount includes judicial benefits costs and if the Department of Finance agrees with the county's declaration, the Department of Finance must adjust the County General Fund Base Amount accordingly.*
- *If the Department of Finance disagrees with the county's declaration that the County General Fund Base Amount includes judicial benefits costs and makes no adjustment, the county, at its own expense, may request that the State Controller verify the facts in the*

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## COMMENTARY

*declaration. If the Controller does verify the facts, the Department of Finance is required to reduce the County General Fund Base Amount and the state must reimburse the county for the cost of the audit.*

- *If the County General Fund Base Amount is determined to include costs of local judicial benefits and an adjustment is made, the county will continue to be responsible for the cost of the local judicial benefits it chooses to provide.*

### **Adjustments to Take Effect in Fiscal Year 1998–1999**

(d) The Department of Finance shall adjust the amount specified in paragraph (1) of subdivision (b) of Section 77201.1 that a county is required to submit to the state, pursuant to the following procedures:

- *Adjustments approved by the Department of Finance (pursuant to the procedures described below) apply to the amounts counties are required to pay under section 77201.1 for fiscal year 1998–1999. This change has the effect of delaying those adjustments by one year.*

### **County Adjustments**

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(1) A county may submit a declaration to the Department of Finance, no later than February 15, 1998, that declares that (A) the county incorrectly reported county costs as court operations costs as defined in Section 77003 in the 1994–95 fiscal year, and that incorrect report resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too high, (B) the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) includes amounts that were specifically appropriated, funded, and expended by a county or city and county during the 1994–95 fiscal year to fund extraordinary one-time expenditures for court operation costs, or (C) the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) includes expenses that were funded from grants or subventions from any source, for court operation costs that could not have been funded without those grants or subventions being available. A county submitting that declaration shall concurrently transmit a copy of the declaration to the trial courts of that county. The trial courts in a county that submits that declaration shall have the opportunity to comment to the Department of Finance on the validity of the statements in the declaration. Upon receipt of the declaration and comments, if any, the Department of Finance shall determine and certify which costs identified in the county’s declaration were incorrectly reported as court operation costs or were expended for extraordinary one-time expenditures or funded from grants or subventions in the 1994–1995 fiscal year. The Department of Finance shall reduce the amount a county must submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1 by an amount equal to the amount the department certifies was incorrectly reported as court operations costs or were expended for extraordinary one-time expense or funded from grants or subventions in the 1994–95 fiscal year. If a county disagrees with the Department of Finance’s failure to verify the facts in the county’s declaration and reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1, the county may request that the

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- *By February 15, 1998, a county may submit a declaration to the Department of Finance to seek adjustments to the County General Fund Base Amount:*
  1. *to correct errors in reporting of expenditures resulting in the county obligation being too high;*
  2. *to remove extraordinary one-time costs funded in the base year which unfairly misrepresent the normal costs of operating the courts; and*
  3. *to remove costs that were funded by grants or subventions.*
- *The county is required to concurrently submit a copy of its declaration to all courts of the county.*
- *All courts in the county may comment on the validity of the statements in the county’s declaration and are required to submit these comments to the Department of Finance by March 1, 1998, according to guidelines prepared by the Department of Finance, in consultation with the California State Association of Counties and the Administrative Office of the Courts, released on December 1, 1997.*
- *If the Department of Finance agrees with the county declaration, it must adjust the County General Fund Base Amount accordingly.*
- *If the Department of Finance disagrees with the county declaration and makes no adjustment, the county, at its own expense, may request that the state Controller verify the facts in the declaration. If the State Controller does verify the facts, the Department of Finance is required to reduce the County General Fund Base Amount and the state must reimburse the county*

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Controller conduct an audit to verify the facts in the county's declaration. The Controller shall conduct the requested audit, which shall be at the requesting county's expense. If the Controller's audit verifies the facts in the county's declaration, the department shall reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1 by an amount equal to the amount verified by the Controller's audit and the state shall reimburse the requesting county for the cost of the audit. A county shall provide, at no charge to the court, any service for which the amount in paragraph (1) of subdivision (b) of Section 77201.1 was adjusted downward, if the county is required to provide that service at no cost to the court by any other provision of law.

(2) A court may submit a declaration to the Department of Finance, no later than February 15, 1998, that the county failed to report county costs as court operations costs as defined in Section 77003 in the 1994–95 fiscal year, and that this failure resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too low. A court submitting that declaration shall concurrently transmit a copy of the declaration to the county. A county shall have the opportunity to comment to the Department of Finance on the validity of statements in the declaration and comments, if any. Upon receipt of the declaration, the Department of Finance shall determine and certify which costs identified in the court's declaration should have been reported by the county as court operation costs in the 1994–95 fiscal year and whether this failure resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too low. The Department of Finance shall notify the county, the trial courts in the county, and the Judicial Council of its certification and decision. Within 30 days, the county shall either notify the Department of Finance, trial courts in the county, and the Judicial Council that the county shall assume responsibility for the costs the county has failed to report, or that the department

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*for the cost of the audit.*

- *A county must provide, at no charge to the court, any service for which the amount was adjusted downward, but only if the county is required to provide that service at no cost to the court by any other provision of law.*

### **Court Adjustments**

- *By February 15, 1998, a court may submit a declaration to the Department of Finance stating (1) the county failed to report certain county costs of court operations for fiscal year 1994–1995, and (2) this failure resulted in the County General Fund Base Amount being too low. The exclusion of any allowable costs understates (1) the costs courts might incur in the future and (2) the amount counties contributed to court operations.*
- *The court is required to concurrently submit a copy of its declaration to the affected county.*
- *The county may comment on the validity of the statements in the court's declaration and is required to submit these comments to the Department of Finance by March 1, 1998, under guidelines prepared by the Department of Finance, in consultation with the California State Association of Counties and the Administrative Office*

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shall increase the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1 by an amount equal to the amount certified by the department. A county shall not be required to continue to provide services for which the amount in paragraph (1) of subdivision (b) of Section 77201.1 was adjusted upward.

(e) The Legislature hereby finds and declares that to ensure an orderly transition to state trial court funding, it is necessary to delay the adjustments to county obligation payments provided for by Article 3 (commencing with Section 77200) of Chapter 13 of Title 8, as added by Chapter 850 of the Statutes of 1997, until the 1998–99 fiscal year. The Legislature also finds and declares that since increase adjustments to the county obligation amounts will not take effect in the 1997–98 fiscal year, county charges for those services related to the increase adjustments shall not occur in the 1997–98 fiscal year. It is recognized that the counties have an obligation to provide, and the trial courts have an obligation to pay, for services provided by the county pursuant to Section 77212. In the 1997–98 fiscal year, the counties shall charge for, and the courts shall pay, these obligations consistent with paragraphs (1) and (2) of this subdivision.

(1) For the 1997–98 fiscal year, a county shall reduce the charges to a court for those services for which the amount in paragraph (1) of subdivision (b) of Section 77201.1 is adjusted upward, by an amount equal to the lesser of the following:

(A) The amount of the increase adjustment certified by the department pursuant to paragraph (2) of subdivision (d).

(B) The difference between the actual amount charged and paid for from the trial court operations fund, and the amount charged in the 1994–95 fiscal year.

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*of the Courts, released on December 1, 1997.*

- *A county is not required to continue to provide services for which the County General Fund Base Amount was adjusted upward.*

### **Impact of Adjustment Delay on Courts; Reduction of Charges**

- *States legislative findings and declarations that to ensure the orderly transition to state trial court funding it is necessary to delay adjustments to county trial court funding payments.*
- *Also makes a finding and declaration that since increase adjustments to the county obligation amounts will not take effect in the 1997–1998 fiscal year, county charges for those services related to the increase adjustments shall not occur in the 1997–1998 fiscal year.*
- *States that counties have an obligation to provide certain services, and that courts have an obligation to pay for those services.*
- *Provides that counties are authorized to charge courts for the costs of those specified services as provided in paragraphs (1) and (2).*
- *Pursuant to the findings and declarations, provides that counties shall reduce charges for specified services by the lesser of:*
  1. *The amount of the increase adjustment approved by the Department of Finance; or*
  2. *The difference between the amount charged and paid for in fiscal year 1997–1998 and the amount*

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*charged in fiscal year 1994–1995 for those services.*

(2) For the 1997–98 fiscal year, any funds paid out of the trial court operations fund established pursuant to Section 77009 during the 1997–98 fiscal year to pay for those services for which there was an upward adjustment, shall be returned to the trial court operations fund in the amount equal to the lesser of the following:

(A) The amount of the increase adjustment certified by the department pursuant to paragraph (2) of subdivision (d).

(B) The difference between the actual amount charged and paid for from the trial court operations fund, and the amount charged in the 1994–95 fiscal year.

(3) The Judicial Council shall reduce the allocation to the courts by an amount equal to the amount of any increase adjustment certified by the Department of Finance, if the cost of those services was used in determining the Judicial Council's allocation of funding for the 1997–98 fiscal year.

- *To the extent funds have already been paid by the court for services related to Department of Finance–approved increase adjustments, this section provides that counties shall refund the courts an amount equal to the lesser of:*
  1. *The amount of the increase adjustment approved by the Department of Finance; or*
  2. *The difference between the amount charged and paid for in fiscal year 1997–1998 and the amount charged in fiscal year 1994–1995 for those services.*
- *Paragraphs (1) and (2) of this subdivision are intended to address circumstances either where no costs were charged or reported in fiscal year 1994–1995 or where an incorrect amount was charged or reported. The effect of this provision is to ensure that courts receive relief only in an amount equal to the Department of Finance–approved increase adjustment. To the extent costs for the applicable services have increased, counties would be authorized to charge only the amount of the increase.*

### Allocation Adjustment by the Judicial Council

- *Requires the Judicial Council to reduce the allocation to the courts by an amount equal to the increase adjustment approved by the Department of Finance if that amount was included in determining the*

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(4) In the event the charges are not reduced as provided in paragraph (1) or the funds are not returned to the trial court operations fund as provided in paragraph (2), the trial court operations fund shall be refunded for the 1998–99 fiscal year. Funds provided to the trial court operations fund pursuant to this paragraph shall be available to the trial courts to meet financial obligations incurred during the 1997–98 fiscal year. To the extent that a trial court receives total resources for trial court funding from the county and the state for the 1997–98 fiscal year that exceeded the amount of the allocation approved by the Judicial Council by November 30, 1997, these amounts shall be available for expenditure in the 1998–99 fiscal year and the Judicial Council shall reduce the 1998–99 fiscal year allocation of the court by an equal amount.

(f) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(g) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of youth authority charges.

(h) The Department of Finance shall notify the county, trial courts in the county, and Judicial Council of the final decision and resulting adjustment.

*amount of funding allocated to the court.*

- *Provides that the county is required to reimburse the courts in fiscal year 1998–1999 if the reimbursement did not occur in fiscal year 1997–1998.*
- *Authorizes trial courts to use those funds for expenses incurred in fiscal year 1997–1998.*
- *Authorizes a court to carry over funds from fiscal year 1997–1998 to fiscal year 1998–1999 that were in excess of a specified Judicial Council allocation amount and requires the Judicial Council to reduce the allocation of the courts for fiscal year 1998–1999 by an equal amount.*

### Other County Responsibilities

- *Clarifies that the County General Fund Base Amount obligation does not relieve the county of the responsibility to provide necessary and suitable facilities under Gov. Code, § 68073.*
- *Provides that a county shall continue to be responsible for funding all other justice-related costs outside of the definition of court operations to the extent counties are required to provide funding for such expenses under other provisions of law. The subdivision contains a nonexclusive, illustrative list of examples.*

### Department of Finance Notification

- *Requires the Department of Finance to notify the county, the trial courts, and the Judicial Council of the final decision and any adjustments made as a result of the established procedures.*

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(i) On or before February 15, 1998, each county shall submit to the Department of Finance a report of the amount it expended for trial court operations as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996, between the start of the 1997–98 fiscal year and the effective date of this section. The department shall reduce the amount a county is required to remit to the state pursuant to paragraph (1) of subdivision (b) in the 1997–98 fiscal year by an amount equal to the amount a county expended for court operation costs between the start of the 1997–98 fiscal year and the effective date of this section. The department shall also reduce the amount a county is required to remit to the state pursuant to paragraph (2) of subdivision (b) in the 1997–98 fiscal year by an amount equal to the amount of fine and forfeiture revenue that a county remitted to the state between the start of the 1997–98 fiscal year and the effective date of this section. The department shall notify the county, the trial courts of the county, and the Judicial Council of the amount it has reduced a county’s obligation to remit to the state pursuant to this subdivision.

**77201.1.** (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

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### Current Year Expenditure Adjustment

- *Recognizes that each county may have made substantial expenditures for trial court operations during the first half of fiscal year 1997–1998 between July 1, 1997 and December 31, 1997. Accordingly, counties are permitted to seek a credit against the County General Fund Base Amount payment for the 1997–1998 fiscal year for court operations expenditures paid by the county before January 1, 1998 (the effective date of AB 233).*
- *Requires counties to report their court operations expenditures no later than February 15, 1998, using the same format counties and courts used prior to AB 233 to report court expenditures and revenues to the Judicial Council on a quarterly basis.*
- *Counties are also permitted a credit against the County Fine Base Amount for the amount of fine, fees, and forfeitures revenues the county remitted to the state General Fund between the start of the fiscal year and December 31, 1997.*

### **AB 1590 VERSION**

#### County Funding Obligations in FY 1998–1999 and Thereafter

- *Note: Gov. Code, § 77201.1 was amended as follows by AB 1590 (Stats. 1998, ch. 406), effective August 26, 1998. Effective July 1, 1999, this version of Gov. Code, § 77201.1 will be superseded by the version contained in AB 2788 (Stats. 1998, ch. 1017), which immediately follows this section.*



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(b) Commencing in the 1998–99 fiscal year, and each fiscal year thereafter, each county shall remit to the state in four equal installments due on October 1, January 1, April 1, and July 1, the amounts specified in paragraphs (1) and (2), as follows:

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year:

- *Beginning in the 1998–1999 fiscal year, the shift of funding trial court operations to the state is governed by Gov. Code, § 77201.1. During fiscal year 1997–1998, Gov. Code, § 77201 governs this subject.*
- *Under this section, counties are provided additional relief of approximately \$288 million by reducing the amount they are required to pay to the state in fiscal year 1998–1999. The state General Fund will provide additional funds to offset the reduced payments from counties, as follows:*
  1. *The County General Fund Base Amount, beginning in fiscal year 1998–1998, and thereafter, is defined in this section. The amounts listed in subdivision (b)(1) reflect a permanent reduction in the County General Fund Base Amount totaling \$274 million.*
  2. *For those counties with a population of less than 70,000, the County General Fund Base Amount is permanently reduced to zero, saving those counties roughly \$11 million.*
  3. *The amounts listed in subdivision (b)(2) reflect that the County Fine Base Amount for “donor counties” is reduced by a total of \$4.3 million beginning in fiscal year 1998–1999. Donor counties are Placer, Riverside, San Joaquin, San Mateo, and Ventura, the five counties that*

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*have historically contributed more in fine, fee, and penalty revenues to the state than they received in state funding for court operations.*

- *Recognizing that beginning in fiscal year 1998–1999 cities will retain 100 percent of base fines from city arrests and other city-generated traffic fine revenue, the amounts listed in subdivision (b)(2) are reduced by approximately \$62 million for fiscal year 1998–1999.*

<u>Jurisdiction</u>	<u>Amount</u>
<u>Alameda.....</u>	<u>\$29,554,276</u>
<u>Alpine.....</u>	<u>–</u>
<u>Amador.....</u>	<u>–</u>
<u>Butte.....</u>	<u>2,188,561</u>
<u>Calaveras.....</u>	<u>–</u>
<u>Colusa.....</u>	<u>–</u>
<u>Contra Costa.....</u>	<u>14,553,828</u>
<u>Del Norte.....</u>	<u>–</u>
<u>El Dorado.....</u>	<u>2,642,828</u>
<u>Fresno.....</u>	<u>11,220,322</u>
<u>Glenn.....</u>	<u>–</u>
<u>Humboldt.....</u>	<u>2,023,135</u>
<u>Imperial.....</u>	<u>1,855,173</u>
<u>Inyo.....</u>	<u>–</u>
<u>Kern.....</u>	<u>12,237,358</u>
<u>Kings.....</u>	<u>1,981,326</u>
<u>Lake.....</u>	<u>–</u>
<u>Lassen.....</u>	<u>–</u>
<u>Los Angeles.....</u>	<u>200,596,408</u>
<u>Madera.....</u>	<u>1,042,967</u>
<u>Marin.....</u>	<u>4,727,855</u>
<u>Mariposa.....</u>	<u>–</u>
<u>Mendocino.....</u>	<u>1,539,605</u>
<u>Merced.....</u>	<u>1,163,409</u>
<u>Modoc.....</u>	<u>–</u>
<u>Mono.....</u>	<u>–</u>
<u>Monterey.....</u>	<u>5,539,656</u>
<u>Napa.....</u>	<u>2,131,045</u>
<u>Nevada.....</u>	<u>615,130</u>
<u>Orange.....</u>	<u>52,341,395</u>
<u>Placer.....</u>	<u>3,928,394</u>
<u>Plumas.....</u>	<u>–</u>

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Riverside.....	21,226,163
Sacramento .....	25,798,064
San Benito .....	—
San Bernardino.....	22,536,554
San Diego.....	50,764,874
San Francisco .....	20,731,433
San Joaquin .....	7,129,952
San Luis Obispo .....	4,447,550
San Mateo.....	13,179,481
Santa Barbara .....	7,516,435
Santa Clara .....	32,910,617
Santa Cruz .....	4,634,736
Shasta .....	2,750,564
Sierra .....	—
Siskiyou.....	—
Solano.....	6,975,509
Sonoma.....	6,724,289
Stanislaus.....	5,872,184
Sutter .....	1,388,808
Tehama.....	—
Trinity.....	—
Tulare .....	5,252,388
Tuolumne .....	—
Ventura.....	11,392,454
Yolo.....	2,364,984
Yuba .....	—

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below which is based on an amount of fine and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001, 1463.07, and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994–95 fiscal year:

- ***Adds reference to Pen. Code, § 1463.07 as one of the fines included in the County Fine Base Amount. Makes no substantive change, as this fine was included in the County Fine Base Amount calculations.***

Jurisdiction	Amount
Alameda.....	\$9,912,156
Alpine.....	58,757
Amador.....	265,707
Butte .....	1,217,052
Calaveras .....	310,331
Colusa.....	397,468
Contra Costa.....	4,168,194
Del Norte .....	553,730
El Dorado .....	1,028,349
Fresno.....	3,695,633

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Glenn .....	360,974
Humboldt.....	1,025,583
Imperial .....	1,144,661
Inyo.....	614,920
Kern.....	5,530,972
Kings .....	982,208
Lake .....	375,570
Lassen.....	430,163
Los Angeles.....	71,002,129
Madera.....	1,042,797
Marin .....	2,111,712
Mariposa.....	135,457
Mendocino.....	<del>755,680</del> 717,075
Merced.....	1,733,156
Modoc.....	104,729
Mono .....	415,136
Monterey .....	3,330,125
Napa.....	<del>721,437</del> 719,168
Nevada.....	1,220,686
Orange .....	19,572,810
Placer .....	1,243,754
Plumas .....	193,772
Riverside.....	7,681,744
Sacramento.....	<del>6,440,273</del> 5,937,204
San Benito .....	302,324
San Bernardino.....	9,092,380
San Diego .....	16,166,735
San Francisco .....	4,046,107
San Joaquin .....	3,562,835
San Luis Obispo .....	2,036,515
San Mateo.....	4,831,497
Santa Barbara .....	3,277,610
Santa Clara .....	11,597,583
Santa Cruz .....	1,902,096
Shasta .....	1,044,700
Sierra .....	42,533
Siskiyou.....	615,581
Solano.....	<del>3,011,833</del> 2,708,758
Sonoma.....	2,316,999
Stanislaus.....	1,855,169
Sutter .....	678,681
Tehama.....	640,303
Trinity.....	137,087
Tulare .....	1,840,422
Tuolumne .....	361,665
Ventura.....	4,575,349
Yolo.....	<del>1,158,629</del> 880,798
Yuba.....	<del>318,242</del> 289,325

- ***Lowers the amount six counties must remit to the state to meet their annual trial court funding obligation.***

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(3) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(4) Except for those counties with a population of 70,000 or less on January 1, 1996, the amount a county is required to remit pursuant to paragraph (1) shall be adjusted by the amount equal to any adjustment resulting from the procedures in subdivisions (c) and (d) of Section 77201 as it read on June 29 30, 1998.

(5) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county and (B) the county's portion of fines and forfeitures transmitted to the state in the 1994-95 fiscal year, shall reduce that county's remittance specified in paragraph (2) of this subdivision by an equal amount. Nothing in this paragraph is intended to limit judicial sentencing discretion.

(c) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(d) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of youth authority charges.

## COMMENTARY

### Counties Protected From Increases

- *Provides that the County General Fund Base Amount and the County Fine Base Amount shall not be increased except as provided in subdivision (b)(4).*

### Prior Adjustments Carried Forward

- *This provision ensures that any adjustments made to the County General Fund Base Amount in fiscal year 1997-1998, pursuant to Gov. Code, § 77201(c) and (d), are to be reflected in the new schedule of county obligations that begins in fiscal year 1998-1999.*
- *Exempts the smallest counties from the adjustments.*

### Adjusting County Fine Base Amount Payments

- *This provision allows for an adjustment of the County Fine Base Amount if there is a change in law that reduces the amount of revenues collected by the county below a certain amount.*

### Other County Responsibilities

- *Clarifies that the County General Fund Base Amount obligation does not relieve the county of the responsibility to provide necessary and suitable facilities under Gov. Code, § 68073.*
- *Provides that counties will continue to be responsible for funding all other*

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*justice-related costs outside of the definition of court operations to the extent counties are required to provide funding for such expenses under other provisions of law. The section contains a nonexclusive, illustrative list of examples.*

(e) County base-year remittance requirements specified in paragraph (2) of subdivision (b) incorporate specific reductions to reflect those instances where the Department of Finance has determined that a county's remittance to both the General Fund and the Trial Court Trust Fund during the 1994–95 fiscal year exceeded the aggregate amount of state funding from the General Fund and the Trial Court Trust Fund. The amount of the reduction was determined by calculating the difference between the amount the county remitted to the General Fund and the Trial Court Trust Fund and the aggregate amount of state support from the General Fund and the Trial Court Trust Fund allocated to the county's trial courts. In making its determination of whether a county is entitled to a reduction pursuant to that paragraph, the Department of Finance subtracted from county revenues remitted to the state, all moneys derived from the fee required by Section 42007.1 of the Vehicle Code and the parking surcharge required by subdivision (c) of Section 76000.

(f) Notwithstanding subdivision (e), the Department of Finance shall not reduce a county's base-year remittance requirement, as specified in paragraph (2) of subdivision (b), if the county's trial court funding allocation was modified pursuant to the amendments to the allocation formula set forth in paragraph (4) of subdivision (d) of Section 77200, as amended by Chapter 2 of the Statutes of 1993, to provide a stable level of funding for small county courts in response to reductions in the State General Fund support for the trial courts.

(g) ~~The Department of Finance shall notify the county, trial courts in the county, and Judicial~~

### **Donor County Relief**

- *As previously indicated, this section provides that the County Fine Base Amount for the five donor counties is reduced.*

### **Department of Finance Notification**

- ***Eliminates a duplicative reporting***

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Council of the final decision and resulting adjustment. In any fiscal year in which a county of the first class pays the employer-paid retirement contribution for court employees, or any other employees of the county who provide a service to the court, and the amounts of those payments are charged to the budget of the courts, the sum the county is required to pay to the state pursuant to subdivision (h) shall be increased by actual amount charged to the trial court, not to exceed twenty-three million five hundred twenty-seven thousand nine hundred forty-nine dollars (\$23,527,949), in that fiscal year. The county and the trial court shall report to the Controller and the Department of Finance the actual amount charged in that fiscal year.

(h) The following amounts incorporate adjustments pursuant to paragraph (4) of subdivision (b) to the amounts specified in paragraph (1) of subdivision (b):

<u>Jurisdiction</u>	<u>Amount</u>
<u>Alameda.....</u>	<u>\$25,011,006</u>
<u>Alpine .....</u>	<u>—</u>
<u>Amador .....</u>	<u>—</u>
<u>Butte .....</u>	<u>2,185,622</u>
<u>Calaveras .....</u>	<u>—</u>
<u>Colusa.....</u>	<u>—</u>
<u>Contra Costa.....</u>	<u>13,305,039</u>
<u>Del Norte .....</u>	<u>—</u>
<u>El Dorado .....</u>	<u>2,459,385</u>
<u>Fresno .....</u>	<u>12,469,755</u>
<u>Glenn .....</u>	<u>—</u>
<u>Humboldt.....</u>	<u>1,801,779</u>
<u>Imperial .....</u>	<u>1,841,871</u>
<u>Inyo.....</u>	<u>—</u>
<u>Kern.....</u>	<u>10,260,568</u>
<u>Kings .....</u>	<u>1,639,301</u>
<u>Lake.....</u>	<u>—</u>
<u>Lassen.....</u>	<u>—</u>
<u>Los Angeles.....</u>	<u>194,811,830</u>
<u>Madera.....</u>	<u>1,136,442</u>
<u>Marin .....</u>	<u>4,844,248</u>
<u>Mariposa.....</u>	<u>—</u>
<u>Mendocino.....</u>	<u>1,560,187</u>
<u>Merced.....</u>	<u>2,469,876</u>
<u>Modoc.....</u>	<u>—</u>
<u>Mono .....</u>	<u>—</u>

- *requirement.*
- *The County General Fund Base Amount for Los Angeles County was understated by \$23.5 million that represented the costs for employer-paid retirement for court employees.*
- *Provides that the Los Angeles County General Fund Base Amount shall be increased, up to a maximum of \$23.5 million, for any retirement contributions the county charges against the court.*
- *This subdivision lists the County General Fund Base Amount for all counties, incorporating the adjustments approved by the Department of Finance, for fiscal year 1998–1999. These amounts supersede the amounts listed in paragraph (1) of subdivision (b) of this section.*

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**COMMENTARY**

Monterey .....	5,023,234
Napa .....	2,384,362
Nevada.....	615,130
Orange .....	43,162,225
Placer.....	1,810,526
Plumas .....	—
Riverside.....	19,841,379
Sacramento .....	23,036,960
San Benito .....	—
San Bernardino.....	22,474,558
San Diego .....	48,328,813
San Francisco .....	21,439,225
San Joaquin .....	7,270,076
San Luis Obispo .....	4,509,185
San Mateo.....	13,534,532
Santa Barbara .....	7,516,435
Santa Clara .....	31,877,167
Santa Cruz .....	4,392,880
Shasta .....	2,254,893
Sierra .....	—
Siskiyou .....	—
Solano.....	6,936,290
Sonoma.....	6,847,184
Stanislaus.....	3,895,885
Sutter .....	416,865
Tehama.....	—
Trinity.....	—
Tulare .....	5,112,765
Tuolumne .....	—
Ventura.....	10,815,767
Yolo.....	2,364,984
Yuba .....	—

(i) This section shall become operative on July 1, 1998, and shall be repealed on July 1, 1999.

- ***The funding provisions established by this section apply to the 1998–1999 fiscal year. On July 1, 1999, Gov. Code, § 77201.1 enacted by AB 2788 (Stats. 1998, ch. 1017) becomes operative. The code sections and commentary for AB 2788 immediately follow.***



**Note: Effective July 1, 1999, this AB 2788 version (immediately below) of 77201.1 will supersede the previous version.**

**77201.1.** (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

(b) Commencing in the ~~1998-99~~ 1999-2000 fiscal year, and each fiscal year thereafter, each county shall remit to the state in four equal installments due on October 1, January 1, April 1, and ~~July~~ May 1, the amounts specified in paragraphs (1) and (2), as follows:

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994-95 fiscal year:

Jurisdiction	Amount
Alameda.....	<del>\$29,554,276</del> 22,509,905
Alpine.....	—
Amador.....	—
Butte.....	<del>2,188,561</del> —
Calaveras.....	—
Colusa.....	—
Contra Costa.....	<del>14,553,828</del> 11,974,535
Del Norte.....	—
El Dorado.....	<del>2,642,828</del> —
Fresno.....	<del>11,220,322</del> 11,222,780

**AB 2788 VERSION**

**County Funding Obligations in FY 1998-1999 and Thereafter**

- ***Note: For the 1998-1999 fiscal year, the shift of funding trial court operations to the state is governed by Gov. Code, § 77201.1, as added by AB 1590, which precedes this section. During fiscal year 1997-1998, Gov. Code, § 77201 governs this subject. Beginning in fiscal year 1999-2000, Gov. Code, § 77201.1, as added by AB 2788 governs.***
- ***The last county payment for the fiscal year is due on May 1, rather than July 1.***
- ***The amounts the counties are required to pay beginning in the 1999-2000 fiscal year for the County General Fund Base Amount are further reduced as follows:***
- ***The 38 smallest counties will not have to pay any amount; and***
- ***The remaining counties have their amounts reduced by 10 percent.***

Glenn		–
Humboldt	2,023,135	–
Imperial	1,855,173	–
Inyo		–
Kern	12,237,358	9,234,511
Kings	1,981,326	–
Lake		–
Lassen		–
Los Angeles	200,596,408	175,330,647
Madera	1,042,967	–
Marin	4,727,855	–
Mariposa		–
Mendocino	1,539,605	–
Merced	1,163,409	–
Modoc		–
Mono		–
Monterey	5,539,656	4,520,911
Napa	2,131,045	–
Nevada	615,130	–
Orange	52,341,395	38,846,003
Placer	3,928,394	–
Plumas		–
Riverside	21,226,163	17,857,241
Sacramento	25,798,064	20,733,264
San Benito		–
San Bernardino	22,536,554	20,227,102
San Diego	50,764,874	43,495,932
San Francisco	20,731,433	19,295,303
San Joaquin	7,129,952	6,543,068
San Luis Obispo	4,447,550	–
San Mateo	13,179,481	12,181,079
Santa Barbara	7,516,435	6,764,792
Santa Clara	32,910,617	28,689,450
Santa Cruz	4,634,736	–
Shasta	2,750,564	–
Sierra		–
Siskiyou		–
Solano	6,975,509	6,242,661
Sonoma	6,724,289	6,162,466
Stanislaus	5,872,184	3,506,297
Sutter	1,388,808	–
Tehama		–
Trinity		–
Tulare	5,252,388	–
Tuolumne		–
Ventura	11,392,454	9,734,190
Yolo	2,364,984	–
Yuba		–

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below which is based on an

- ***Adds reference to Pen. Code, § 1463.07 as one of the fines included***

amount of fine and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001, 1463.07, and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994–95 fiscal year:

<u>Jurisdiction</u>	<u>Amount</u>
<u>Alameda.....</u>	<u>\$ 9,912,156</u>
<u>Alpine.....</u>	<u>58,757</u>
<u>Amador.....</u>	<u>265,707</u>
<u>Butte.....</u>	<u>1,217,052</u>
<u>Calaveras.....</u>	<u>310,331</u>
<u>Colusa.....</u>	<u>397,468</u>
<u>Contra Costa.....</u>	<u>4,168,194</u>
<u>Del Norte.....</u>	<u>553,730</u>
<u>El Dorado.....</u>	<u>1,028,349</u>
<u>Fresno.....</u>	<u>3,695,633</u>
<u>Glenn.....</u>	<u>360,974</u>
<u>Humboldt.....</u>	<u>1,025,583</u>
<u>Imperial.....</u>	<u>1,144,661</u>
<u>Inyo.....</u>	<u>614,920</u>
<u>Kern.....</u>	<u>5,530,972</u>
<u>Kings.....</u>	<u>982,208</u>
<u>Lake.....</u>	<u>375,570</u>
<u>Lassen.....</u>	<u>430,163</u>
<u>Los Angeles.....</u>	<u>71,002,129</u>
<u>Madera.....</u>	<u>1,042,797</u>
<u>Marin.....</u>	<u>2,111,712</u>
<u>Mariposa.....</u>	<u>135,457</u>
<u>Mendocino.....</u>	<u><del>755,680</del> 717,075</u>
<u>Merced.....</u>	<u>1,733,156</u>
<u>Modoc.....</u>	<u>104,729</u>
<u>Mono.....</u>	<u>415,136</u>
<u>Monterey.....</u>	<u>3,330,125</u>
<u>Napa.....</u>	<u><del>721,437</del> 719,168</u>
<u>Nevada.....</u>	<u>1,220,686</u>
<u>Orange.....</u>	<u>19,572,810</u>
<u>Placer.....</u>	<u>1,243,754</u>
<u>Plumas.....</u>	<u>193,772</u>
<u>Riverside.....</u>	<u>7,681,744</u>
<u>Sacramento.....</u>	<u><del>6,440,273</del> 5,937,204</u>
<u>San Benito.....</u>	<u>302,324</u>
<u>San Bernardino.....</u>	<u><del>9,092,380</del> 8,511,193</u>
<u>San Diego.....</u>	<u>16,166,735</u>
<u>San Francisco.....</u>	<u>4,046,107</u>
<u>San Joaquin.....</u>	<u>3,562,835</u>
<u>San Luis Obispo.....</u>	<u>2,036,515</u>
<u>San Mateo.....</u>	<u>4,831,497</u>
<u>Santa Barbara.....</u>	<u>3,277,610</u>
<u>Santa Clara.....</u>	<u>11,597,583</u>

***in the County Fine Base Amount. Makes no substantive change, as this fine was included in the County Fine Base Amount calculations.***

- ***For fiscal year 1999–2000 and thereafter the County Fine Base Amount for seven counties is reduced because the amount the county was required to pay was based on 13 rather than 12 months’ revenue.***

Santa Cruz .....	1,902,096
Shasta .....	1,044,700
Sierra .....	42,533
Siskiyou.....	615,581
Solano.....	<del>3,011,833</del> 2,708,758
Sonoma.....	2,316,999
Stanislaus.....	1,855,169
Sutter .....	678,681
Tehama.....	640,303
Trinity.....	137,087
Tulare .....	1,840,422
Tuolumne .....	361,665
Ventura.....	4,575,349
Yolo.....	<del>1,158,629</del> 880,798
Yuba.....	<del>318,242</del> 289,325

(3) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(4) Except for those counties with a population of 70,000, or less, on January 1, 1996, the amount a county is required to remit pursuant to paragraph (1) shall be adjusted by the amount equal to any adjustment resulting from the procedures in subdivisions (c) and (d) of Section 77201 as if that section read on June 29 30, 1998, to the extent a county filed an appeal with the Controller with respect to the findings made by the Department of Finance. This paragraph shall not be construed to establish a new appeal process beyond what was provided by Section 77201, as that section read on June 30, 1998.

(5) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county’s portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county, and (B) the county’s portion of fines and

**Counties Protected From Increases**

- *Provides that the County General Fund Base Amount and the County Fine Base Amount shall not be increased except as provided in subdivision (b)(4).*

**Prior Adjustments Carried Forward**

- *Permits the Department of Finance adjustments to the County General Fund Base Amount to go into effect if the pending appeal from that amount is resolved after the date this measure becomes effective. (The measure is an urgency measure, effective September 30, 1998.)*
- *This provision ensures that any adjustments made to the County General Fund Base Amount in fiscal year 1997–1998, pursuant to Gov. Code, § 77201(c), are to be reflected in the new schedule of county obligations that begins in fiscal year 1998–1999.*

**Adjusting County Fine Base Amount Payments**

- *This provision allows for an adjustment of the County Fine Base Amount if there is a change in law that reduces the amount of revenues collected by the county below a certain amount.*

forfeitures transmitted to the state in the 1994–95 fiscal year, shall reduce that county’s remittance specified in paragraph (2) of this subdivision by an equal amount. Nothing in this paragraph is intended to limit judicial sentencing discretion.

(c) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(d) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of youth authority charges.

(e) County base year remittance requirements specified in paragraph (2) of subdivision (b) incorporate specific reductions to reflect those instances where the Department of Finance has determined that a county’s remittance to both the General Fund and the Trial Court Trust Fund during the 1994–95 fiscal year exceeded the aggregate amount of state funding from the General Fund and the Trial Court Trust Fund. The amount of the reduction was determined by calculating the difference between the amount the county remitted to the General Fund and the Trial Court Trust Fund and the aggregate amount of state support from the General Fund and the Trial Court Trust Fund allocated to the county’s trial courts. In making its determination of whether a county is entitled to a reduction pursuant to that paragraph, the Department of Finance subtracted from county revenues remitted to the state, all moneys derived from the fee required by Section 42007.1 of the Vehicle Code and the parking surcharge required by subdivision (c) of Section 76000.

(f) Notwithstanding subdivision (e), the Department of Finance shall not reduce a county’s

### **Other County Responsibilities**

- *Clarifies that the County General Fund Base Amount obligation does not relieve the county of the responsibility to provide necessary and suitable facilities under Gov. Code, § 68073.*
- *Provides that counties will continue to be responsible for funding all other justice-related costs outside of the definition of court operations to the extent counties are required to provide funding for such expenses under other provisions of law. The section contains a nonexclusive, illustrative list of examples.*

### **Donor County Relief**

- *As previously indicated, this section provides that the County Fine Base Amount for the five donor counties is reduced.*

base-year remittance requirement, as specified in paragraph (2) of subdivision (b), if the county's trial court funding allocation was modified pursuant to the amendments to the allocation formula set forth in paragraph (4) of subdivision (d) of Section 77200, as amended by Chapter 2 of the Statutes of 1993, to provide a stable level of funding for small county courts in response to reductions in the State General Fund support for the trial courts.

(g) In any fiscal year in which a county of the first class pays the employer-paid retirement contribution for court employees, or any other employees of the county who provide a service to the court, and the amounts of those payments are charged to the budget of the courts, the sum the county is required to pay to the state pursuant to paragraph (1) of subdivision (b) shall be increased by the actual amount charged to the trial court up to twenty-three million five hundred twenty-seven thousand nine hundred forty-nine dollars (\$23,527,949) in that fiscal year. The county and the trial court shall report to the Controller and the Department of Finance shall notify the county, trial courts in the county, and the Judicial Council of the final decision and result adjustment the actual amount charged in that fiscal year.

(h) This section shall become operative on July 1, 1998 1999.

- ***The County General Fund Base Amount for Los Angeles County was understated by \$23.5 million that represented the costs for employer-paid retirement for court employees.***
- ***Provides that the Los Angeles County General Fund Base Amount shall be increased, up to a maximum of \$23.5 million, for any retirement contributions the county charges against the court.***
- ***The provisions for funding established by this section take effect on July 1, 1999. Prior to that time, the provisions for funding established in Gov. Code, § 77201.1 as added by Stats. 1998, ch. 406, § 4 (AB 1590) is applicable.***

77201.2. All moneys required to be paid to the Trial Court Trust Fund pursuant to Sections 77201 and 77201.1 shall be considered delinquent if not received by the dates therein specified, and shall be subject to the penalties set forth in Section 68085.

77201.3. (a) The Legislature finds and declares that the delay until July 1, 1998, in adjusting county obligation payments as provided by subdivision (c) of Section 77201, has created a one-time negative fiscal impact to certain counties and shall be mitigated over a multiyear period, except as provided, pursuant to this section.

(b) Except as provided by subdivision (c), for each fiscal year for a three-year period commencing with the 1998–99 fiscal year, a county identified in this subdivision may reduce the amount it was required to remit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1, by an amount not to exceed 33.3 percent of the amount identified for that county, as follows:

Jurisdiction	Amount
Alameda.....	\$ 5,077,229
Contra Costa.....	2,251,310
El Dorado .....	196,769
Fresno .....	771,280
Humboldt.....	214,636
Kern.....	1,902,508
Kings .....	280,791
Los Angeles.....	19,028,623
Madera.....	16,581
Marin .....	84,372
Merced.....	345,600
Monterey .....	362,953
Orange .....	8,548,467
Placer .....	2,008,790
Riverside.....	1,626,433
Sacramento .....	2,874,779
San Diego .....	3,496,316
San Francisco .....	151,739
San Joaquin .....	565,159

**Delinquent Payments to Trial Court Trust Fund**

- *Makes payments of the County General Fund Base Amount and the County Fine Base Amount to the Trial Court Trust Fund delinquent and subject to statutory penalties if not received on dates specified.*

**Recoupment of County Overpayments**

- *Notes that a delay in adjusting county obligations under the Trial Court Funding Law resulted in an overpayment by certain counties.*
- *States legislative intent to mitigate this overpayment.*
- *Provides the amount of the overpayment for specified counties and notes the counties involved may have their County General Fund Base Amounts reduced by one-third of the amount for each of the next three fiscal years, beginning in the 1998–1999 fiscal year.*

San Luis Obispo .....	91,727
San Mateo.....	194,426
Santa Clara .....	400,508
Santa Cruz .....	379,468
Shasta .....	362,517
Solano.....	183,853
Sonoma.....	165,163
Stanislaus.....	1,630,883
Sutter .....	939,161
Tulare .....	405,789
Ventura.....	445,303

(c) On or before January 15, 1999, the Department of Finance shall determine if it is feasible to reduce from the amount counties are required to remit to the state for the 1999–2000 fiscal year, pursuant to paragraph (1) of subdivision (b) of Section 77201.1, the entire amount in subdivision (b) for each specified county.

(1) If the Department of Finance determines that it is feasible to allow for the full reduction of the amounts in subdivision (b) in the 1999–2000 fiscal year, then (A) the amounts identified in subdivision (b) shall be evenly credited to the payments in the 1999–2000 fiscal year that counties identified in subdivision (b) are required to remit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1, and (B) subdivision (b) shall no longer be operative.

(2) If the Department of Finance determines that it is not feasible to allow for the full reduction of the amounts in subdivision (b) in the 1999–2000 fiscal year, then the department shall establish and conduct an appeal process for any county listed in subdivision (b) for which the 33.3 percent reduction over a three-year period pursuant to subdivision (b) would significantly contribute to extreme financial hardship on the county. The appeal process shall permit any county listed in subdivision (b) to submit a written appeal to the department, no later than February 15, 1999, that sets forth the circumstances that would make the provisions of subdivision (b) financially unfeasible and significantly contribute to extreme hardship for the applicant county. The department shall complete its review and make a final decision concerning all applications no later than April 1, 1999. The decision of the department shall be final and not be subject to further appeal. A written copy of the decision shall be provided to the affected county and to the chairs of the fiscal

- ***Provides that the Department of Finance shall determine if it is feasible to refund the total remaining overpayments in the 1999–2000 fiscal year rather than over three fiscal years.***
- ***Provides that if full remaining recoupment of the overpayment is to occur in one year, the reductions shall be evenly credited throughout the payments required to be made in the 1999–2000 fiscal year.***
- ***Provides for an appeal process if the recoupment is to occur over three fiscal years for those counties claiming a hardship if they cannot get a full recoupment in one fiscal year.***
- ***Provides that the decision of the Department of Finance on any appeals is final.***



committees of the Legislature.

If the department finds that the 33.3 percent reduction over a three-year period would cause extreme financial hardship on the county submitting an appeal, then the full amount for that county specified in subdivision (b) shall be evenly credited to the payments in the 1999–2000 fiscal year that the county was required to remit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1.

(d) For purposes of determining whether a county would suffer extreme financial hardship pursuant to paragraph (2) of subdivision (c), the criteria considered by the Department of Finance shall include, but not be limited to, whether the applicant county had:

(1) Below average statewide growth in general purpose revenue.

(2) Below average statewide growth in property tax assessed valuation.

(3) Above average statewide unemployment rate.

(4) Above average statewide growth in program expenditures.

(5) Extraordinary local costs caused by natural disasters.

(6) Current finding of financial distress from the Commission on State Mandates with regard to the general assistance program under Section 17000 of the Welfare and Institutions Code.

(7) Other criteria, as determined by the department, which demonstrates financial hardship.

(e) (1) Under no circumstance shall the total reduction for a county pursuant to this section exceed the amount identified for that county in subdivision (b). Pursuant to subdivision (a), the above amounts are intended to mitigate the one-time negative fiscal impact to specified counties as a result of subdivision (e) of Section 77201 and are not subject to appeal. Except as provided in paragraph (2), this section shall not apply to any county whose remittance to the state under paragraph (1) of subdivision (b) of Section 77201.1, is zero in the 1999–2000 fiscal year.

(2) This section shall apply to a county (A) that will have its remittance to the state under paragraph (1) of subdivision (b) of Section 77201.1 reduced to zero in the 1999–2000 fiscal year and (B) for which the amount listed in subdivision (b) of this section is greater than the

- ***States a nonexclusive list of criteria for the Department of Finance to use in determining whether a county would suffer extreme financial hardship.***

- ***Limits the total reduction for most counties to no more than the amount owed.***
- ***Generally prohibits counties whose County General Fund Base Amount is zero from receiving a reduction.***

- ***Permits specified counties whose County General Fund Base Amount is zero to receive a reduction, to be applied to the County Fine Base Amount, if the county appeals and the***

amount the county was required to remit to the state under subdivision (h) of Section 77201.1 as amended by Section 4 of Chapter 406 of the Statutes of 1998, in which case the provisions set forth in subdivision (c) shall apply to that county if the county submits an appeal pursuant to that subdivision. For any county eligible under this paragraph, the Department of Finance may approve a reduction that is equal to or less than the amount specified for that county in subdivision (b). The reduction approved shall be reduced from the amount specified for that county in paragraph (2) of subdivision (b) of Section 77201.1 for the 1998–99 fiscal year only.

(f) It is the intent of the Legislature that support for state trial court funding not be impacted as a result of this section.

(g) This section shall be repealed on January 1, 2002.

**77202.** (a) The Legislature shall make an annual appropriation to the Judicial Council for the general operations of the trial courts based on the recommendations of the Trial Court Budget Commission, as approved by the Judicial Council, as specified in paragraph (4) of subdivision (a) of Section 68502.5. The Judicial Council’s trial court budget request shall meet the needs of all trial courts in a manner which promotes equal access to the courts statewide. The Judicial Council shall allocate the appropriation to the trial courts in a manner that best ensures the ability of the courts to carry out their functions, promotes implementation of statewide policies, and promotes the immediate implementation of efficiencies and cost saving measures in court operations, in order to guarantee access to justice to citizens of the state.

The Judicial Council shall ensure that the recommendations of the commission and the allocations made by the council reward each trial court’s implementation of efficiencies and cost

***Department of Finance finds a hardship.***

- ***Declares that the Legislature intends that adjustments to county remittances to the Trial Court Trust Fund made pursuant to this section not reduce the total amount provided to the Trial Court Trust Fund.***
- ***Repeals this section on January 1, 2002.***

**State Appropriation to the Trial Courts**

- ***Requires the Legislature to make an annual appropriation to the Judicial Council for support of the trial courts.***
- ***Requires the Judicial Council’s budget request to meet the needs of the trial courts in a manner which promotes equal access to justice.***
- ***Requires the Judicial Council to allocate funding to the trial courts in a manner that ensures their ability to carry out their functions, promotes implementation of statewide policies, and promotes efficiencies and cost saving measures in court operations, in order to guarantee access to justice.***

**Efficiencies and Cost Saving Measures**

- ***Requires the Judicial Council to ensure that the allocation recommendations of the Trial Court Budget Commission***

saving measures.

These efficiencies and cost saving measures shall include the following:

(1) The use of blanket cross-assignments allowing judges to hear civil, criminal, or other types of cases within the jurisdiction of another court.

(2) The coordinated or joint use of subordinate judicial officers to hear or try matters.

(3) The coordinated or joint use, sharing, or merger of court support staff among trial courts within a county or across counties.

(4) The assignment of civil, criminal, or other types of cases for hearing or trial, regardless of jurisdictional boundaries, to any available judicial officer.

(5) The assignment of any type of case to a judge for all purposes commencing with the filing of the case and regardless of jurisdictional boundaries.

(6) The establishment of a separate calendar or division to hear a particular type of case.

(7) In rural counties, the use of all court facilities for hearings and trials of all types of cases and the acceptance of filing documents in any case before any court in the county participating in the coordination plan.

(8) The coordinated or joint use of alternative dispute resolution programs, such as arbitration.

(9) The unification of the trial courts within a county to the maximum extent permitted by the Constitution.

(10) The development and use of joint automated accounting and case-processing systems.

(b) The Judicial Council shall promulgate rules governing practices and procedures for budgeting in the trial courts in a manner that best ensures the ability of the courts to carry out their functions. The Administrative Office of the Courts, after consultation with the Department of Finance, shall establish budget procedures and an annual schedule of budget development and management consistent with these rules.

77202.5. (a) In any option year commencing with the 1994–95 fiscal year, in which the net

*and the actual Judicial Council allocations reward efficiencies and cost saving measures, including those specified in the legislation.*

#### **Budgeting Practices**

- *Requires the Judicial Council to adopt rules governing budgeting practices and procedures in the trial courts. Requires the Administrative Office of the Courts (AOC), after consultation with the Department of Finance, to establish budget procedures and an annual budget development and management schedule consistent with the council rules.*

#### **Vehicle License Fees Subvention**

- *Corrects a drafting error by*

county benefit for the County of Ventura is less than the sum of five million two hundred sixty-two thousand five hundred dollars (\$5,262,500), adjusted each fiscal year by the percentage change in the California per capita personal income, the Controller shall allocate to the county a special supplemental subvention of vehicle license fee revenues pursuant to Section 11005 of the Revenue and Taxation Code in an amount equal to the amount by which the net county benefits is less than five million two hundred sixty-two thousand five hundred dollars (\$5,262,500), as adjusted for the applicable fiscal year.

(b) For purposes of this section, the net county benefit for each fiscal year beginning in the 1994–95 fiscal year is the sum of the revenues received by the county from the state for trial court operations in Ventura County for that fiscal year reduced by the amount subtracted from the county’s proportionate share of property tax revenue pursuant to the Tax Equity Allocation (TEA) formula pursuant to Section 98.02 of the Revenue and Taxation Code for that fiscal year.

(c) For purposes of this section:

(1) “Revenues received for trial court operations” means payments received in accordance with paragraph (1) of subdivision (a) of Section 68085 and Section 77205.1, or their successor code provisions.

(2) “The percentage change in the California per capita personal income” means the annual amount computed and reported to the county by the Department of Finance in accordance with Section 7901.

**77203.** The Judicial Council may authorize a trial court to carry unexpended funds over from one fiscal year to the next, provided that the court carrying over the funds has fully implemented all provisions of Rule 991 of the California Rules of Court as it read on July 1, 1996, regarding trial court coordination.

**77204.** (a) The Judicial Council shall have the authority to allocate funds appropriated annually

*reinstating a section relating to Ventura County inadvertently repealed.*

### **Carryover of Unexpended Funds for Coordinated Courts**

- *Permits the Judicial Council to authorize a trial court to carry over unexpended funds from one fiscal year to the next if the court has fully implemented all provisions of Cal. Rules of Court, rule 991, as it read on July 1, 1996, regarding trial court coordination.*

### **Payment of Legal Costs**

- *Authorizes the Judicial Council to allocate funds from the Trial*

to the State Trial Court Trust Fund for the purpose of paying legal costs resulting from lawsuits or claims involving the state, the Judicial Council, or a member or employee of the Judicial Council or Administrative Office of the Court and arising out of (1) the actions or conduct of a trial court, trial court bench officer, or trial court employee, (2) a challenge to a California rule of court, form, local trial court rule, or policy, or (3) the actions or conduct of the Judicial Council or the Administrative Office of the Court affecting one or more trial courts and for which the state is named as a defendant or alleged to be the responsible party.

(b) For the purposes of this section, legal costs are ~~further~~ defined to be (1) the state's or Judicial Council's portion of any agreement, settlement decree, stipulation, or stipulated judgment ~~in an action involving a trial court bench officer of employee, or challenged a California rule of court, form, local trial court rule or policy;~~ (2) the state's or Judicial Council's portion of any payment required pursuant to a judgment ~~in an action involving a trial court bench officer or employee, or challenging a California rule of court, form, local trial court rule or policy or order;~~ or (3) the state's ~~portion of any attorneys' fees, legal assistant fees, and any litigation costs and expenses, including, but not limited to, experts' fees; incurred in an action involving a trial court bench officer or employee, or challenging a California rule of court, form, local trial court rule or policy by the state or Judicial Council.~~

**77205.** (a) Notwithstanding any other provision of law, in any year in which a county collects ~~and remits fee, fine, and forfeiture revenue for deposit into the county general fund~~ pursuant to Sections 1463.001, ~~1463.07~~ and 1464 of the Penal Code ~~and~~, Sections 42007, 42007.1, and 42008 of the Vehicle Code, and Sections 27361, and 76000 ~~of~~, and subdivision (f) of Section 29550 of, the Government Code ~~that would have been deposited into the General Fund pursuant to these sections as they read on December 31, 1997, and pursuant to Section 1463.07 of the Penal Code, and that exceeds the amount specified in paragraph (2) of~~

***Court Trust Fund to pay for legal costs in cases involving the state, the council, or the Administrative Office of the Courts and arising out of:***

- Trial court actions or conduct;***
- Challenges to court rules, forms, and policies;***
- Actions of the Judicial Council or Administrative Office of the Courts affecting one or more trial courts.***

- Provides that the legal costs for which funds may be allocated from the Trial Court Trust Fund include settlements, judgments and orders, attorney fees, and litigation costs and expenses.***
- Provides that only the state's and the Judicial Council's legal costs are covered, not those of the trial courts.***

### **Court and County Split of Revenue Growth**

- Prior to AB 233, counties were required to remit to the state General Fund specified fine, fee, and forfeiture revenues. Under AB 233, counties are no longer required to remit these revenues to the state General Fund. Instead counties pay the required County Fine Base Amount to the state for deposit into the Trial Court Trust Fund.***
- In addition, this section provides that***

subdivision (b) of Section 77201 for the 1997–98 fiscal year, and paragraph (2) of subdivision (b) of Section 77201.1 for the 1998–99 fiscal year, and thereafter, the excess amount shall be divided between the county or city and county and the state, with 50 percent of the excess transferred to the state for deposit in the Trial Court Improvement Fund and 50 percent of the excess being deposited into the county general fund. For the purpose of this subdivision, fee, fine, and forfeiture revenue shall not only include revenue from penalty assessments that would otherwise have been deposited in the General Fund prior to January 1, 1998.

(b) Any amounts required to be distributed to the state pursuant to subdivision (a) shall be remitted to the Controller no later than 45 days after the end of the fiscal year in which those fees, fines, and forfeitures were collected. This remittance shall be accompanied by a remittance advice identifying the quarter of collection and stating that the amount should be deposited in the Trial Court Improvement Fund.

(c) ~~Subject to subdivisions (a) and (b), moneys in the Trial Court Improvement Fund shall be subject to expenditure pursuant to Section 77213.~~ Notwithstanding subdivision (a), the following counties whose base-year remittance requirement was reduced pursuant to subdivision (c) of Section 77201.1 shall not be required to split their annual fee, fine, and forfeiture revenues as provided in this section until such revenues exceed the following amounts:

<u>County</u>	<u>Amount</u>
<u>Placer.....</u>	<u>\$ 1,554,677</u>
<u>Riverside.....</u>	<u>11,028,078</u>
<u>San Joaquin .....</u>	<u>3,694,810</u>
<u>San Mateo.....</u>	<u>5,304,995</u>
<u>Ventura.....</u>	<u>4,637,294</u>

*any increased amount in specified fines, fees, and forfeitures over the amount of the County Fine Base Amount are to be shared equally between the state Trial Court Improvement Fund and the counties.*

- ***Clarifies that only subdivision (f) of Gov. Code, § 29550 is included among these the fees, fines, and forfeitures.***
- ***Clarifies which revenues are used to determine when a county’s fee, fine, and forfeiture revenues exceeds the amount collected in 1994–1995.***
- *Under this section, at the end of each fiscal year, the county is required to pay to the State Controller for deposit in the Trial Court Improvement Fund, the state’s 50 percent share of the growth in revenues collected. The payment is due within 45 days of the close of the fiscal year in which the revenues are collected. The State Controller may verify the amounts to be remitted as part of ongoing fiscal compliance audits.*
- ***Exempts five specified counties from splitting fee, fine, and forfeiture revenues up to the indicated amounts.***

**Rules and Regulations on Budgeting.**

**77206.** (a) The Judicial Council shall adopt appropriate rules for budget submission, budget management, and reporting of revenues and expenditures by each court. The Controller, in consultation with the Judicial Council, shall maintain appropriate regulations for recordkeeping and accounting by the courts, in order to determine all moneys collected by the courts, including filing fees, fines, forfeitures, and penalties, and all revenues and expenditures relating to court operations.

(b) Regulations, rules, and reporting requirements adopted pursuant to this chapter shall be exempt from review and approval or other processing by the Office of Administrative Law as provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(c) The Controller, at the request of the Legislature or the Judicial Council, may perform and publish financial and fiscal compliance audits of the reports of court revenues and expenditures. The Controller shall report the results of these audits to the Legislature.

(d) The Judicial Council shall provide for the transmission of summary information concerning court revenues and expenditures to the Controller.

**77206.1.** (a) The presiding judge, or the person designated by the presiding judge to authorize expenditures from the Trial Court Operations Fund, shall approve no claim, and shall authorize no warrant, for any obligation in excess of that authorized therefor in the budget authorized by the Judicial Council.

(b) The Administrative Director of the Courts shall advise the Judicial Council, and the Judicial Council may appoint a person or entity to manage the expenditures from the Trial Court Operations Fund, of any court found to be in violation of this section.

### **Reporting, and Recordkeeping**

- *This provision restates law existing prior to enactment of AB 233.*
- *Requires the Judicial Council to adopt rules for budget submission, budget management, and reporting of revenues and expenditures by each court.*
- *Requires the State Controller to maintain regulations for recordkeeping and accounting by the courts. The State Controller is reviewing existing regulations for possible revision.*
- *Restates existing law exempting the regulations, rules, and reporting requirements in this section from review and approval by the Office of Administrative Law.*
- *Restates existing law authorizing the State Controller to perform audits as requested.*
- *Restates existing law regarding the reporting of trial court revenues and expenditures to the State Controller.*

### **Expenditures in Excess of Budget**

- *Prohibits official in charge of approving expenditures from the Trial Court Operations Fund from approving expenditures in excess of the amount authorized in the court's budget.*
- *Requires the Administrative Director of the Courts to advise the Judicial Council when a court exceeds expenditures authorized in the court's budget.*
- *Permits the Judicial Council to appoint a person to manage expenditures of a court that has*

*exceeded its budget.*

**Legislative Appropriation and Judicial Council Allocation of Trial Court Funding**

**77207.** The Legislature shall appropriate trial court funding. The Controller shall apportion trial court funding payments to the courts as provided in Section 68085 pursuant to an allocation schedule adopted by the Judicial Council in ~~four quarterly installments. Beginning in the 1997-1998 fiscal year, the Controller shall make quarterly apportionment payments on July 15, October 15, January 15, and April 15, provided that if the operative date of this section is less than 10 days prior to July 1, 1997, or thereafter, the Controller shall make the first quarterly apportionment payment within 10 days of the operative date of this section. In subsequent fiscal years, payments shall be due on July 15, October 15, January 15, and April 15.~~

**77208.** Amounts appropriated in the annual Budget Act for assigned judges shall be transferred to the Judicial Council on a monthly basis. The Judicial Council shall certify the amount expended for judicial assignment purposes monthly, and the Controller shall transfer to the Judicial Council the amount certified. The amounts so transferred by the Controller shall be credited to the appropriation available to the Judicial Council in augmentation of the Budget Act.

**77209.** (a) There is in the State Treasury the Trial Court Improvement Fund.

(b) The Judicial Council shall reserve funds for the following projects by allocating 1 percent of the annual appropriation for the trial courts to the Trial Court Improvement Fund as follows:

(1) At least one-half of 1 percent of the total appropriation for trial court operations shall be set aside as a reserve which shall not be allocated prior to March 15 of each year unless allocated to a court or courts for urgent needs.

(2) Up to one-quarter of 1 percent of the total

- *Requires the Legislature to appropriate trial court funding.*
- *The State Controller is required to apportion quarterly trial court payments based on the Judicial Council's allocation schedule.*
- ***Removes duplicative language relating to the Judicial Council's authority to allocate Trial Court Funding payments. (See Gov. Code, § 68085.)***

**Assigned Judges Appropriation**

- *Specifies the procedures by which the Controller will reimburse the Judicial Council for payment of Assigned Judges Program expenditures.*

**Trial Court Improvement Fund**

- *Establishes the Trial Court Improvement Fund, which is created for the purposes described below.*

**One Percent Reserve**

- *Requires the Judicial Council to reserve one percent of the annual appropriation to the trial courts as follows:*
  1. *At least one-half of the amount is to be set aside as a reserve and is not to be allocated before March 15, except for the urgent needs of a court or courts;*



appropriation for trial court operations may be allocated from the fund to courts which have fully implemented the requirements of Rule 991 of the California Rules of Court, as it read on July 1, 1996, and which meet additional criteria as may be established by the Judicial Council.

(3) Up to one-quarter of 1 percent of the total appropriation for trial court operations may be allocated from the fund for statewide projects or programs for the benefit of the trial courts.

~~(c) Except as specified in this section, the funds in the Trial Court Improvement Fund shall be subject to expenditure as specified in Sections 77025 and 77213. Any funds in the Trial Court Improvement Fund that are unencumbered at the end of the fiscal year shall be reappropriated to the Trial Court Improvement Fund for the following fiscal year.~~

(d) Moneys deposited in the Trial Court Improvement Fund shall be placed in an interest bearing account. Any interest earned shall accrue to the fund and shall be disbursed pursuant to subdivision (e).

(e) Moneys deposited in the Trial Court Improvement Fund may be disbursed for purposes of this section.

(f) Moneys deposited in the Trial Court Improvement Fund pursuant to Section 68090.8 shall be allocated by the Judicial Council for automated recordkeeping system improvements pursuant to that section and in furtherance of Rule 991 of the California Rules of Court, as it read on July 1, 1996.

(g) Moneys deposited in the Trial Court Improvement Fund shall be administered by the Judicial Council. The Judicial Council may, with appropriate guidelines, delegate to the Administrative Office of the Courts the administration of the fund. Moneys in the fund

2. *Up to one-quarter of the amount may be allocated to trial courts that have fully coordinated and that meet any additional criteria established by the Judicial Council; and*
3. *Up to one-quarter may be allocated for statewide projects for the benefit of the trial courts.*

### ***Fund Administration***

- ***Removes nonfunctional language.***
- *The remainder of subdivision (c) provides that moneys in the Trial Court Improvement Fund unencumbered at the end of the fiscal year shall be reappropriated to that fund.*
- *Provides that interest shall be earned and accrued to the Trial Court Improvement Fund.*
- *Provides that moneys may be expended for purposes set forth in this section.*

### ***Two Percent Automation Funds***

- *Provides that the two percent automation funds will be deposited in the Trial Court Improvement Fund, as specified in Gov. Code, § 68090.8.*
- *Authorizes the Judicial Council to allocate the two percent automation funds (Gov. Code, § 68090.8) to support automated recordkeeping system improvements and to further coordination.*
- *Authorizes the Judicial Council to delegate administration of the Trial Court Improvement Fund to the AOC and to make direct payments either to vendors or to individual courts for*

may be expended to implement trial court projects approved by the Judicial Council. Expenditures may be made to vendors or individual trial courts that have the responsibility to implement approved projects.

(h) Notwithstanding other provisions of this section, the 2 percent automation fund moneys deposited in the Trial Court Improvement Fund pursuant to Section 68090.8 shall be allocated by the Judicial Council to individual courts of the counties for deposit in the Trial Court Operations Fund of the county from which the money was collected in an amount not less than the revenues collected in the local 2 percent automation funds in fiscal year 1994–95. The Judicial Council shall allocate the remainder of the moneys deposited in the Trial Court Improvement Fund as specified in this section.

For the purposes of this subdivision, the term “2 percent automation fund” means the fund established pursuant to Section 68090.8 as it read on June 30, 1996.

(i) The Judicial Council shall present an annual report to the Legislature on the use of the Trial Court Improvement Fund. The report shall include appropriate recommendations.

**77210.** (a) The state shall provide municipal court judges retired under the Judges’ Retirement System with retiree health, dental, and vision care plans equal to and in the same manner as the health, dental, and vision benefits provided to retired superior court judges.

(b) No judge shall have any salary or benefits reduced solely by reason of the enactment of this section.

**77211.** Any trial court may establish a “900” telephone number or numbers for traffic, misdemeanor, and other telephonic arraignment, for court scheduling, and for rendering tentative civil decisions, provided the court provides an alternative method of obtaining the service or information in a free and timely manner, and informs individuals of this alternative in the message preceding the “900” information. The proceeds from these “900” telephone numbers shall be continuously and solely appropriated to the use of that court for staff, information, and data-processing services for the purposes specified

*approved projects.*

- *Requires the Judicial Council to allocate from the two percent automation fund to the individual courts in each county at least the amount the courts deposited in the local two percent automation fund of the county in fiscal year 1994–1995. The remainder of the amount may be allocated for other approved purposes under this section.*
- *Requires the Judicial Council to report annually to the Legislature on the use of the Trial Court Improvement Fund.*

#### **Municipal Court Judges’ Retirement**

- *Contains the same provisions as Gov. Code, § 77208, enacted in 1994 and repealed by AB 233.*

#### **900 Number Telephone Lines**

- *Contains the same provisions as Gov. Code, § 77209, enacted in 1994 and repealed by AB 233.*

in this section.

**77212.** (a) The State of California, the counties of California, and the trial courts of California, recognize that a unique and interdependent relationship has evolved between the courts and the counties over a sustained period of time. While it is the intent of this act to transfer all fiscal responsibility for the support of the trial courts from the counties to the State of California, it is imperative that the activities of the state, the counties, and the trial courts be maintained in a manner that ensures that services to the people of California not be disrupted. Therefore, to this end, during the 1997–98 fiscal year, commencing on July 1, 1997, counties shall continue to provide and courts shall continue to use, county services provided to the trial courts on July 1, 1997, including, but not limited to: auditor/controller services, coordination of telephone services, data-processing and information technology services, procurement, human resources services, affirmative action services, treasurer/tax collector services, county counsel services, facilities management, and legal representation. These services shall be provided to the court at a rate that shall not exceed the costs of providing similar services to county departments or special districts. If the cost was not included in the county base pursuant to paragraph (1) of subdivision (b) of Section 77201 or was not otherwise charged to the court prior to July 1, 1997, and were court operation costs as defined in Section 77003 in the 1994–95 fiscal year ~~1994–95~~, the court may seek adjustment of the amount the county is required to submit to the state pursuant to ~~paragraph (2) of subdivision (e) of~~ Section 77201.

(b) In the 1998–99 fiscal year ~~1998–99~~ commencing on July 1, 1998, and thereafter the county may give notice to the court that the county will no longer provide a specific service except that the county shall cooperate with the court to ensure that a vital service for the court shall be

### **Provision and Use of County Services**

- *Makes minor grammatical cleanup and conforms section to changes made to Gov. Code, § 77201.*
- *Recognizes that while AB 233 intends to transfer all fiscal responsibility for the support of the trial courts from the counties to the state, “[i]t is imperative that the activities of the state, the counties, and the trial courts be maintained in a manner that ensures that services to the people of California not be disrupted.”*
- *Accordingly, during the 1997–1998 fiscal year, the county must continue to provide and courts must continue to use county services provided to the courts as of July 1, 1997. This includes county fiscal services, such as audit and accounting, telephone services, procurement, human resources, treasurer/tax collector, county counsel (including legal representation), and other such services.*
- *The county may charge courts costs for all services, in amounts not to exceed the costs of providing equivalent services to other county departments.*
- *If such costs were not included in the County General Fund Base Amount or were not charged to courts before AB 233, and are court operations costs, the courts may seek an adjustment to the County General Fund Base Amount.*

### **Notice Procedures for Cessation of Services**

- *Beginning in the 1998–1999 fiscal year, the county may give notice, at least 90 days prior to the end of the fiscal year, that it no longer intends to provide certain specified services to the*

available from the county or other entities that provide such services. The notice must be given at least 90 days prior to the end of the fiscal year and shall be effective only upon the first day of the succeeding fiscal year.

(c) In the 1998–99 fiscal year ~~1998–99~~, commencing on July 1, 1998, and thereafter, the court may give notice to the county that the court will no longer use a specific county service. The notice shall be given at least 90 days prior to the end of the fiscal year and shall be effective only upon the first day of the succeeding fiscal year. However, for three years from the effective date of this section, a court shall not terminate a service that involved the acquisition of equipment, including, but not limited to, computer and data-processing systems, financed by a long-term financing plan whereby the county is dependent upon the court’s continued financial support for a portion of the cost of the acquisition.

(d) (1) If a trial court desires to receive or continue to receive a specific service from a county or city and county as provided in subdivision (c), and the county or city and county desires to provide or continue to provide that service as provided in subdivision (c), the presiding judge of that court and the county or city and county shall enter into a contract for that service. The contract shall identify the scope of

*courts. Likewise, the court may give notice to the county, with the same notice requirements, that it no longer intends to use certain specified services formerly provided by the county. The termination is effective only on the first day of the following fiscal year (e.g., notice in the 1998–1999 fiscal year is effective at the start of the 1999–2000 fiscal year).*

- *The 90-day notice requirement is intended to give the counties, the courts, and the Judicial Council time to respond to the change in the provision and use of county services, and to plan accordingly, both operationally and fiscally.*
- *Nothing in AB 233 prohibits counties and courts from continuing to provide and receive services if they agree to do so.*
- *A court may not terminate a county service that involved the acquisition of equipment financed by a long-term financing plan until at least fiscal year 2001–2002 (beginning July 1, 2001).*
- ***By adding a comma after the word “systems,” clarifies that this section applies to all equipment funded by long-term financing plans, and not only to computer and data processing systems.***

#### **Contracting for Continuation of Services**

- ***Requires, to the extent a court and county choose to continue to receive and provide county services, the execution of a contract for those services.***
- ***The contract must identify the service including its scope, method of delivery, term, outcomes, and cost.***

service, method of service delivery, term of agreement, anticipated service outcomes, and the cost of the service. The court and the county or city and county shall cooperate in developing and implementing the contract.

(2) This subdivision applies to services to be provided in fiscal year 1999–2000 and thereafter.

77212.5. Commencing on July 1, 1999, and thereafter, the trial courts of each county in which court security services are otherwise required by law to be provided by the sheriff's department shall enter into an agreement with the sheriff's department that was providing court security services as of July 1, 1998, regarding the provision of court security services.

**77213.** (a) There is in the State Treasury the Judicial Administration Efficiency and Modernization Fund.

(b) Moneys deposited into this fund shall be administered by the Judicial Council, subject to appropriation by the Legislature. The Judicial Council may, with appropriate guidelines, delegate to the Administrative Office of the Courts the administration of the fund. Moneys in the fund may be expended to promote improved access, efficiency, and effectiveness in trial courts that have unified to the fullest extent permitted by law. Moneys in the fund may be expended to implement projects approved by the Judicial Council. Expenditures may be made to vendors or individual trial courts that have the responsibility to implement approved projects. Projects approved by the Judicial Council may include, but

- *Requires a court and a county to cooperate in contracting.*

- *The requirement for a contract for services begins on or after July 1, 1999.*

#### **Trial Court Security Services**

- *Requires county trial courts to enter into an agreement with the sheriff's department to provide security services for those trial courts where court security services are otherwise required by law to be provided by the sheriff's department as of July 1, 1998.*
- *Note: Trial courts that employ marshals are not required to hire sheriffs under this section nor are they required to enter into agreements with marshals.*

#### **Judicial Administration Efficiency and Modernization Fund**

- *Establishes the Judicial Administration Efficiency and Modernization Fund (JAEMF), which is created for the purposes described below.*
- *Authorizes the Judicial Council to administer the JAEMF and to delegate this authority to the AOC.*
- *Provides that, upon appropriation by the Legislature, moneys in the fund may be available to implement Judicial Council–approved projects which promote improved access, efficiency, and effectiveness in trial courts that have unified to the fullest extent permitted by law.*

are not limited to, the following:

(1) Support the payment for cost of judicial officers or court staff who participate in in-state education programs, or to support local trial court education programs.

(2) Improved technology including information systems programming or equipment upgrades that meet standards approved by the Judicial Council and that promote efficiency and access to justice, or other technology that promotes access, efficiency, or security.

(3) Retain experienced jurists by establishing incentives of enhanced judicial benefits and educational sabbaticals, not to exceed 120 days every five years, as provided for by rules of court adopted by the Judicial Council.

(4) Acquire improved legal research through the use of law clerks or technology.

(c) Annually, the Judicial Council shall adopt criteria, timelines, and procedures for the allocation of funds to support activities for the benefit of qualified courts. The Judicial Council may allocate funding to pay program costs directly, contract with courts, and permanently reallocate funding to courts subject to the following limitations:

(1) Not more than 20 percent of the fund may be permanently reallocated pursuant to paragraph (1) of subdivision (b). The Judicial Council shall develop a plan which will permit the extension of the benefits to all judges of the state at such time when the trial courts of all counties have unified to the maximum extent permitted by law.

(2) Not more than 40 percent may be permanently reallocated to trial courts for any other purpose approved by the Judicial Council.

(3) The Judicial Council shall retain at least 40 percent of the funding to support annual allocations for improvement projects and programs in qualifying courts.

(4) Written notice shall be given to the Director of the Department of Finance and the Joint Legislative Budget Committee of any permanent reallocation.

(d) Except as specified in this section, the funding in the Judicial Administration Efficiency and Modernization Fund shall be subject to the expenditures as specified in Section 77205. Any

- *Among the items that may be funded are: (1) trial court education programs, (2) improved technology or equipment upgrades, (3) economic incentives for retention of experienced jurists, and (4) improved legal research through the use of law clerks or technology.*

- *Requires the Judicial Council to annually adopt criteria, timelines, and procedures for allocation of JAEMF funds, and permits the Judicial Council to allocate funds directly to trial courts or to vendors, subject to specified limitations.*

- *Requires the Judicial Council to notify the Department of Finance and the Legislature of any permanent reallocation.*

- *The first sentence of subdivision (d) is not functional and may be addressed in technical cleanup legislation. The*

funds in the Judicial Administration Efficiency and Modernization Fund that are unencumbered at the end of the fiscal year shall be retained in the Judicial Administration Efficiency and Modernization Fund for the following fiscal year.

(e) Moneys deposited in the Judicial Administration Efficiency and Modernization Fund shall be placed in an interest-bearing account. Any interest earned shall accrue to the fund and shall be disbursed pursuant to subdivision (f).

(f) Money deposited in the Judicial Administration Efficiency and Modernization Fund may be disbursed for purposes of this section.

**77600.** The Task Force on Trial Court Employees shall be established pursuant to this article on or before January 1, 1998, and is charged with recommending an appropriate system of employment and governance for trial court employees.

**77601.** The task force shall be comprised of the following members:

(a) Four representatives of trial courts, appointed by the Chief Justice, representing two urban, one suburban, and one rural courts.

(b) Four representatives of counties, appointed by the Governor from a list of nominees submitted by the California State Association of Counties, representing urban, suburban, and rural counties.

(c) Three representatives appointed by the Senate Rules Committee, at least two of whom shall represent trial court employee organizations.

(d) Three representatives appointed by the Speaker of the Assembly, at least two of whom shall represent trial court employee organizations.

(e) The Director of the Department of Personnel Administration or his or her representative.

(f) The Chief Executive Officer of PERS or his or her representative.

(g) The Director of Finance or his or her representative.

(h) The Chief Justice shall designate a justice of the court of appeal as nonvoting chairperson.

*remainder of the subdivision provides that unencumbered funds remaining in JAEMF at the end of the fiscal year shall be retained in the fund in the next fiscal year.*

- *Provides that interest shall be earned and accrued to the fund.*

### **Task Force on Trial Court Employees**

- *Creates a Task Force on Trial Court Employees (employee task force) to study and recommend an appropriate employment status for trial court staff under a state-funded system.*
- *The employee task force will consist of 18 members, including representatives from the trial courts, counties, trial court employee organizations, Department of Personnel Administration, Public Employees Retirement System, Department of Finance, and Court of Appeal.*

### **Employee Task Force Staff Support**

**77602.** The Judicial Council shall provide staff support for the task force and shall develop guidelines for procedures and practices for the task force, which shall include input from and approval of the task force. The Department of Personnel Administration, the Department of Finance, and the Legislative Analyst shall provide additional support, at the request of the Judicial Council. The California State Association of Counties is encouraged to provide additional staff support.

**77603.** The duties of the task force shall include, but not be limited to, the following:

(a) Complete a survey of all trial courts regarding court employee status, classification, and salary.

(b) Document the local retirement systems in which trial court employees are members and the terms of the systems, and identify future retirement options.

(c) Determine the costs associated with a change in retirement benefits for court employees, including the cost to counties resulting from such change, including, but not limited to, the impact of such a change on pension obligation bonds, unfunded liabilities, and changes in actuarial assumptions.

(d) Document existing contractual agreements and the terms and conditions of employment, and document exclusive bargaining agents representing court employees by court, county, and unit.

(e) Document existing constitutional, statutory, and other provisions relating to classification, compensation, and benefits of court employees.

(f) Identify functions relating to trial courts that are provided by county employees.

(g) Examine and outline issues relating to the establishment of a local personnel structure for trial court employees under (1) court employment, (2) county employment, with the concurrence of the county and the courts in the county (3) state employment with the concurrence of the state and the courts in the county, or (4) other options

- *The employee task force will be staffed by the Judicial Council, with help from the Department of Personnel Administration, the Department of Finance, the Legislative Analyst, and the California State Association of Counties.*

**Employee task force duties:**

- *Surveying trial court staff employment status, classification systems, and salaries;*
- *Documenting the local retirement systems;*
- *Determining costs and impacts associated with change in retirement benefits for court employees;*
- *Documenting existing collective bargaining agreements and representatives;*
- *Documenting existing law governing classification, compensation, and benefits of court employees;*
- *Identifying functions relating to trial courts provided by county employees;*
- *Assessing whether trial court employees should be classified as court, county, or state employees, or as another type of employee;*



identified by the task force. The task force, in recommending options for employee status, shall consider the complexity of the interests of employees and various governmental entities. Their recommendations shall, to the greatest extent possible, recognize the need for achieving the concurrence of the affected parties.

In outlining these issues, consideration shall be given to contractual obligations, minimizing disruption of the trial court work force, and protecting the rights accrued by employees under their current systems.

(h) Prepare a method for submitting the issue of employment status to an advisory vote of trial court employees in each county.

(i) Recommend a personnel structure for trial court employees.

**77604.** (a) The task force shall be appointed by October 1, 1997.

(b) The task force shall meet and establish its operating procedures on or before January 1, 1998.

(c) The task force shall submit an interim report to the Judicial Council, the Legislature, and the Governor on or before January 30, 1999. The report shall include the findings and recommendations of the task force with respect to the issues listed in Section 77603. The report shall be circulated for comment to the counties, judiciary, the Legislature, the Governor, and local and state employee organizations.

(d) The task force shall submit a final report to the above on or before June 1, 1999.

**77605.** (a) After giving consideration and due weight to the report of the task force, on or before January 1, 2000, the Judicial Council shall submit

- *Preparing a method to conduct an advisory vote of trial court employees regarding employment status; and*

- *Recommending a personnel structure for trial court employees.*

#### Dates

- *AB 233 provides that the Chief Justice, the Governor, and the Legislature shall appoint the employee task force by October 1, 1997, and that the employee task force shall meet and establish its operating procedures by January 1, 1998.*

- *The employee task force shall submit an interim report to the Judicial Council, the Legislature, and the Governor by January 30, 1999.*

- *Counties, the judiciary, the Legislature, the Governor, and employee organizations will have the opportunity to comment on the interim report.*

- *The employee task force must submit its final report to the Judicial Council, the Legislature, and the Governor by June 1, 1999.*

- *The Judicial Council must submit its findings and recommendations to the*

findings and recommendations to the Legislature relative to the establishment of a system of uniform court employee classifications, which may provide for local flexibility. These classifications shall include duty statements, minimum qualifications, and salary ranges. The classifications shall be broad enough so that the employees and their managers have maximum flexibility to accommodate the needs of the courts and the employees.

(b) It is the intent of the Legislature to enact a personnel system, that shall take effect on or before January 1, 2001, for employment of trial court employees. The personnel system shall have uniform statewide applicability and promote organizational and operational flexibility in accordance with Section 77001.

(c) Nothing herein is intended to prejudice or compel a finding by the task force that court or county or state employment is preferred.

(d) No provision of this article is intended to reduce judicial or court employee salary or benefits.

(e) No provision of this act shall be deemed to affect the current employment status of, or reduce benefits for, any peace officer involved in court operations.

**77606.** The recommendations of the task force shall take effect only upon subsequent action of the Legislature.

**77650.** The Task Force on Court Facilities is hereby established in state government and charged with identifying the needs related to trial and appellate court facilities, and options and recommendations for funding court facility maintenance, improvements, and expansion, including the specific responsibilities of each entity of government.

*Legislature, by January 1, 2000, regarding a uniform system of court employee classifications.*

- *The Legislature intends to enact a trial court personnel system effective on or before January 1, 2001.*
- *AB 233 does not prejudice whether trial court employees should be classified as court, county, or state employees.*
- *By enacting Gov. Code, §§ 77600–77606 the Legislature did not intend to reduce court employee salaries or benefits.*
- *The Legislature must act before any of the employee task force’s recommendations become enforceable.*

#### **Task Force on Court Facilities**

- *Creates a Task Force on Court Facilities (facilities task force). The charge of the facilities task force is to (a) identify the needs related to trial and appellate court facilities; (b) make recommendations for funding court facility maintenance, improvements, and expansion, including responsibilities for each entity of government; and (c) submit a final report on these issues on or before July*

1, 2001.

**77651.** The task force shall be composed of 18 members, appointed as follows:

(a) Six members appointed by the Chief Justice who shall be from urban, suburban, and rural courts. Four representatives may be either trial court judges or trial court administrators. One representative shall be a justice of the courts of appeal.

(b) Six members appointed by the Governor from a list of nominees submitted by the California State Association of Counties, who represent urban, suburban, and rural counties. Four representatives may be either county supervisors or county administrators. One representative shall be a person with court security responsibility.

(c) Two members appointed by the Senate Rules Committee, one of whom shall represent the State Bar or an associated attorney organization, neither of whom would be eligible for appointment under subdivision (a) or (b).

(d) Two members appointed by the Speaker of the Assembly, one of whom shall represent the State Bar or an associated attorney organization, neither of whom would be eligible for appointment under subdivision (a) or (b).

(e) The Director of General Services and the Director of Finance.

(f) The Chief Justice shall designate one of these representatives as the chairperson of the task force.

**77652.** The Judicial Council shall provide staff support for the task force and shall develop guidelines for procedures and practices for the task force. The Department of General Services, the Department of Finance, and the Legislative Analyst shall provide additional support, at the request of the Judicial Council. The California State Association of Counties is encouraged to provide additional staff support.

**77653.** The duties of the task force shall include all of the following:

(a) Document the state of existing court facilities.

(b) Document the need for new or modified court facilities and the extent to which current

- *The facilities task force will consist of 18 members, including representatives from the trial courts, counties, trial court employee organizations, Department of General Services, and Department of Finance. Gov. Code, § 77651 sets forth additional membership requirements.*

#### **Facilities Task Force Staff Support**

- *The facilities task force will be staffed by the Judicial Council, with help from the Department of General Services, the Department of Finance, the Legislative Analyst, and the California State Association of Counties.*

#### **Facilities task force duties:**

- *Documenting existing court facilities;*
- *Documenting the need for new*

court facilities are fully utilized.

(c) Document the funding mechanisms currently available for maintenance, operation, construction, and renovation of court facilities.

(d) Examine existing standards for court facility construction.

(e) Document the impacts of state actions on court facilities and other state and local justice system facilities.

(f) Review and recommend operational changes which may mitigate the need for additional court facilities, including the implementation of methods to more fully utilize existing facilities.

(g) Review and provide recommendations on concepts regarding security; operational flexibility; alternative dispute resolution; meeting space; special needs of children, families, victims, and disabled persons; technology; the dignity of the participants; and any other special needs of court facilities.

(h) Recommend specific funding responsibilities among the various entities of government for support of trial court facilities and facility maintenance including, but not limited to, full state responsibility or continued county responsibility.

(i) Recommend funding sources and financing mechanisms for support of court facilities and facility maintenance.

**77654.** (a) The task force shall be appointed on or before October 1, 1997.

(b) The task force shall meet and establish its operating procedures on or before January September 1, 1998, and submit its plan for the entire review of court facilities by October 1, 1998, to the Judicial Council, Legislature, and Governor.

(c) The task force shall review all available court facility standards and make preliminary determinations of acceptable standards for construction, renovation, and remodeling of court facilities on or before July 1, 1998, and shall

*facilities;*

- *Documenting funding mechanisms currently available;*
- *Examining existing standards for court construction;*
- *Documenting impacts of state actions on facilities;*
- *Reviewing and recommending changes which might mitigate the need for new facilities;*
- *Providing recommendations on issues relating to facilities;*
- *Recommending appropriate funding responsibilities; and*
- *Recommending funding sources and financing mechanisms.*

### **Dates**

- *AB 233 provides that the Chief Justice, the Governor, and the Legislature shall appoint the facilities task force by October 1, 1997.*
- *Extends the time for the facilities task force to meet and establish operating procedures to September 1, 1998.*
- *Provides plan for review of court facilities to be completed by October 1, 1998.*
- *The task force shall also submit its first interim report by July 1, 1999.*

report those preliminary determinations to the Judicial Council, the Legislature, and the Governor in an interim report on or before July 1, 1999.

(d) The task force shall complete a survey of all trial and appellate court facilities in the state and report its findings to the Judicial Council, the Legislature, and the Governor in a ~~first~~ second interim report on or before ~~July~~ January 1, ~~1999~~ 2001. The report shall document all of the following:

- (1) The state of existing court facilities.
- (2) The need for new or modified court facilities.
- (3) The currently available funding options for constructing or renovating court facilities, ~~and the task force plan for the succeeding year.~~

~~(e) The task force shall submit a second interim report to the Judicial Council, the Legislature, and the Governor on or before July 1, 2000. The report shall document all of the following:~~

- ~~(1) (4) The impact which creating additional judgeships has upon court facility and other justice system facility needs.~~
- ~~(2) (5) The effects which trial court coordination and consolidation have upon court and justice system facilities needs.~~
- ~~(3) (6) Administrative and operational changes which can reduce or mitigate the need for added court or justice system facilities.~~

~~(f) The task force shall submit a third interim report to the Judicial Council, the Legislature, and the Governor on or before January 1, 2001. The report shall include all of the following:~~

- ~~(1) (7) Recommendations for specific funding responsibilities among the entities of government including full state responsibility, full county responsibility, or shared responsibility.~~
- ~~(2) (8) A proposed transition plan if responsibility is to be changed.~~
- ~~(3) (9) Recommendations regarding funding sources for court facilities and funding mechanisms to support court facilities.~~

~~(g) (e) All~~ The interim reports shall be circulated for comment to the counties, the judiciary, the Legislature, and the Governor. The task force may also circulate these reports to users of the court facilities.

- ***Requires second interim report and survey of facilities by January 1, 2001, which includes all items that were originally in the first through third interim reports.***

- *The second interim report will address the impact of additional judgeships on facilities, effects of trial court coordination and consolidation, and suggestions for modifications to mitigate the need for new facilities.*

- *The second interim report will make recommendations for funding responsibilities; a transition plan, if needed; and funding sources.*

- *The interim reports will be circulated for comment by the counties, judiciary, Legislature, and Governor. Interim reports may be circulated to users of court facilities.*

(f) The task force shall submit a final report to the Judicial Council, the Legislature, and the Governor on or before July 1, 2001. The report shall include all elements of the interim reports incorporating any changes recommended by the task force in response to comments received.

(g) Notwithstanding any other provision of law, during the period from July 1, 1997 to June 30, 2001, the board of supervisors of each county shall be responsible for providing suitable and necessary facilities for judicial officers and court support staff for judicial positions created prior to ~~January~~ July 1, 1996, to the extent required by Section 68073. The board of supervisors of each county shall also be responsible for providing suitable and necessary facilities for judicial officers and court support staff for judgeships authorized by statutes chaptered in 1996 to the extent required by Section 68073, provided that the board of supervisors agrees that new facilities are either not required or that the county is willing to provide funding for court facilities. Unless a court and a county otherwise mutually agree, the state shall assume responsibility for suitable and necessary facilities for judicial officers and support staff for any judgeships authorized during the period from January 1, 1998, to June 30, 2001.

**77655.** Notwithstanding any other provision of law, including Section 68073, the findings of the task force shall not be considered or entered into evidence in any action brought by trial courts to compel a county to provide facilities that the trial court contends are necessary and suitable.

## **PENAL CODE**

**1170.45.** The Judicial Council shall collect data on criminal cases statewide relating to the disposition of those cases according to the race and ethnicity of the defendant, and report annually thereon to the Legislature beginning no later than January 1, 1999. It is the intent of the Legislature

- *The facilities task force will submit a final report no later than July 1, 2001, addressing all issues set forth in the interim reports and incorporating all changes made in response to comments received.*
- *Corrects a drafting error. Conforming to Gov. Code, § 68073, counties are responsible through June 30, 2001, for providing suitable and necessary facilities for judicial officers and court staff for judicial positions created prior to July 1, 1996, rather than January 1, 1996.*
- *From July 1, 1997 through June 30, 2001, counties are also responsible for providing court facilities for judicial officers and court staff for judicial positions created during the 1996 legislative session, if the county agrees either (1) that no new facilities are needed or (2) to pay for new facilities.*
- *The state assumes responsibility for court facilities for judgeships created between January 1, 1998 and June 30, 2001, unless a court and a county mutually agree otherwise.*
- *Provides the findings of the facilities task force may not be used to compel a county to provide necessary and suitable facilities.*

## **Collection and Reporting of Criminal Data**

- *Requires the Judicial Council to collect and report annually specified criminal data according to the race and ethnicity of the defendant, beginning by January 1, 1999.*

to appropriate funds to the Judicial Council for this purpose.

**1463.001.** Except as otherwise provided in this section, all fines and forfeitures imposed and collected for crimes other than parking offenses resulting from a filing in a court shall as soon as practicable after receipt thereof, be deposited with the county treasurer, and each month the total fines and forfeitures which have accumulated within the past month shall be distributed, as follows:

(a) The state penalties, county penalties, special penalties, service charges, and penalty allocations shall be transferred to the proper funds as required by law.

(b) The base fines shall be distributed, as follows:

(1) Any base fines which are subject to specific distribution under any other section shall be distributed to the specified funds of the state or local agency.

(2) Base fines resulting from county arrest not included in paragraph (1), shall be transferred into the proper funds of the county. ~~In any fiscal year that a county, which has an agreement that was in effect as of March 22, 1997, that provides for city fines and forfeitures to accrue to the county in exchange for sales tax receipts, does not remit to the General Fund an amount equal to the amount transmitted during the 1993-94 fiscal year, that county shall make a payment from county funds equal to the difference to the General Fund by October 1 of the subsequent fiscal year.~~

(3) Base fines resulting from city arrests not included in paragraph (1), an amount equal to the applicable county percentages set forth in Section 1463.002, as modified by Section 1463.28, shall be transferred into the proper funds of the county. Until July 1, 1998, the remainder of base fines resulting from city arrests shall be divided between each city and county, with 50 percent deposited to the county's general fund, and 50 percent deposited to the treasury of the appropriate city, and thereafter the remainder of base fines resulting from city arrests shall be deposited to the treasury of the appropriate city.

(4) In a county that had an agreement as of March 22, 1977, that provides for city fines and forfeitures to accrue to the county in exchange for sales tax receipts, ~~of~~ base fines resulting from city arrests not included in paragraph (1), ~~50 percent~~

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- *Existing law provides for certain criminal fines and forfeitures. Prior to AB 233, these revenues were required to be divided between the state, the county, and other local entities.*
- *As amended by AB 233, this section instead provides that base fines resulting from county or city arrests and citations not subject to subdivision (b)(1) shall be deposited in the county general fund or the proper funds of the city, rather than remitted to the state General Fund.*
- *The revenue shift to counties is necessary to ensure counties will continue to have the revenues available to meet their obligation to the state under Gov. Code, §§ 77201 and 77201.1.*
- *Deletes an inoperative provision related to Fresno County.*
- *Corrects a drafting error by returning specified fines to Fresno County that should have been returned in AB 233.*

shall be deposited to the General Fund, and 50 percent shall be deposited into the proper funds of the county.

(c) Each county shall keep a record of its deposits to its treasury and its transmittal to each city treasury pursuant to this section.

(d) The distribution specified in subdivision (b) applies to all funds subject thereto distributed on or after July 1, 1992, regardless of whether the court has elected to allocate and distribute funds pursuant to Section 1464.8.

(e) Any amounts remitted to the county from amounts collected by the Franchise Tax Board upon referral by a county pursuant to Article 6 (commencing with Section 19280) of Chapter 5 of Part 10.2 of Division 2 of the Revenue and Taxation Code shall be allocated pursuant to this section.

**1463.005.** Notwithstanding Section 1463.001, in a county subject to Section 77202.5 of the Government Code, of base fines resulting from arrests not subject to allocation under paragraph (1) of subdivision (b) of Section 1463.001, by a California Highway Patrol Officer on state highways constructed as freeways within the city whereon city police officers enforced the provisions of the Vehicle Code on April 1, 1965, 25 percent shall be deposited in the treasury of the appropriate city, 75 percent shall be deposited in the proper funds of the county.

**1463.007.** Notwithstanding any other provision of law, any county or court that implements or has implemented a comprehensive program to identify and collect delinquent fines and forfeitures, with or without warrant having been issued against the alleged violator, and for which the base fine excluding state and county penalties is at least one hundred dollars (\$100), may deduct and deposit in the county treasury the cost of operating that program, excluding capital expenditures, from any revenues collected thereby prior to making any distribution of revenues to other governmental entities required by any other provision of law. This section shall apply to costs incurred by a

### **Revenue Shift to Counties**

- *Prior to AB 233, this section provided for a specified distribution of fine revenues in Ventura County, with 25 percent of revenues to be deposited in the city treasury, 12.5 percent deposited in the county general fund, and 62.5 percent transferred to the state General Fund.*
- *As amended, this section instead provides that 25 percent of these revenues shall be deposited in the city treasury and 75 percent shall be deposited in the county general fund.*

### **Comprehensive Collections Program**

- *Reenacts provision relating to enhanced collection programs that had been deleted by its own sunset terms on June 30, 1997. The reenacted provision incorporates changes previously made by AB 233 and SB 162 (Haynes) (Stats. 1997, ch. 703.)*
- *Prior to AB 233, this section established the Comprehensive Collections Program to identify and collect delinquent fines and penalties.*



court or a county on or after June 30, 1997, and prior to the implementation of a time payments agreement, and this section shall supercede any prior provision of law to the contrary. This section does not apply to a defendant who is paying a fine or forfeiture through time payments, unless he or she is delinquent in making payments according to the agreed-upon payment schedule. For purposes of this section, a comprehensive collection program is a separate and distinct revenue collection activity and shall include at least 10 of the following components:

- (a) Monthly bill statements to all debtors.
- (b) Telephone contact with delinquent debtors to apprise them of their failure to meet payment obligations.
- (c) Issuance of warning letters to advise delinquent debtors of an outstanding obligation.
- (d) Requests for credit reports to assist in locating delinquent debtors.
- (e) Access to Employment Development Department employment and wage information.
- (f) The generation of monthly delinquent reports.
- (g) Participation in the Franchise Tax Board's tax intercept program.
- (h) The use of Department of Motor Vehicle information to locate delinquent debtors.
- (i) The use of wage and bank account garnishments.
- (j) The imposition of liens on real property and proceeds from the sale of real property held by a title company.
- (k) The filing of objections to the inclusion of outstanding fines and forfeitures in bankruptcy proceedings.
- (l) Coordination with the probation department to locate debtors who may be on formal or informal probation.
- (m) The initiation of drivers' license suspension actions where appropriate.
- (n) The capability to accept credit card payments.

**1463.009.** Notwithstanding Section 1463, all bail forfeitures that are collected from any source in a case in which a defendant is charged and convicted of a violation of Section 261, 264.1, 286, 288, 288a, 288.5, or 289, or of a violent

- *Under this program, a court or a county may deduct the cost of operating the program before any transfer or remittance of revenues collected.*
- *AB 233 amendments eliminate:*
  1. *The requirement that debt information be shared with state agencies entitled to proceeds from fine and restitution orders;*
  2. *The requirement that courts or counties that implement a comprehensive collection program report to the Legislature on their activities; and*
  3. *The provision which repeals this section on June 30, 1997.*

### **County Revenue Maintenance of Effort (MOE)**

- *Prior to AB 233, this section (1) specified how certain bail forfeitures should be allocated and (2) granted counties a credit against the MOE*

felony as defined in subdivision (c) of Section 667.5 or a serious felony as defined in subdivision (c) of Section 1192.7, and that are required to be deposited with the county treasurer shall be allocated according to the following priority:

(a) The county shall be reimbursed for reasonable administrative costs for the collection of the forfeited property, the maintenance and preservation of the property, and the distribution of the property pursuant to this section.

(b) Out of the remainder of the forfeited bail money, a total of up to 50 percent shall be distributed in the amount necessary to satisfy any civil court judgment in favor of a victim as a result of the offense or a restitution order due to a criminal conviction to a victim who was under 18 years of age at the time of the commission of the offense if the defendant is convicted under Section 261, 264.1, 286, 288, 288a, 288.5, or 289, and to a victim of any age if the defendant has been convicted of a violent felony as defined in subdivision (c) of Section 667.5 or a serious felony as defined in subdivision (c) of Section 1192.7.

(c) The balance of the amount collected shall be deposited pursuant to Section 1463.

**1463.010.** The enforcement of court orders is recognized as an important element of collections efforts. Therefore, the courts and counties shall maintain the collection program which was in place on January 1, 1996, unless otherwise agreed to by the court and county. The program may wholly or partially be staffed and operated within the court itself, may be wholly or partially staffed and operated by the county, or may be wholly or partially contracted with a third party.

**1463.07.** An administrative screening fee of twenty-five dollars (\$25) shall be collected from each person arrested and released on his or her own recognizance upon conviction of any criminal offense related to the arrest other than an infraction. A citation processing fee in the amount of ten dollars (\$10) shall be collected from each person cited and released by any peace officer in

*payments required under Pen. Code, § 1463.001 for certain payments made to victims.*

#### **Continuation of Collections Efforts**

- *While Gov. Code, § 77212 sets forth the requirements under which county services must be provided and used, or terminated, this section makes an exception for collections programs.*
- *Requires counties and courts to maintain the collection program which was in place on January 1, 1996, unless otherwise mutually agreed to by the court and county.*

#### **Administrative Screening Fee and Citation Processing Fee**

- *Reinstates the \$25 administrative screening fee and the \$10 citation processing fee, and requires that the funds be deposited in the county general fund.*
- *This revenue shift is necessary to ensure counties will continue to have*

the field or at a jail facility upon conviction of any criminal offense, other than an infraction, related to the criminal offense cited in the notice to appear. However, the court may determine a lesser fee than otherwise provided in this subdivision upon a showing that the defendant is unable to pay the full amount. All fees collected pursuant to this subdivision shall be deposited by the county auditor in the general fund of the county. This subdivision applies only to convictions occurring on or after the effective date of the act adding this subdivision.

**1464.** (a) Subject to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, there shall be levied a state penalty, in an amount equal to ten dollars (\$10) for every ten dollars (\$10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. Any bail schedule adopted pursuant to Section 1269b may include the necessary amount to pay the state penalties established by this section and Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine.

(b) Where multiple offenses are involved, the state penalty shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the state penalty shall be reduced in proportion to the suspension.

(c) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making the deposit shall also deposit a sufficient amount to include the state penalty prescribed by this section for forfeited bail. If bail is returned, the state penalty paid thereon pursuant to this section shall also be returned.

(d) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the state penalty, the payment of which would work a hardship on the person

*the revenues available to meet their obligation to the state under Gov. Code, §§ 77201 and 77201.1.*

### **State Penalty Assessments**

- *Prior to AB 233, this section established various penalty assessments and specified the distribution of these revenues.*
- *As amended by AB 233, this section provides that the amount formerly required to be remitted and deposited in the state General Fund shall instead be retained and deposited in the county general fund.*
- *This revenue shift is necessary to ensure counties will continue to have the revenues available to meet their obligation to the state under Gov. Code, §§ 77201 and 77201.1.*

convicted or his or her immediate family.

(e) After a determination by the court of the amount due, the clerk of the court shall collect the penalty and transmit it to the county treasury. The portion thereof attributable to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code shall be deposited in the appropriate county fund and 70 percent of the balance shall then be transmitted to the State Treasury, to be deposited in the State Penalty Fund, which is hereby created, and 30 percent to remain on deposit in the county general fund. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

(f) The moneys so deposited in the State Penalty Fund shall be distributed as follows:

(1) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.33 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month, except that the total amount shall not be less than the state penalty levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. These moneys shall be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(2) Once a month there shall be transferred into the Restitution Fund an amount equal to 32.02 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Those funds shall be made available in accordance with Section 13967 of the Government Code.

(3) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 23.99 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(4) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 25.70 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(5) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 7.88 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Money in the Corrections Training Fund is not continuously appropriated and shall be

appropriated in the Budget Act.

(6) Once a month there shall be transferred into the Local Public Prosecutors and Public Defenders Training Fund established pursuant to Section 11503 an amount equal to 0.78 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. The amount so transferred shall not exceed the sum of eight hundred fifty thousand dollars (\$850,000) in any fiscal year. The remainder in excess of eight hundred fifty thousand dollars (\$850,000) shall be transferred to the Restitution Fund.

(7) Once a month there shall be transferred into the Victim-Witness Assistance Fund an amount equal to 8.64 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(8) (A) Once a month there shall be transferred into the Traumatic Brain Injury Fund, created pursuant to Section 4358 of the Welfare and Institutions Code, an amount equal to 0.66 percent of the state penalty funds deposited into the State Penalty Fund during the preceding month. However, the amount of funds transferred into the Traumatic Brain Injury Fund for the 1996–97 fiscal year shall not exceed the amount of five hundred thousand dollars (\$500,000). Thereafter, funds shall be transferred pursuant to the requirements of this section.

(B) Any moneys deposited in the State Penalty Fund attributable to the assessments made pursuant to subdivision (i) of Section 27315 of the Vehicle Code on or after the date that Chapter 6.6 (commencing with Section 5564) of Part 1 of Division 5 of the Welfare and Institutions Code is repealed shall be utilized in accordance with paragraphs (1) to (8), inclusive, of this subdivision.

## VEHICLE CODE

**11205.1.** The fee authorized in subdivision (m) of Section 11205 shall be applicable only in those instances where a traffic violator has agreed to attend or has been ordered to attend a traffic violator school pursuant to Section 42005, a licensed driving school, or any other court-approved program for driving instruction.

- *Prior to AB 233, the amount to be deposited in the Traumatic Brain Injury Fund under this section was capped at \$500,000. After the 1996–1997 fiscal year, this cap is no longer applicable.*

## **Traffic Violator School Fees: Monitoring**

- *Veh. Code, § 11205 provides that a fee may be charged to traffic violators to support traffic violator school monitoring programs.*
- *This section provides that the fee may only be charged to individuals who are either ordered or permitted to attend traffic violator school.*

**42007.** (a) The clerk of the court shall collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to Section 42005 or who attends any other court-supervised program of traffic safety instruction. The fee shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule. As used in this subdivision, “total bail” means the amount established pursuant to Section 1269b of the Penal Code in accordance with the Uniform Statewide Bail Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts. Where multiple offenses are charged in a single notice to appear, the “total bail” is the amount applicable for the greater of the qualifying offenses. However, the court may determine a lesser fee under this subdivision upon a showing that the defendant is unable to pay the full amount.

The fee shall not include the cost, or any part thereof, of traffic safety instruction offered by the school or other program.

(b) (1) Revenues derived from the fee collected under this section shall be deposited in accordance with Section 68084 of the Government Code in the general fund of the county, provided that in any county in which a fund is established pursuant to Section 76100 or 76101 of the Government Code, the sum of one dollar (\$1) for each fund so established shall be deposited with the county treasurer and placed in that fund.

(2) Commencing July 1, 1998, for fees resulting from city arrests, an amount equal to the amount of base fines that would have been deposited in the treasury of the appropriate city pursuant to paragraph (3) of subdivision (b) of Section 1463.001 of the Penal Code shall be deposited in the treasury of the appropriate city.

(c) As used in this section, “court-supervised program” includes, but is not limited to, any program of traffic safety instruction the successful

### **Traffic Violator School Fees: General**

- *This section requires a fee to be collected from every person ordered or permitted to attend traffic violator school.*
- *Prior to AB 233, a portion of this fee was remitted to the state for deposit in the General Fund. As amended, this section provides that those revenues shall be deposited in the county general fund.*
- *This revenue shift is necessary to ensure counties will continue to have the revenues available to meet their obligation to the state under Gov. Code, §§ 77201 and 77201.1.*

### **Return of Base Fines to Cities**

- *Prior to AB 233, if a traffic violator elected to attend traffic school and the violation had occurred in a city, the city did not receive its share of base fines from the arrest. Instead, these revenues were required to be sent to the state. Beginning in fiscal year 1998–1999, this section provides that cities will receive the revenues from base fines from city arrests even if the violator elects to attend traffic violator school.*

completion of which is accepted by the court in lieu of adjudicating a violation of this code.

(d) The Judicial Council shall study the minimum eligibility criteria governing drivers seeking to attend traffic violator's school, and report to the Legislature on the advisability of uniform statewide criteria on or before January 1, 1993.

(e) The clerk of the court, in a county that offers traffic school shall include in any courtesy notice mailed to a defendant for an offense that qualifies for traffic school attendance the following statement:

NOTICE: If you are eligible and decide not to attend traffic school your automobile insurance may be adversely affected.

**42007.1.** (a) The fee collected by the clerk pursuant to subdivision (a) of Section 42007 shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule plus twenty-four dollars (\$24).

(b) Notwithstanding subdivision (b) of Section 42007, the revenue from the twenty-four dollar (\$24) fee collected under this section shall be deposited in the county general fund.

### **New Fee: Traffic Violator**

- *Continues the fee of \$24 on those individuals who are ordered or permitted to attend traffic violator school.*
- *Provides that the revenues from this fee shall be deposited in the county general fund.*
- *This revenue shift is necessary to ensure counties will continue to have the revenue available to meet their obligation to the state under Gov. Code, §§ 77201 and 77201.1.*
- *A preexisting section was repealed on December 31, 1996, and restored by SB 162 (Haynes), an urgency statute that became effective prior to AB 233. SB 162 had extended the date of repeal. Since AB 233 becomes operative after SB 162, the date of repeal is no longer in effect.*

## **WELFARE AND INSTITUTIONS CODE**

**100.** The Judicial Council shall establish a planning and advisory group consisting of appropriate professional and program specialists to recommend on the development of program guidelines and funding procedures consistent with

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### **Court Appointed Special Advocate (CASA) Program**

- ***Clarifies existing law.***

this chapter. At a minimum, the council shall adopt program guidelines consistent with the guidelines established by the National Court Appointed Special Advocate Association, and with California law; but the council may require additional or more stringent standards. State funding shall be contingent on a program adopting and adhering to the program guidelines adopted by the council.

The program guidelines adopted by the council shall be adopted and incorporated into local rules of court by each participating superior court as a prerequisite to funding pursuant to this chapter.

The council shall adopt program guidelines and criteria for funding which encourage multicounty CASA programs where appropriate, and shall in no case provide for funding more than one program per county.

The council shall establish in a timely fashion a request for proposal process to establish, maintain, or expand local CASA programs, upon application of a board of supervisors, and require local matching funds or in-kind funds equal to the proposal request. The maximum state grant per county program per year shall not exceed ~~twenty~~ thirty-five thousand dollars (~~\$20,000~~) (\$35,000) in counties in which the population is less than 700,000 and shall not exceed fifty thousand dollars (\$50,000) in counties in which the population is 700,000 or more, according to the annual population report provided by the Department of Finance.

- ***Increases the maximum CASA program grant levels from \$20,000 to \$35,000 in counties with a population of 700,000 or more.***



## UNCODIFIED TEXT AB 233

**SEC. 1.** This act shall be known and may be cited as “the Lockyer-Isenberg Trial Court Funding Act of 1997.”

**SEC. 2.** The Legislature finds and declares as follows:

(a) The judiciary of California is a separate and independent branch of government, recognized by the Constitution and statutes of this state as such.

(b) The Legislature has previously established the principle that the funding of trial court operations is most logically a function of the state. Such funding is necessary to provide uniform standards and procedures, economies of scale, and structural efficiency and simplification. This decision also reflects the fact that the overwhelming business of the trial courts is to interpret and enforce provisions of state law and to resolve disputes among the people of the State of California.

(c) Structural improvement will provide for an improved court system, a uniform and equitable court system and will, therefore, increase access to justice for the citizens of the State of California. The structural improvements outlined in the Trial Court Realignment and Efficiency Act of 1991, and subsequent measures, have outlined some of the improvements required.

(d) Many trial courts have made significant progress in efficiency through court coordination and in developing cost management and control systems through budget procedures and performance standards. However, this progress is not uniform throughout the court system. The Legislature recognizes that the Judicial Council has adopted mandatory rules on court coordination and on the development of budget procedures and performance standards requiring more rapid progress in this area. The current bifurcated funding structure does not allow adequate financial planning for the courts, thereby instilling doubt as to the efficacy of new budget procedures or performance standards.

(e) The fiscal health of the judicial system, and

*Entitles the bill “the Lockyer-Isenberg Trial Court Funding Act of 1997.”*

### **Legislative Findings**

*The Legislature makes findings and declarations for use in interpreting the bill, including:*

- *The judiciary is a separate and independent branch of government.*
- *State funding of trial court operations is necessary to provide uniform standards and procedures, economies of scale, and structural efficiency and simplification.*
- *Structural improvement will provide for an improved, uniform, and equitable court system resulting in increased access to justice.*
- *Many trial courts have made significant progress in court coordination and in developing cost management and control systems through budget procedures and performance standards, but progress is uneven.*
- *The current bifurcated funding structure does not allow adequate financial planning.*
- *The fiscal health of the judicial system*

the willingness and ability of the judiciary to adopt measures of efficiency and coordination, has a considerable impact on the quality of justice dispensed to the citizens of California.

(f) It is increasingly clear that the counties of California are no longer able to provide unlimited funding increases to the judiciary and, in some counties, financial difficulties and strain threaten the quality and timeliness of justice.

(g) The stated intent of the Legislature to assume the largest share of the funding of the trial courts has not been achieved, primarily due to the recent recession and the resulting limitation of state funds. However, there is a clear need to proceed as rapidly as possible toward the goal of full state funding of trial court operations and, accordingly, this measure is a logical and necessary step to achieve the result.

**SEC. 3.** The Legislature declares its intent to do each of the following:

(a) Provide state responsibility for funding of trial court operations commencing in the 1997–98 fiscal year.

(b) Provide that county contributions to trial court operations shall be permanently capped at the same dollar amount as that county provided to court operations in the 1994–95 fiscal year with adjustments to the cap, as specified.

(c) Provide that the State of California shall assume full responsibility for any growth in costs of trial court operations thereafter.

(d) Continue to define “court operations” as currently established in law; provided, however, that the Legislature recognizes that there remain issues regarding which items of expenditure are properly included within the definition of court operations. Therefore, the Legislature intends to reexamine this issue during the 1997–98 fiscal year, in the hopes of reflecting any agreed upon changes in subsequent legislation.

(e) Provide that the obligation of counties to contribute to trial court costs shall not be

*has a considerable impact on the quality of justice.*

- *Counties are no longer able to provide unlimited funding increases to the judiciary and, as a result, the quality and timeliness of justice is threatened in some counties.*
- *This act is a logical and necessary step toward the goal of full state funding of trial court operations.*

### **Legislative Intent**

*The Legislature intends to do the following:*

- *Provide state funding for trial court operations. (See AB 233, §§ 27, 44, 46; Gov. Code, §§ 68073(a), 77009, 77200.)*
- *Permanently cap county contributions to trial court operations. (See AB 233, § 46; Gov. Code, §§ 77201, 77201.1.)*
- *Provide state funds for the growth in trial court costs. (See AB 233, § 46; Gov. Code, § 77202.)*
- *Continue to define “court operations” as established in law, recognizing that unresolved issues remain as to which expenditure items are to be properly included. (See Cal. Rules of Court, rule 810; AB 233, § 43; Gov. Code, § 77003.)*
- *Provide that the obligation of counties*

increased in any fashion by state budget action relating to the trial courts.

*to contribute to trial court costs shall not be increased by state budget action related to the trial courts. (See Gov. Code, §§ 77201, 77201.1.)*

(f) Return to the counties of California the revenue generated from fines and forfeitures pursuant to Sections 27361 and 76000 of the Government Code, Sections 1463.001, 1463.005, 1463.007, 1463.009, 1463.07, and 1464 of the Penal Code, and Sections 42007 and 42007.1 of the Vehicle Code by the courts of each county. This return will allow counties the opportunity to obtain sufficient revenue to meet their obligation to the state.

- *Return to counties the revenue generated from enumerated fines and forfeitures.*

(g) In adopting this plan, the Legislature intends to do all of the following:

(1) To provide that no personnel employed in the court system as of July 1, 1997, shall have their salary or benefits reduced as a result of this act.

- *Provide that salaries and benefits of court staff employed by the counties as of July 1, 1997, will not be reduced as a result of the act. (See AB 233, § 48; Gov. Code, § 77605(d).)*

(2) By January 1, 2001, to adopt a plan to transition all existing court employees into an appropriate employment status, recognizing the state assumption of trial court costs.

- *Adopt a plan by January 1, 2001, to transition existing court employees into appropriate employment status. (See AB 233, § 48; Gov. Code, §§ 77600–77606, 77605(b).)*

(3) To consider providing courts in each county the option for employees to transition to the status of employees of the state, the local court or, with the concurrence of the county, continuation of the status as county employees, and a mechanism for involvement of the local judiciary in the negotiations regarding compensation of court employees.

- *Consider providing (1) courts in each county the option for employees to transition into state or local court employment status, or to remain county employees; and (2) a method for allowing local court involvement in salary negotiations. (See AB 233, § 48; Gov. Code, §§ 77603(g), 77604.)*

(h) Accelerate the pace of court coordination and efficiencies adopted by the Judicial Council and continue the development and implementation of comprehensive budget procedures and performance standards.

- *Accelerate court coordination and efficiencies adopted by the Judicial Council. (See, e.g., Gov. Code, §§ 68113, 68547, 77202, 77203, 77212.)*
- *Continue to develop and implement*

*comprehensive budget procedures and performance standards. (See, e.g., AB 233, § 33.2; Gov. Code, §§ 68502.5, 77202.)*

(i) Modify Section 68073 of the Government Code to protect counties from liability for state costs resulting from orders made under that section.

(j) Modify Section 68073 of the Government Code to continue the obligation of the counties to provide court facilities to judges and personnel in each county. Require the Judicial Council to report by October 30, 1998, on possible alternatives for the participation by the state in the cost of a new construction, remodeling, or renovation of trial court facilities.

(k) Require the Judicial Council to create a reserve fund of no less than 1 percent of the funds appropriated for trial courts, to be utilized by the Judicial Council to assist financially stressed courts, or those courts affected by natural disaster or courts with a heavily congested calendar that cannot reasonably be resolved by fully utilizing coordination or other court efficiencies and to promote and encourage local and statewide efforts toward efficiency and coordination.

(l) Acknowledge the need for strong and independent local court financial management, including encouraging the adoption by the Judicial Council of a Trial Courts Bill of Financial Management Rights, to be approved no later than January 1, 1998. This bill of management rights shall minimize the rules and regulations in the area of financial affairs to those sufficient to guarantee efficiency, but shall give strong preference to the need for local flexibility in the management of court financial affairs.

- *Protect counties from liability for state costs resulting from orders made under Gov. Code, § 68073.*
- *Modify Gov. Code, § 68073 to continue the obligation of counties to provide court facilities to judges and personnel in each county. (See AB 233, § 27; Gov. Code, § 68073.)*
- *Require the Judicial Council to report, by October 30, 1998, on possible alternatives for participation by the state in the cost of new construction, remodeling, or renovation of trial court facilities. (See AB 233, § 48; Gov. Code, §§ 77653–77654.)*
- *Require the Judicial Council to create a reserve fund to be used to assist financially stressed courts, courts affected by natural disaster, or courts with heavily congested calendars. The fund shall also be used to encourage efforts toward efficiency and coordination. (See AB 233, § 46; Gov. Code, § 77209.)*
- *Acknowledge the need for strong and independent local court financial management. (See AB 233, § 42; Gov. Code, § 77001.)*
- *Encourage the Judicial Council to adopt a Trial Courts Bill of Financial Management Rights by January 1, 1998. (See AB 233, § 42; Gov. Code, § 77001.)*

**SEC. 61.** The Judicial Council shall forward information regarding the fiscal impact of pending legislation affecting courts to the Legislature when the council deems that the information will assist the Legislature in its consideration of the legislation.

**SEC. 62.** (a) There shall be a Civil Delay Reduction Team comprised of judges assigned by and under the authority of the Chief Justice.

(b) The primary responsibility of the team is to assist counties and courts in reducing or eliminating the delay in adjudicating civil cases.

(c) Team judges will be assigned by the Chief Justice after taking into account the following.

- (1) The number of delayed civil cases in each county and court.
- (2) The delay in processing civil cases.
- (3) The age of inventory of cases, with greater weight to be given to cases with a long delay without resolution.
- (4) The average length of time needed to dispose of civil cases.
- (5) The adverse impact on civil litigants.
- (6) The likelihood that utilization of the team will encourage effective and efficient use of existing local court resources.

(d) Delay reduction team assignments shall be for the purpose of supplementing civil court resources, and shall not be made for the purpose of supplanting a judge currently assigned to the civil court calendar.

(e) During the 1997–98 fiscal year, special attention shall be given to those counties and courts where civil delay is much greater than the

### **Fiscal Impact of Legislation**

- *Requires the Judicial Council to provide information to the Legislature on the fiscal impact of pending legislation on the courts. The AOC is in the process of developing procedures to comply with this section beginning in January 1998.*

### **Civil Delay Reduction Team**

- *Under AB 233, the Chief Justice will appoint a Civil Delay Reduction Team to assist counties and courts in reducing or eliminating delay in civil cases. The team will supplement mandatory delay reduction actions already in place from the 1986 Trial Court Civil Delay Reduction Act (reenacted in 1990) and the Trial Court Realignment and Efficiency Act of 1991.*
- *The Chief Justice will make assignments of Civil Delay Reduction Team members to a particular court or county after considering the following: the number of delayed civil cases in each county and court, the delay in processing civil cases, the age of the inventory of cases, the average length of time needed to dispose of civil cases, the adverse impact on civil litigants, and the likelihood that utilization of the team will encourage effective and efficient use of existing local court resources.*

state average delay for all trial courts.

(f) The Judicial Council shall report to the Legislature annually on the assignment of team judges and the impact on civil case delay reduction.

(g) This section shall become inoperative on July 1, 1999, and, as of January 1, 2000, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2000, deletes or extends the dates on which it becomes inoperative and is repealed.

**SEC. 64.** No provision of this act shall be deemed to constitute a mandate upon a county because the state's assumption of increased funding support for the trial courts, pursuant to Section 77001 of the Government Code, effectively relieves a county of the responsibility to provide otherwise increasing funds to the trial courts to help finance their operations.

**SEC. 65.** No provision of this act shall be deemed to constitute a mandate upon a trial court because the state's assumption of increased funding support for the trial courts, pursuant to Section 77001 of the Government Code, directly benefits the trial courts through the provision of more adequate, consistent, and stable financial support for their operations.

- *The Judicial Council will report annually to the Legislature on the assignment of team judges and their impact on delay reduction.*
- *AB 233, § 62 becomes inoperative on July 1, 1999, and is repealed January 1, 2000.*

**State Mandate: Counties**

- *Provides that enactment of trial court funding shall not constitute a state mandate on counties under which a county may apply for state mandate relief.*

**State Mandate: Trial Courts**

- *Provides that enactment of trial court funding shall not constitute a state mandate on trial courts under which a trial court may apply for state mandate relief.*

**UNCODIFIED TEXT AB 1301**

**SEC. 15.5.** The Legislature finds that, whereas the appropriation from the General Fund to the Trial Court Trust Fund provided for in Chapter 859 of the Statutes of 1997 was necessary to transfer the estimated amount of trial court funding revenues remitted to the state by counties prior to the effective date of the Lockyer-Isenberg Trial Court Funding Act of 1997, as enacted by Chapter 850 of the Statutes of 1997, the actual amount of revenues remitted to the state exceeded the amount of the appropriation by twenty million five hundred thousand dollars (\$20,500,000). Accordingly, immediately upon the enactment of this act, the Controller shall transfer from the General Fund to the Trial Court Trust Fund, a sum as necessary to provide a separate amount of twenty million five hundred thousand dollars (\$20,500,000) for disbursement by the Controller to trial courts for uncompensated expenses of trial court operations incurred during fiscal year 1997–1998, plus the sum of ninety million dollars (\$90,000,000). The ninety million dollars (\$90,000,000) shall be in the form of a no interest loan to be repaid to the General Fund from the Trial Court Trust Fund by the Controller within 10 days of the enactment of the Budget Act of 1998.

All funds available in the Trial Court Trust Fund between July 1, 1998, and August 31, 1998, are hereby appropriated for apportionment by the Controller, according to allocation by the Judicial Council, to reimburse trial courts for uncompensated expenses of trial court operations incurred during fiscal year 1997–98 and to meet the payroll for trial court personnel, and the compensation needs of the trial courts with respect to contract personnel serving the trial courts where these services are required by the Constitution, for fiscal year 1998–99. In allocating these funds, the Judicial Council shall consider the actual amount of funding necessary to meet the payroll of trial court employees, subordinate judicial officers, and municipal court judges, and provide compensation for contract personnel serving the courts where those services are required by the Constitution. No moneys appropriated between July 1, 1998, and August

- *Makes a legislative finding that certain fine, fee, and penalty revenues exceeded the amount projected to be remitted to the state General Fund between July 1, 1998, and December 1, 1998. This excess must be transferred from the state General Fund to the Trial Court Trust Fund and credited to counties pursuant to Gov. Code, § 77201(g).*
- *Provides a one-time transfer of \$20.5 million from the state General Fund to the Trial Court Trust Fund to reflect fine and penalty revenues remitted to the General Fund by counties in the first half of the fiscal year. The Budget Act appropriated \$157.5 million based on estimates, but \$178 million was actually remitted.*
- *Provides a \$90 million advance to allow courts to pay their July and August 1998 payroll and expenses.*

31, 1998, for the purpose of providing compensation for trial court personnel shall be used in a manner that would increase the moneys allocated from the Trial Court Trust Fund for trial court funding for the 1998–99 fiscal year beyond the amount appropriated in the Budget Act of 1998.



**UNCODIFIED TEXT AB 1656  
(Ducheny)—The Budget Act of 1998**

*Note: Appropriations reflect the Governor's line-item reductions.*

**Budget Line Item 0450-101-0932**—For local assistance, State Trial Court Funding, payable from Trial Court Trust Fund . . . \$1,666,286,000

Schedule:

- (a) 10-Support for operation of the Trial Courts \$1,513,580,000
- (b) 25-Compensation of Superior Court Judges \$92,927,000
- (c) 35-Assigned Judges \$19,368,000
- (d) 45-Court Interpreters \$40,411,000

Provision 1. Notwithstanding Section 26.00 of this act, the funds appropriated scheduled in this item may be allocated or reallocated among categories by the Judicial Council.

Provision 2. The amount appropriated in Schedule (c) shall be made available for all judicial assignments. Schedule (c) expenditures for necessary chamber staff may not exceed the staffing level that is necessary to support the equivalent of three judicial officers sitting on assignment at the appellate court level.

Provision 3. The funds appropriated in Schedule (b) shall be made available for the payment of workers' compensation claims for trial court judges.

**Appropriation for State Trial Court Funding**

- *Appropriates a total of \$1.676 billion for State Trial Court Funding made up of:*
  - *\$1.5 billion for court operations including \$27.8 million to offset reductions in the County General Fund Base Amount approved by the Department of Finance;*
  - *\$92.93 million for superior court judges' salaries;*
  - *\$19.37 million for Assigned Judges; and*
  - *\$46.41 million for court interpreters.*

**Allocation and Reallocation Authority**

- *Authorizes the Judicial Council to allocate or reallocate the appropriated funds among the four categories.*

**Judicial Assignment Funding**

- *Provides that the funds appropriated for judicial assignments are available for both trial and appellate assignments.*
- *Limits expenditures for chamber staff of judicial officers assigned to the Court of Appeal to the equivalent of staffing for three justices.*

**Workers' Compensation Claims**

- *Provides that funds set aside for superior court judges' salaries shall be available to pay workers' compensation claims*

Provision 4. The funds appropriated in Schedule (d) shall be for payments for services of contractual court interpreters, certified court interpreters employed by the courts, and the following court interpreter coordinators: one each in counties of the 1st through the 15th classes 0.5 each in counties of the 16th through the 31st classes, and 0.25 each in counties of the 32nd through 58th classes. Courts in counties with a population of 500,000 or less are encouraged, but not required, to coordinate interpreter services on a regional basis. For the purposes of this provision, "court interpreter coordinators" may be full- or part-time court employees, or those contracted by the court to perform these services.

The Judicial Council shall set statewide or regional rates and policies for payment of court interpreters, not to exceed the rate paid to interpreters in the federal court system. The Judicial Council shall adopt appropriate rules and procedures for the administration of these funds. The Judicial Council shall report to the Legislature and Director of the Department of Finance quarterly regarding expenditures from this schedule and projections for annual expenditures for the use of interpreters in the courts and the use and administration of these funds.

#### **ITEMS RELATED TO TRIAL COURT FUNDING FROM THE SUPPLEMENTAL REPORT OF THE 1998 BUDGET ACT**

1. Judicial Administration Efficiency and Modernization Fund. It is the intent of the Legislature that the Judicial Council report to the Joint Legislative Budget Committee (JLBC) and the Legislature's fiscal committees by November 1, 1998, on the development of criteria for allocation of the Judicial Administration Efficiency and Modernization Fund, including information on the types of programs that will be funded. Further, it is the intent of the Legislature that the Judicial Council report by January 1, 1999, on expenditures from the fund including allocations by program and by court.

#### **Court Interpreters Program**

- ***Provides that funds set aside for court interpreters shall pay for contract court interpreters, certified court interpreter employees, and court interpreter coordinators, as specified.***
- ***Provides that "court interpreter coordinators" may be full- or part-time court employees or contract personnel who provide interpreter coordination services.***
- ***Requires the Judicial Council to set statewide or regional rates, not to exceed the federal rate, and adopt payment policies for payment of court interpreters. Also requires the Judicial Council to adopt rules and procedures for the administration of these funds.***
- ***Requires the Judicial Council to report quarterly to the Department of Finance and the Legislature on court interpreter expenditures, projections for annual costs, and the use and administration of the funds.***

#### **Judicial Administration Efficiency and Modernization Fund**

- ***This language requires the Judicial Council to report on the use and expenditure of Modernization Fund moneys.***

#### **Funding for Trial Court Growth Costs**

2. \$50 Million in Growth. The Judicial Council shall report to the JLBC and the Legislature's fiscal committees by November 1, 1998, on the development of criteria for allocation of the proposed \$50 million in funds for growth and identify the allocation by court.

3. "Three Strikes" Relief Teams. It is the intent of the Legislature that, due to the stabilization of the number of "Three Strikes" cases statewide and recent increases in the number of trial court judges, funding for the "Three Strikes" Relief Teams shall only be available through June 30, 1999. Should the new judgeships approved in 1997 not be available for appointment prior to January 1, 1999, it is the intent of the Legislature to reconsider the limited term status of the "Three Strikes" Relief Teams.

#### UNCODIFIED TEXT AB 2788

SEC. 3. There is hereby appropriated the sum of sixteen million five hundred fifty-nine thousand dollars (\$16,559,000) for transfer from the General Fund to the Trial Court Trust Fund in augmentation of Item 0450-111-0001 of the Budget Act of 1998.

- *Requires the Judicial Council to report the Legislature on the development of criteria for allocating new funding of \$50 million for the trial courts.*

#### "Three Strikes" Relief Teams

- *States legislative intent that funding for "Three Strikes" Relief Teams be for fiscal year 1998-99 only. Also states legislative intent that limiting the funding be reconsidered if new judgeships are not approved. Note: New judgeships were not approved.*

#### Appropriation for Recoupment of County Overpayment

- *Provides funding to the Trial Court Trust Fund for purpose of implementing the first of three years of reductions under Gov. Code, § 77201.3.*

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