

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Christine M. Hansen, Director, Finance Division
Stephen H. Nash, Assistant Director, Finance Division, 415-865-7584

DATE: October 27, 2004

SUBJECT: Guidelines for Reimbursement of the Costs of Prisoner Hearings
(Action Required)

Issue Statement

The Budget Act of 2004 (Stats. of 2004, ch. 208) appropriates \$2.556 million and Senate Bill(SB) 1102 (Stats. of 2004, ch. 227), a trailer bill to the 2004 Budget Act, authorizes the Judicial Council to reimburse courts for costs associated with prisoner hearings under Penal Code sections 4750–4755 and 6005. In order to implement this reimbursement process, the Judicial Council must approve guidelines to establish the criteria and process for reimbursement.

Recommendation

Administrative Office of the Courts (AOC) staff recommends that the Judicial Council approve the proposed guidelines for reimbursement of prisoner hearing costs. The proposed guidelines are attached at pages 5–6.

Rationale for Recommendation

The proposed guidelines allow courts to be reimbursed for the same reasonable and necessary court operating costs which had historically been reimbursed to counties through the process set forth in Penal Code sections 4750–4755 and 6005.

Nineteen trial courts reside in counties with at least one state prison or California Youth Authority (CYA) facility. These hearings become necessary when a prisoner or ward is charged with the commission of a crime while incarcerated or a writ of habeas corpus is filed on behalf of a prisoner.

Prior to fiscal year 2004–2005, only cities and counties were authorized to obtain reimbursement for prisoner hearing costs related to state prisons and CYA facilities

pursuant to Penal Code sections 4750–4755 and 6005. Since these penal code sections were developed prior to the enactment of state trial court funding, the language was not written to include trial courts, which at that time were considered county entities. Senate Bill 1102 allows trial courts to obtain direct reimbursement for costs they incur related to prisoner hearings as specified in Penal Code sections 4750–4755 and 6005. The appropriation provides for direct reimbursement to trials courts for these costs, shifting expenditure authority from local assistance funding within the California Department of Corrections budget to the Trial Court Trust Fund. (An excerpt of the provisional budget language related to costs associated with prisoner hearings is attached at page 4.)

The proposed guidelines provide courts with a process to apply to the AOC for reimbursement of necessary and reasonable hearing and trial costs related to state prisons, CYA institutions, prisoners, and wards, consistent with Penal Code sections 4750–4755 and 6005, in connection with the following:

- Any crime committed in a state prison or a California Youth Authority institution.
- Any crime committed by a prisoner in furtherance of an escape.
- Any hearing on any return of a writ of habeas corpus prosecuted by or on behalf of a prisoner.
- Any trial or hearing on the question of the sanity of a prisoner.

Alternative Actions Considered

In addition to the proposed recommendation, another alternative that was considered was to provide reimbursement based upon a demonstration of actual court need.

Reimbursement would not be provided to courts with resources sufficient to absorb one-time costs without an impact on court operations. This alternative was not recommended because courts have historically received reimbursement for all costs related to hearing and processing matters set forth in Penal Code sections 4750–4755 and 6005. Basing reimbursement on actual need would be contrary to the practice and therefore could negatively impact trial courts' budgets.

Comments From Interested Parties

The proposed guidelines were sent to the 19 trial courts with a state prison or CYA facility within their jurisdiction. Comments were received from 23 interested parties. The commentators suggested significant modifications and technical changes to the proposed reimbursement guidelines related to the proposed eligibility criteria and the process for submitting claims. The proposed guidelines were amended based on input from the trial courts. The Interim Trial Court Budget Working Group reviewed the proposed guidelines, as amended, in conjunction with the trial courts' comments. The working group unanimously approved the proposed guidelines for submission to the council.

Implementation Requirements and Costs

The Budget Act appropriates \$2.556 million to reimburse costs associated with prisoner hearings.

Attachments

**Excerpt from Budget Act of 2004
(Stats. 2004, ch. 208)**

0450-101-0001--For local assistance, State Trial Court Funding . . . 5,810,000
Provisions:

2. Of the amount appropriated in this item, up to \$2,556,000, shall only be used for the payment of the court costs payable under Sections 4750 to 4755, and 6005 of the Penal Code. The Judicial Council shall distribute these funds to the eligible individual trial courts on a reimbursement basis.

4. The Judicial Council shall provide the Department of Finance with a report, by September 1, 2005, detailing, by court, the level of reimbursements provided for court costs associated with prisoner hearings under Sections 4750 to 4755, and 6005 of the Penal Code.

5. Any funds in this item that are not used shall revert to the General Fund.

Proposed Guidelines for Reimbursement of Prisoner Hearing Costs

Courts may apply through the AOC for reimbursement of necessary and reasonable costs connected with state prisons, California Youth Authority institutions, prisoners, and wards, consistent with Penal Code Sections 4750–4755 and 6005, in connection with the following:

- Any crime committed in a state prison or a California Youth Authority institution.
- Any crime committed by a prisoner in furtherance of an escape.
- Any hearing on any return of a writ of habeas corpus prosecuted by or on behalf of a prisoner.
- Any trial or hearing on the question of the sanity of a prisoner.

A claim may include costs for more than one hearing or trial; however, costs must be detailed and separately identified for each case.

REIMBURSEMENT GUIDELINES

- a. Reimbursement will be provided for reasonable and necessary operating costs of any trial or hearing if any matter set forth in Penal Code sections 4750 and 6005, except superior court judges, including assigned judges. Reasonable and necessary operating costs include costs for the preparation of the trial, pretrial hearing, and the actual trial or hearing, and administrative costs associated with providing the necessary services and securing reimbursement.
- b. Administrative costs may be charged on trial court compensation costs only, in an amount not to exceed 20 percent.
- c. Claims for reimbursement of actual costs must be submitted quarterly, and are due 45 days after the end of the first three quarters, and 60 days after the end of the 4th quarter as follows:

	Due Date	Reimbursement Date
1st Quarter	November 15*	December 15
2nd Quarter	February 15	March 15
3rd Quarter	May 15	June 15
4th Quarter	August 30	October 15

*For fiscal year (FY) 2004–2005, courts should submit 1st and 2nd quarter claims by February 15, 2005.

- d. In FY 2004–2005, the first year of the Administrative Office of the Courts’ program, the allocation will be capped at the amount reported per court for FY 2002–2003, which was used to establish the base. In FY 2005–2006, each court’s base allocation will be adjusted to reflect its FY 2004–2005 costs within the appropriation established for this purpose. If actual costs in FY 2004–2005 exceed the appropriation level, each individual court’s base allocation may be reduced by a prorated share of the shortfall.

Due to the implementation of the State Appropriations Limit, and because the state has essentially eliminated the deficiency process, it is unclear if deficiency funding would be available through the state Department of Finance. Therefore, to the extent that costs exceed available funding, one-time funding may only be provided if savings can be identified in the Trial Court Trust Fund, or if funding is available within the Trial Court Improvement Fund set aside for deficiencies and emergencies. Unfunded claims will not be carried over into the next fiscal year.