



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393
Telephone 916-323-3121 ♦ Fax 916-323-4347 ♦ TDD 415-865-4272

MEMORANDUM

TO: Honorable Ronald M. George
Members of the Policy Coordination and Liaison Committee
William C. Vickrey, Administrative Director of the Courts

FROM: Donna S. Hershkowitz, Acting Director
Office of Governmental Affairs

DATE: October 16, 2007

RE: Status of 2007 legislation considered by the Policy Coordination and Liaison Committee – FINAL

Following is the status report on 2007 legislation considered by the Judicial Council's Policy Coordination and Liaison Committee (PCLC) during the 2007-2008 legislative session. The bills are listed in numerical order by house (Assembly and Senate) and are indexed by subject matter. The second column, "description" summarizes the relevant portions of the bill—and the version of the bill—on which the PCLC position is based. The description column also includes an updated summary to reflect the most current version of the bill. The "Judicial Council position" column tracks the council's initial position and any subsequent change to that position.

The text of all versions of a bill, committee analyses, vote information, history, and bill status can be found on the Legislature's website (including past session information) at: <http://www.leginfo.ca.gov/bilinfo.html>

JUDICIAL COUNCIL OF CALIFORNIA
Policy Coordination and Liaison Committee Action on 2007 Legislation
and Status of Bills

Judicial Council-sponsored Legislation (See Appendix)

AB 159 (Jones) – Courts: judgeships	A
AB 227 (Beall) – Trial court funding	A
AB 367 (De León) – Court-ordered debts	B
AB 467 (Feuer) – Courts: access to justice.....	B
AB 926 (Evans) – Civil discovery	C
AB 1248 (Evans) – Courts.....	C
AB 1464 (Benoit) – Vehicles: preclusion of vehicle registration and issuance of arrest warrant.....	C
AB 1491 (Benoit) – Court facilities.....	D
SB 145 (Corbett) – Court facilities.....	D
SB 340 (Ackerman) – Access to Criminal History Information by Court Investigators	D
SB 396 (Ridley-Thomas) – Dispute Resolution	E
SB 425 (Margett) – Public safety	E

Legislation Index by Subject

Civil and Small Claims

AB 500 (Lieu) – Civil actions: telephonic appearances	4
AB 553 (Hernandez) – Public Employment Relations Board	4
AB 926 (Evans) – Civil discovery	6
AB 1126 (Eng) – Civil discovery: unlawful detainer: subpoenas	7
AB 1264 (Eng) – Courts: delay reduction: status conferences	8

Court Facilities, Employees, and Technology

AB 163 (Mendoza) – Trial courts: limited-term employees	2
AB 276 (Solorio) – Trial courts: limited-term employees	3
AB 582 (Evans) – Court transcription fees	5
AB 863 (Davis) – Los Angeles County Superior Court Employees	6
AB 1340 (Jones) – Safe and Secure Court Facility Bond Act of 2008	8
AB 1491 (Benoit) – Court facilities	9
AB 1726 (Committee on Judiciary) – Evidence: court interpreters	10
SB 145 (Corbett) – Court facilities	11
SB 431 (Aanestad and Wiggins) – Public employees' retirement: Butte County and Solano County	13

Criminal Law and Procedure

AB 1424 (Davis) – Elder abuse: continuances	8
AB 1582 (Calderon, C.) – Crimes: marijuana: possession: penalty	9
AB 1660 (La Malfa) – Victims' rights: presence during criminal proceedings	10

SB 340 (Ackerman) – Access to Criminal History Information by Court Investigators	12
SB 425 (Margett) – Public safety	12
SB 851 (Steinberg) – Mental health courts	14

Family Law

SB 403 (Harman) – Child custody and visitation: drug and alcohol testing	12
--	----

Fees, Fines, and Penalties

SB 396 (Ridley-Thomas) – Dispute Resolution	12
SB 539 (Margett) – Trial Court Trust Fund	13

Judicial Officers

AB 159 (Jones) – Courts: judgeships	1
-------------------------------------	---

Juries

AB 1557 (Feuer) – Jury selection: peremptory challenges	9
---	---

Juvenile Delinquency

AB 1547 (Beall) – Juvenile court: termination of jurisdiction	9
---	---

Juvenile Dependency

AB 369 (Solorio) – Child abuse reporting	3
SB 241 (Kuehl) – Minors: legal representation: probate proceedings	11

Miscellaneous

AB 467 (Feuer) – Courts: access to justice	4
--	---

AB 171 (Beall) – Student financial aid: Assumption Program for Loans for Law in the Public Interest	2	AB 758 (Plescia) – Vehicles: traffic violator schools: regulation	6
AB 1723 (Committee on Judiciary) – Attorneys: interest on lawyer trust accounts	10	AB 1258 (Caballero) – Highways: Safety Enhancement Double Fine Zones	7
<u>Probate</u>		AB 1464 (Benoit) – Vehicles: Preclusion of vehicle registration and issuance of arrest warrant	8
AB 1727 (Committee on Judiciary) – Conservators and Guardians	11	<u>Trial Court Funding/Operations</u>	
SB 800 (Corbett) – Conservators and guardians: care plans	14	AB 227 (Beall) – Trial court funding	2
<u>Traffic</u>		AB 367 (De León) – Court-ordered debts	3
AB 112 (Wolk) – Highways: Safety Enhancement Double Fine Zones	1	AB 1248 (Evans) – Courts	7
AB 117 (Beall) – Traffic offenses: additional assessment: traffic safety	1		

JUDICIAL COUNCIL OF CALIFORNIA
Policy Coordination and Liaison Committee Action on 2007 Legislation
and Status of Bills

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 14, 2007
AB 112 (June Clark)	<p><u>AB 112 (Wolk) – Highways: Safety Enhancement Double Fine Zones</u></p> <p>As amended March 12, 2007 Designates a segment of State Highway Route 12 in Solano and San Joaquin Counties as a Safety Enhancement-Double Fine Zone upon approval of specified county resolutions and until January 1, 2012.</p> <p>UPDATE: As amended September 6, 2007 Revises the procedures for designating double fine zones and designates a segment of State Highway Route 12 in Solano and San Joaquin Counties as a Safety Enhancement-Double Fine Zone. Requires the Department of Transportation to conduct a study of Safety-Enhancement Double Fine Zones.</p>	<p>Oppose; further complicates court fine structure. Moratorium until Judicial Council completes Fines Collection Task Force work.</p> <p>Update: As amended August 31, 2007 Oppose</p>	Author	Signed into law (Stats. 2007, ch. 258)
AB 117 (June Clark)	<p><u>AB 117 (Beall) – Traffic offenses: additional assessment: traffic safety</u></p> <p>As introduced Provides that, until January 1, 2010, a county may choose to levy an additional assessment for a highway traffic violation in the amount of \$2 for every \$10 or fraction thereof, upon each base fine, excluding other penalty assessments, fees, or additions. Requires that the collected assessment be deposited in a Traffic Safety Committee Network fund, and that the monies be allocated so that, after deducting administrative costs, 85 percent shall be used in traffic safety programs approved by the county board of supervisors, and 15 percent shall be deposited in the county’s courthouse construction fund.</p> <p>UPDATE: As amended March 22, 2007 Amendments narrow bill to authorize only Santa Clara County to elect to impose the \$2 assessment.</p>	Oppose; further complicates court fine structure. Moratorium until Judicial Council completes Fines Collection Task Force work.	Author	Senate Public Safety Committee
AB 159 (Donna Hershkowitz)	<p><u>AB 159 (Jones) – Courts: judgeships</u></p> <p>As introduced Creates 50 new superior court judgeships in fiscal year 2007-08, to be allocated pursuant to the model approved by the Judicial Council. Authorizes the conversion of certain eligible subordinate judicial officer positions, upon vacancy, to judgeships. Creates an unspecified number of appellate judicial positions.</p> <p>UPDATE: As amended September 5, 2007 Creates 50 new superior court judgeships in fiscal year 2007-08, to be allocated pursuant to the model approved by the Judicial Council. Authorizes the conversion of 16 subordinate judicial officers, in eligible courts, to judgeships, and 146 more in future years at a rate of 16 per year. The conversion would occur upon vacancy, and requires legislative ratification either in legislation or the budget act. Requires the Governor to report annually demographic gender, race, and ethnicity data of all judicial applications, appointments, or nominations.</p>	Sponsor	Judicial Council	Signed into law (Stats. 2007, ch. 722)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 14, 2007
AB 163 (Eraina Ortega)	<p><u>AB 163 (Mendoza) – Trial courts: limited-term employees</u></p> <p>As introduced Prohibits the Superior Court of Los Angeles County from employing any limited-term law clerk for more than 180 days. Provides that any limited-term law clerk employed for more than 180 calendar days becomes a regular employee. This bill is similar to AB 176 (Bermúdez) and AB 1797 (Bermúdez), which were passed by the Legislature in 2005 and 2006 and were vetoed by the Governor.</p> <p><i>UPDATE: As amended June 1, 2007 Addresses another subject, no longer affects trial courts.</i></p>	<p>Oppose</p> <p>Update: <i>As amended March 28, 2007 No position</i></p>	American Federation of State, County, and Municipal Employees (AFSCME)	Senate Floor
AB 171 (Tracy Kenny)	<p><u>AB 171 (Beall) – Student financial aid: Assumption Program for Loans for Law in the Public Interest</u></p> <p>As amended June 21, 2007 Establishes the Assumption Program for Loans for Law in the Public Interest, to provide up to \$11,000 in loan assumption benefits over a four-year period to public interest attorneys, defined as legal services attorneys, criminal prosecutors and public defenders, child support agency attorneys, and county counsels. The program would be administered by the California Student Aid Commission.</p> <p><i>UPDATE: As amended August 20, 2007 Same as above with provisions for proportional loan assumption for part-time employment.</i></p>	Support	Author	Senate Appropriations Committee
AB 227 (Eraina Ortega)	<p><u>AB 227 (Beall) – Trial court funding</u></p> <p>As introduced Codifies changes to the Maintenance of Effort (MOE) payments made by counties to the state for trial court funding. Changes are consistent with negotiated buyouts related to undesignated fees and AB 233 fees buyouts.</p> <p><i>UPDATE: As amended March 22, 2007 Same as above and corrects the new MOE for Mendocino County.</i></p>	Sponsor	Judicial Council	Signed into law (Stats. 2007, ch. 383)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 14, 2007
AB 276 (Eraina Ortega)	<p><u>AB 276 (Solorio) – Trial courts: limited-term employees</u></p> <p>As introduced Provides that a limited-term employee is a regular trial court employee if the limited-term employee has completed 180 days of service, and if the assignment, position, or project of the limited-term employee is an integral part of the long-term, regular work of the trial court. This bill is similar to AB 176 (Bermúdez) and AB 1797 (Bermúdez), which were passed by the Legislature in 2005 and 2006 and were vetoed by the Governor.</p> <p><i>UPDATE: As amended March 15, 2007 Spot bill; no substantive impact on trial courts.</i></p>	<p>Oppose</p> <p>Update: <i>As amended March 15, 2007 No position</i></p>	<p>American Federation of State, County, and Municipal Employees (AFSCME)</p>	<p>Assembly Rules Committee</p>
AB 367 (Eraina Ortega)	<p><u>AB 367 (De León) – Court-ordered debts</u></p> <p>As introduced Establishes a task force on criminal court-ordered fines and penalties that will make recommendations for simplifying California’s criminal fine and penalty assessment, collection, and distribution system. Reduces the minimum fine required by the Franchise Tax Board Court-Ordered Debt Collection Program from \$250 to \$100 and expands the program to include collections for registration, pedestrian, and bicycle violations.</p> <p><i>UPDATE: As amended June 28, 2007 Same as above and 1) clarifies that it applies to traffic-related offenses, 2) requires the Judicial Council to develop performance measures and benchmarks to review the effectiveness of collection programs, and 3) requires the task force to document recent annual revenues from the various penalty assessments and surcharges and, to the extent feasible, evaluate the extent to which the amount of each penalty assessment and surcharge impacts total annual revenues and the actual amounts assessed.</i></p>	<p>Sponsor</p>	<p>Judicial Council</p>	<p>Signed into law (Stats. 2007, ch. 132)</p>
AB 369 (Tracy Kenny)	<p><u>AB 369 (Solorio) – Child abuse reporting</u></p> <p>As introduced Authorizes CASA organizations in California to submit fingerprint information on prospective CASA volunteers to the California Department of Justice (DOJ) to determine whether there is relevant information pertaining to that individual in the Child Abuse Central Index (CACI), in addition to the criminal history information that is currently provided regarding each prospective volunteer.</p> <p><i>UPDATE: As amended June 5, 2007 Same as above; technical amendments.</i></p>	<p>Support</p>	<p>California Court Appointed Special Advocates (CASA) Association</p>	<p>Signed into law (Stats. 2007, ch. 160)</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 14, 2007
AB 467 (Tracy Kenny)	<p><u>AB 467 (Feuer) – Courts: access to justice</u></p> <p>As introduced States legislative findings regarding court fee waivers and access to justice. Provides that equal justice requires that all persons have access to the court without regard to economic means. Further provides that those who are able to pay court fees should do so, and courts should recover previously waived fees when appropriate.</p> <p>UPDATE: As amended August 20, 2007 <i>Revises and recasts provisions for court fee waivers for indigent litigants. Clarifies required application processing procedures. Requires recovery of fees in specified cases, and provides procedures for reconsideration of fee waivers during the pendency of the case. In addition, provides separate fee waiver application processing procedures for the appellate courts.</i></p>	Sponsor	Judicial Council	Vetoed
AB 500 (Daniel Pone)	<p><u>AB 500 (Lieu) – Civil actions: telephonic appearances</u></p> <p>As amended June 12, 2007 Among other things, specifies generally that a party may appear by telephone in all general civil cases at case management conferences, and other specified conferences, hearings and proceedings. Provides that a court may require a party to appear in person at such hearings, conferences, or proceedings if the court determines, on a hearing-by-hearing basis, that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.</p> <p>UPDATE: As amended August 27, 2007 <i>Same as above; technical amendments correcting a cross-reference.</i></p>	Support	Consumer Attorneys of California	Signed into law (Stats. 2007, ch. 268)
AB 553 (Eraina Ortega)	<p><u>AB 553 (Hernandez) – Public Employment Relations Board</u></p> <p>As amended May 8, 2007 Provides for the exclusive authority of the Public Employment Relations Board (PERB) to determine, under the Meyers-Milias-Brown Act (MMBA), whether to seek from a court of competent jurisdiction injunctive relief involving employee strikes, work stoppages, or lock-outs.</p>	Oppose	Service Employees International Union (SEIU)	Vetoed

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 14, 2007
AB 582 (Donna Hershkowitz)	<p><u>AB 582 (Evans) – Court transcription fees</u></p> <p>As amended April 10, 2007 Increases the fee for the original and copies of court reporter transcripts for three consecutive years by a specified amount, and then increases the fee annually by the Consumer Price Index for All Urban Consumers (CPI). Expands the 50 percent additional charge for daily copy service to criminal transcripts. Requires the Administrative Office of the Courts to publish an updated transcript fee schedule based on the increases tied to the CPI.</p> <p>UPDATE: As amended June 1, 2007 <i>Increases the fee for the original and copies of court reporter transcripts for three consecutive years, and then increases the fee annually by the Consumer Price Index for All Urban Consumers. Expands the 50 percent additional charge for daily copy service to criminal transcripts. Requires the Administrative Office of the Courts to publish an updated transcript fee scheduled based on the increases tied to the CPI. Specifies a uniform format for all court transcripts, and increases access to the Transcript Reimbursement Fund for indigent pro per litigants.</i></p>	<p>Oppose unless amended to:</p> <ol style="list-style-type: none"> 1) adopt recommendations of Reporting of Record Task Force re: uniform transcripts 2) address impacts on low income litigants by: <ol style="list-style-type: none"> a) providing for electronic recording in critical case types b) expanding access to Transcript Reimbursement Fund 3) provide funding outside of SAL <p>Update: <i>As amended April 30, 2007</i> <i>No position</i> <i>As amended June 1, 2007</i></p> <ol style="list-style-type: none"> 1) <i>No position on amount of transcript rate increase or transcript costs, if funded outside of SAL.</i> 2) <i>Support uniform transcript standards, if amended to include additional uniformity recommendations of the RRTF.</i> 3) <i>Oppose unless amended to ensure changes to the Transcript Reimbursement Fund are sufficient to effectively mitigate the impact on low-income litigants.</i> 	Service Employees International Union	Senate Judiciary Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 14, 2007
AB 758 (June Clark)	<p><u>AB 758 (Plescia) – Vehicles: traffic violator schools: regulation</u></p> <p>As proposed to be amended Provides for the licensing and regulation of home study-based traffic violator schools by the Department of Motor Vehicles (DMV).</p> <p><i>UPDATE: As amended August 31, 2007 Requires the Department of Motor Vehicles, on or before July 1, 2008, to submit a report to the Legislature containing a comprehensive plan with specified components by which the licensing of all driving instruction programs offered to traffic violators may be consolidated under the authority of the department.</i></p>	Support; relieve courts of inappropriate regulatory responsibility.	TrafficSchool.com Distance Learning Company, Inc.	Signed into law (Stats. 2007, ch. 396)
AB 863 (Eraina Ortega)	<p><u>AB 863 (Davis) – Los Angeles County Superior Court Employees</u></p> <p>As introduced Requires the Los Angeles Superior Court to pay each employee in specified bargaining units two months “back pay” in the amount the employee would have received if the employee’s reclassification raise that occurred on October 1, 2005, had been made retroactive to August 1, 2005.</p> <p><i>UPDATE: As amended June 25, 2007 Same as above, and urges Los Angeles Superior Court to disburse funds as directed by this legislation.</i></p>	No position	American Federation of State, County and Municipal Employees (AFSCME)	Assembly Inactive
AB 926 (Daniel Pone)	<p><u>AB 926 (Evans) – Civil discovery</u></p> <p>As amended April 17, 2007 Amends three discovery statutes to clarify the time for production of documents. Provides that parties may agree to extend the time for inspection. [Note: contents moved into AB 1248.]</p>	Sponsor	Judicial Council	Senate Judiciary Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 14, 2007
AB 1126 (Daniel Pone)	<p><u>AB 1126 (Eng) – Civil discovery: unlawful detainer: subpoenas</u></p> <p>As introduced February 23, 2007 Provides, among other things, that in unlawful detainer actions and other specified summary proceedings involving the possession of real property, a discovery motion may be made at any time upon giving five days notice. Requires the Judicial Council to adopt rules prescribing the time for the filing and service of opposition and reply papers relating to specified motions filed in connection with the above summary proceedings. Allows a plaintiff in those summary proceedings to propound interrogatories, make a demand for inspection, and make requests for admission without leave of court at any time that is five days after service of the summons on, or appearance by, the relevant party, whichever occurs first. Makes related changes to the procedures governing discovery in those summary proceedings.</p> <p>UPDATE: As amended March 27, 2007 <i>Same as above, and makes technical changes conforming the provisions of law protecting employees whose records are subject to a subpoena to the provisions protecting consumers.</i></p>	Support	California Law Revision Commission	Signed into law (Stats. 2007, ch. 113)
AB 1248 (Eraina Ortega)	<p><u>AB 1248 (Evans) – Courts</u></p> <p>As introduced Among other things, makes technical and clarifying changes to the Uniform Civil Fees and Standard Fee Schedule Act of 2005, clarifies the fine for production of documents pursuant to demand for production, and increases the cap on habeas investigations costs paid by the Supreme Court.</p> <p>UPDATE: As amended September 5, 2007 <i>Same as above and allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, allows staff of the Administrative Office of the Courts to staff a non-profit organization created by the Judicial Council, and requires the Judicial Council to establish a travel policy for the judicial branch, and changes the date when the Judicial Council must adjust the amount a parent or guardian may be liable for minors' actions. Amends three discovery statutes to clarify the time for production of documents. Provides that parties may agree to extend the time for inspection.</i></p>	Sponsor	Judicial Council	Signed into law (Stats. 2007, ch. 738)
AB 1258 (June Clark)	<p><u>AB 1258 (Caballero) – Highways: Safety Enhancement Double Fine Zones</u></p> <p>As introduced Designates a segment of State Highway Route 101 and a segment of County Road 16 in Monterey County as Safety Enhancement-Double Fine Zones.</p>	Oppose; further complicates court fine structure. Moratorium until Judicial Council completes Fines Collection Task Force work.	Author	Assembly Transportation Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 14, 2007
AB 1264 (Daniel Pone)	<p><u>AB 1264 (Eng) – Courts: delay reduction: status conferences</u></p> <p>As amended April 11, 2007 Among other things, restricts the court’s ability to set various status conferences, other than the initial case management conference and the pre-trial status conference. Prohibits delay reduction rules from requiring the severance of unnamed defendants prior to the conclusion of the introduction of evidence at trial, except upon stipulation or motion of the parties.</p> <p>UPDATE: As amended June 20, 2007 Prohibits delay reduction rules from requiring the severance of unnamed defendants prior to the conclusion of the introduction of evidence at trial, except upon stipulation or motion of the parties.</p>	<p>None while negotiations with sponsor continue. [Policy Coordination and Liaison Committee designee to assist OGA staff in negotiations with the author and sponsor.]</p> <p>Update: As amended June 20, 2007 Neutral</p>	Consumer Attorneys of California	Signed into law (Stats. 2007, ch. 146)
AB 1340 (Eraina Ortega)	<p><u>AB 1340 (Jones) – Safe and Secure Court Facility Bond Act of 2008</u></p> <p>As introduced Authorizes a ballot measure for the issuance of \$2 billion in bonds for the acquisition, design, construction, or renovation of court facilities.</p>	Support	Governor Arnold Schwarzenegger	Assembly Judiciary Committee
AB 1424 (June Clark)	<p><u>AB 1424 (Davis) – Elder abuse: continuances</u></p> <p>As introduced Among other things, adds cases involving elder or dependent abuse to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings under Penal Code section 1050.</p> <p>UPDATE: As amended June 27, 2007 Deletes provisions that were basis of council opposition.</p>	<p>Oppose unless amended; inappropriately interferes with court’s authority.</p> <p>Update: As amended June 27, 2007 Opposition withdrawn</p>	Los Angeles City Attorney Rocky Delgadillo	Senate Public Safety Committee
AB 1464 (June Clark)	<p><u>AB 1464 (Benoit) – Vehicles: Preclusion of vehicle registration and issuance of arrest warrant</u></p> <p>As introduced Allows the court, after proper notice to the owner/violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the Department of Motor Vehicles for a hold to be placed on the registration of the vehicle involved in the offense. To ensure due process rights are protected, requires notice to the owner/violator, and allows 21 days for response if the owner/violator was not present when the citation is issued, rather than the usual 10 days.</p>	Sponsor	Judicial Council	Signed into law (Stats. 2007, ch. 452)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 14, 2007
AB 1491 (Eraina Ortega)	<p><u>AB 1491 (Benoit) – Court facilities</u></p> <p>As introduced Addresses another topic.</p> <p><i>UPDATE: As amended September 7, 2007</i> <i>Corrects an incorrect cross-reference, extends the deadline for the transfer of court facilities from counties to the state from June 30, 2007 to December 31, 2008. Requires counties to pay an increased County Facilities Payment for facilities that transfer between July 1, 2008 and December 31, 2008. This is an urgency bill, taking effect upon signature of the Governor</i></p>	Sponsor	Judicial Council	In Assembly
AB 1547 (Tracy Kenny)	<p><u>AB 1547 (Beall) – Juvenile court: termination of jurisdiction</u></p> <p>As introduced Authorizes the juvenile court to order the probation department to provide a variety of services to a delinquent ward approaching the age of majority. These services include providing information on siblings; securing a birth certificate, social security card, and DMV identification card as appropriate; and assisting the ward in obtaining Medi-Cal or other health insurance, transitional housing or other housing assistance, and employment or higher education. These services are currently required to be provided to all dependent children approaching majority (Welfare and Institutions Code section 391). Further requires the Judicial Council to develop and implement standards and forms as necessary to implement the bill (also analogous to the dependency provisions).</p> <p><i>UPDATE: As amended April 19, 2007</i> <i>Requires probation to deliver the services described above at least six months before a hearing to terminate jurisdiction which will be occurring when the ward is approaching 18 years of age. In addition, allows the probation department to demonstrate that it has offered the required services to the ward and the services were refused by ward in lieu of reporting to the court that services were provided</i></p>	Support	Author	Assembly Appropriations Committee— Suspense file.
AB 1557 (June Clark)	<p><u>AB 1557 (Feuer) – Jury selection: peremptory challenges</u></p> <p>As introduced Reduces peremptory challenges to 6 per side in all misdemeanor cases, rather than only those misdemeanors resulting in imprisonment for 90 days or less.</p>	Support; improves jury system.	California Judges Association	Assembly Inactive File
AB 1582 (June Clark)	<p><u>AB 1582 (Calderon, C.) – Crimes: marijuana: possession: penalty</u></p> <p>As introduced Reclassifies from a misdemeanor to an infraction a first offense for possession of not more than 28.5 grams of marijuana, and would make it an alternate infraction/misdemeanor for a second or subsequent offense.</p>	Support; more efficient use of jurors and courts' time.	Judge Quentin Kopp (Ret.)	Assembly Public Safety Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 14, 2007
AB 1660 (June Clark)	<p><u>AB 1660 (La Malfa) – Victims’ rights: presence during criminal proceedings</u></p> <p>As amended March 29, 2007 Deletes the court’s authority to exclude a victim or a designated victim’s representative from a criminal proceeding.</p> <p>UPDATE: As amended June 6, 2007 <i>Provides that after a victim has testified in a criminal proceeding, the victim or his or her designee has a right to be present at any subsequent proceedings, except as specified.</i></p>	Oppose	Doris Tate Crime Victims Bureau, Crime Victims United, and Force 100	Senate Public Safety Committee
AB 1723 (Tracy Kenny)	<p><u>AB 1723 (Committee on Judiciary) – Attorneys: interest on lawyer trust accounts</u></p> <p>As amended May 2, 2007 Requires banks that hold interest on lawyer trust accounts (IOLTA) to allow those accounts to participate in higher-paying investment products, or receive an interest rate that is comparable to the rates paid by those investment products (referred to as IOLTA comparability).</p> <p>UPDATE: As amended June 13, 2007 <i>Same as above; nonsubstantive amendments.</i></p>	Support	State Bar of California	Signed into law (Stats. 2007, ch. 422)
AB 1726 (Eraina Ortega)	<p><u>AB 1726 (Committee on Judiciary) – Evidence: court interpreters</u></p> <p>As introduced Requires that an interpreter be present whenever needed in any civil matter, including family law and probate, or in any court-ordered or court-provided alternative dispute resolution, including mediation and arbitration. Requires that unless a party has notified the court that he or she has made arrangements for a private interpreter, the court shall provide the interpreter. Specifies a priority order for when an interpreter will be provided if there are insufficient interpreters or funding available. Limits funding provided for this purpose to \$10 million.</p>	Support in concept contingent on funding and workability.	Assembly Member Dave Jones	Assembly Appropriations Committee—Suspense file.

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 14, 2007
AB 1727 (Daniel Pone)	<p><u>AB 1727 (Committee on Judiciary) – Conservators and Guardians</u></p> <p>As introduced Sections 1-8 of the bill contain a number of technical and conforming amendments to the Omnibus Conservatorship and Guardianship Reform Act of 2006. Section 9 of the bill would revise the law governing the invalidation of donative transfers to care custodians by disallowing such transfers only in cases where the instrument creating or modifying the donative transfer is dated after the date that the person receiving the transfer became the care custodian for that transferor.</p> <p><i>UPDATE: As amended August 27, 2007</i> <i>Among other things, revises provisions permitting release of confidential medical information to a probate court investigator. Requires the Judicial Council to adopt rules necessary for an expedited procedure that would authorize by court order a release of confidential medical information. Prohibits a conservatorship of the person or of the estate from being granted unless the court makes an express finding that the granting of the conservatorship is the least restrictive alternative needed for the protection of the conservatee. Creates new requirements on courts when guardianships and conservatorships are transferred from other jurisdictions. Deletes donative transfer provisions. Clarifies court investigators' interview duties. Deletes provision that allows petition for appointment of a conservator and the petition for appointment of a temporary conservator to be filed as one petition or separate petitions.</i></p>	<p>Support sections 1-8; no position on section 9 as it presents a policy issue outside the council's purview.</p> <p>Update: <i>As amended July 3, 2007</i> <i>Support</i></p>	Author	Signed into law (Stats. 2007, ch. 553)
SB 145 (Eraina Ortega)	<p><u>SB 145 (Corbett) – Court facilities</u></p> <p>As introduced Corrects an incorrect cross-reference.</p> <p><i>UPDATE: As amended August 31, 2007</i> <i>Same as above, extends the deadline for the transfer of court facilities from counties to the state from June 30, 2007 to December 31, 2008. This is an urgency bill, taking effect upon signature of the Governor. Requires counties to pay an increased County Facilities Payment for facilities that transfer between January 1, 2008 and December 31, 2008.</i></p>	Sponsor	Judicial Council	Assembly Floor
SB 241 (Tracy Kenny)	<p><u>SB 241 (Kuehl) – Minors: legal representation: probate proceedings</u></p> <p>As amended April 30, 2007 Adds to the existing statute authorizing the court to appoint counsel for a minor in a probate guardianship proceeding the clear authority for the court to require the county pay the costs of that counsel if the parents of the child cannot pay, and requires the Judicial Council to adopt financial eligibility guidelines to assist the court in determining whether the parents have the ability to pay the costs of the counsel.</p> <p><i>UPDATE: As amended August 31, 2007</i> <i>Same as above.</i></p>	Support	Author	Signed into law (Stats. 2007, ch. 719)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 14, 2007
SB 340 (Daniel Pone)	<p><u>SB 340 (Ackerman) – Access to Criminal History Information by Court Investigators</u></p> <p>As introduced Expands the list of agencies entitled to receive criminal history reports by adding an agency performing conservatorship investigations related to a proposed conservator under the Lanterman-Petris-Short (LPS) Act.</p> <p>UPDATE: As amended September 5, 2007 In addition to the above, broadens list of agencies entitled to receive criminal history reports to include probate court conservatorship and guardianship investigators.</p>	<p>Support and co-sponsor if amended to broaden the list of agencies entitled to receive criminal history reports from the Department of Justice to include court investigators in connection with investigations of proposed guardians and conservators under the Probate Code.</p> <p>Update: As amended September 5, 2007 Support & Co-sponsor</p>	<p>California Judges Association</p> <p>Judicial Council</p>	<p>Signed into law (Stats. 2007, ch. 581)</p>
SB 396 (Eraina Ortega)	<p><u>SB 396 (Ridley-Thomas) – Dispute Resolution</u></p> <p>As introduced Increases the portion of the filing fee that is distributed to dispute resolution programs from an amount not to exceed \$8 to an amount not to exceed \$12.</p> <p>UPDATE: As amended July 12, 2007 Requires the Judicial Council to establish the Commission of Civil Fees in the Courts with specified membership.</p>	<p>Oppose</p> <p>Update: As amended July 2, 2007 Support & Co-sponsor</p>	<p>California Dispute Resolution Council</p> <p>Judicial Council</p>	<p>Vetoed</p>
SB 403 (Tracy Kenny)	<p><u>SB 403 (Harman) – Child custody and visitation: drug and alcohol testing</u></p> <p>As amended May 1, 2007 Extends until January 1, 2009, the sunset date on the statute authorizing the court to order a person seeking custody or visitation of a child to undergo testing for drug or alcohol abuse.</p>	<p>Support</p>	<p>California Judges Association</p>	<p>Signed into law (Stats. 2007, ch. 152)</p>
SB 425 (Eraina Ortega)	<p><u>SB 425 (Margett) – Public safety</u></p> <p>As amended September 6, 2007 In addition to numerous corrections and minor amendments to various Penal Code provisions not sponsored by the Judicial Council, abrogates the holding in <i>People v. Chavez</i> (2007), 150 Cal.App.4th 1288 and clarifies the statutes regarding how penalty assessments should be applied in criminal cases so that the plain language of the statutes reflect the original legislative intent and conform to the current understanding and practice of how the fines and penalties are imposed by the courts.</p>	<p>Sponsor</p>	<p>Judicial Council</p>	<p>Signed into law (Stats. 2007, ch. 302)</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 14, 2007
SB 431 (Eraina Ortega)	<p><u>SB 431 (Aanestad and Wiggins) – Public employees’ retirement: Butte County and Solano County</u></p> <p>As introduced Requires the assets and liabilities of the Superior Courts of Butte and Solano Counties and the Counties of Butte and Solano to be separated based on a computation determined by an actuary retroactive to June 30, 2002. Following the separation of assets and liabilities, requires the courts to participate in a risk pool created by the California Public Employees' Retirement System.</p> <p>UPDATE: As amended September 6, 2007 <i>Requires the Board of Administration of the Public Employees' Retirement System for the Counties of Butte and Solano to prepare a separate computation of the assets and liabilities of the trial court and each county. Establishes January 1, 2001 as the date for which the court is responsible, as an employer, for the assets and liabilities of its employees.</i></p>	<p>Oppose unless amended to clarify the authority of consenting courts and counties to enter separate contracts and to specify how to separate members’ assets and liabilities.</p> <p>Update: As amended September 6, 2007 Support</p>	Butte County and Solano County	Signed into law (Stats. 2007, ch. 256)
SB 539 (Eraina Ortega)	<p><u>SB 539 (Margett) – Trial Court Trust Fund</u></p> <p>As proposed to be amended This bill would (1) establish a tiered penalty structure that reduces the retroactive penalty to the amount that the revenue would have earned had it been receiving interest in the State Treasury’s pooled money investment rate (an amount closer to four to six percent) so long as the court or county remits the revenue within 30 to 45 days, as specified, from the time the error is discovered; and (2) require the entity found in error to make the payment directly to the state (currently the county is required to pay the state and seek reimbursement from the court, if the court is at fault).</p> <p>SB 539 will be amended to delete the new penalty structure (described as item 1, above) prior to the bill’s hearing on April 10. Only the amendment to Government Code Section 68085 (j) on page 6 will remain in the bill. This is the section identified as (2), above.</p> <p>UPDATE: As amended August 23, 2007 <i>This bill (1) establishes a tiered interest and penalty structure that reduces the retroactive penalty to the amount that the revenue would have earned had it been receiving the Local Agency Investment Fund rate (an amount closer to four to six percent) so long as the court or county remits the revenue within 30 to 45 days, as specified, from the time the error is discovered; (2) establishes that the higher penalty rate apply only from the date 30 days after the date of the issuance by the Controller of the final audit report concerning the failure to pay; and (3) requires the entity found in error to make the payment directly to the state (currently the county is required to pay the state and seek reimbursement from the court, if the court is at fault).</i></p>	<p>Neutral</p> <p>Update: As amended August 23, 2007 Support</p>	State Association of County Auditors	Signed into law (Stats. 2007, ch. 435)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 14, 2007
SB 800 (Daniel Pone)	<p><u>SB 800 (Corbett) – Conservators and guardians: care plans</u></p> <p>As introduced Requires a conservator or guardian to submit to the court within 45 days of appointment a plan for the care, custody, control, and, if applicable, the education of the ward or conservatee. As part of this plan, the bill would require an assessment of the strengths of the conservatee's or ward's family, an assessment of appropriate residential placement, and a schedule of visits between the ward or conservatee and the conservator or guardian, as well as visits between the ward or conservatee and his or her family.</p> <p><i>UPDATE: As amended June 21, 2007</i> <i>Among other things, requires a conservator to submit to the court within 90 days of appointment a general plan for the care, custody, and control of the conservatee, including a plan for meeting the conservatees financial needs. Provides that at the expiration of one year after the initial appointment of the conservator and thereafter as required by the court, the conservator must submit to the court a follow-up report on the general plan. Requires the Judicial Council to develop and adopt mandatory forms for this purpose, including a detailed list of subjects the forms must address. Requires prior court approval before a conservatee may be removed from his or her personal residence (except for temporary moves that are required for medical treatment and convalescence), and establishes new court procedures for this purpose.</i></p>	<p>Support in concept</p> <p>Update: <i>As amended June 21, 2007</i> <i>Support if amended to:</i> <i>(1) Harmonize level of care requirements with new general plan provisions; and (2) harmonize with AB 1727 to avoid duplication and confusion.</i></p>	Author	Assembly Appropriations Committee—suspense file.
SB 851 (June Clark)	<p><u>SB 851 (Steinberg) – Mental health courts</u></p> <p>As proposed to be amended Among other things, SB 851 authorizes superior courts to establish and implement mental health courts, which may operate a pre-guilty plea program or a deferred entry of judgment program. The bill also provides that the California Department of Corrections and Rehabilitation may contract with a superior court and county to use mental health courts as a program for parolees with serious mental illnesses who either violate the terms of parole or receive new terms, as an alternative to custody. As proposed to be amended, a parolee's participation in the mental health court program would be voluntary, and the parolee would be required to sign a waiver indicating agreement that participation in the program is in lieu of parole revocation proceedings. Parolees would remain under legal custody of the Department of Corrections and Rehabilitation.</p> <p><i>UPDATE: As amended September 6, 2007</i> <i>Allows a parolee who is under the dual jurisdiction of the court and the Board of Parole Hearings to participate in a mental health court.</i></p>	<p>Oppose unless Penal Code section 1001.133 of the bill is amended to apply only to parolees who are under the dual jurisdiction of the courts and the Board of Parole Hearings. Neutral if amended.</p> <p>Update: <i>As amended September 6, 2007</i> <i>Neutral</i></p>	California Council of Community Mental Health Agencies	Vetoed

Appendix
Status of 2007 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of October 14, 2007
<p>AB 159 (Donna Hershkowitz)</p>	<p><u>AB 159 (Jones) – Courts: judgeships</u></p> <p>As introduced Creates 50 new superior court judgeships in fiscal year 2007-08, to be allocated pursuant to the model approved by the Judicial Council. Authorizes the conversion of certain eligible subordinate judicial officer positions, upon vacancy, to judgeships. Creates an unspecified number of appellate judicial positions.</p> <p><i>UPDATE: As amended September 5, 2007 Creates 50 new superior court judgeships in fiscal year 2007-08, to be allocated pursuant to the model approved by the Judicial Council. Authorizes the conversion of 16 subordinate judicial officers, in eligible courts, to judgeships, and 146 more in future years at a rate of 16 per year. The conversion would occur upon vacancy, and requires legislative ratification either in legislation or the budget act. Requires the Governor to report annually demographic gender, race, and ethnicity data of all judicial applications, appointments, or nominations.</i></p>	<p>Judicial Council</p>	<p>Signed into law (Stats. 2007, ch. 722)</p>
<p>AB 227 (Eraina Ortega)</p>	<p><u>AB 227 (Beall) – Trial court funding</u></p> <p>As introduced Codifies changes to the Maintenance of Effort (MOE) payments made by counties to the state for trial court funding. Changes are consistent with negotiated buyouts related to undesignated fees and AB 233 fees buyouts.</p> <p><i>UPDATE: As amended March 22, 2007 Same as above and corrects the new MOE for Mendocino County.</i></p>	<p>Judicial Council</p>	<p>Signed into law (Stats. 2007, ch. 383)</p>

Appendix
Status of 2007 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of October 14, 2007
AB 367 (Eraina Ortega)	<p><u>AB 367 (De León) – Court-ordered debts</u></p> <p>As introduced Establishes a task force on criminal court-ordered fines and penalties that will make recommendations for simplifying California’s criminal fine and penalty assessment, collection, and distribution system. Reduces the minimum fine required by the Franchise Tax Board Court-Ordered Debt Collection Program from \$250 to \$100 and expands the program to include collections for registration, pedestrian, and bicycle violations.</p> <p><i>UPDATE: As amended June 28, 2007</i> <i>Same as above and 1) clarifies that it applies to traffic-related offenses, 2) requires the Judicial Council to develop performance measures and benchmarks to review the effectiveness of collection programs, and 3) requires the task force to document recent annual revenues from the various penalty assessments and surcharges and, to the extent feasible, evaluate the extent to which the amount of each penalty assessment and surcharge impacts total annual revenues and the actual amounts assessed.</i></p>	Judicial Council	Signed into law (Stats. 2007, ch. 132)
AB 467 (Tracy Kenny)	<p><u>AB 467 (Feuer) – Courts: access to justice</u></p> <p>As introduced States legislative findings regarding court fee waivers and access to justice. Provides that equal justice requires that all persons have access to the court without regard to economic means. Further provides that those who are able to pay court fees should do so, and courts should recover previously waived fees when appropriate.</p> <p><i>UPDATE: As amended August 20, 2007</i> <i>Revises and recasts provisions for court fee waivers for indigent litigants. Clarifies required application processing procedures. Requires recovery of fees in specified cases, and provides procedures for reconsideration of fee waivers during the pendency of the case. In addition, provides separate fee waiver application processing procedures for the appellate courts.</i></p>	Judicial Council	Vetoed

Appendix
Status of 2007 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of October 14, 2007
AB 926 (Daniel Pone)	<u>AB 926 (Evans) – Civil discovery</u> As amended April 17, 2007 Amends three discovery statutes to clarify the time for production of documents. Provides that parties may agree to extend the time for inspection. [Note: contents moved into AB 1248.]	Judicial Council	Senate Judiciary Committee
AB 1248 (Eraina Ortega)	<u>AB 1248 (Evans) – Courts</u> As introduced Among other things, makes technical and clarifying changes to the Uniform Civil Fees and Standard Fee Schedule Act of 2005, clarifies the fine for production of documents pursuant to demand for production, and increases the cap on habeas investigations costs paid by the Supreme Court. <i>UPDATE: As amended September 5, 2007</i> <i>Same as above and allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, allows staff of the Administrative Office of the Courts to staff a non-profit organization created by the Judicial Council, and requires the Judicial Council to establish a travel policy for the judicial branch, and changes the date when the Judicial Council must adjust the amount a parent or guardian may be liable for minors' actions. Amends three discovery statutes to clarify the time for production of documents. Provides that parties may agree to extend the time for inspection.</i>	Judicial Council	Signed into law (Stats. 2007, ch. 738)
AB 1464 (June Clark)	<u>AB 1464 (Benoit) – Vehicles: preclusion of vehicle registration and issuance of arrest warrant</u> As introduced Allows the court, after proper notice to the owner/violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the Department of Motor Vehicles for a hold to be placed on the registration of the vehicle involved in the offense. To ensure due process rights are protected, requires notice to the owner/violator, and allows 21 days for response if the owner/violator was not present when the citation is issued, rather than the usual 10 days.	Judicial Council	Signed into law (Stats. 2007, ch. 452)

Appendix
Status of 2007 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of October 14, 2007
AB 1491 (Eraina Ortega)	<p><u>AB 1491 (Benoit) – Court facilities</u></p> <p>As introduced Addresses another topic.</p> <p><i>UPDATE: As amended September 7, 2007 Corrects an incorrect cross-reference, extends the deadline for the transfer of court facilities from counties to the state from June 30, 2007 to December 31, 2008. Requires counties to pay an increased County Facilities Payment for facilities that transfer between July 1, 2008 and December 31, 2008. This is an urgency bill, taking effect upon signature of the Governor.</i></p>	Judicial Council	In Assembly
SB 145 (Eraina Ortega)	<p><u>SB 145 (Corbett) – Court facilities</u></p> <p>As introduced Corrects an incorrect cross-reference.</p> <p><i>UPDATE: As amended August 31, 2007 Same as above, extends the deadline for the transfer of court facilities from counties to the state from June 30, 2007 to December 31, 2008. This is an urgency bill, taking effect upon signature of the Governor. Requires counties to pay an increased County Facilities Payment for facilities that transfer between January 1, 2008 and December 31, 2008.</i></p>	Judicial Council	Assembly Floor
SB 340 (Daniel Pone)	<p><u>SB 340 (Ackerman) – Access to Criminal History Information by Court Investigators</u></p> <p>As introduced Expands the list of agencies entitled to receive criminal history reports by adding an agency performing conservatorship investigations related to a proposed conservator under the Lanterman-Petris-Short (LPS) Act.</p> <p><i>UPDATE: As amended September 5, 2007 In addition to the above, broadens list of agencies entitled to receive criminal history reports to include probate court conservatorship and guardianship investigators.</i></p>	California Judges Association and Judicial Council	Signed into law (Stats. 2007, ch. 581)

Appendix
Status of 2007 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of October 14, 2007
SB 396 (Eraina Ortega)	<p><u>SB 396 (Ridley-Thomas) – Dispute Resolution</u></p> <p>As introduced Increases the portion of the filing fee that is distributed to dispute resolution programs from an amount not to exceed \$8 to an amount not to exceed \$12.</p> <p><i>UPDATE: As amended July 12, 2007 Requires the Judicial Council to establish the Commission of Civil Fees in the Courts with specified membership.</i></p>	California Dispute Resolution Council and Judicial Council	Vetoed
SB 425 (Eraina Ortega)	<p><u>SB 425 (Margett) – Public safety</u></p> <p>As amended September 6, 2007 In addition to numerous corrections and minor amendments to various Penal Code provisions not sponsored by the Judicial Council, abrogates the holding in People v. Chavez (2007), 150 Cal.App.4th 1288 and clarifies the statutes regarding how penalty assessments should be applied in criminal cases so that the plain language of the statutes reflect the original legislative intent and conform to the current understanding and practice of how the fines and penalties are imposed by the courts.</p>	Judicial Council	Signed into law (Stats. 2007, ch. 302)