

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

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Report

TO: Members of the Judicial Council

FROM: Policy Coordination and Liaison Committee
Hon. Marvin R. Baxter, Chair
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DATE: November 5, 2007

SUBJECT: Night Court Assessments: Transfer of Revenues (Veh. Code, § 42006)
(Action Required)

Issue Statement

Courts may levy a special assessment of \$1 for every fine, forfeiture, and traffic violator school fee imposed by a court that conducts a night session of the court. Beginning on January 1, 2008, as a result of legislation sponsored by the Judicial Council (Assem. Bill 1248 [Evans], Stats. 2007, ch. 738), the assessment may also be levied by any court conducting a weekend session of court. Revenues from this assessment are transmitted to the county treasury for deposit in the night court session fund and “shall be expended by the county for maintaining courts in the county that have night or weekend sessions for traffic offenses.” (Veh. Code, § 42006.)

Recommendation

The Policy Coordination and Liaison Committee and staff recommend that the revenues from the night and weekend court session assessment be transferred from the counties to the State Court Facilities Trust Fund in an amount proportional to the counties’ transfer of court facilities to state responsibility. The statutory language accomplishing this transfer will be completed after approval by the council.

Rationale for Recommendation

The Trial Court Facilities Act requires that any amount in either a county’s courthouse construction fund established by Government Code section 76100 or any revenue from the three special surcharges established by Riverside, San Bernardino, and San Francisco Counties be transferred to the state at the later of:

1. The date of the last transfer of responsibility for court facilities from the county to the Judicial Council or June 30, 2007, whichever is earlier. (The June 30, 2007, date would change to June 30, 2009, under the proposal to extend the deadline for court facility transfers discussed in a separate report.)
2. The date the final payment of bonded indebtedness for any court facility that is paid from that fund is retired.

If the responsibility for one or more facilities has not transferred, the revenue in the county's courthouse construction fund shifts proportionally to the square footage of space that the county has transferred to state responsibility. In other words, if 75 percent of a county's court facility space transfers to the state and the revenue is not tied to bonded indebtedness on any of the court facilities, then 75 percent of the local revenue would also transfer to the state.

The Policy Coordination and Liaison Committee and staff recommend that the Vehicle Code be similarly amended to require the transfer of revenues from the night and weekend court session assessment to the state because counties will no longer incur the costs of operating facilities on nights and weekends once those facilities transfer to the state.

This proposal aligns the revenues with the responsibility for maintaining court facilities.

Alternative Actions Considered

No alternative actions were considered.

Comments From Interested Parties

Comments on this proposal were not solicited.

Implementation Requirements and Costs

Sixteen courts that hold night court sessions collect about \$2 million per year from this assessment and transmit the revenue to the counties. The revenue from weekend sessions is as yet unknown because the authority to collect such assessments does not begin until January 1, 2008. The transfer of revenue will not occur all at once but will happen as facilities transfer to the state and bonded indebtedness is retired.