

**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: Policy Coordination and Liaison Committee  
Hon. Marvin R. Baxter, Chair  
Civil and Small Claims Advisory Committee  
Hon. Lee Smalley Edmon, Chair  
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DATE: October 26, 2007

SUBJECT: Government Fee Exemption (Gov. Code, § 6103) (Action Required)

Issue Statement

Government Code section 6103 exempts government entities, including the state, counties, cities, and districts, from paying or depositing certain filing fees and fees for services. By its language, the statute does not apply to civil jury fees or jury deposits. However, there has been some confusion, and some government entities have claimed exemption from such fees. Therefore, to clarify the law, the statute should be amended to explicitly state that it does not apply to civil jury fees or jury deposits.

Recommendation

The Policy Coordination and Liaison Committee and the Civil and Small Claims Advisory Committee recommend that the Judicial Council sponsor legislation to amend Government Code section 6103 to clarify that government entities are not exempt from the obligation to pay civil jury fees and jury deposits.

The text of the proposed legislation is attached at page 3.

Rationale for Recommendation

Government Code section 6103 exempts government entities from paying or depositing any fee "for the filing of any document or paper, for the performance of any official service, or the filing of any stipulation or agreement which may constitute an appearance in any court by any other party to the stipulation or agreement." This statutory language does not exempt government entities from paying civil jury fees or making civil jury deposits because these do not involve either the filing of papers or the performance of

services. The purpose of civil jury fees and deposits is to cover the fees and mileage of jurors, not the expenses of the courts. (See Code Civ. Proc., § 631.)

Nonetheless, some government entities have argued that under Government Code section 6103 they are exempt from paying or depositing civil jury fees or deposits. To clarify that government entities are not exempt from this obligation, section 6103 needs to be amended to include the following statement: “This section does not apply to civil jury fees or civil jury deposits.”

#### Alternative Actions Considered

The statute could be left unchanged. But because there has been some controversy over whether government entities are exempt from paying civil jury fees and deposits, it is preferable to clarify the law to expressly state that the exemption in section 6103 does not apply to these fees and deposits.

#### Comments From Interested Parties

This legislative proposal was circulated for public comment in spring 2007. Four public comments were received on the proposal. A chart summarizing the comments and the advisory committee’s responses is attached at pages 4–5. The comments were favorable. The California Court Reporters Association, however, suggested adding a provision relating to payments for court reporter transcript fees. Because this suggestion is beyond the scope of the proposal that was circulated for public comment, the committee recommends that it not be included in the proposed legislation.

#### Implementation Requirements and Costs

The proposal should not require any implementation activities or result in any cost to the courts. It may result in some cost savings since it should eliminate any disputes over whether the statute’s exemption applies to civil jury fees and deposits.

#### Attachments

Government Code section 6103 would be amended to read as follows:

1    **§ 6103.**

2    Neither the state nor any county, city, district, or other political subdivision, nor any  
3    public officer or body, acting in his official capacity on behalf of the state, or any county,  
4    city, district, or other political subdivision, shall pay or deposit any fee for the filing of  
5    any document or paper, for the performance of any official service, or for the filing of  
6    any stipulation or agreement ~~which~~ that may constitute an appearance in any court by any  
7    other party to the stipulation or agreement. This section does not apply to civil jury fees  
8    or civil jury deposits. This section does not apply to the State Compensation Insurance  
9    Fund or where a public officer is acting with reference to private assets or obligations  
10   ~~which~~ that have come under his jurisdiction by virtue of his office, or where it is  
11   specifically provided otherwise. No fee shall be charged for the filing of a confession of  
12   judgment in favor of any of the public agencies named in this section.

13

14   No fee shall be charged any of the public agencies named in this section to defray the  
15   costs of reporting services by court reporters. Such fees shall be recoverable as costs, as  
16   provided in section 6103.5.

**LEG07-02**  
**Governmental Fee Exemption (Gov. Code, § 6103)**

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee's Response</b>
1.	Superior Court of California, County of Los Angeles	A	Y	No specific comments.	No response required.
2.	Pam Moriada Program Manager Superior Court of California, County of Solano	A	N	No specific comments.	No response required.
3.	Michael M. Roddy Court Executive Officer Superior Court of California, County of San Diego	A	Y	No specific comments.	No response required.
4.	Sandy Bunch VaderPol President California Court Reporters Association Sacramento, California	AM	Y	<p>The California Court Reporters Association (CCRA) requests additional clarification that the language in Gov. Code, § 6103 also does not apply to court reporter transcript fees.</p> <p>Rationale: If governmental entities are exempted from paying for reporters' transcripts then the court, by default, is agreeing to pay for them. CCRA does not believe that Gov. Code, § 6103 was intended to do that nor that it is in the best interests of the court that it be interpreted that way.</p> <p>The problem is, again, with so many</p>	Because this additional legislative proposal is beyond the scope of the proposal that was circulated for public comment, the committee does not recommend that it be included in the proposal.

= Do not agree.

**LEG07-02**  
**Governmental Fee Exemption (amend Gov. Code, § 6103)**

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee's Response</b>
				counties, there are a number of appellate clerks who incorrectly interpret Gov. Code, § 6103 to apply to reporters' transcripts. A clarification in the code would alleviate a long-standing issue for official court reporters.	