

ASSEMBLY BILL 233 (STATS. 1997, CH. 850)  
 THE LOCKYER-ISENBERG TRIAL COURT FUNDING ACT OF 1997  
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**ASSEMBLY BILL 233 (Stats. 1997, ch. 850)**  
**THE LOCKYER-ISENBERG TRIAL COURT FUNDING ACT OF 1997**

| <b>AB 233 AS CHAPTERED<sup>1</sup></b>   | <b>SECTION OF AB 233, AS AMENDED,<br/>AS OF DECEMBER, 2012<sup>2</sup></b> |
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| <p><b>SECTION 1 [Naming the Act]</b><br/> This act shall be known and may be cited as "the Lockyer-Isenberg Trial Court Funding Act of 1997."</p>  | <p><b>SECTION 1</b><br/> No amendment (uncodified).</p>                    |
| <p><b>SECTION 2 [Findings and Declarations]</b><br/> The Legislature finds and declares as follows:</p> <p>(a) The judiciary of California is a separate and independent branch of government, recognized by the Constitution and statutes of this state as such.</p> <p>(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.</p> <p>(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</p> | <p><b>SECTION 2</b><br/> No amendment (uncodified).</p>                    |

<sup>1</sup> Chaptered text of AB 233 is given. Bracketed subject matter headings were added here for ease of reference and to correspond to table of contents. Where AB 233 amended then existing law, additions and revisions are indicated by <Text>; deletions by < \* \* \* >.

<sup>2</sup> Current text is given; parentheticals include citations to bills amending statute since AB 233; does not include text of statutes that were not included in AB 233.

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 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.

**SECTION 3 [Legislative Intent]**

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 increased in any fashion by state budget action relating to the trial courts.
- (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.
- (g) In adopting this plan, the Legislature intends to do all of the

**SECTION 3**

No amendment (uncodified).

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.

(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.

(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.

(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.

(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

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| <p>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.</p> <p>(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.</p> |  |
| <p><b>SECTION 4 [Fees]</b><br/> Section 116.230 of the Code of Civil Procedure is amended<sup>[3]</sup> to read:</p> <p>116.230. (a) A fee of &lt;twenty&gt; dollars (\$&lt;20&gt;) 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 &lt;thirty-five&gt; dollars (\$&lt;35&gt;) shall be collected for the filing of any additional claims.</p> <p>(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.</p>  | <p><b>SECTION 4</b><br/> Repealed by AB 145<sup>4</sup> (Stats. 2005, ch. 75, § 16) operative Jan. 1, 2006, replaced with statute governing a broader range of fees in small claims cases, which currently provides:</p> <p>116.230. (a) In a small claims case, the clerk of the court shall charge and collect only those fees authorized under this chapter.</p> <p>(b) If the party filing a claim has filed 12 or fewer small claims in the state within the previous 12 months, the filing fee is the following:</p> <p>(1) Thirty dollars (\$30) if the amount of the demand is one thousand five hundred dollars (\$1,500) or less.</p> <p>(2) Fifty dollars (\$50) if the amount of the demand is more than</p> |

<sup>3</sup> Additions and revisions are indicated by <Text>; deletions by < \* \* \* >.

<sup>4</sup> Uniform Civil Filing Fees and Standard Fee Schedule Act of 2005 (Gov. Code, § 70600 et seq.).

(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.>

one thousand five hundred dollars (\$1,500) but less than or equal to five thousand dollars (\$5,000).

(3) Seventy-five dollars (\$75) if the amount of the demand is more than five thousand dollars (\$5,000).

(c) If the party has filed more than 12 other small claims in the state within the previous 12 months, the filing fee is one hundred dollars (\$100).

(d)(1) If, after having filed a claim and paid the required fee under paragraph (1) of subdivision (b), a party files an amended claim or amendment to a claim that raises the amount of the demand so that the filing fee under paragraph (2) of subdivision (b) would be charged, the filing fee for the amended claim or amendment is twenty dollars (\$20).

(2) If, after having filed a claim and paid the required fee under paragraph (2) of subdivision (b), a party files an amended claim or amendment to a claim that raises the amount of the demand so that the filing fee under paragraph (3) of subdivision (b) would be charged, the filing fee for the amended claim or amendment is twenty-five dollars (\$25).

(3) If, after having filed a claim and paid the required fee under paragraph (1) of subdivision (b), a party files an amended claim or amendment to a claim that raises the amount of the demand so that the filing fee under paragraph (3) of subdivision (b) would be charged, the filing fee for the amended claim or amendment is forty-five dollars (\$45).

(4) The additional fees paid under this subdivision are due upon filing. The court shall not reimburse a party if the party's claim is amended to demand a lower amount that falls within the range for a filing fee lower than that originally paid.

(e) Each party filing a claim shall file a declaration with the

claim stating whether that party has filed more than 12 other small claims in the state within the last 12 months.

(f) The clerk of the court shall deposit fees collected under this section into a bank account established for this purpose by the Administrative Office of the Courts and maintained under rules adopted by or trial court financial policies and procedures authorized by the Judicial Council under subdivision (a) of Section 77206 of the Government Code. The deposits shall be made as required under Section 68085.1 of the Government Code and trial court financial policies and procedures authorized by the Judicial Council.

(g)(1) The Administrative Office of the Courts shall distribute six dollars (\$6) of each thirty-dollar (\$30) fee, eight dollars (\$ 8) of each fifty-dollar (\$50) fee, ten dollars (\$10) of each seventy-five-dollar (\$75) fee, and fourteen dollars (\$14) of each one hundred-dollar (\$ 100) fee collected under subdivision (b) or (c) to a special account in the county in which the court is located to be used for the small claims advisory services described in Section 116.940, or, if the small claims advisory services are administered by the court, to the court. The Administrative Office of the Courts shall also distribute two dollars (\$2) of each seventy-five-dollar (\$75) fee collected under subdivision (b) to the law library fund in the county in which the court is located.

(2) From the fees collected under subdivision (d), the Administrative Office of the Courts shall distribute two dollars (\$2) to the law library fund in the county in which the court is located, and three dollars (\$3) to the small claims advisory services described in Section 116.940, or, if the small claims advisory services are administered by the court, to the court.

(3) Records of these moneys shall be available from the

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|   | <p>Administrative Office of the Courts for inspection by the public on request.</p> <p>(4) Nothing in this section precludes the court or county from contracting with a third party to provide small claims advisory services as described in Section 116.940.</p> <p>(h) The remainder of the fees collected under subdivisions (b), (c), and (d) shall be transmitted monthly to the Controller for deposit in the Trial Court Trust Fund.</p> <p>(i) All money distributed under this section to be used for small claims advisory services shall be used only for providing those services as described in Section 116.940. Nothing in this section shall preclude the county or the court from procuring other funding to comply with the requirements of Section 116.940.</p> <p>(Added by AB 145 (Stats. 2005, ch. 75, § 19), eff. July 19, 2005, operative Jan. 1, 2006. Amended by AB 1742 (Stats. 2005, ch. 706, § 3); AB 1248 (Stats. 2007, ch. 738, § 3).)</p> |
| <p><b>SECTION 5 [Fees]</b><br/>Section 1852 of the Family Code is amended to read:</p> <p>1852. &lt;(a) There is in the State Treasury the Family Law Trust Fund.&gt;</p> <p>&lt;* * *&gt;&lt;(b)&gt; Moneys collected by the state pursuant to subdivision (c) of Section &lt;10605&gt; 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 &lt;* * * &gt;&lt;Family Law Trust Fund&gt;.</p> <p>&lt;(c) Moneys deposited in the Family Law Trust Fund shall be</p> | <p><b>SECTION 5</b><br/>Section 1852 of the Family Code now reads as follows:</p> <p>1852. (a) There is in the State Treasury the Family Law Trust Fund.</p> <p>(b) Moneys collected by the state pursuant to subdivision (c) of Section 103625 of the Health and Safety Code, Section 70674 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.</p> <p>(c) Moneys deposited in the Family Law Trust Fund shall be placed in an interest bearing account. Any interest earned shall</p>  |

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| <p>placed in an interest bearing account. Any interest earned shall accrue to the fund and shall be disbursed pursuant to subdivision (d).&gt;</p> <p>&lt;(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.&gt;</p> <p>&lt;(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.&gt;</p> <p>&lt;(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.&gt;</p> <p>&lt;(g)&gt; In order to defray the costs of collection of these funds, &lt; pursuant to this section,&gt; the local registrar, county clerk, or county recorder may retain a percentage of the funds collected, not to exceed 10 percent of the fee payable to the state pursuant to subdivision (c) of Section &lt;10605&gt; of the Health and Safety Code.</p> | <p>accrue to the fund and shall be disbursed pursuant to subdivision (d).</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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 exceed 10 percent of the fee payable to the state pursuant to subdivision (c) of Section 103625 of the Health and Safety Code.</p> |
| <p><b>SECTION 6 [Fees]</b><br/> Section 26820.4 of the Government Code is amended to read:<br/> 26820.4. &lt;* * * &gt;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 &lt;eighty-five&gt; dollars (\$&lt;185&gt;).</p> <p>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</p>  | <p><b>SECTION 6</b><br/> Renumbered Government Code section 70611 and amended by AB 145 (Stats. 2005, ch. 75, § 50), the section now reads as follows:</p> <p>70611. The uniform fee for filing the first paper in a civil action or proceeding in the superior court, other than in a limited civil case, an adoption proceeding, a proceeding under the Probate Code, or a proceeding under the Family Code, is three hundred fifty-five dollars (\$355). The fee shall be distributed as</p>  |

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| <p>documents filed pursuant to Section 491.150, 704.750, or 708.160 of the Code of Civil Procedure.</p> <p>&lt;* * * &gt;</p>   | <p>provided in Section 68085.3.</p> <p>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.</p> <p>(Amended by SB 1407 (Stats. 2008, ch. 311, § 10); SB 13 (Stats. 2009–2010, 4th Ex. Sess., ch. 22, § 12), eff. July 28, 2009.)</p>   |
| <p><b>SECTION 7 [Fees]</b><br/> Section 26823 of the Government Code is amended to read:</p> <p>&lt;(a)&gt; When the venue in a case is changed, the fee for making up and &lt;* * * &gt;&lt;transmitting the&gt; transcript and papers is &lt; twenty-three&gt; dollars (\$&lt;23&gt;) 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.</p> <p>&lt;(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.&gt;</p> | <p><b>SECTION 7</b><br/> Renumbered Government Code section 70618 and amended by AB 145 (Stats. 2005, ch. 75, § 54), the section now reads as follows:</p> <p>70618. When the venue in a case is changed, the fee for making up and transmitting the transcript and papers is fifty dollars (\$ 50) and a further sum equal to the uniform fee for filing in the court to which the case is transferred. The clerk shall transmit the uniform filing fee with the papers in the case to the clerk or judge of the court to which the case is transferred.</p> |
| <p><b>SECTION 8 [Fees]</b><br/> Section 26826.01 is added to the Government Code, to read:</p> <p>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).</p> <p>(b) The fee for filing a cross-complaint, amended cross-complaint, or amendment to a cross-complaint in a civil action</p>   | <p><b>SECTION 8</b><br/> Repealed operative January 1, 2001, by its own terms (subd. (e)).</p>  |

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| <p>or proceeding in the superior court is seventy-five dollars (\$75).</p> <p>(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.</p> <p>(d) The fee provided by this section shall not apply to any of the following:</p> <p>(1) An amended pleading or amendment to a pleading ordered by the court to be filed.</p> <p>(2) An amended pleading or amendment to a pleading that only names previously fictitiously named defendants.</p> <p>(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 inoperative and is repealed.</p> |   |
| <p><b>SECTION 9 [Fees]</b><br/> Section 26827 of the Government Code is amended to read:</p> <p>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</p>  | <p><b>SECTION 9</b><br/> Renumbered Government Code section 70650 and amended by AB 145 (Stats. 2005, ch. 75, § 61), the section now reads as follows:</p> <p>70650. (a) The uniform filing fee for the first petition for letters of administration or letters testamentary, or the first petition for special letters of administration with the powers of a general personal representative pursuant to Section 8545 of the Probate Code, is three hundred fifty-five dollars (\$355).</p> <p>(b) The uniform filing fee for the first objections to the probate of any will or codicil under Section 8250 of the Probate Code, or the first petition for revocation of probate of any will or</p> |

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.

codicil under Section 8270 of the Probate Code, is three hundred fifty-five dollars (\$355). The uniform filing fee for the first petition for special letters of administration without the powers of a general personal representative is the fee provided in Section 70657.5. Where objections to the probate of a will or codicil or a petition for revocation of probate of a will or codicil are filed together with a petition for appointment of a personal representative described in subdivision (c) filed by the same person, only the fee provided in subdivision (c) shall be charged to that person.

(c) A fee of three hundred fifty-five dollars (\$355) shall also be charged for filing each subsequent petition or objections of a type described in subdivision (a) in the same proceeding by a person other than the original petitioner or contestant. The same fee as provided in subdivision (b) shall be charged for filing each subsequent petition or objections of a type described in that subdivision in the same proceeding by a person other than the original petitioner or contestant.

(d) Notwithstanding Section 70658.5, if a petition for special letters of administration is filed together with a petition for letters of administration or letters testamentary under subdivision (a) or (c) by the same person, the person filing the petitions shall be charged the applicable filing fees for both petitions.

(e) The uniform filing fee charged under this section shall be distributed as provided in Section 68085.3.

(AB 1759 (Stats. 2003, ch. 159, § 9), eff. Aug. 2, 2003, operative Aug. 17, 2003; AB 296 (Stats. 2003, ch. 757, § 4). Renumbered § 70650 and amended by AB 145 (Stats. 2005, ch. 75, § 61), eff. July 19, 2005, operative Jan. 1, 2006. Amended by AB 1248 (Stats. 2007, ch. 738, § 30); AB 171 (Stats. 2008,

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|  | <p>ch. 310, § 1); SB 1407 (Stats. 2008, ch. 311, § 15); SB 13 (Stats. 2009–2010, 4th Ex. Sess., ch. 22, § 18), eff. July 28, 2009.)</p>  |
| <p><b>SECTION 10 [Fees]</b><br/> Section 26827.4 of the Government Code is amended to read:</p> <p>26827.4. (a) The fee for filing &lt;a&gt; subsequent paper in a proceeding under the Probate Code which requires a court hearing is &lt;twenty-three&gt; dollars (\$&lt;23&gt;), except for papers for proceedings required by any of the following:</p> <ol style="list-style-type: none"> <li>(1) Section 10501 of the Probate Code.</li> <li>(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.</li> <li>(3) Division 4 (commencing with Section 1400) of the Probate Code.</li> </ol> <p>(b) Objections to any papers exempt from the fee imposed by this section are subject to the filing fee of &lt;twenty-three&gt; dollars (\$&lt;23&gt;). This section does not apply to petitions filed pursuant to subdivision (b) of Section 26827.</p> <p>&lt;(c) Notwithstanding Section 68085, fourteen dollars (\$14) of the twenty-three dollar (\$23) fee authorized in subdivisions (a) and (b) shall be deposited in the county general fund for use as county general fund revenue.&gt;</p> | <p><b>SECTION 10</b><br/> Repealed by AB 145 (Stats. 2005, ch. 75, § 64). AB 145 also added Government Code section 70657 (Stats. 2005, ch. 75, § 121), which addresses the fee for subsequent filings in probate proceedings, and which currently provides:</p> <p>70657. (a) Except as provided in subdivision (c), the uniform fee for filing a motion or other paper requiring a hearing subsequent to the first paper in a proceeding under the Probate Code, other than a petition or application or opposition described in Sections 70657.5 and 70658, is sixty dollars (\$60). This fee shall be charged for the following papers:</p> <ol style="list-style-type: none"> <li>(1) Papers listed in subdivision (a) of Section 70617.</li> <li>(2) Applications for ex parte relief, whether or not notice of the application to any person is required, except an ex parte petition for discharge of a personal representative, conservator, or guardian upon completion of a court-ordered distribution or transfer, for which no fee shall be charged.</li> <li>(3) Petitions or applications, or objections, filed subsequent to issuance of temporary letters of conservatorship or guardianship or letters of conservatorship or guardianship that are not subject to the filing fee provided in subdivision (a) of Section 70658.</li> <li>(4) The first or subsequent petition for temporary letters of conservatorship or guardianship.</li> </ol> <p>(b) There shall be no fee under subdivision (a) for filing any of the papers listed under subdivision (b) of Section 70617.</p> |

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|  | <p>(c) The summary judgment fee provided in subdivision (d) of Section 70617 shall apply to summary judgment motions in proceedings under the Probate Code.</p> <p>(d) Regardless of whether each motion or matter is heard at a single hearing or at separate hearings, the filing fees required by subdivisions (a) and (c) apply separately to each motion or other paper filed. The Judicial Council may publish rules to give uniform guidance to courts in applying fees under this section.</p> <p>(e) No fee is payable under this section for a petition or opposition filed subsequent to issuance of letters of temporary guardianship or letters of guardianship in a guardianship described in Section 70654.</p> <p>(f) This section shall become inoperative on July 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.</p> <p>[See also section that becomes operative on July 2, 2015.]</p> <p>(Added by AB 145 (Stats. 2005, ch. 75, § 121), eff. July 19, 2005, operative Jan. 1, 2006. Amended by AB 1248 (Stats. 2007, ch. 738, § 35); SB 1407 (Stats. 2008, ch. 311, § 22); SB 1021 (Stats. 2012, ch. 41, § 47), eff. June 27, 2012.)</p> |
| <p><b>SECTION 11 [Fees]</b><br/> Section 26830 of the Government Code is amended to read:</p> <p>26830. (a) Except as provided in &lt;subdivisions&gt; (b) &lt;and (c)&gt;, 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</p> | <p><b>SECTION 11</b><br/> Repealed by AB 145 (Stats. 2005, ch. 75, § 70). AB 145 also added Government Code section 70617 (Stats. 2005, ch. 75, § 121), which addresses the fees for motions and applications in civil actions generally which currently provides:</p> <p>70617. (a) Except as provided in subdivisions (d) and (e), the</p>  |

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.>

uniform fee for filing a motion, application, or any other paper requiring a hearing subsequent to the first paper, is sixty dollars (\$60). Papers for which this fee shall be charged include the following:

- (1) A motion listed in paragraphs (1) to (12), inclusive, of subdivision (a) of Section 1005 of the Code of Civil Procedure.
  - (2) A motion or application to continue a trial date.
  - (3) An application for examination of a third person controlling defendant's property under Section 491.110 or 491.150 of the Code of Civil Procedure.
  - (4) Discovery motions under Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure.
  - (5) A motion for a new trial of any civil action or special proceeding.
  - (6) An application for an order for a judgment debtor examination under Section 708.110 or 708.160 of the Code of Civil Procedure.
  - (7) An application for an order of sale of a dwelling under Section 704.750 of the Code of Civil Procedure.
  - (8) An ex parte application that requires a party to give notice of the ex parte appearance to other parties.
- (b) There shall be no fee under subdivision (a) or (c) for filing any of the following:
- (1) A motion, application, demurrer, request, notice, or stipulation and order that is the first paper filed in an action and on which a first paper filing fee is paid.
  - (2) An amended notice of motion.

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|  | <p>(3) A civil case management statement.</p> <p>(4) A request for trial de novo after judicial arbitration.</p> <p>(5) A stipulation that does not require an order.</p> <p>(6) A request for an order to prevent civil harassment.</p> <p>(7) A request for an order to prevent domestic violence.</p> <p>(8) A request for entry of default or default judgment.</p> <p>(9) A paper requiring a hearing on a petition for emancipation of a minor.</p> <p>(10) A paper requiring a hearing on a petition for an order to prevent abuse of an elder or dependent adult.</p> <p>(11) A paper requiring a hearing on a petition for a writ of review, mandate, or prohibition.</p> <p>(12) A paper requiring a hearing on a petition for a decree of change of name or gender.</p> <p>(13) A paper requiring a hearing on a petition to approve the compromise of a claim of a minor.</p> <p>(c) The fee for filing the following papers not requiring a hearing is twenty dollars (\$20):</p> <p>(1) A request, application, or motion for, or a notice of, the continuance of a hearing or case management conference. The fee shall be charged no more than once for each continuance. The fee shall not be charged if the continuance is required by the court.</p> <p>(2) A stipulation and order.</p> <p>(3) A request for an order authorizing service of summons by posting or by publication under Section 415.45 or 415.50 of the</p> |
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Code of Civil Procedure.

(d) The fee for filing a motion for summary judgment or summary adjudication of issues is five hundred dollars (\$500).

(e)(1) The fee for filing in the superior court an application to appear as counsel pro hac vice is five hundred dollars (\$500). This fee is in addition to any other fee required of the applicant. Two hundred fifty dollars (\$250) of the fee collected under this paragraph shall be transmitted to the state for deposit into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5. The remaining two hundred fifty dollars (\$250) of the fee shall be transmitted to the state for deposit into the Trial Court Trust Fund, established in Section 68085.

(2) An attorney whose application to appear as counsel pro hac vice has been granted shall pay to the superior court, on or before the anniversary of the date the application was granted, an annual renewal fee of five hundred dollars (\$500) for each year that the attorney maintains pro hac vice status in the case in which the application was granted. The entire fee collected under this paragraph shall be transmitted to the state for deposit into the Trial Court Trust Fund, established in Section 68085.

(f) Regardless of whether each motion or matter is heard at a single hearing or at separate hearings, the filing fees required by subdivisions (a), (c), (d), and (e) apply separately to each motion or other paper filed. The Judicial Council may publish rules to give uniform guidance to courts in applying fees under this section.

(g) This section shall become inoperative on July 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or

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|  | <p>extends the dates on which it becomes inoperative and is repealed.</p> <p>[See also section that becomes operative on July 1, 2015.]</p> <p>(Added by AB 145 (Stats. 2005, ch. 75, § 121), eff. July 19, 2005, operative Jan. 1, 2006. Amended by AB 1248 (Stats. 2007, ch. 738, § 26); SB 1407 (Stats. 2008, ch. 311, § 13.5); SB 857 (Stats. 2010, ch. 720, § 21), eff. Oct. 19, 2010; SB 1021 (Stats. 2012, ch. 41, § 43), eff. June 27, 2012.)</p>  |
| <p><b>SECTION 12 [Fees]</b><br/> Section 26832.1 is added to the Government Code, to read:</p> <p>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.</p> <p>(b) As used in this section, “marriage dissolution record” means the judgment.</p> <p>(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.</p> | <p><b>SECTION 12</b><br/> Renumbered Government Code section 70674 and amended by AB 145 (Stats. 2005, ch. 75, § 61), the section now reads:</p> <p>70674. (a) Except as provided by Section 6103.9, and notwithstanding the fee authorized by paragraph (4) of subdivision (a) of Section 70626, a fee of ten dollars (\$10) shall be paid by a public agency applicant for a certified copy of a marriage or domestic partnership dissolution record that the agency is required to obtain in the ordinary course of business. A fee of fifteen dollars (\$15) shall be paid by any other applicant for a certified copy of a marriage or domestic partnership dissolution record. Five dollars (\$5) of any fifteen dollar (\$15) fee shall be transmitted monthly to the state for deposit into the Family Law Trust Fund as provided by Section 1852 of the Family Code. The remainder of the fees collected under this section shall be deposited into the Trial Court Trust Fund.</p> <p>(b) As used in this section, “marriage or domestic partnership dissolution record” means the judgment.</p> |

**SECTION 13 [Fees]**

Section 26833.1 is added to the Government Code, to read:

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.

**SECTION 13**

Repealed by AB 145 (Stats. 2005, ch. 75, § 75). AB 145 also added Government Code section 70626 (Stats. 2005, ch. 75, § 121), which addresses the fees for certifying papers, among other fees, which currently provides:

70626. (a) The fee for each of the following services is twenty-five dollars (\$25). Subject to subdivision (e), amounts collected shall be distributed to the Trial Court Trust Fund under Section 68085.1.

- (1) Issuing a writ of attachment, a writ of mandate, a writ of execution, a writ of sale, a writ of possession, a writ of prohibition, or any other writ for the enforcement of any order or judgment.
  - (2) Issuing an abstract of judgment.
  - (3) Issuing a certificate of satisfaction of judgment under Section 724.100 of the Code of Civil Procedure.
  - (4) Certifying a copy of any paper, record, or proceeding on file in the office of the clerk of any court.
  - (5) Taking an affidavit, except in criminal cases or adoption proceedings.
  - (6) Acknowledgment of any deed or other instrument, including the certificate.
  - (7) Recording or registering any license or certificate, or issuing any certificate in connection with a license, required by law, for which a charge is not otherwise prescribed.
  - (8) Issuing any certificate for which the fee is not otherwise fixed.
- (b) The fee for each of the following services is thirty dollars

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|  | <p>(§30). Subject to subdivision (e), amounts collected shall be distributed to the Trial Court Trust Fund under Section 68085.1.</p> <ol style="list-style-type: none"><li>(1) Issuing an order of sale.</li><li>(2) Receiving and filing an abstract of judgment rendered by a judge of another court and subsequent services based on it, unless the abstract of judgment is filed under Section 704.750 or 708.160 of the Code of Civil Procedure.</li><li>(3) Filing a confession of judgment under Section 1134 of the Code of Civil Procedure.</li><li>(4) Filing an application for renewal of judgment under Section 683.150 of the Code of Civil Procedure.</li><li>(5) Issuing a commission to take a deposition in another state or place under Section 2026.010 of the Code of Civil Procedure, or issuing a subpoena under Section 2029.300 to take a deposition in this state for purposes of a proceeding pending in another jurisdiction.</li><li>(6) Filing and entering an award under the Workers' Compensation Law (Division 4 (commencing with Section 3200) of the Labor Code).</li><li>(7) Filing an affidavit of publication of notice of dissolution of partnership.</li><li>(8) Filing an appeal of a determination whether a dog is potentially dangerous or vicious under Section 31622 of the Food and Agricultural Code.</li><li>(9) Filing an affidavit under Section 13200 of the Probate Code, together with the issuance of one certified copy of the affidavit under Section 13202 of the Probate Code.</li></ol> |
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(10) 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.

(c) The fee for filing a first petition under Section 2029.600 or 2029.620 of the Code of Civil Procedure, if the petitioner is not a party to the out-of-state case, is eighty dollars (\$80). Amounts collected shall be distributed to the Trial Court Trust Fund pursuant to Section 68085.1.

(d) The fee for delivering a will to the clerk of the superior court in which the estate of a decedent may be administered, as required by Section 8200 of the Probate Code, is fifty dollars (\$50).

(e) From July 1, 2011, to June 30, 2017, inclusive, ten dollars (\$10) of each fee collected pursuant to subdivisions (a) and (b) shall be used by the Judicial Council for the expenses of the Judicial Council in implementing and administering the civil representation pilot program under Section 68651.

(f) This section shall become inoperative on July 1, 2017, and, as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.

[See also section that becomes operative on July 1, 2017.]

(Added by AB 145 (Stats. 2005, ch. 75, § 121), eff. July 19, 2005, operative Jan. 1, 2006. Amended by AB 1742 (Stats. 2005, ch. 706, § 31); AB 2193 (Stats. 2008, ch. 231, § 4); SB 13 (Stats. 2009–2010, 4th Ex. Sess., ch. 22, § 17), eff. July 28, 2009; AB 590 (Stats. 2009, ch. 457, § 7); SB 1021 (Stats. 2012, ch. 41, § 45), eff. June 27, 2012.)

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| <p><b>SECTION 14 [Fees]</b><br/> Section 26835.1 is added to the Government Code, to read:</p> <p>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.</p> <p>(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. _____.”</p> <p>(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.</p> | <p><b>SECTION 14</b><br/> Renumbered Government Code section 70629 and amended by AB 145 (Stats. 2005, ch. 75, § 78), the section now reads:</p> <p>70629. (a) The clerk of the court shall collect a fee of fifteen dollars (\$15) per signature for any document that is required to be authenticated pursuant to court order.</p> <p>(b) Each document authenticated by the clerk of the court shall contain the following statement:<br/> “____, Clerk of the Superior Court, County of ____, State of California. Signed pursuant to court order dated ____ in the matter of ____ petitioner v. ____, respondent, Case No. ____.”</p> |
| <p><b>SECTION 15 [Fees]</b><br/> Section 26836.1 is added to the Government Code, to read:</p> <p>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.</p>   | <p><b>SECTION 15</b><br/> Repealed by AB 145 (Stats. 2005, ch. 75, § 79). AB 145 also added Government Code section 70626 (Stats. 2005, ch. 75, § 121), which addresses the fees for certifying papers, among other fees. The complete text of Government Code section 70626 is found above under “<b>SECTION 13.</b>”</p>   |
| <p><b>SECTION 16 [Fees]</b><br/> Section 26837.1 is added to the Government Code, to read:</p> <p>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</p>   | <p><b>SECTION 16</b><br/> Repealed by AB 145 (Stats. 2005, ch. 75, § 81). AB 145 also added Government Code section 70627 (Stats. 2005, ch. 75, § 121), which addresses the fees for comparing papers, among other fees.</p> <p>70627. The fees collected under this section shall be distributed to the court in which they were collected.</p>   |

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| <p>cents (\$0.50) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.</p>  | <p>(a) The clerk of the court shall charge fifty cents (\$0.50) per page to cover the cost of preparing copies of any record, proceeding, or paper on file in the clerk’s office.</p> <p>(b) 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.</p> <p>(c) The fee for a search of records or files conducted by a court employee that requires more than 10 minutes is fifteen dollars (\$15) for each search.</p> |
| <p><b>SECTION 17 [Fees]</b><br/> Section 26838 of the Government Code is amended to read:</p> <p>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 &lt;twenty-three&gt; dollars (\$&lt;23&gt;). &lt;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.&gt;</p> | <p><b>SECTION 17</b><br/> Renumbered Government Code section 70620 and amended by AB 145 (Stats. 2005, ch. 75, § 82), the section now reads:</p> <p>70620. 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 dollars (\$20).</p>  |
| <p><b>SECTION 18 [Fees]</b><br/> Section 26850.1 is added to the Government Code, to read:</p> <p>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</p>  | <p><b>SECTION 18</b><br/> Repealed by AB 145 (Stats. 2005, ch. 75, § 86).</p>   |

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| <p>general fund for use as county general fund revenue.</p>  |   |
| <p><b>SECTION 19 [Fees]</b><br/> Section 26851.1 is added to the Government Code, to read:</p> <p>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 county general fund revenue.</p> | <p><b>SECTION 19</b><br/> Repealed by AB 145 (Stats. 2005, ch. 75, § 87).</p> |
| <p><b>SECTION 20 [Fees]</b><br/> Section 26852.1 is added to the Government Code, to read:</p> <p>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.</p>  | <p><b>SECTION 20</b><br/> Repealed by AB 145 (Stats.2005, c. 75, § 88).</p>   |
| <p><b>SECTION 21 [Fees]</b><br/> Section 26853.1 is added to the Government Code, to read:</p> <p>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.</p>  | <p><b>SECTION 21</b><br/> Repealed by AB 145 (Stats. 2005, ch. 75, § 89).</p> |

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| <p><b>SECTION 22 [Fees]</b><br/> Section 26855.4 is added to the Government Code, to read:<br/> 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.</p>  | <p><b>SECTION 22</b><br/> Repealed by AB 145 (Stats. 2005, ch. 75, § 90).</p>   |
| <p><b>SECTION 23 [Fees]</b><br/> Section 26857 of the Government Code is amended to read:<br/> 26857. No fee shall be charged by the clerk for service rendered &lt;to a defendant&gt; in any criminal action or, &lt;to the petitioner in any adoption proceeding&gt; except as &lt;* * * &gt;provided in Section 103730 of the Health and Safety Code, &lt;* * * &gt;nor shall any fees be charged for any &lt;* * * &gt;&lt;proceeding brought pursuant to Section 7841 of the Family Code&gt; 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 national government, nor for any service relating thereto.</p> | <p><b>SECTION 23</b><br/> Section 26857 of the Government Code now reads:<br/> 26857. 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.<br/> (AB 1301 (Stats. 1998, ch. 146, § 2), eff. July 13, 1998; AB 145 (Stats. 2005, ch. 75, § 92), eff. July 19, 2005, operative Jan. 1, 2006.)<br/> Government Code section 70633, which was added by AB 145 (Stats. 2005, ch. 75, § 121), includes similar language regarding the absence of a fee for criminal actions and other actions previously governed by Government Code section 26857.</p> |
| <p><b>SECTION 24 [Fees]</b><br/> Section 26862 of the Government Code is amended to read:<br/> 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 &lt;twenty&gt; dollars (\$&lt;20&gt;) shall be paid to the &lt;* * * &gt;clerk &lt;of the court&gt; at the time of filing a motion, order to show cause, or other</p>  | <p><b>SECTION 24</b><br/> Renumbered Government Code section 70678 and amended by AB 145 (Stats. 2005, ch. 75, § 95), the section now reads:<br/> 70678. In addition to the fee set forth in Section 70677, a fee of twenty-five dollars (\$25) shall be paid to the clerk of the court at the time of filing a motion, order to show cause, or other</p>   |

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| <p>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. &lt;* * *<br/>&gt;&lt;Notwithstanding Section 68085, fifteen dollars (\$15) of the fee authorized in this section shall be deposited in&gt; the county treasury and shall be used exclusively to pay the costs of maintaining the family conciliation court.</p> | <p>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. Fifteen dollars (\$15) of the fee authorized in this section shall be used exclusively to pay the costs of maintaining mediation services provided under Chapter 11 (commencing with Section 3160) of Part 2 of Division 8 of the Family Code, and ten dollars (\$10) of the fee shall be used exclusively to pay the costs of services provided by the family law facilitator under Section 10005 of the Family Code.</p> |
| <p><b>SECTION 25 [Fees]</b><br/>Section 27081.5 is added to the Government Code, to read:<br/>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.</p>  | <p><b>SECTION 25</b><br/>Repealed by SB 1520 (Stats. 1998, ch. 1003, § 2). The Senate Floor Analysis, states “The author argues that Government Code Section 27081.5 should be repealed because it is an unfair confiscation of property which was not fully considered by the Legislature when it passed AB 233.”</p> <p>Note: Under Code of Civil Procedure section 631, as recently amended, at least one party demanding a jury on each side of a civil case must pay a non-refundable fee of one hundred fifty dollars (\$150), unless the fee has been paid by another party on the same side of the case. (Code Civ. Proc., § 631(b).)</p>   |
| <p><b>SECTION 26 [Fees]</b><br/>Section 27361 of the Government Code is amended to read:<br/>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</p>   | <p><b>SECTION 26</b><br/>27361. (a) The fee for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded shall not exceed ten dollars (\$10) for recording the first page and three dollars (\$3) for each additional page, to reimburse the county for the costs of services rendered pursuant to this subdivision, except the recorder may charge additional fees as</p>   |

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 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>.

(c) <\* \* \* ><Notwithstanding Section 68085, o>ne 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.

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 three inches in one sentence, the recorder shall charge one dollar (\$1) extra for each page or sheet on which printing appears, except, 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 funds generated by the extra charge authorized under this paragraph 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. 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 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.

(d)(1) In addition to all other fees authorized by this section, a county recorder may charge a fee of one dollar (\$1) for recording the first page of every instrument, paper, or notice

required or permitted by law to be recorded, as authorized by each county's board of supervisors. The funds generated by this fee shall be used only by the county recorder collecting the fee for the purpose of implementing a social security number truncation program pursuant to Article 3.5 (commencing with Section 27300).

(2) A county recorder shall not charge the fee described in paragraph (1) after December 31, 2017, unless the county recorder has received reauthorization by the county's board of supervisors. A county recorder shall not seek reauthorization of the fee by the board before June 1, 2017, or after December 31, 2017. In determining the additional period of authorization, the board shall consider the review described in paragraph (4).

(3) Notwithstanding paragraph (2), a county recorder who, pursuant to subdivision (c) of Section 27304, secures a revenue anticipation loan, or other outside source of funding, for the implementation of a social security number truncation program, may be authorized to charge the fee described in paragraph (1) for a period not to exceed the term of repayment of the loan or other outside source of funding.

(4) A county board of supervisors that authorizes the fee described in this subdivision shall require the county auditor to conduct two reviews to verify that the funds generated by this fee are used only for the purpose of the program, as described in Article 3.5 (commencing with Section 27300) and for conducting these reviews. The reviews shall state the progress of the county recorder in truncating recorded documents pursuant to subdivision (a) of Section 27301, and shall estimate any ongoing costs to the county recorder of complying with subdivisions (a) and (b) of Section 27301. The board shall require that the first review be completed not before June 1,

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|   | <p>2012, or after December 31, 2013, and that the second review be completed not before June 1, 2017, or after December 31, 2017. The reviews shall adhere to generally accepted accounting standards, and the review results shall be made available to the public.</p> <p>(AB 1301 (Stats. 1998, ch. 146, § 3); AB 1168 (Stats. 2007, ch. 627, § 9); SB 1498 (Stats. 2008, ch. 179, § 102; SB 676 (Stats. 2009, ch. 606, § 2).)</p>  |
| <p><b>SECTION 27 [Responsibility for Court Operations and Court Facilities]</b></p> <p>Section 68073 of the Government Code is amended to read:</p> <p>68073. &lt;* * *&gt;(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.&gt;</p> <p>&lt;(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.&gt;</p> <p>(c) If &lt;* * * &gt;&lt;a county or city and&gt; county fails to provide &lt;* * * &gt;&lt;necessary and suitable facilities&gt; as described in subdivision (b), the court shall give notice &lt;* * * &gt;of a specific deficiency. If the &lt;* * * &gt;&lt;county or city and county&gt; then fails to provide &lt;* * * &gt;&lt;necessary and suitable facilities</p> | <p><b>SECTION 27</b></p> <p>Renumbered Government Code section 70311 and amended by SB 1732<sup>5</sup> (Stats. 2002, ch. 1082, § 3), the section now reads:</p> <p>70311. (a) Commencing July 1, 1997, and each year thereafter, no county or city and county is responsible to provide funding for “court operations,” as defined in Section 77003 and Rule 10.810 of the California Rules of Court, as it read on January 1, 2007.</p> <p>(b) Except as provided in Section 70312, 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.</p> <p>(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</p> |

<sup>5</sup> The Trial Court Facilities Act of 2002.

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 disregarded without reasonable grounds.

<(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.

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 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 judges of the court affected regarding the adequacy and standard of design, and that review and comment shall not be disregarded without reasonable grounds.

(e) Any reference in the statutes enacted prior to January 1, 2003, that refers to Section 68073 shall be deemed to refer to this section.

(Amended by AB 299 (Stats. 2007, ch. 130, § 133).)

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| <p><b>SECTION 28 [Trial Court Furniture]</b><br/> Section 68073.1 is added to the Government Code, to read:</p> <p>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.</p> <p>(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.</p> <p>(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 this section, including the fiscal responsibility for any rental or lease obligation, the repair, maintenance, and replacement of such furniture, furnishing, and equipment.</p> | <p><b>SECTION 28</b><br/> No amendment.</p>   |
| <p><b>SECTION 29 [Trial Court Trust Fund]</b><br/> Section 68085 of the Government Code is amended to read:</p> <p>68085. (a)(1) There is hereby established the Trial Court Trust Fund, the proceeds of which shall be apportioned &lt; * * * &gt;&lt;in four installments&gt; for the purpose of funding trial court operations, as defined in Section 77003.</p> <p>(2) The quarterly apportionment payments shall be made by the Controller&lt; * * * &gt;. 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</p>   | <p><b>SECTION 29</b><br/> Section 68085 of the Government Code will read effective January 1, 2013:</p> <p>68085. (a)(1) There is hereby established the Trial Court Trust Fund, the proceeds of which shall be apportioned for the purposes authorized in this section, including apportionment to the trial courts to fund trial court operations, as defined in Section 77003.</p> <p>(2) The apportionment payments shall be made by the Controller. The final payment from the Trial Court Trust Fund for each fiscal year shall be made on or before August 31 of the</p> |

subsequent years, payments shall be due on July 15, October 15, January 15, and April 15>.

(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) Except as specified in subdivision (d), this section applies to all fees collected pursuant to 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>.

<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.>

(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

subsequent fiscal year.

(A) Notwithstanding any other provision of law, in order to promote statewide efficiency, the Judicial Council may authorize the direct payment or reimbursement or both of actual costs from the Trial Court Trust Fund or the State Trial Court Improvement and Modernization Fund to fund the costs of operating one or more trial courts upon the authorization of the participating courts. These paid or reimbursed costs may be for services provided to the court or courts by the Administrative Office of the Courts or payment for services or property of any kind contracted for by the court or courts or on behalf of the courts by the Administrative Office of the Courts. The amount of appropriations from the State Trial Court Improvement and Modernization Fund under this subdivision may not exceed 20 percent of the amount deposited in the State Trial Court Improvement and Modernization Fund pursuant to subdivision (a) of Section 77205. The direct payment or reimbursement of costs from the Trial Court Trust Fund may be supported by the reduction of a participating court's allocation from the Trial Court Trust Fund to the extent that the court's expenditures for the program are reduced and the court is supported by the expenditure. The Judicial Council shall provide the affected trial courts with quarterly reports on expenditures from the Trial Court Trust Fund incurred as authorized by this subdivision. The Judicial Council shall establish procedures to provide for the administration of this paragraph in a way that promotes the effective, efficient, reliable, and accountable operation of the trial courts.

(B) As used in subparagraph (A), the term "costs of operating one or more trial courts" includes any expenses related to operation of the court or performance of its functions, including, but not limited to, statewide administrative and

(a) and (c) of Section 27361.>

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

(f) 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) 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 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> penalties< \* \* \*>.

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<(h)> 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.

<(i)> The fourth quarterly payment from the Trial Court Trust Fund for the <1996-97> fiscal year shall be made on <or

information technology infrastructure supporting the courts. The term “costs of operating one or more trial courts” is not restricted to items considered “court operations” pursuant to Section 77003, but is subject to policies, procedures, and criteria established by the Judicial Council, and may not include an item that is a cost that must otherwise be paid by the county or city and county in which the court is located.

(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 monthly to the State Treasury for deposit in the Trial Court Trust Fund.

(c)(1) Except as specified in subdivision (d), this section applies to all fees collected on or before December 31, 2005, pursuant to Sections 631.3, 116.230, and 403.060 of the Code of Civil Procedure and Sections 26820.4, 26823, 26826, 26826.01, 26827, 26827.4, 26830, 26832.1, 26833.1, 26835.1, 26836.1, 26837.1, 26838, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, 26862, 68086, 72055, 72056, 72056.01, and 72060.

(2) Notwithstanding any other provision of law, except as specified in subdivision (d) of this section and subdivision (a) of Section 68085.7, this section applies to all fees and fines collected on or before December 31, 2005, pursuant to Sections 116.390, 116.570, 116.760, 116.860, 177.5, 491.150, 704.750, 708.160, 724.100, 1134, 1161.2, and 1218 of the Code of Civil Procedure, Sections 26824, 26828, 26829, 26834, and 72059 of the Government Code, and subdivisions (b) and (c) of Section 166 and Section 1214.1 of the Penal Code.

(3) 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

before> August 31< \* \* \*>, 1997>.

to be distributed to each fund in the same proportion as the amount of each distribution bears to the total amount of the fee.

(d) This section does not apply to that portion of a filing fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056 that 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 State Treasury by any county or city and county pursuant to Section 77201, 77201.1, or 77205.

(f) Notwithstanding any other provision of law, no agency may take action to change the amounts allocated to any of the funds described in subdivision (a), (b), (c), or (d).

(g) The Judicial Council shall reimburse the Controller for 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.

(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 State Treasury 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 appropriate account in the Trial Court

Trust Fund to which it is to be deposited. Any remittance that is not made by the county or city and county in accordance with this section shall be considered delinquent, and subject to the interest and penalties specified in this section.

(i) Upon receipt of any delinquent payment required pursuant to this section, the Controller shall do the following:

(1) Calculate interest on the delinquent payment by multiplying the amount of the delinquent payment at a daily rate equivalent to the rate of return of money deposited in the Local Agency Investment Fund pursuant to Section 16429.1 from the date the payment was originally due to either 30 days after the date of the issuance by the Controller of the final audit report concerning the failure to pay or the date of payment by the entity responsible for the delinquent payment, whichever comes first.

(2) Calculate a penalty at a daily rate equivalent to 1 1/2 percent per month from the date 30 days after the date of the issuance by the Controller of the final audit report concerning the failure to pay.

(j)(1) Interest or penalty amounts calculated pursuant to subdivision (i) shall be paid by the county, city and county, or court to the Trial Court Trust Fund no later than 45 days after the end of the month in which the interest or penalty was calculated. Payment shall be made by the entity responsible for the error or other action that caused the failure to pay, as determined by the Controller in notice given to that party by the Controller.

(2) Notwithstanding Section 77009, any interest or penalty on a delinquent payment that a court is required to make pursuant to this section and Section 24353 shall be paid from the Trial

Court Operations Fund for that court.

(3) The Controller may permit a county, city and county, or court to pay the interest or penalty amounts according to a payment schedule in the event of a large interest or penalty amount that causes a hardship to the paying entity.

(4) The party responsible for the error or other action that caused the failure to pay may include, but is not limited to, the party that collected the funds who is not the party responsible for remitting the funds to the Trial Court Trust Fund, if the collecting party failed or delayed in providing the remitting party with sufficient information needed by the remitting party to distribute the funds.

(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 quarterly and shall be allocated among the courts in accordance with the requirements of subdivision (a).

(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.

(m) Except for subdivisions (a) and (k), this section does not apply to fees and fines that are listed in subdivision (a) of Section 68085.1 that are collected on or after January 1, 2006.

(n) The changes made to subdivisions (i) and (j) of this section by the act adding this subdivision shall apply to all delinquent payments for which no final audit has been issued by the Controller prior to January 1, 2008.

(o) The Judicial Council shall not expend any of these funds on the system known as the Court Case Management System without consent from the Legislature, except for the

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|   | <p>maintenance and operation of Court Case Management System Version 2 and Version 3.</p> <p>(p) Nothing in this section or any other provision of law shall be construed to authorize the Judicial Council to redirect funds from the Trial Court Trust Fund for any purpose other than for allocation to trial courts or as otherwise specifically appropriated by statute.</p> <p>(q) This section shall become operative on January 1, 2013.</p> <p>(Amended by AB 1301 (Stats. 1998, ch. 146, § 4), eff. July 13, 1998; AB 1935 (Stats. 1998, ch. 1004, § 2); AB 233 (Stats. 2000, ch. 15, § 1); SB 1533 (Stats. 2000, ch. 447, § 5); AB 1700 (Stats. 2001, ch. 824, § 18); AB 3028 (Stats. 2002, ch. 1008, § 19); SB 600 (Stats. 2003, ch. 62, § 160); SB 940 (Stats. 2003, ch. 275, § 1); AB 3079 (Stats. 2004, ch. 811, § 5); SB 1108 (Stats. 2005, ch. 22, § 105); AB 139 (Stats. 2005, ch. 74, § 42), eff. July 19, 2005; AB 145 (Stats. 2005, ch. 75, § 101), eff. July 19, 2005, operative Jan. 1, 2006; SB 67 (Stats. 2005, ch. 705, § 1), eff. Oct. 7, 2005; AB 1742 (Stats. 2005, ch. 706, § 21); AB 1806 (Stats. 2006, ch. 69, § 12), eff. July 12, 2006; SB 539 (Stats. 2007, ch. 435, § 1); SB 1021 (Stats. 2012, ch. 41, § 16), eff. June 27, 2012.)</p> |
| <p><b>SECTION 30</b> <i>[Deposit of Fee and Fine Revenue into the Trial Court Trust Fund]</i></p> <p>Section 68085.5 is added to the Government Code, to read:</p> <p>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</p> | <p><b>SECTION 30</b></p> <p>Repealed by AB 1700 (Stats. 2001, ch. 824, § 19(a).) A new section 68085.5 was added to the Government Code in 2003 (AB 1759 (Stats. 2003, ch. 159, § 13)), which now reads:</p> <p>68085.5. (a) Notwithstanding any other provision of law, except subdivision (h) and Section 68085.6, the fees and fines collected pursuant to Sections 116.390, 116.570, 116.760, 116.860, 491.150, 704.750, 708.160, 724.100, 1134, and 1161.2 of the Code of Civil Procedure, Sections 26824, 26828,</p>  |

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 Section 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 receives funds pursuant to subdivision (a) exceeds the fines and forfeitures collected during the 1994–95 fiscal year, the excess fines and forfeitures which would otherwise be retained by the county 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.
- (5) The county has already completed a competitive bid process for the project.
- (6) The county has completed any and all land acquisition,

26829, 26834, and 72059 of the Government Code, and Section 1835 of the Probate Code, that are not part of a local revenue sharing agreement or practice shall be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(b) Notwithstanding any other provision of law, except subdivision (h) and Section 68085.6, the fees and fines collected pursuant to Sections 26827. 6, 26827.7, 26840.1, 26847, 26854, 26855.1, 26855.2, 26859, 27293, 71386, and 72061 of the Government Code, Section 103470 of the Health and Safety Code, Sections 1203.4 and 1203.45 of the Penal Code, Sections 2343, 7660, and 13201 of the Probate Code, and Section 14607.6 of the Vehicle Code, that are not subject to a local revenue sharing agreement or practice, shall be deposited in a special account in the county treasury.

(c) However, if a superior court incurs the cost or provides the services specified in subdivision (b), the fees and fines collected shall be transmitted from the special account in the county treasury monthly to the Controller for deposit in the Trial Court Trust Fund.

(d)(1) Until July 1, 2005, each superior court and each county shall maintain the distribution of revenue from the fees specified in subdivisions (a) and (b) that is in effect pursuant to an agreement or practice that is in place at the time this section takes effect.

(2) In order to ensure that expenditures from revenue sharing agreements are consistent with Judicial Council fiscal and budgetary policy, the Administrative Director of the Courts shall review and approve all distribution of revenue agreements that are negotiated after the effective date of this section. If

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.

approval of an agreement negotiated after the effective date of this section is not granted, the director shall advise the court and county of the reasons for not granting approval and suggest modifications that will make the agreement consistent with the Judicial Council fiscal and budgetary policies.

(e) The Administrative Office of the Courts and the California State Association of Counties shall jointly determine and administer on or after January 1, 2004, and on or after January 1, 2005, all of the following:

(1) The amount of revenue that was deposited in the Trial Court Trust Fund pursuant to subdivisions (a) and (b) during the calendar year that just ended.

(2) The difference between the amount specified in subdivision (c) and thirty-one million dollars (\$31,000,000).

(3) A county-by-county transfer of the amount specified in paragraph (2) to the Trial Court Trust Fund in two equal installments, on February 15 and May 15, in each fiscal year.

(4) Any payment to correct for an overpayment or underpayment made for the 2003-04 fiscal year, shall be paid to the appropriate party on or before September 15, 2004. Any payment to correct for an overpayment or underpayment made for the 2004-05 fiscal year, shall be paid to the appropriate party on or before November 15, 2005.

(5) The sum of the amounts specified in paragraphs (1) and (2) may not exceed thirty-one million dollars (\$31,000,000), and shall be deposited in the Trial Court Trust Fund.

(6) Counties that have not paid amounts billed under this section for the 2003-04 or 2004-05 fiscal year shall pay the amounts still owing to the Trial Court Trust Fund on or before September 1, 2005. If payment is not received on or before

September 1, 2005, it shall be considered delinquent and subject to the penalties set forth in Section 68085.

(7) Penalty amounts calculated under paragraph (6) shall be paid by the county or the city and county to the Trial Court Trust Fund no later than 45 days after the end of the month in which the penalty was calculated.

(f) Each superior court and each county shall provide detailed quarterly reports of the revenues generated by the fees and fines specified in subdivisions (a) and (b), Sections 177.5 and 1218 of the Code of Civil Procedure, and Sections 166 and 1214.1 of the Penal Code. The reports shall include the total amount collected and retained by the court or county and the existing distribution of those fees.

(g) No other transfers of the fees and fines specified in subdivisions (a) and (b), Sections 177.5 and 1218 of the Code of Civil Procedure, and Sections 166 and 1214.1 of the Penal Code shall take effect prior to July 1, 2005.

(h) This section does not apply to fees and fines specified in subdivisions (a), (b), and (f) that are collected on or after July 1, 2005.

(i) Nothing in this section shall be deemed to alter or make void the shift of responsibility for court funding from the counties to the state.

(Added by AB 1759 (Stats. 2003, ch. 159, § 13), eff. Aug. 2, 2003. Amended by AB 3082 (Stats. 2004, ch. 183, § 178); AB 139 (Stats. 2005, ch. 74, § 43), eff. July 19, 2005.)

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| <p><b>SECTION 31 [Bias and Harassment Training for Judges]</b><br/> Section 68088 is added to the Government Code, to read:</p> <p>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.</p>  | <p><b>SECTION 31</b><br/> Section 68088 of the Government Code now reads:</p> <p>68088. The Judicial Council may provide by rule of court for racial, ethnic, and gender bias, and sexual harassment training and training for any other bias based on any characteristic listed or defined in Section 11135 for judges, commissioners, and referees.</p> <p>(Amended by AB 14 (Stats. 2007, ch. 568, § 36).)</p>  |
| <p><b>SECTION 32 [Automation Fund]</b><br/> Section 68090.8 of the Government Code is amended to read:</p> <p>68090.8. (a)&lt;(1)&gt; The Legislature finds that the management of &lt; civil and&gt; criminal cases, including traffic cases, and the accounting for funds in the &lt;* * * &gt;&lt;trial&gt; courts requires these courts to implement appropriate levels of automation.</p> <p>&lt;(2)&gt; The purpose of this section is to make a fund available for the development of automated accounting&lt;, automated data collection through case management systems,&gt; and &lt;automated&gt; case-processing systems for the &lt;* * * &gt;&lt;trial&gt; courts, together with funds to train operating personnel, and for the maintenance and enhancement of the systems.</p> <p>&lt;(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</p> | <p><b>SECTION 32</b><br/> Section 68090.8 of the Government Code now reads:</p> <p>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 administrative automation.</p> <p>(2) The purpose of this section is to make a fund available for the development of automated administrative systems, including 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. As used in this paragraph, “automated administrative systems” does not include electronic reporting systems for use in a courtroom.</p> <p>(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</p> |

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| <p>to be collected.&gt;</p> <p>(b) Prior to making any other required distribution, the county treasurer shall &lt;transmit&gt; 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 &lt;* * * &gt;&lt;the Trial Court Improvement Fund established pursuant to Section 77209, to&gt; be used exclusively to pay the costs of automating &lt;* * * &gt;&lt;trial&gt; court recordkeeping systems&lt; * * * &gt;. These systems shall meet Judicial Council performance standards, including production of reports as needed by the state, the counties, and local governmental entities.</p> | <p>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.</p> <p>(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 State Trial Court Improvement and Modernization Fund established pursuant to Section 77209, to be used exclusively to pay the costs of automated systems for the trial courts, as described in paragraph (2) of subdivision (a). These systems shall meet Judicial Council performance standards, including production of reports as needed by the state, the counties, and local governmental entities.</p> <p>(Amended by AB 145 (Stats. 2005, ch. 75, § 111), eff. July 19, 2005, operative Jan. 1, 2006; AB 1742 (Stats. 2005, ch. 706, § 28); SB 1021 (Stats. 2012, ch. 41, § 21), eff. June 27, 2012.)</p> |
| <p><b>SECTION 33 [Court Reporting on Coordination Plans]</b><br/>Section 68113 of the Government Code is amended to read:</p> <p>68113. (a) The superior &lt;and&gt; municipal &lt;* * * &gt;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 &lt;* * * &gt;on expenditures for</p>  | <p><b>SECTION 33</b><br/>Repealed by AB 223 (Stats. 2001, ch. 812, § 14).</p>   |

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| <p>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.</p> <p>(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.</p> <p>(c) The Judicial Council shall submit a report to the Legislature on or before &lt;February&gt; 1 following the end of each fiscal year setting forth all of the following:</p> <p>(1) The revenues and expenditures for each superior &lt;and&gt; municipal &lt;* * * &gt;court in the state and statewide totals.</p> <p>(2) A summary of the savings achieved by &lt;the courts in&gt; each county and statewide.</p> <p>(3) Factors impacting the cost of court operations and the collection of revenues.</p> |  |
| <p><b>SECTION 33.2<sup>6</sup> [Trial Court Budget Process]</b><br/> Section 68502.5 of the Government Code is amended to read:<br/> 68502.5. (a) The Judicial Council shall provide by rule for the appointment of a standing Trial Court Budget Commission and</p>   | <p><b>SECTION 33.2</b><br/> Section 68502.5 of the Government Code now reads:<br/> 68502.5 (a) The Judicial Council may, as part of its trial court budget process, seek input from groups and individuals as it</p> |

<sup>6</sup> As chaptered, AB 233 did not include a section 33.1

the deadlines for meeting its various responsibilities. <\* \* \*  
><Under the direction and with the approval of the Judicial Council, t>he commission shall have the authority to:

(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 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

deems appropriate including, but not limited to, advisory committees and the Administrative Director of the Courts. The trial court budget process may include, but is not limited to, the following:

(1) The receipt of budget requests from the trial courts.

(2) The review of 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) The annual adoption of 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 a basis for recommended court budgets, which shall be developed for comparison purposes and to delineate funding responsibilities.

(4) The annual approval of a schedule for the allocation of moneys to individual courts and an overall trial court budget for forwarding to the Governor for inclusion in the Governor's proposed State Budget. The schedule shall be based on the performance criteria established pursuant to paragraph (2), on a minimum standard established by the Judicial Council for the operation and staffing of all trial court operations, and on any other factors as determined by the Judicial Council. This minimum standard shall be modeled on court operations using all reasonable and available measures to increase court efficiency. 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 measures.

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 measures.

(5) Reallocate 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. 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 funds in the Trial Court Improvement Fund in accordance to 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 payments to the counties, consistent with Sections 68085 and 77205.1, which 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.

(5) The reallocation of funds 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. Neither the state nor the counties shall have any obligation to replace moneys appropriated for trial courts and reallocated pursuant to this paragraph.

(6) The allocation of funds in the State Trial Court Improvement and Modernization Fund to ensure equal access to trial courts by the public, to improve trial court operations, and to meet trial court emergencies, as expressly authorized by statute.

(7) Upon approval of the trial courts' budget by the Legislature, the preparation during the course of the fiscal year of allocation schedules for payments to the trial courts, consistent with Section 68085, which shall be submitted to the Controller's office at least 15 days before the due date of any allocation.

(8) The establishment of rules 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, 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, a review of the level of fees charged by the courts for various services and prepare recommended adjustments for forwarding to the Legislature.

(11) Provisions set forth in rules adopted pursuant to Section 77206 of the Government Code.

(b) Courts and counties shall establish procedures to allow for

(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.

(b) 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.

the sharing of information as it relates to approved budget proposals and expenditures that impact the respective court and county budgets. The procedures shall include, upon the request of a court or county, that a respective court or county shall provide the requesting court or county a copy of its approved budget and, to the extent possible, approved program expenditure component information and a description of budget changes that are anticipated to have an impact on the requesting court or county. The Judicial Council shall provide to the Legislature on December 31, 2001, and yearly thereafter, budget expenditure data at the program component level for each court.

(c)(1) The Judicial Council shall retain the ultimate responsibility to adopt a budget and allocate funding for the trial courts and perform the other activities listed in subdivision (a) that best assure their ability to carry out their functions, promote implementation of statewide policies, and promote the immediate implementation of efficiencies and cost saving measures in court operations, in order to guarantee equal access to the courts.

(2)(A) When setting the allocations for trial courts, the Judicial Council shall set a preliminary allocation in July of each fiscal year based on an estimate or an actual amount of available trial court resources in that fiscal year. In January of each fiscal year, after review of available trial court resources, the Judicial Council shall finalize allocations to trial courts.

(B) Upon preliminary determination of the allocations to trial courts pursuant to subparagraph (A), the Judicial Council shall set aside 2 percent of the total funds appropriated in Program 45.10 of Item 0250-101-0932 of the annual Budget Act and these funds shall remain in the Trial Court Trust Fund. These

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|  | <p>funds shall be administered by the Judicial Council and be allocated to trial courts for unforeseen emergencies, unanticipated expenses for existing programs, or unavoidable funding shortfalls. Unavoidable funding shortfall requests for up to 1.5 percent of these funds shall be submitted by the trial courts to the Judicial Council no later than October 1 of each year. The Judicial Council shall, by October 31 of each year, review and evaluate all requests submitted, select trial courts to receive funds, and notify those selected trial courts. By March 15 of each year, the Judicial Council shall distribute the remaining funds if there has been a request from a trial court for unforeseen emergencies or unanticipated expenses that has been reviewed, evaluated, and approved. Any unexpended funds shall be distributed to the trial courts on a prorated basis.</p> <p>(C) The Judicial Council shall, no later than April 15 of each year, report to the Legislature, pursuant to Section 9795 of the Government Code, and to the Department of Finance all requests and allocations made pursuant to subparagraph (B).</p> <p>(Amended by AB 1935 (Stats. 1998, ch. 1004, § 4); AB 223 (Stats. 2001, ch. 812, § 15); SB 1316 (Stats. 2002, ch. 784, § 214.5); SB 1021 (Stats. 2012, ch. 41, § 23), eff. June 27, 2012.)</p> |
| <p><b>SECTION 33.4<sup>7</sup></b> <i>[Uniform Entry, Storage, and Retrieval of Court Data relating to Certain Civil Cases]</i><br/>Section 68513 of the Government Code is amended to read:</p> <p>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,</p> | <p><b>SECTION 33.4</b><br/>Section 68513 of the Government Code now reads:</p> <p>68513. The Judicial Council shall provide for the uniform entry, storage, and retrieval of court data relating to civil cases in superior court other than limited civil cases by means provided for in this section, in addition to any other data</p>   |

<sup>7</sup> As chaptered, AB 233 did not include a section 33.3.

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.

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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.>

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.

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.

(Amended by SB 2139 (Stats. 1998, ch. 931, § 240), eff. Sept. 28, 1998.)

**SECTION 33.6<sup>8</sup> [Definition of Judicial Assignment]**

Section 68547 of the Government Code is amended to read:

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 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

**SECTION 33.6**

This version of Government Code section 68547 became inoperative by its own terms on January 1, 1999, when it was replaced by the version of section 68547 found in Section 33.8 of AB 233, below, as amended by AB 1301 (Stats. 1998, ch. 146, § 5.5).

See Section 33.8, below, for current text of Government Code section 68547.

<sup>8</sup> As chaptered, AB 233 did not include a section 33.5.

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| <p>judicial and administrative coordination plans.&gt;</p> <p>&lt;(d)&gt; 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.</p> <p>&lt;(e) This section shall be repealed on January 1, 1999, unless a later enacted statute enacted before that date extends or deletes that date.&gt;</p>   |  |
| <p><b>SECTION 33.8<sup>9</sup> [Definition of Judicial Assignment]</b><br/> Section 68547 is added to the Government Code, to read:</p> <p>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 necessary for him or her on account of the assignment to serve 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.</p> <p>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</p> | <p><b>SECTION 33.8</b><br/> Section 68547 of the Government Code now reads:</p> <p>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 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.</p> <p>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</p> |

<sup>9</sup> As chaptered AB 233 did not include a section 33.7.

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| <p>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.</p> <p>(b) This section shall become operative on January 1, 1999.</p>   | <p>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.</p> <p>(b) This section shall become operative on January 1, 2001.</p> <p>(Amended by AB 1301 (Stats. 1998, ch. 146, § 5.5), eff. July 13, 1998, operative Jan. 1, 1999; SB 2139 (Stats. 1998, ch. 931, § 245.5), eff. Sept. 28, 1998, operative Jan. 1, 2000; AB 1673 (Stats. 1999, ch. 891, § 1.2), operative Jan. 1, 2001.)</p> |
| <p><b>SECTION 34 [Repeal of Biennial Audit of Court Accounts]</b><br/>Section 71383 of the Government Code is repealed.</p>  | <p><b>SECTION 34</b></p>   |
| <p><b>SECTION 35 [Definition of Board of Supervisors]</b><br/>Section 71383 is added to the Government Code, to read:<br/><br/>71383. As used in Section 71002, "board of supervisors" means county or city and county.</p>  | <p><b>SECTION 35</b><br/>No amendment.</p>   |
| <p><b>SECTION 36 [Fees]</b><br/>Section 72054 of the Government Code is amended to read:<br/><br/>72054. Except as otherwise provided by law, the clerk of &lt;* * * &gt;&lt; the &gt; court shall charge the fees prescribed by this article, and the fees prescribed by Sections 26823, 26828, 26829, 26830, 26831, &lt;* * * &gt;&lt; 26832.1, 26833.1 &gt;, 26834, &lt;* * * &gt;&lt;26836.1, 26837.1 &gt;, 26839, &lt;* * * &gt;&lt;26850.1, 26851.1, 26852.1, 26853.1, &gt; 26854, &lt;26855.4 &gt;, and 26863 for all services to be performed.</p> | <p><b>SECTION 36</b><br/>Repealed by AB 145 (Stats. 2005, ch. 75, § 125).<br/><br/>Fees are now governed under the Uniform Civil Filing Fees and Standard Fee Schedule Act of 2005 (Gov. Code, § 70600 et seq.).</p>   |

**SECTION 37 [Fees]**

Section 72055 of the Government Code is amended to read:

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 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

**SECTION 37**

Renumbered Government Code section 70613 and amended by AB 145 (Stats. 2005, ch. 75, § 126), the section now reads as follows:

70613. (a) The uniform fee for filing the first paper in a limited civil case is three hundred thirty dollars (\$330), except as provided in subdivision (b).

(b) In a case where the amount demanded, excluding attorney's fees and costs, is ten thousand dollars (\$10,000) or less, the uniform fee for filing the first paper is two hundred five dollars (\$205). The first page of the first paper shall state whether the amount demanded exceeds or does not exceed ten thousand dollars (\$10,000).

(c) 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.

(d) The fee for a paper filed under this section shall be distributed as provided in Section 68085.4.

(e) 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 court.

(Amended by SB 1407 (Stats. 2008, ch. 311, § 12); SB 13

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| <p>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.</p>  | <p>(Stats. 2009–2010, 4th Ex.Sess., ch. 22, § 14), eff. July 28, 2009.)</p>    |
| <p><b>SECTION 38 [Fees]</b><br/> Section 72056.01 is added to the Government Code, to read:</p> <p>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).</p> <p>(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).</p> <p>(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.</p> <p>(d) The fee provided by this section shall not apply to either of the following:</p> <p>(1) An amended pleading or amendment to a pleading ordered by the court to be filed.</p> <p>(2) An amended pleading or amendment to a pleading that only names previously fictitiously named defendants.</p> | <p><b>SECTION 38</b><br/> Repealed by AB 145 (Stats. 2005, ch. 75, § 131).</p> |

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| <p><b>SECTION 39 [Fees]</b><br/> Section 72060 of the Government Code is amended to read:<br/> 72060. The fee for &lt;a&gt; certificate and transmitting transcript and papers on appeal is &lt;ten&gt; dollars (\$&lt;10&gt;). &lt; 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.&gt;</p>  | <p><b>SECTION 39</b><br/> Repealed by AB 145 (Stats. 2005, ch. 75, § 131).</p>  |
| <p><b>SECTION 40 [Traffic and Parking Penalties and Construction Funds]</b><br/> Section 76000 of the Government Code is amended to read:<br/> 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.<br/> 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 construction provided for in this chapter.</p> | <p><b>SECTION 40</b><br/> Section 76000 of the Government Code now reads:<br/> 76000. (a)(1) Except as otherwise provided elsewhere in this section, in each county there shall be levied an additional penalty in the amount of seven dollars (\$7) for every ten dollars (\$10), or part of ten dollars (\$10), upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.<br/> (2) This additional penalty shall be collected together with and in the same manner as the amounts established by Section 1464 of the Penal 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 construction provided for in this chapter.</p> |

(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

(3) This additional penalty does not apply to the following:

(A) Any restitution fine.

(B) Any penalty authorized by Section 1464 of the Penal Code or this chapter.

(C) Any parking offense subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

(D) The state surcharge authorized by Section 1465.7 of the Penal Code.

(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

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>.

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.

(d) The authority to impose the two-dollar-and-fifty-cent (\$2.50) penalty authorized by subdivision (b) shall be reduced to one dollar (\$1) as of the date of transfer of responsibility for facilities from the county to the Judicial Council pursuant to Article 3 (commencing with Section 70321) of Chapter 5.1, except as money is needed to pay for construction provided for in Section 76100 and undertaken prior to the transfer of responsibility for facilities from the county to the Judicial Council.

(e) The seven-dollar (\$7) additional penalty authorized by subdivision (a) shall be reduced in each county by the additional penalty amount assessed by the county for the local courthouse construction fund established by Section 76100 as of January 1, 1998, when the money in that fund is transferred to the state under Section 70402. The amount each county shall charge as an additional penalty under this section shall be as

follows:

|              |        |                |        |               |        |
|--------------|--------|----------------|--------|---------------|--------|
| Alpine       | \$5.00 | Mariposa       | \$2.50 | San Mateo     | \$4.75 |
| Amador       | \$5.00 | Mendocino      | \$7.00 | Santa Barbara | \$3.50 |
| Butte        | \$7.00 | Merced         | \$4.75 | Santa Clara   | \$5.50 |
| Calaveras    | \$3.00 | Modoc          | \$3.50 | Santa Cruz    | \$7.00 |
| Colusa       | \$6.00 | Mono           | \$4.00 | Shasta        | \$3.50 |
| Contra Costa | \$5.00 | Monterey       | \$5.00 | Sierra        | \$7.00 |
| Del Norte    | \$7.00 | Napa           | \$3.00 | Siskiyou      | \$5.00 |
| El Dorado    | \$5.00 | Nevada         | \$4.75 | Solano        | \$5.00 |
| Fresno       | \$7.00 | Orange         | \$5.29 | Sonoma        | \$5.00 |
| Glenn        | \$4.00 | Placer         | \$4.75 | Stanislaus    | \$5.00 |
| Humboldt     | \$5.00 | Plumas         | \$7.00 | Sutter        | \$6.00 |
| Imperial     | \$6.00 | Riverside      | \$4.60 | Tehama        | \$7.00 |
| Inyo         | \$4.00 | Sacramento     | \$5.00 | Trinity       | \$4.50 |
| Kern         | \$7.00 | San Benito     | \$5.00 | Tulare        | \$5.00 |
| Kings        | \$7.00 | San Bernardino | \$5.00 | Tuolumne      | \$7.00 |
| Lake         | \$7.00 | San Diego      | \$7.00 | Ventura       | \$5.00 |
| Lassen       | \$2.00 | San Francisco  | \$6.99 | Yolo          | \$7.00 |
| Los Angeles  | \$5.00 | San Joaquin    | \$3.75 | Yuba          | \$3.00 |
| Madera       | \$7.00 |                |        |               |        |

(Amended by SB 1732 (Stats. 2002, ch. 1082, § 5); SB 256 (Stats. 2003, ch. 592, § 24); SB 425 (Stats. 2007, ch. 302, § 4); SB 1498 (Stats. 2008, ch. 179, § 126); AB 1949 (Stats. 2008, ch. 218, § 5); SB 1330 (Stats. 2010, ch. 328, § 101); SB 857 (Stats. 2010, ch. 720, § 26), eff. Oct. 19, 2010.)

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| <p><b>SECTION 41 [Merced Courthouse Construction Fund]</b><br/> Section 76224 is added to the Government Code, to read:</p> <p>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.</p>  | <p><b>SECTION 41</b><br/> Section 76224 of the Government Code now reads:</p> <p>76224. Deposits to the Courthouse Construction Fund established in Merced or Sonoma County pursuant to Section 76100 and the Criminal Justice Facilities Construction Fund established in Merced or Sonoma County pursuant to Section 76101 shall continue through and including the 30th year after the initial year in which the surcharge is collected or the 30th year after any borrowings are made for any construction under those sections, whichever comes later.</p> <p>(Amended by SB 195 (Stats. 2001, ch. 767, § 5); SB 1329 (Stats. 2002, ch. 500, § 1).)</p>  |
| <p><b>SECTION 42 [Decentralized System of Trial Court Management]</b><br/> Section 77001 is added to the Government Code, to read:</p> <p>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:</p> <p>(a) Local authority and responsibility of trial courts to manage day-to-day operations.</p> <p>(b) Countywide administration of the trial courts.</p> <p>(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:</p> <p>(1) Annual allocation of funding, including the authority to move funding between functions or line items.</p> <p>(2) Local personnel systems, including the promulgation of</p> | <p><b>SECTION 42</b><br/> Section 77001 of the Government Code now reads:</p> <p>77001. The Judicial Council shall adopt rules which establish a decentralized system of trial court management. These rules shall ensure:</p> <p>(a) Local authority and responsibility of trial courts to manage day-to-day operations.</p> <p>(b) Countywide administration of the trial courts.</p> <p>(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:</p> <p>(1) Annual allocation of funding, including policies and procedures about moving funding between functions or line items or programs.</p> <p>(2) Local personnel plans, including the promulgation of</p> |

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| <p>personnel policies.</p> <p>(3) Processes and procedures to improve court operations and responsiveness to the public.</p> <p>(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.</p> <p>(d) Trial court input into the Judicial Council budget process.</p> <p>(e) Equal access to justice throughout California utilizing standard practices and procedures whenever feasible.</p>   | <p>personnel policies.</p> <p>(3) Processes and procedures to improve court operations and responsiveness to the public.</p> <p>(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.</p> <p>(d) Trial court input into the Judicial Council budget process.</p> <p>(e) Equal access to justice throughout California utilizing standard practices and procedures whenever feasible.</p> <p>(Amended by AB 223 (Stats. 2001, ch. 812, § 19).)</p>   |
| <p><b>SECTION 43 [Definition of Court Operations]</b><br/> Section 77003 of the Government Code is amended to read:</p> <p>77003. (a) As used in this chapter, “court operations” means all of the following:</p> <p>(1) Salaries, benefits, and public agency retirement contributions for superior &lt;and&gt; municipal &lt;* * * &gt;court judges and for subordinate judicial officers. &lt;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.&gt;</p> <p>(2) The salary, benefits, and public agency retirement</p> | <p><b>SECTION 43</b><br/> Section 77003 of the Government Code now reads:</p> <p>77003. (a) As used in this chapter, “court operations” means all of the following:</p> <p>(1) Salaries, benefits, and public agency retirement contributions for superior court judges and for subordinate judicial officers. For purposes of this paragraph, “subordinate judicial officers” includes all commissioner or referee positions created prior to July 1, 1997, including positions created in the municipal court prior to July 1, 1997, which thereafter became positions in the superior court as a result of unification of the municipal and superior courts in a county, and including those commissioner positions created pursuant to former 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</p> |

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.>

positions were created after July 1, 1997, unless approved by the Judicial Council, subject to availability of funding.

(2) The salary, benefits, and public agency retirement contributions for other court staff.

(3) Court security, but only to the extent consistent with court responsibilities under Article 8.5 (commencing with Section 69920) of Chapter 5.

(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 Sections 71630 and 71639.3 with respect to court employees.

(7) Subject to paragraph (1) of subdivision (d) of Section 77212, 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.

(8) Except as provided in subdivision (b), and subject to Article 8.5 (commencing with Section 69920) of Chapter 5, other matters listed as court operations in Rule 10.810 of the California Rules of Court as it read on January 1, 2007.

(b) However, “court operations” does not include collection enhancements as defined in Rule 10.810 of the California Rules of Court as it read on January 1, 2007.

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|   | <p>(Amended by SB 2139 (Stats. 1998, ch. 931, § 335), eff. Sept. 28, 1998; AB 223 (Stats. 2001, ch. 812, § 20); AB 1700 (Stats. 2001, ch. 824, § 33.5); SB 1316 (Stats. 2002, ch. 784, § 505; AB 299 (Stats. 2007, ch. 130, § 140); SB 1021 (Stats. 2012, ch. 41, § 54), eff. June 27, 2012.)</p>   |
| <p><b>SECTION 44 [Trial Court Accounts]</b><br/> Section 77009 is added to the Government Code, to read:</p> <p>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 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.</p> <p>(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</p> | <p><b>SECTION 44</b><br/> Section 77009 of the Government Code now reads:</p> <p>77009. (a) The Judicial Council may establish bank accounts for the superior courts and require the courts to deposit moneys for trial court operations, and any other moneys under the control of the courts, into those accounts. Deposits to these accounts shall include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>(1) Moneys appropriated in the Budget Act and allocated or reallocated to the superior court by the Judicial Council.</li> <li>(2) Moneys held in trust.</li> <li>(3) Other moneys as deemed necessary or appropriate.</li> </ol> <p>(b) Subdivision (a) shall not apply to payments from a party or a defendant received by the superior court for any criminal fees, fines, or forfeitures. However, the court and county may enter into a contract for the court to provide depository services in an account established by the Judicial Council for criminal fees, fines, and forfeitures, with the approval of the Administrative Director of the Courts. The contract shall identify the scope of service, method of service delivery, term of agreement, anticipated service outcomes, and the cost of the service. The amount of any indirect or overhead costs shall be individually stated with the method of calculation of the indirect or overhead costs.</p> <p>(c) Moneys deposited into a bank account established pursuant</p> |

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.

(d) In no event shall interest be charged to the Trial Court Operations Fund.

(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

to subdivision (a) for the Trial Court Operations Fund that are appropriated in the Budget Act and allocated or reallocated to the superior court 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.

(d)(1) All moneys received by a superior court from any source for court operating and program purposes shall be deposited into a bank account established pursuant to subdivision (a) and accounted for in the Trial Court Operations Fund. Moneys that are received to fulfill the requirements of Article 4 (commencing with Section 4250) of Chapter 2 of Part 2 of Division 9 and Division 14 (commencing with Section 10000) of the Family Code shall be identified and maintained in a separate account established in the fund for this purpose.

(2) All other moneys deposited into a bank account established pursuant to subdivision (a) and accounted for in the Trial Court Operations Fund that are received for purposes other than court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court, shall be identified and maintained in separate accounts in the fund.

(3) This subdivision shall not apply to either of the following:

(A) Moneys received by the courts pursuant to paragraph (2) of subdivision (a) of this section and Section 68084, if those moneys are not for court operating or program purposes.

(B) Payments from a party or a defendant received by the county for any fees, fines, or forfeitures; moneys collected by the superior court under Chapter 5.8 (commencing with Section 70600); or fees and fines to which Section 68085.1 applies.

(e) The presiding judge of the superior court, or his or her

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 November 1, 1998.

designee, shall authorize and direct all expenditures by the court for operating and program purposes from any account established under subdivision (b) or (c).

(f) The Judicial Council, in consultation with the Controller's office, shall establish procedures to implement 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.

(g)(1) If the Judicial Council has not established bank accounts pursuant to subdivision (a), the court shall contract with the county for fiscal services. Each board of supervisors shall maintain in the county treasury a Trial Court Operations Fund, which will operate as an agency fund. All moneys appropriated in the Budget Act and allocated and reallocated to the superior court in the county by the Judicial Council shall be deposited into the fund.

(2) Moneys deposited into the fund that are appropriated for the Trial Court Operations Fund in the Budget Act and allocated or reallocated to the superior court 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 the superior court, 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.

(3) All moneys received by a superior court from any source for court operating and program purposes shall be deposited in the fund, except as provided in this subdivision. Moneys that are received to fulfill the requirements of Article 4 (commencing

with Section 4250) of Chapter 2 of Part 2 of Division 9 and Division 14 (commencing with Section 10000) of the Family Code shall be identified and maintained in a separate account established in the fund for this purpose. All other moneys that are received for purposes other than court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court, shall be identified and maintained in one or more separate accounts established in the fund pursuant to procedures adopted by the Judicial Council. This subdivision shall only apply to moneys received by the courts for operating and program purposes. This subdivision shall not apply to either of the following:

(A) Moneys received by the courts pursuant to Section 68084, if those funds are not for court operating or program purposes.

(B) Payments from a party or a defendant received by the county for any fees, fines, or forfeitures; moneys collected by the superior court under Chapter 5.8 (commencing with Section 70600); or fees and fines to which Section 68085.1 applies.

(4) Interest received by a county that is attributable to investment of moneys, which interest is required by this subdivision to be deposited in the superior court's fund, shall be deposited in the fund and shall be used for trial court operations purposes.

(5) In no event shall interest be charged to the superior court's fund, except as provided in Section 77009.1.

(6) Reasonable administrative expenses incurred by the county associated with the operation of this fund shall be charged to the superior court.

(7) A county, or city and county, may bill the superior court within its jurisdiction for costs for services provided by the

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|  | <p>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.</p> <p>(8) Pursuant to Section 77206, the Controller, at the request of the Legislature, may perform financial and fiscal compliance audits of this fund. The Judicial Council or its representatives may perform audits, reviews, and investigations of this fund wherever the records may be located.</p> <p>(h) The Judicial Council or its representatives may perform audits, reviews, and investigations of superior court operations and records wherever they may be located.</p> <p>(Added by AB 233 (Stats. 1997, ch. 850, § 44). Amended by AB 1935 (Stats. 1998, ch. 1004, § 5); SB 1533 (Stats. 2000, ch. 447, § 8); SB 1191 (Stats. 2001, ch. 745, § 115), eff. Oct. 12, 2001; AB 223 (Stats. 2001, ch. 812, § 21.5), operative Jan. 1, 2002; AB 145 (Stats. 2005, ch. 75, § 138), eff. July 19, 2005, operative Jan. 1, 2006; AB 299 (Stats. 2007, ch. 130, § 141).)</p> |
| <p><b>SECTION 45 [Repeal State Block Grant Funding]</b><br/>Article 3 (commencing with Section 77200) of Chapter 13 of Title 8 of the Government Code is repealed.</p>                                       | <p><b>SECTION 45</b></p>   |
| <p><b>SECTION 46 [State Finance Provisions]</b><br/>Article 3 (commencing with Section 77200) is added to Chapter 13 of Title 8 of the Government Code, to read:<br/>Article 3. State Finance Provisions</p> | <p><b>SECTION 46</b><br/>Current sections 77201.2, 77201.3, 77201.5, 77206.1, and 77207.5 were added to this article of the Government Code after the enactment of AB 233.</p>   |

**Section 46, Cont'd. [State Finance Provisions]**

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:

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

**Section 46, Cont'd.**

Section 77200 of the Government Code now reads:

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 10.810 of the California Rules of Court as it read on January 1, 2007. In meeting this responsibility, the state shall do all of the following:

- (a) Deposit in the 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, pursuant to Section 77201.1 from July 1, 1998, until June 30, 2006, inclusive, and pursuant to Section 77201.3, 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 court in a county be less than the amount remitted to the state by the county in which that court is located pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201 until June 30, 1998, pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201.1 from July 1, 1998, until June 30, 2006, inclusive, and pursuant to paragraphs (1) and (2) of subdivision (a) of Section 77201.3, thereafter.
- (d) The Judicial Council shall submit its allocation schedule to the Controller at least five days before the due date of any allocation.

(Added by AB 233 (Stats. 1997, ch. 850, § 46). Amended by AB 1301 (Stats. 1998, ch. 146, § 6), eff. July 13, 1998; AB 145

(Stats. 2005, ch. 75, § 139), eff. July 19, 2005, operative Jan. 1, 2006; AB 299 (Stats. 2007, ch. 130, § 142); AB 227 (Stats. 2007, ch. 383, § 1); SB 1498 (Stats. 2008, ch. 179, § 130).)

**Section 46, Cont'd. [State Finance Provisions]**

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.

(b) In the 1997–98 fiscal year, each county shall remit to the state in four equal installments due on January 1, April 1, and June 30, 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 .....      | \$ 42,045,093 |
| Alpine .....       | 46,044        |
| Amador .....       | 900,196       |
| Butte .....        | 2,604,611     |
| Calaveras .....    | 420,893       |
| Colusa .....       | 309,009       |
| Contra Costa ..... | 21,634,450    |
| Del Norte .....    | 780,786       |
| El Dorado .....    | 3,888,927     |
| Fresno .....       | 13,355,025    |
| Glenn .....        | 371,607       |
| Humboldt .....     | 2,437,196     |
| Imperial .....     | 2,055,173     |
| Inyo .....         | 546,508       |
| Kern .....         | 16,669,917    |
| Kings.....         | 2,594,901     |

**Section 46, Cont'd.**

Repealed effective July 1, 1998, by its own terms (subd. (h)), then added again by AB 1590 (Stats. 1998, ch. 406, § 3), Section 77201 of the Government Code now reads:

77201. (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007.

(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:

(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 .....      | \$ 42,045,093 |
| Alpine .....       | 46,044        |
| Amador .....       | 900,196       |
| Butte .....        | 2,604,611     |
| Calaveras .....    | 420,893       |
| Colusa .....       | 309,009       |
| Contra Costa ..... | 21,634,450    |
| Del Norte .....    | 780,786       |
| El Dorado .....    | 3,888,927     |
| Fresno .....       | 13,355,025    |
| Glenn .....        | 371,607       |
| Humboldt .....     | 2,437,196     |
| Imperial .....     | 2,055,173     |

|                       |             |                       |             |
|-----------------------|-------------|-----------------------|-------------|
| Lake .....            | 975,311     | Inyo .....            | 546,508     |
| Lassen .....          | 517,921     | Kern .....            | 16,669,917  |
| Los Angeles .....     | 291,872,379 | Kings .....           | 2,594,901   |
| Madera .....          | 1,242,968   | Lake .....            | 975,311     |
| Marin .....           | 6,837,518   | Lassen .....          | 517,921     |
| Mariposa .....        | 177,880     | Los Angeles .....     | 291,872,379 |
| Mendocino .....       | 1,739,605   | Madera .....          | 1,242,968   |
| Merced .....          | 1,363,409   | Marin .....           | 6,837,518   |
| Modoc .....           | 114,249     | Mariposa .....        | 177,880     |
| Mono .....            | 271,021     | Mendocino .....       | 1,739,605   |
| Monterey .....        | 5,739,655   | Merced .....          | 1,363,409   |
| Napa .....            | 2,866,986   | Modoc .....           | 114,249     |
| Nevada .....          | 815,130     | Mono .....            | 271,021     |
| Orange .....          | 76,567,372  | Monterey .....        | 5,739,655   |
| Placer .....          | 6,450,175   | Napa .....            | 2,866,986   |
| Plumas .....          | 413,368     | Nevada .....          | 815,130     |
| Riverside .....       | 32,524,412  | Orange .....          | 76,567,372  |
| Sacramento .....      | 40,692,954  | Placer .....          | 6,450,175   |
| San Benito .....      | 460,552     | Plumas .....          | 413,368     |
| San Bernardino .....  | 31,516,134  | Riverside .....       | 32,524,412  |
| San Diego .....       | 77,637,904  | Sacramento .....      | 40,692,954  |
| San Francisco .....   | 31,142,353  | San Benito .....      | 460,552     |
| San Joaquin .....     | 9,102,834   | San Bernardino .....  | 31,516,134  |
| San Luis Obispo ..... | 6,840,067   | San Diego .....       | 77,637,904  |
| San Mateo .....       | 20,383,643  | San Francisco .....   | 31,142,353  |
| Santa Barbara .....   | 10,604,431  | San Joaquin .....     | 9,102,834   |
| Santa Clara .....     | 49,876,177  | San Luis Obispo ..... | 6,840,067   |
| Santa Cruz .....      | 6,449,104   | San Mateo .....       | 20,383,643  |
| Shasta .....          | 3,369,017   | Santa Barbara .....   | 10,604,431  |
| Sierra .....          | 40,477      | Santa Clara .....     | 49,876,177  |
| Siskiyou .....        | 478,144     | Santa Cruz .....      | 6,449,104   |
| Solano .....          | 10,780,179  | Shasta .....          | 3,369,017   |
| Sonoma .....          | 9,273,174   | Sierra .....          | 40,477      |
| Stanislaus .....      | 8,320,727   | Siskiyou .....        | 478,144     |
| Sutter .....          | 1,718,287   | Solano .....          | 10,780,179  |
| Tehama .....          | 1,352,370   | Sonoma .....          | 9,273,174   |
| Trinity .....         | 620,990     | Stanislaus .....      | 8,320,727   |
| Tulare .....          | 6,981,681   | Sutter .....          | 1,718,287   |
| Tuolumne .....        | 1,080,723   | Tehama .....          | 1,352,370   |
| Ventura .....         | 16,721,157  | Trinity .....         | 620,990     |

|            |           |
|------------|-----------|
| 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:

| Jurisdiction       | Amount       |
|--------------------|--------------|
| 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    |
| 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      |

|                |            |
|----------------|------------|
| 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:

| Jurisdiction       | Amount       |
|--------------------|--------------|
| Alameda .....      | \$12,769,882 |
| Alpine .....       | 58,757       |
| Amador .....       | 377,005      |
| Butte .....        | 1,437,671    |
| Calaveras .....    | 418,558      |
| Colusa .....       | 485,040      |
| Contra Costa ..... | 6,138,742    |
| Del Norte .....    | 235,438      |
| El Dorado .....    | 1,217,093    |
| Fresno .....       | 4,505,786    |
| Glenn .....        | 455,389      |
| Humboldt .....     | 1,161,745    |
| Imperial .....     | 1,350,760    |
| 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      |

|                       |            |
|-----------------------|------------|
| 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    |

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

(4) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee,

(3) The installment due on January 1 shall be for 25 percent of the amounts specified in paragraphs (1) and (2). The installments due on April 1 and June 30 shall be prorated

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 procedures:

(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 fiscal year 1994–95 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 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

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) 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:

(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 10.810 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

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 1994–95 fiscal year. The Department of Finance shall reduce the amount a county must submit to the state pursuant to paragraph (1) of subdivision (b) 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), 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. A county shall provide, at no charge to the court, any service for which the amount in paragraph (1) of subdivision (b) 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

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.

(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:

(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

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, trial courts in the county, and the Judicial Council of its certification and decision. Within 30 days, or on or before June 30, 1998, whichever is later, 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 shall increase 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 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) was adjusted upward.

(3) 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

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 1994-95 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 Controller conduct an audit to verify the facts in the county's declaration. The

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, within 30 days of receipt of the declaration and, 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 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.

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

(e) 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

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

representation and investigation, and payment of youth authority charges.

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

(g) 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.

(h) This section shall be repealed on July 1, 1998, unless a later-enacted statute, enacted before that date extends or deletes that date.

county, and the Judicial Council that the county shall assume responsibility for the costs the county has failed to report, or that the department 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).

(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.

(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.

(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 Division of Juvenile Justice 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.

(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 10.810 of the California Rules of Court as it read on January 1, 2007, 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

|   | <p>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.</p> <p>(Added by AB 1590 (Stats. 1998, ch. 406, § 3), eff. Aug. 26, 1998. Amended by SB 815 (Stats. 2000, ch. 671, § 1), eff. Sept. 26, 2000; AB 299 (Stats. 2007, ch. 130, § 144).)</p> |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
|---|--|--------|---------------|---------------|--------------|---|--------------|---|-------------|-----------|-----------------|---|--------------|---|--------------------|------------|-----------------|---|-----------------|-----------|--------------|------------|-------------|---|----------------|-----------|---|--------------|--------|---------------|---------------|--------------|---|--------------|---|-------------|---|
| <p><b>Section 46, Cont'd. [State Finance Provisions]</b><br/> 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.</p> <p>(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:</p> <p>(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:</p> <table border="0"> <thead> <tr> <th style="text-align: left;">Jurisdiction</th> <th style="text-align: right;">Amount</th> </tr> </thead> <tbody> <tr> <td>Alameda .....</td> <td style="text-align: right;">\$ 29,554,276</td> </tr> <tr> <td>Alpine .....</td> <td style="text-align: right;">-</td> </tr> <tr> <td>Amador .....</td> <td style="text-align: right;">-</td> </tr> <tr> <td>Butte .....</td> <td style="text-align: right;">2,188,561</td> </tr> <tr> <td>Calaveras .....</td> <td style="text-align: right;">-</td> </tr> <tr> <td>Colusa .....</td> <td style="text-align: right;">-</td> </tr> <tr> <td>Contra Costa .....</td> <td style="text-align: right;">14,553,828</td> </tr> <tr> <td>Del Norte .....</td> <td style="text-align: right;">-</td> </tr> <tr> <td>El Dorado .....</td> <td style="text-align: right;">2,642,828</td> </tr> <tr> <td>Fresno .....</td> <td style="text-align: right;">11,220,322</td> </tr> <tr> <td>Glenn .....</td> <td style="text-align: right;">-</td> </tr> <tr> <td>Humboldt .....</td> <td style="text-align: right;">2,023,135</td> </tr> </tbody> </table> | Jurisdiction   | Amount | Alameda ..... | \$ 29,554,276 | Alpine ..... | - | Amador ..... | - | Butte ..... | 2,188,561 | Calaveras ..... | - | Colusa ..... | - | Contra Costa ..... | 14,553,828 | Del Norte ..... | - | El Dorado ..... | 2,642,828 | Fresno ..... | 11,220,322 | Glenn ..... | - | Humboldt ..... | 2,023,135 | <p><b>Section 46, Cont'd.</b><br/> Section 77201.1 of the Government Code now reads:</p> <p>77201.1. (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007.</p> <p>(b) Commencing in the 1999-2000 fiscal year, and each fiscal year thereafter until the 2006-07 fiscal year, each county shall remit to the state in four equal installments due on October 1, January 1, April 1, and May 1, the amounts specified in paragraphs (1) and (2). For the purpose of determining the counties' payments commencing in the 2006-07 fiscal year, and each fiscal year thereafter, the amounts listed in subdivision (a) of Section 77201.3 shall be used in lieu of the amounts listed in this subdivision.</p> <p>(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:</p> <table border="0"> <thead> <tr> <th style="text-align: left;">Jurisdiction</th> <th style="text-align: right;">Amount</th> </tr> </thead> <tbody> <tr> <td>Alameda .....</td> <td style="text-align: right;">\$ 22,509,905</td> </tr> <tr> <td>Alpine .....</td> <td style="text-align: right;">-</td> </tr> <tr> <td>Amador .....</td> <td style="text-align: right;">-</td> </tr> <tr> <td>Butte .....</td> <td style="text-align: right;">-</td> </tr> </tbody> </table> | Jurisdiction | Amount | Alameda ..... | \$ 22,509,905 | Alpine ..... | - | Amador ..... | - | Butte ..... | - |
| Jurisdiction  | Amount   |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
| Alameda .....   | \$ 29,554,276  |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
| Alpine .....  | -  |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
| Amador .....  | -  |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
| Butte .....   | 2,188,561  |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
| Calaveras .....   | -  |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
| Colusa .....  | -  |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
| Contra Costa .....  | 14,553,828   |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
| Del Norte .....   | -  |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
| El Dorado .....   | 2,642,828  |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
| Fresno .....  | 11,220,322   |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
| Glenn .....   | -  |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
| Humboldt .....  | 2,023,135  |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
| Jurisdiction  | Amount   |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
| Alameda .....   | \$ 22,509,905  |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
| Alpine .....  | -  |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
| Amador .....  | -  |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |
| Butte .....   | -  |        |               |               |              |   |              |   |             |           |                 |   |              |   |                    |            |                 |   |                 |           |              |            |             |   |                |           |   |              |        |               |               |              |   |              |   |             |   |

|                       |             |                       |             |
|-----------------------|-------------|-----------------------|-------------|
| Imperial .....        | 1,855,173   | Calaveras .....       | -           |
| Inyo .....            | -           | Colusa .....          | -           |
| Kern .....            | 12,237,358  | Contra Costa .....    | 11,974,535  |
| Kings.....            | 1,981,326   | Del Norte .....       | -           |
| Lake .....            | -           | El Dorado .....       | -           |
| Lassen .....          | -           | Fresno .....          | 11,222,780  |
| Los Angeles .....     | 200,596,408 | Glenn .....           | -           |
| Madera .....          | 1,042,967   | Humboldt .....        | -           |
| Marin .....           | 4,727,855   | Imperial .....        | -           |
| Mariposa .....        | -           | Inyo .....            | -           |
| Mendocino .....       | 1,539,605   | Kern .....            | 9,234,511   |
| Merced .....          | 1,163,409   | Kings .....           | -           |
| Modoc .....           | -           | Lake .....            | -           |
| Mono .....            | -           | Lassen .....          | -           |
| Monterey .....        | 5,539,656   | Los Angeles .....     | 175,330,647 |
| Napa .....            | 2,131,045   | Madera .....          | -           |
| Nevada .....          | 615,130     | Marin .....           | -           |
| Orange .....          | 52,341,395  | Mariposa .....        | -           |
| Placer .....          | 3,928,394   | Mendocino .....       | -           |
| Plumas .....          | -           | Merced .....          | -           |
| Riverside .....       | 21,226,163  | Modoc .....           | -           |
| Sacramento .....      | 25,798,064  | Mono .....            | -           |
| San Benito .....      | -           | Monterey .....        | 4,520,911   |
| San Bernardino .....  | 22,536,554  | Napa .....            | -           |
| San Diego .....       | 50,764,874  | Nevada .....          | -           |
| San Francisco .....   | 20,731,433  | Orange .....          | 38,846,003  |
| San Joaquin .....     | 7,129,952   | Placer .....          | -           |
| San Luis Obispo ..... | 4,447,550   | Plumas .....          | -           |
| San Mateo .....       | 13,179,481  | Riverside .....       | 17,857,241  |
| Santa Barbara .....   | 7,516,435   | Sacramento .....      | 20,733,264  |
| Santa Clara .....     | 32,910,617  | San Benito .....      | -           |
| Santa Cruz .....      | 4,634,736   | San Bernardino .....  | 20,227,102  |
| Shasta .....          | 2,750,564   | San Diego .....       | 43,495,932  |
| Sierra .....          | -           | San Francisco .....   | 19,295,303  |
| Siskiyou .....        | -           | San Joaquin .....     | 6,543,068   |
| Solano .....          | 6,975,509   | San Luis Obispo ..... | -           |
| Sonoma .....          | 6,724,289   | San Mateo .....       | 12,181,079  |
| Stanislaus .....      | 5,872,184   | Santa Barbara .....   | 6,764,792   |
| Sutter .....          | 1,388,808   | Santa Clara .....     | 28,689,450  |
| Tehama .....          | -           | Santa Cruz .....      | -           |

|                |            |
|----------------|------------|
| 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 and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994-95 fiscal year:

| 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    |
| 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      |

|                  |           |
|------------------|-----------|
| Shasta .....     | -         |
| Sierra .....     | -         |
| Siskiyou .....   | -         |
| Solano .....     | 6,242,661 |
| Sonoma .....     | 6,162,466 |
| Stanislaus ..... | 3,506,297 |
| Sutter .....     | -         |
| Tehama .....     | -         |
| Trinity .....    | -         |
| Tulare .....     | -         |
| Tuolumne .....   | -         |
| Ventura .....    | 9,734,190 |
| Yolo .....       | -         |
| 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 fee, 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:

| Jurisdiction       | Amount       |
|--------------------|--------------|
| Alameda .....      | \$ 9,912,156 |
| Alpine .....       | 58,757       |
| Amador .....       | 265,707      |
| Butte .....        | 1,217,052    |
| Calaveras .....    | 310,331      |
| Colusa .....       | 397,468      |
| Contra Costa ..... | 4,486,486    |
| Del Norte .....    | 124,085      |
| El Dorado .....    | 1,028,349    |
| Fresno .....       | 3,695,633    |
| Glenn.....         | 360,974      |
| Humboldt .....     | 1,025,583    |
| Imperial .....     | 1,144,661    |
| Inyo .....         | 614,920      |
| Kern .....         | 5,530,972    |

|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| Mendocino .....       | 755,680    | Kings .....           | 982,208    |
| Merced .....          | 1,733,156  | Lake .....            | 375,570    |
| Modoc .....           | 104,729    | Lassen .....          | 430,163    |
| Mono .....            | 415,136    | Los Angeles .....     | 71,002,129 |
| Monterey .....        | 3,330,125  | Madera .....          | 1,042,797  |
| Napa .....            | 721,437    | Marin .....           | 2,111,712  |
| Nevada .....          | 1,220,686  | Mariposa .....        | 135,457    |
| Orange .....          | 19,572,810 | Mendocino .....       | 717,075    |
| Placer .....          | 1,243,754  | Merced .....          | 1,733,156  |
| Plumas .....          | 193,772    | Modoc .....           | 104,729    |
| Riverside .....       | 7,681,744  | Mono .....            | 415,136    |
| Sacramento .....      | 6,440,273  | Monterey .....        | 3,330,125  |
| San Benito .....      | 302,324    | Napa .....            | 719,168    |
| San Bernardino .....  | 9,092,380  | Nevada .....          | 1,220,686  |
| San Diego .....       | 16,166,735 | Orange .....          | 19,572,810 |
| San Francisco .....   | 4,046,107  | Placer .....          | 1,243,754  |
| San Joaquin .....     | 3,562,835  | Plumas .....          | 193,772    |
| San Luis Obispo ..... | 2,036,515  | Riverside .....       | 7,681,744  |
| San Mateo .....       | 4,831,497  | Sacramento.....       | 5,937,204  |
| Santa Barbara .....   | 3,277,610  | San Benito .....      | 302,324    |
| Santa Clara .....     | 11,597,583 | San Bernardino .....  | 8,163,193  |
| Santa Cruz .....      | 1,902,096  | San Diego .....       | 16,166,735 |
| Shasta .....          | 1,044,700  | San Francisco .....   | 4,046,107  |
| Sierra .....          | 42,533     | San Joaquin .....     | 3,562,835  |
| Siskiyou .....        | 615,581    | San Luis Obispo ..... | 2,036,515  |
| Solano .....          | 3,011,833  | San Mateo .....       | 4,831,497  |
| Sonoma .....          | 2,316,999  | Santa Barbara .....   | 3,277,610  |
| Stanislaus .....      | 1,855,169  | Santa Clara .....     | 11,597,583 |
| Sutter .....          | 678,681    | Santa Cruz .....      | 1,902,096  |
| Tehama .....          | 640,303    | Shasta .....          | 1,044,700  |
| Trinity .....         | 137,087    | Sierra .....          | 42,533     |
| Tulare .....          | 1,840,422  | Siskiyou .....        | 615,581    |
| Tuolumne .....        | 361,665    | Solano .....          | 2,708,758  |
| Ventura .....         | 4,575,349  | Sonoma .....          | 2,316,999  |
| Yolo .....            | 1,158,629  | Stanislaus .....      | 1,855,169  |
| Yuba .....            | 318,242    | Sutter.....           | 678,681    |
|                       |            | Tehama .....          | 640,303    |
|                       |            | Trinity .....         | 137,087    |
|                       |            | Tulare .....          | 1,840,422  |
|                       |            | Tuolumne .....        | 361,665    |

(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) 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 subdivision (c) of Section 77201 as it read on June 29, 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.

(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

|               |           |
|---------------|-----------|
| Ventura ..... | 4,575,349 |
| Yolo .....    | 880,798   |
| Yuba .....    | 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 fewer 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 that section read on June 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) A 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. This paragraph is not intended to limit judicial sentencing discretion.

(6) In the 2005-06 fiscal year, the amount that the County of Santa Clara is required to remit to the state under paragraph (2) shall be reduced as described in this paragraph, rather than as described in subdivision (b) of Section 68085.7. It is the intent of the Legislature that this paragraph have retroactive effect.

(A) For the County of Santa Clara, the remittance under this

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 Council of the final decision and resulting adjustment.

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

subdivision for the 2005-06 fiscal year shall be reduced by an amount equal to one-half of the amount calculated by subtracting the budget reduction for the Superior Court of Santa Clara County for that fiscal year attributable to the reduction of the counties' payment obligation from thirty-one million dollars (\$31,000,000) pursuant to subdivision (a) of Section 68085.6 from the net civil assessments received in that county in that fiscal year. "Net civil assessments" as used in this paragraph means the amount of civil assessments collected minus the costs of collecting those civil assessments, under the guidelines of the Controller.

(B) The reduction under this paragraph of the amount that the County of Santa Clara is required to remit to the state for the 2005-06 fiscal year shall not exceed two million five hundred thousand dollars (\$2,500,000). If the reduction reaches two million five hundred thousand dollars (\$2,500,000), the amount the county is required to remit to the state under paragraph (2) of subdivision (a) of Section 77201.3 in each subsequent fiscal year shall be eight million four hundred sixty-one thousand two hundred ninety-three dollars (\$8,461,293).

(C) This paragraph does not affect the reduction of the annual remittance for the County of Santa Clara as provided in Section 68085.2.

(7) Notwithstanding the changes to the amounts in paragraph (2) made by Section 68085.7 or any other section, the amounts in paragraph (2) shall not be changed for purposes of the calculation required by subdivision (a) of Section 77205.

(c) This section is not intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 70311.

(d) This section is not 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 juvenile justice 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 paragraph (2) of subdivision (b), 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 of this code.

(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 General

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|  | <p>Fund support for the trial courts.</p> <p>(g) In any fiscal year in which a county of the first class pays the employer-paid retirement contribution for court employees, or 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 the actual amount charged in that fiscal year.</p> <p>(Amended by AB 2788 (Stats. 1998, ch. 1017, § 1), eff. Sept. 30, 1998, operative July 1, 1999; SB 1533 (Stats. 2000, ch. 447, § 9.4); SB 815 (Stats. 2000, ch. 671, § 2), eff. Sept. 26, 2000; AB 299 (Stats. 2007, ch. 130, § 145); AB 227 (Stats. 2007, ch. 383, § 2); SB 1498 (Stats. 2008, ch. 179, § 131).)</p> |
| <p><b>Section 46, Cont'd. [State Finance Provisions]</b><br/> 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</p> | <p><b>Section 46, Cont'd.</b><br/> Section 77202 of the Government Code now reads:</p> <p>(a) The Legislature shall make an annual appropriation to the Judicial Council for the general operations of the trial courts based on the request of the Judicial Council. The Judicial Council's trial court budget request, which shall be submitted to the Governor and the Legislature, shall meet the needs of all trial courts in a manner that ensures a predictable fiscal environment for labor negotiations in accordance with the Trial Court Employment Protection and Governance Act (Chapter 7 (commencing with Section 71600) of Title 8), that promotes equal access to the courts statewide, and that promotes court</p>   |

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 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.

financial accountability. The annual budget request shall include the following components:

(1) Commencing with the 2006-07 fiscal year, annual General Fund appropriations to support the trial courts shall be comprised of both of the following:

(A) The current fiscal year General Fund appropriations, which include all of the following:

- (i) General Fund moneys appropriated for transfer or direct local assistance in support of the trial courts.
- (ii) Transfers to the State Trial Court Improvement and Modernization Fund.
- (iii) Local assistance grants made by the Judicial Council, including the Equal Access Fund.

(iv) The full year cost of budget change proposals approved through the 2006-07 fiscal year or subsequently approved in accordance with paragraph (2), but excluding lease-revenue payments and funding for costs specifically and expressly reimbursed through other state or federal funding sources, excluding the cost of one-time or expiring programs.

(B) A cost-of-living and growth adjustment computed by multiplying the year-to-year percentage change in the state appropriation limit as described in Section 3 of Article XIII B of the California Constitution by the sum of all of the following:

- (i) The current year General Fund appropriations for the trial courts, as defined in subparagraph (A).
- (ii) The amount of county obligations established pursuant to subdivision (b) of Section 77201.1 in effect as of June 30, 2005, six hundred ninety-eight million sixty-eight thousand

(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.

dollars (\$698,068,000).

(iii) The level of funding required to be transferred from the State Trial Court Improvement and Modernization Fund to the Trial Court Trust Fund pursuant to subdivision (k) of Section 77209, thirteen million three hundred ninety-seven thousand dollars (\$13,397,000).

(iv) Funding deposited into the Court Facilities Trust Fund associated with each facility that was transferred to the state not less than two fiscal years earlier than the fiscal year for which the cost-of-living and growth adjustment is being calculated.

(v) The court filing fees and surcharges projected to be deposited into the Trial Court Trust Fund in the 2005-06 fiscal year, adjusted to reflect the full-year implementation of the uniform civil fee structure implemented on January 1, 2006, three hundred sixty-nine million six hundred seventy-two thousand dollars (\$369,672,000).

(2) In addition to the moneys to be applied pursuant to subdivision (b), the Judicial Council may identify and request additional funding for the trial courts for costs resulting from the implementation of statutory changes that result in either an increased level of service or a new activity that directly affects the programmatic or operational needs of the courts.

(b) The Judicial Council shall allocate the funding from the Trial Court Trust Fund 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 allocations to the trial

courts recognize each trial court's implementation of efficiencies and cost-saving measures.

These efficiencies and cost-saving measures shall include, but not be limited to, the following:

(1) The sharing or merger of court support staff among trial courts across counties.

(2) 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.

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

(4) 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.

(5) The use of alternative dispute resolution programs, such as arbitration.

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

(c)(1) The Judicial Council shall adopt policies and procedures 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 and may delegate the adoption to the Administrative Director of the Courts. The Administrative Director of the Courts shall establish budget procedures and an annual schedule of budget development and management consistent with these rules.

(2) The trial court policies and procedures shall specify the process for a court to transfer existing funds between or among the budgeted program components to reflect changes in the

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|  | <p>court's planned operation or to correct technical errors. If the process requires a trial court to request approval of a specific transfer of existing funds, the Administrative Office of the Courts shall review the request to transfer funds and respond within 30 days of receipt of the request. The Administrative Office of the Courts shall respond to the request for approval or denial to the affected court, in writing, with copies provided to the Department of Finance, the Legislative Analyst's Office, the Legislature's budget committees, and the court's affected labor organizations.</p> <p>(3) The Judicial Council shall circulate for comment to all affected entities any amendments proposed to the trial court policies and procedures as they relate to budget monitoring and reporting. Final changes shall be adopted at a meeting of the Judicial Council.</p> <p>(Amended by AB 223 (Stats. 2001, ch. 812, § 22); SB 129 (Stats. 2003, ch. 336, § 1); AB 3082 (Stats. 2004, ch. 183, § 183); SB 1102 (Stats. 2004, ch. 227, § 77), eff. Aug. 16, 2004; SB 1852 (Stats. 2006, ch. 538, § 333); AB 1806 (Stats. 2006, ch. 69, § 16), eff. July 12, 2006; AB 299 (Stats. 2007, ch. 130, § 146); SB 1021 (Stats. 2012, ch. 41, § 55), eff. June 27, 2012.)</p> |
| <p><b>Section 46, Cont'd. [State Finance Provisions]</b><br/> 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.</p> | <p><b>Section 46, Cont'd.</b><br/> Repealed by SB 1021 (Stats. 2012, ch. 41, § 56) and added (Stats. 2012, ch. 41, § 56), section 77203 now reads:</p> <p>(a) Prior to June 30, 2014, a trial court may carry over all unexpended funds from the courts operating budget from the prior fiscal year.</p> <p>(b) Commencing June 30, 2014, a trial court may carry over unexpended funds in an amount not to exceed 1 percent of the</p>   |

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|  | courts operating budget from the prior fiscal year.  |
| <p><b>Section 46, Cont'd. [State Finance Provisions]</b><br/> 77204. (a) The Judicial Council shall have the authority to allocate funds appropriated annually to the State Trial Court Trust Fund for the purpose of paying legal costs resulting from lawsuits or claims arising out of the actions or conduct of a trial court, trial court bench officer, or trial court employee, and for which the state is named as a defendant or alleged to be the responsible party.</p> <p>(b) For the purposes of this section, legal costs are further defined to be (1) the state's portion of any agreement, settlement decree, stipulation, or stipulated 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; (2) the state's portion of any 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 (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.</p> | <p><b>Section 46, Cont'd.</b><br/> Section 77204 of the Government Code now reads:</p> <p>(a) The Judicial Council shall have the authority to allocate funds appropriated annually to the State Trial Court Improvement and Modernization 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.</p> <p>(b) For the purposes of this section, legal costs are defined to be (1) the state's or Judicial Council's portion of any agreement, settlement decree, stipulation, or stipulated judgment; (2) the state's or Judicial Council's portion of any payment required pursuant to a judgment or order; or (3) attorneys' fees, legal assistant fees, and any litigation costs and expenses, including, but not limited to, experts' fees incurred by the state or Judicial Council.</p> <p>(Amended by AB 1301 (Stats. 1998, ch. 146, § 9.5), eff. July 13, 1998; SB 1021 (Stats. 2012, ch. 41, § 58), eff. June 27, 2012.)</p> |
| <p><b>Section 46, Cont'd. [State Finance Provisions]</b><br/> 77205. (a) Notwithstanding any other provision of law, in any</p>  | <p><b>Section 46, Cont'd.</b></p>  |

year in which a county collects and remits fine and forfeiture revenue 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 the Government Code that exceeds the amount specified in paragraph (2) of subdivision (b) of Section 77201, 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, fine and forfeiture revenue shall not include revenue from penalty assessments.

(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 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.

Section 77205 of the Government Code now reads:

77205. (a) Notwithstanding any other provision of law, in any year in which a county collects fee, fine, and forfeiture revenue for deposit into the county general fund pursuant to Sections 1463.001 and 1464 of the Penal Code, 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 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 State Trial Court Improvement and Modernization Fund and 50 percent of the excess deposited into the county general fund. The Judicial Council shall allocate 80 percent of the amount deposited in the State Trial Court Improvement and Modernization Fund pursuant to this subdivision each fiscal year that exceeds the amount deposited in the 2002-03 fiscal year among:

- (1) The trial court in the county from which the revenue was deposited.
- (2) Other trial courts, as provided in paragraph (1) of subdivision (a) of Section 68085.
- (3) For retention in the State Trial Court Improvement and Modernization Fund.

For the purpose of this subdivision, fee, fine, and forfeiture

revenue shall only include revenue 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 State Trial Court Improvement and Modernization Fund.

(c) 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:

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

(Amended by AB 1301 (Stats. 1998, ch. 146, § 1), eff. July 13, 1998; AB 1935 (Stats. 1998, ch. 1004, § 8); SB 940 (Stats. 2003, ch. 275, § 2); AB 145 (Stats. 2005, ch. 75, § 140), eff. July 19, 2005, operative Jan. 1, 2006; SB 1021 (Stats. 2012, ch. 41, § 59), eff. June 27, 2012.)

**Section 46, Cont'd. [State Finance Provisions]**

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.

**Section 46, Cont'd.**

Section 77206 of the Government Code now reads:

77206. (a) Notwithstanding any other law, the Judicial Council may regulate the budget and fiscal management of the trial courts. The Judicial Council, in consultation with the Controller, shall maintain appropriate regulations for recordkeeping and accounting by the courts. The Judicial Council shall seek to ensure, by these provisions, both of the following:

- (1) That the fiscal affairs of the trial courts are managed efficiently, effectively, and responsibly.
- (2) That all moneys collected by the courts, including filing fees, fines, forfeitures, and penalties, and all revenues and expenditures relating to court operations are known.

The Judicial Council may delegate its authority under this section, when appropriate, to the Administrative Director of the Courts.

- (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, 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 and the Judicial Council.
- (d) The Judicial Council shall provide for the transmission of summary information concerning court revenues and

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|  | <p>expenditures to the Controller.</p> <p>(e) The Judicial Council shall adopt rules to provide for reasonable public access to budget allocation and expenditure information at the state and local levels.</p> <p>(f) The Judicial Council shall adopt rules ensuring that, upon written request, the trial courts provide, in a timely manner, information relating to the administration of the courts, including financial information and other information that affects the wages, hours, and working conditions of trial court employees.</p> <p>(g)(1) The Judicial Council or its representatives may do any of the following:</p> <p>(A) Inspect, review, and perform comprehensive oversight and analysis of court financial records wherever they may be located.</p> <p>(B) Investigate allegations of financial impropriety or mismanagement.</p> <p>(2) The authority granted pursuant to this subdivision shall not substitute for, or conflict with, the audits conducted pursuant to subdivisions (h) and (i).</p> <p>(h)(1) Commencing not earlier than July 1, 2011, and not later than December 15, 2012, the entity contracted with pursuant to subdivision (j) shall establish a pilot program to audit six trial courts. That entity shall select the trial courts using the following criteria:</p> <p>(A) Two trial courts selected from counties with a population of 200,000 or less.</p> <p>(B) Two trial courts selected from counties with a population</p> |
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greater than 200,000 and less than 750,000.

(C) Two trial courts selected from counties with a population of 750,000 or greater.

The audits shall be performed in accordance with generally accepted government auditing standards and shall determine the trial court's compliance with governing statutes, rules, and regulations relating to the revenues, expenditures, and fund balances of all material and significant funds, including state General Fund funds, funds generated from fees or fines, federal funds, grants, and any other funds within the trial court's administration or control. The audits required by this section shall be in addition to any audit regularly conducted pursuant to any other provision of law.

(2) Based on the results of the pilot program audits described in paragraph (1), the entity contracted with pursuant to subdivision (j) shall, on or before December 15, 2013, commence an audit of the trial courts, provided that every trial court is audited in the manner prescribed by this section at least once every four years. The audits shall be performed in accordance with generally accepted government auditing standards and shall determine the trial court's compliance with governing statutes, rules, and regulations relating to the revenues, expenditures, and fund balances of all material and significant funds, including state General Fund funds, funds generated from fees or fines, federal funds, grants, or any other funds within the trial court's administration or control. The audits required by this paragraph shall be in addition to any audit regularly conducted pursuant to any other provision of law.

(3) Notwithstanding Section 10231.5, the auditing entity shall compile the trial court audit findings and report the results of

these audits to the Legislature, the Judicial Council, and the Department of Finance no later than April 1 of each year. An audit report shall not be considered final until the audited entity is provided a reasonable opportunity to respond and the response is included with, or incorporated into, the report.

(4) The reasonable and necessary contracted cost of the audit conducted pursuant to this subdivision shall be paid from funds of the local trial court being audited.

(i)(1) On or before December 15, 2013, and biennially thereafter, the entity contracted with pursuant to subdivision (j) shall perform an audit of the Administrative Office of the Courts in accordance with generally accepted government auditing standards and shall determine the Administrative Office of the Court's compliance with governing statutes, rules, regulations, and policies relating to the revenues, expenditures, and fund balances of all material and significant funds under the administration, jurisdiction, or control of the Administrative Office of the Courts.

(2) Notwithstanding Section 10231.5, the auditing entity shall provide a copy of the final audit report of the Administrative Office of the Courts to the Legislature, the Judicial Council, and the Department of Finance upon issuance. An audit report shall not be considered final until the audited entity is provided a reasonable opportunity to respond and the response is included with, or incorporated into, the report.

(3) Any reasonable and necessary contracted costs incurred by the auditing entity pursuant to this subdivision shall be reimbursed by the Administrative Office of the Courts.

(j) The Administrative Office of the Courts shall contract with the Controller to perform the audits described in subdivisions

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|   | <p>(h) and (i), unless either the Bureau of State Audits or the Department of Finance demonstrates that it can perform the audits pursuant to the same timeframes, scope, and methodology as the Controller for a cost that is less than that proposed by the Controller. In that case, the Administrative Office of the Courts may contract with the state entity named in this subdivision that is most cost effective. The Administrative Office of the Courts shall provide written notification to the chairs of the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Budget, and the Senate and Assembly Committees on Judiciary, if the Administrative Office of the Courts contracts with an entity other than the Controller. The contract period for any contract entered into pursuant to this section shall not exceed four years from the date of commencement.</p> <p>(k) A report submitted pursuant to subdivision (h) or (i) shall be submitted in compliance with Section 9795.</p> <p>(Amended by AB 2459 (Stats. 2000, ch. 969, § 1); AB 223 (Stats. 2001, ch. 812, § 23); SB 857 (Stats. 2010, ch. 720, § 28), eff. Oct. 19, 2010; SB 78 (Stats. 2011, ch. 10, § 4), eff. Mar. 24, 2011; SB 92 (Stats. 2011, ch. 36, § 17), eff. June 30, 2011.)</p> |
| <p><b>Section 46, Cont'd. [State Finance Provisions]</b><br/> 77207. The Legislature shall appropriate trial court funding. The Controller shall apportion trial court funding payments to the courts pursuant to an allocation schedule adopted by the Judicial Council in four quarterly installments. Beginning in the 1997–98 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</p> | <p><b>Section 46, Cont'd.</b><br/> Section 77207 of the Government Code now reads:</p> <p>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.</p> <p>(Amended by AB 1301 (Stats. 1998, ch. 146, § 11), eff. July 13, 1998.)</p>  |

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| <p>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.</p>  |   |
| <p><b>Section 46, Cont'd. [State Finance Provisions]</b><br/> 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.</p>   | <p><b>Section 46, Cont'd.</b><br/> Repealed by AB 1700 (Stats. 2001, ch. 824, § 34).</p>  |
| <p><b>Section 46, Cont'd. [State Finance Provisions]</b><br/> 77209. (a) There is in the State Treasury the Trial Court Improvement Fund.</p> <p>(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:</p> <p>(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.</p> <p>(2) Up to one-quarter of 1 percent of the total 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.</p> <p>(3) Up to one-quarter of 1 percent of the total appropriation for</p> | <p><b>Section 46, Cont'd.</b><br/> Section 77209 of the Government Code now reads:</p> <p>77209. (a) There is in the State Treasury the State Trial Court Improvement and Modernization Fund. The State Trial Court Improvement and Modernization Fund is the successor fund of the Trial Court Improvement Fund and the Judicial Administration Efficiency and Modernization Fund. All assets, liabilities, revenues, and expenditures of the Trial Court Improvement Fund and the Judicial Administration Efficiency and Modernization Fund shall be transferred to and become a part of the State Trial Court Improvement and Modernization Fund. Any reference in state law to the Trial Court Improvement Fund or the Judicial Administration Efficiency and Modernization Fund shall be construed to refer to the State Trial Court Improvement and Modernization Fund.</p> <p>(b) Any funds in the State Trial Court Improvement and Modernization Fund that are unencumbered at the end of the fiscal year shall be reappropriated to the State Trial Court</p> |

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 77205 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 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

Improvement and Modernization Fund for the following fiscal year.

(c) Moneys deposited in the State Trial Court Improvement 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 (d).

(d) Moneys deposited in the State Trial Court Improvement and Modernization Fund may be disbursed for purposes of this section.

(e) Moneys deposited in the State Trial Court Improvement and Modernization Fund pursuant to Section 68090.8 shall be allocated by the Judicial Council for automated administrative system improvements pursuant to that section and in furtherance of former Rule 991 of the California Rules of Court, as it read on July 1, 1996. As used in this subdivision, “automated administrative system” does not include electronic reporting systems for use in a courtroom.

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

(g) Notwithstanding other provisions of this section, the 2-percent automation fund moneys deposited in the State Trial Court Improvement and Modernization Fund pursuant to Section 68090.8 shall be allocated by the Judicial Council to

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.

statewide initiatives related to trial court automation and their implementation. 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, “2-percent automation fund” means the fund established pursuant to Section 68090.8 as it read on June 30, 1996. As used in this subdivision, “statewide initiatives related to trial court automation and their implementation” does not include electronic reporting systems for use in a courtroom.

(h) Royalties received from the publication of uniform jury instructions shall be deposited in the State Trial Court Improvement and Modernization Fund and used for the improvement of the jury system.

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

(j) Each fiscal year, the Controller shall transfer thirteen million three hundred ninety-seven thousand dollars (\$13,397,000) from the State Trial Court Improvement and Modernization Fund to the Trial Court Trust Fund for allocation to trial courts for court operations.

(Amended by AB 1301 (Stats. 1998, ch. 146, § 12), eff. July 13, 1998; AB 1700 (Stats. 2001, ch. 824, § 35); AB 1710 (Stats. 2003, ch. 365, § 3); AB 145 (Stats. 2005, ch. 75, § 142), eff. July 19, 2005, operative Jan. 1, 2006; AB 1742 (Stats. 2005, ch. 706, § 34); AB 1806 (Stats. 2006, ch. 69, § 17), eff. July 12, 2006; AB 299 (Stats. 2007, ch. 130, § 148); SB 1021 (Stats. 2012, ch. 41, § 60), eff. June 27, 2012.)

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| <p><b>Section 46, Cont'd. [State Finance Provisions]</b><br/> 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.</p> <p>(b) No judge shall have any salary or benefits reduced solely by reason of the enactment of this section.</p>  | <p><b>Section 46, Cont'd.</b><br/> No amendment.</p>   |
| <p><b>Section 46, Cont'd. [State Finance Provisions]</b><br/> 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 in this section.</p> | <p><b>Section 46, Cont'd.</b><br/> No amendment.</p>   |
| <p><b>Section 46, Cont'd. [State Finance Provisions]</b><br/> 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</p>  | <p><b>Section 46, Cont'd.</b><br/> Section 77212 of the Government Code now reads:<br/> 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</p> |

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 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 (c) of Section 77201.

(b) In 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 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 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

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 fiscal year 1994-95, the court may seek adjustment of the amount the county is required to submit to the state pursuant Section 77201.

(b) In 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 available from the county or other entities that provide the service. 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 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

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 (b), 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 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.

For any contract entered into after January 1, 2002, the amount of any indirect or overhead costs shall be individually stated in any contract together with the method of calculation of the indirect or overhead costs. This amount shall not contain items that are not otherwise allowable court operations. The Judicial Council may audit the county figures to ensure compliance with this section and to determine the reasonableness of the figures.

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

(Amended by AB 1301 (Stats. 1998, ch. 146, § 13), eff. July 13, 1998; AB 1590 (Stats. 1998, ch. 406, § 7), eff. Aug. 26, 1998; AB 1935 (Stats. 1998, ch. 1004, § 10); SB 1533 (Stats. 2000, ch. 447, § 10); AB 223 (Stats. 2001, ch. 812,

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|  | § 24.)  |
| <p><b>Section 46, Cont'd. [State Finance Provisions]</b><br/> 77213. (a) There is in the State Treasury the Judicial Administration Efficiency and Modernization Fund.</p> <p>(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 are not limited to, the following:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> | <p><b>Section 46, Cont'd.</b><br/> Repealed by SB 1021 (Stats. 2012, ch. 41, § 61), eff. June 27, 2012. [See also Government Code section 77209.]</p> |

(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 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

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| <p>year.</p> <p>(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).</p> <p>(f) Money deposited in the Judicial Administration Efficiency and Modernization Fund may be disbursed for purposes of this section.</p> |   |
| <p><b>SECTION 47 [Repeal State Block Grant Funding]</b><br/>Article 4 (commencing with Section 77300) of Chapter 13 of Title 8 of the Government Code is repealed.</p>  | <p><b>SECTION 47</b></p>  |
| <p><b>SECTION 48 [Task Forces on Trial Court Employees and Court Facilities]</b><br/>Chapter 14 (commencing with Section 77600) is added to Title 8 of the Government Code, to read:<br/>Chapter 14. Trial Court Funding and Improvement Act of 1997</p>  | <p><b>SECTION 48</b><br/>No new sections added to this chapter of the Government Code after enactment of AB 233.</p>                                |
| <p><b>Section 48, cont'd. [Task Force on Trial Court Employees]</b><br/>Article 1. The Task Force on Trial Court Employees</p>  | <p><b>Section 48, cont'd.</b><br/>No new sections added to this article of the Government Code after enactment of AB 233.</p>                       |
| <p><b>Section 48, cont'd. [Task Force on Trial Court Employees]</b><br/>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.</p>   | <p><b>Section 48, cont'd.</b><br/>No amendment.</p>   |
| <p><b>Section 48, cont'd. [Task Force on Trial Court Employees]</b><br/>77601. The task force shall be comprised of the following members:</p>  | <p><b>Section 48, cont'd.</b><br/>Section 77601 of the Government Code now reads:<br/>77601. The task force shall be comprised of the following</p> |

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| <p>(a) Four representatives of trial courts, appointed by the Chief Justice, representing two urban, one suburban, and one rural courts.</p> <p>(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.</p> <p>(c) Three representatives appointed by the Senate Rules Committee, at least two of whom shall represent trial court employee organizations.</p> <p>(d) Three representatives appointed by the Speaker of the Assembly, at least two of whom shall represent trial court employee organizations.</p> <p>(e) The Director of the Department of Personnel Administration or his or her representative.</p> <p>(f) The Chief Executive Officer of PERS or his or her representative.</p> <p>(g) The Director of Finance or his or her representative.</p> <p>(h) The Chief Justice shall designate a justice of the court of appeal as nonvoting chairperson.</p> | <p>members:</p> <p>(a) Four representatives of trial courts, appointed by the Chief Justice, representing two urban, one suburban, and one rural courts.</p> <p>(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.</p> <p>(c) Three representatives appointed by the Senate Rules Committee, at least two of whom shall represent trial court employee organizations.</p> <p>(d) Three representatives appointed by the Speaker of the Assembly, at least two of whom shall represent trial court employee organizations.</p> <p>(e) The Director of the Department of Human Resources or his or her representative.</p> <p>(f) The Chief Executive Officer of PERS or his or her representative.</p> <p>(g) The Director of Finance or his or her representative.</p> <p>(h) The Chief Justice shall designate a justice of the court of appeal as nonvoting chairperson.</p> <p>(Amended by Gov.Reorg.Plan No. 1 of 2011, § 186, eff. Sept. 9, 2011, operative July 1, 2012, to reflect change from “Department of Personnel Administration” to “California Department of Human Resources.”)</p> |
| <p><b>Section 48, cont’d. [Task Force on Trial Court Employees] 77602.</b> The Judicial Council shall provide staff support for the task force and shall develop guidelines for procedures and</p>  | <p><b>Section 48, cont’d.</b><br/>Section 77602 of the Government Code now reads:</p>  |

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| <p>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.</p>  | <p>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 Human Resources, 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.</p> <p>(Amended by Gov.Reorg.Plan No. 1 of 2011, § 186, eff. Sept. 9, 2011, operative July 1, 2012, to reflect change from “Department of Personnel Administration” to “California Department of Human Resources.”)</p> |
| <p><b>Section 48, cont’d. [Task Force on Trial Court Employees]</b><br/> 77603. The duties of the task force shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>(a) Complete a survey of all trial courts regarding court employee status, classification, and salary.</li> <li>(b) Document the local retirement systems in which trial court employees are members and the terms of the systems, and identify future retirement options.</li> <li>(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.</li> <li>(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.</li> </ul> | <p><b>Section 48, cont’d.</b><br/> No amendment.</p>   |

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| <p>(e) Document existing constitutional, statutory, and other provisions relating to classification, compensation, and benefits of court employees.</p> <p>(f) Identify functions relating to trial courts that are provided by county employees.</p> <p>(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 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.</p> <p>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.</p> <p>(h) Prepare a method for submitting the issue of employment status to an advisory vote of trial court employees in each county.</p> <p>(i) Recommend a personnel structure for trial court employees.</p> |  |
| <p><b>Section 48, cont'd. [Task Force on Trial Court Employees]</b><br/> 77604. (a) The task force shall be appointed by October 1, 1997.</p> <p>(b) The task force shall meet and establish its operating</p>   | <p><b>Section 48, cont'd.</b><br/> Section 77604 of the Government Code now reads:<br/> 77604. (a) The task force shall be appointed by October 1, 1997.</p> |

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| <p>procedures on or before January 1, 1998.</p> <p>(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.</p> <p>(d) The task force shall submit a final report to the above on or before June 1, 1999.</p>  | <p>(b) The task force shall meet and establish its operating procedures on or before January 1, 1998.</p> <p>(Amended by SB 1191 (Stats. 2001, ch. 745, § 116, eff. Oct. 12, 2001.)</p>  |
| <p><b>Section 48, cont'd. [Task Force on Trial Court Employees]</b></p> <p>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 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.</p> <p>(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.</p> <p>(c) Nothing herein is intended to prejudice or compel a finding by the task force that court or county or state employment is preferred.</p> | <p><b>Section 48, cont'd.</b></p> <p>Section 77605 of the Government Code now reads:</p> <p>77605. (a) 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.</p> <p>(b) Nothing in this chapter is intended to prejudice or compel a finding by the task force that court or county or state employment is preferred.</p> <p>(c) No provision of this article is intended to reduce judicial or court employee salary or benefits.</p> <p>(d) No provision of this chapter shall be deemed to affect the current employment status of, or reduce benefits for, any peace officer involved in court operations.</p> <p>(Amended by Stats.2001, c. 745 (S.B.1191), § 117, eff. Oct. 12, 2001.)</p> |

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| <p>(d) No provision of this article is intended to reduce judicial or court employee salary or benefits.</p> <p>(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.</p>   |   |
| <p><b>Section 48, cont'd. [Task Force on Court Employees]</b><br/>77606. The recommendations of the task force shall take effect only upon subsequent action of the Legislature.</p>   | <p><b>Section 48, cont'd.</b><br/>No amendment.</p>   |
| <p><b>Section 48, cont'd. [Task Force on Court Facilities]</b><br/>Article 2. The Task Force on Court Facilities</p>   | <p><b>Section 48, cont'd.</b><br/>No new sections added to this article of the Government Code since the enactment of AB 233.</p> |
| <p><b>Section 48, cont'd. [Task Force on Court Facilities]</b><br/>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.</p>  | <p><b>Section 48, cont'd.</b><br/>No amendment.</p>   |
| <p><b>Section 48, cont'd. [Task Force on Trial Court Facilities]</b><br/>77651. The task force shall be composed of 18 members, appointed as follows:</p> <p>(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.</p> <p>(b) Six members appointed by the Governor from a list of</p> | <p><b>Section 48, cont'd.</b><br/>No amendment.</p>   |

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| <p>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.</p> <p>(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).</p> <p>(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).</p> <p>(e) The Director of General Services and the Director of Finance.</p> <p>(f) The Chief Justice shall designate one of these representatives as the chairperson of the task force.</p> |   |
| <p><b>Section 48, cont'd. [Task Force on Trial Court Facilities]</b><br/>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.</p>   | <p><b>Section 48, cont'd.</b><br/>No amendment.</p> |
| <p><b>Section 48, cont'd. [Task Force on Trial Court Facilities]</b><br/>77653. The duties of the task force shall include all of the following:</p>   | <p><b>Section 48, cont'd.</b><br/>No amendment.</p> |

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| <p>(a) Document the state of existing court facilities.</p> <p>(b) Document the need for new or modified court facilities and the extent to which current court facilities are fully utilized.</p> <p>(c) Document the funding mechanisms currently available for maintenance, operation, construction, and renovation of court facilities.</p> <p>(d) Examine existing standards for court facility construction.</p> <p>(e) Document the impacts of state actions on court facilities and other state and local justice system facilities.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(i) Recommend funding sources and financing mechanisms for support of court facilities and facility maintenance.</p> |   |
| <p><b>Section 48, cont'd. [Task Force on Trial Court Facilities]</b><br/> 77654. (a) The task force shall be appointed on or before October 1, 1997.</p>   | <p><b>Section 48, cont'd.</b><br/> 77654 of the Government Code now reads:<br/> 77654. (a) The task force shall be appointed on or before</p> |

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

(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.

(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 interim report on or before July 1, 1999. 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) The impact which creating additional judgeships has upon court facility and other justice system facility needs.
- (2) The effects which trial court coordination and consolidation have upon court and justice system facilities needs.
- (3) 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:

October 1, 1997.

(b) The task force shall meet and establish its operating procedures on or before 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, and shall 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 second interim report on or before January 1, 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.
- (4) The impact which creating additional judgeships has upon court facility and other justice system facility needs.
- (5) The effects which trial court coordination and consolidation have upon court and justice system facilities needs.
- (6) Administrative and operational changes which can reduce or mitigate the need for added court or justice system facilities.
- (7) Recommendations for specific funding responsibilities among the entities of government including full state

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

responsibility, full county responsibility, or shared responsibility.

- (8) A proposed transition plan if responsibility is to be changed.
- (9) Recommendations regarding funding sources for court facilities and funding mechanisms to support court facilities.
- (e) 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.
- (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 December 31, 2002, inclusive, 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 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

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| <p>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.</p>  | <p>from January 1, 1998, to December 31, 2002, inclusive.<br/>(Amended by 1301 (Stats.1998, ch. 146, § 14), eff. July 13, 1998; AB 1935 (Stats.1998, ch. 1004, § 11); SB 1191 (Stats. 2001, ch. 745, § 118), eff. Oct. 12, 2001; AB 1549 (Stats.2001, ch. 852, § 1, eff. Oct. 13, 2001.)</p>   |
| <p><b>Section 48, cont'd. [Task Force on Trial Court Facilities]</b><br/>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.</p>   | <p><b>Section 48, cont'd.</b><br/>No amendment.</p>  |
| <p><b>SECTION 48.5<sup>10</sup> [Data on Criminal Cases]</b><br/>Section 1170.45 is added to the Penal Code, to read:<br/><br/>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 to appropriate funds to the Judicial Council for this purpose.</p> | <p><b>SECTION 48.5</b><br/>No amendment.</p>   |
| <p><b>SECTION 49 [Imposition and Collection of Criminal Fines]</b><br/>Section 1463.001 of the Penal Code is amended to read:<br/><br/>1463.001. &lt;* * * &gt;&lt;Except as otherwise provided in this section, a&gt;ll 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</p>                                     | <p><b>SECTION 49</b><br/>Section 1463.001 of the Penal Code now reads:<br/><br/>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</p> |

<sup>10</sup> As chaptered, AB 233 does not include any sections between 48 and 48.5.

finances 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) < \* \* \* > < B > ase 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, 1977, 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) B > ase 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, t > he remainder of base fines resulting from city arrests shall be divided between each city < \* \* \* > < and county >, with 50 percent deposited to the < \* \* \* > < county's g > eneral < f > und, and 50 percent deposited to the treasury of the appropriate

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.

(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, base fines resulting from city arrests not included in paragraph (1) shall be deposited into the proper funds of the county.

(c) Each county shall keep a record of its deposits to its treasury

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| <p>city&lt;, and thereafter the remainder of base fines resulting from city arrests shall be deposited to the treasury of the appropriate city&gt;.</p> <p>&lt;(4)&gt; 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 shall be deposited to the General Fund, and 50 percent shall be deposited into the proper funds of the county.</p> <p>(c) Each county shall keep a record of its deposits to its treasury and its transmittal to each city treasury pursuant to this section&lt; * * *&gt;.</p> <p>&lt;* * *&gt;</p> <p>&lt;(d)&gt; 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.</p> <p>&lt;(e)&gt; 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.</p> | <p>and its transmittal to each city treasury pursuant to this section.</p> <p>(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.</p> <p>(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.</p> <p>(Amended by AB 1301 (Stats. 1998, ch. 146, § 14.5), eff. July 13, 1998.)</p> |
| <p><b>SECTION 50 [Imposition and Collection of Criminal Fines]</b><br/>Section 1463.003 of the Penal Code is repealed.</p>  | <p><b>SECTION 50</b></p>  |
| <p><b>SECTION 51 [Imposition and Collection of Criminal Fines]</b><br/>Section 1463.005 of the Penal Code is amended to read:</p> <p>1463.005. Notwithstanding Section 1463.001, in a county subject to Section 77202.5 of the Government Code, of base</p>   | <p><b>SECTION 51</b><br/>No amendment.</p>  |

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| <p>finest 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, &lt;75&gt; percent shall be deposited in the proper funds of the county&lt; * * *&gt;.</p>   |  |
| <p><b>SECTION 52 [Imposition and Collection of Criminal Fines]</b><br/> Section 1463.007 of the Penal Code is amended to read:</p> <p>1463.007. Notwithstanding any other provision of law, any county or court that implements or has implemented a comprehensive program to identify and collect fines and forfeitures which have not been paid after 60 days from the date on which they were due and payable, 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 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:</p> <p>(a) Monthly bill statements to all debtors.</p> | <p><b>SECTION 52</b><br/> Repealed by AB 367 (Stats. 2007, ch. 132), a different version of section 1463.007, also related to collection programs, now reads:</p> <p>1463.007. (a) Notwithstanding any other provision of law, any county or court that operates a comprehensive collection program may deduct the costs of operating that program, excluding capital expenditures, from any revenues collected under that program. The costs shall be deducted before any distribution of revenues to other governmental entities required by any other provision of law. Any county or court operating a comprehensive collection program may establish a minimum base fee, fine, forfeiture, penalty, or assessment amount for inclusion in the program.</p> <p>(b) Once debt becomes delinquent, it continues to be delinquent and may be subject to collection by a comprehensive collection program. Debt is delinquent and subject to collection by a comprehensive collection program if any of the following conditions is met:</p> <p>(1) A defendant does not post bail or appear on or before the date on which he or she promised to appear, or any lawful continuance of that date, if that defendant was eligible to post</p> |

- (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.

<\* \* \*>

and forfeit bail.

(2) A defendant does not pay the amount imposed by the court on or before the date ordered by the court, or any lawful continuance of that date.

(3) A defendant has failed to make an installment payment on the date specified by the court.

(c) For the purposes of this section, a “comprehensive collection program” is a separate and distinct revenue collection activity that meets each of the following criteria:

(1) The program identifies and collects amounts arising from delinquent court-ordered debt, whether or not a warrant has been issued against the alleged violator.

(2) The program complies with the requirements of subdivision (b) of Section 1463.010.

(3) The program engages in each of the following activities:

(A) Attempts telephone contact with delinquent debtors for whom the program has a phone number to inform them of their delinquent status and payment options.

(B) Notifies delinquent debtors for whom the program has an address in writing of their outstanding obligation within 95 days of delinquency.

(C) Generates internal monthly reports to track collections data, such as age of debt and delinquent amounts outstanding.

(D) Uses Department of Motor Vehicles information to locate delinquent debtors.

(E) Accepts payment of delinquent debt by credit card.

(4) The program engages in at least five of the following

activities:

(A) Sends delinquent debt to the Franchise Tax Board's Court-Ordered Debt Collections Program.

(B) Sends delinquent debt to the Franchise Tax Board's Interagency Intercept Collections Program.

(C) Initiates driver's license suspension or hold actions when appropriate.

(D) Contracts with one or more private debt collectors to collect delinquent debt.

(E) Sends monthly bills or account statements to all delinquent debtors.

(F) Contracts with local, regional, state, or national skip tracing or locator resources or services to locate delinquent debtors.

(G) Coordinates with the probation department to locate debtors who may be on formal or informal probation.

(H) Uses Employment Development Department employment and wage information to collect delinquent debt.

(I) Establishes wage and bank account garnishments where appropriate.

(J) Places liens on real property owned by delinquent debtors when appropriate.

(K) Uses an automated dialer or automatic call distribution system to manage telephone calls.

(d) This section shall become operative on July 1, 2012.

(Added by SB 857 (Stats. 2010, ch. 720, § 31), operative July 1, 2012.)

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| <p><b>SECTION 53 [Imposition and Collection of Criminal Fines]</b><br/>Section 1463.009 of the Penal Code is amended to read:</p> <p>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 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:</p> <p>(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.</p> <p>(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.</p> <p>(c) The balance of the amount collected shall be deposited pursuant to Section 1463.</p> <p>&lt;* * *&gt;</p> | <p><b>SECTION 53</b><br/>No amendment.</p>                                 |
| <p><b>SECTION 54 [Imposition and Collection of Criminal Fines]</b><br/>Section 1463.010 is added to the Penal Code, to read:</p>  | <p><b>SECTION 54</b><br/>Section 1463.010 of the Penal Code now reads:</p> |

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.

The uniform imposition and enforcement of court-ordered debts are recognized as an important element of California's judicial system. Prompt, efficient, and effective imposition and collection of court-ordered fees, fines, forfeitures, penalties, restitution, and assessments ensure the appropriate respect for court orders. The California State Association of Counties and the Administrative Office of the Courts are jointly committed to identifying, improving, and seeking to expand access to mechanisms and tools that will enhance efforts to collect court-ordered debt. To provide for this prompt, efficient, and effective collection:

(a) The Judicial Council shall adopt guidelines for a comprehensive program concerning the collection of moneys owed for fees, fines, forfeitures, penalties, and assessments imposed by court order. As part of its guidelines, the Judicial Council may establish standard agreements for entities to provide collection services. As part of its guidelines, the Judicial Council shall include provisions that promote competition by and between entities in providing collection services to courts and counties. The Judicial Council may delegate to the Administrative Director of the Courts the implementation of the aspects of this program to be carried out at the state level.

(b) The courts and counties shall maintain the collection program that was in place on January 1, 1996, unless otherwise agreed to in writing 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. In carrying out this collection program, each superior court and county shall develop a cooperative plan to implement the Judicial Council guidelines. In the event that a court and a

county are unwilling or unable to enter into a cooperative plan pursuant to this section, prior to the arbitration procedures required by subdivision (e) of Section 1214.1, the court or the county may request the continuation of negotiations with mediation assistance as mutually agreed upon and provided by the Administrative Director of the Courts and the California State Association of Counties.

(c) The Judicial Council shall develop performance measures and benchmarks to review the effectiveness of the cooperative superior court and county collection programs operating pursuant to this section. Each superior court and county shall jointly report to the Judicial Council, as provided by the Judicial Council, information requested in a reporting template on or before September 1, 2009, and annually thereafter. The Judicial Council shall report to the Legislature on December 31, 2009, and annually thereafter, on all of the following:

(1) The extent to which each court or county is following best practices for its collection program.

(2) The performance of each collection program.

(3) Any changes necessary to improve performance of collection programs statewide.

(d) The Judicial Council may, when the efficiency and effectiveness of the collection process may be improved, facilitate a joint collection program between superior courts, between counties, or between superior courts and counties.

(e) The Judicial Council may establish, by court rule, a program providing for the suspension and nonrenewal of a business and professional license if the holder of the license has unpaid fees, fines, forfeitures, penalties, and assessments imposed upon them under a court order. The Judicial Council may provide

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|  | <p>that some or all of the superior courts or counties participate in the program. Any program established by the Judicial Council shall ensure that the licensee receives adequate and appropriate notice of the proposed suspension or nonrenewal of his or her license and has an opportunity to contest the suspension or nonrenewal. The opportunity to contest may not require a court hearing.</p> <p>(f) Notwithstanding any other provision of law, the Judicial Council, after consultation with the Franchise Tax Board with respect to collections under Section 19280 of the Revenue and Taxation Code, may provide for an amnesty program involving the collection of outstanding fees, fines, forfeitures, penalties, and assessments, applicable either statewide or within one or more counties. The amnesty program shall provide that some or all of the interest or collections costs imposed on outstanding fees, fines, forfeitures, penalties, and assessments may be waived if the remaining amounts due are paid within the amnesty period.</p> <p>(Amended by SB 940 (Stats. 2003, ch. 275, § 3); AB 3082 (Stats. 2004, ch. 183, § 272); AB 367 (Stats. 2007, ch. 132, § 3); SB 1407 (Stats. 2008, ch. 311, § 28).)</p> |
| <p><b>SECTION 55</b> <i>[Imposition and Collection of Criminal Fines]</i><br/>Section 1463.01 of the Penal Code is repealed.</p>   | <p><b>SECTION 55</b></p>  |
| <p><b>SECTION 56</b> <i>[Imposition and Collection of Criminal Fines]</i><br/>Section 1463.07 is added to the Penal Code, to read:</p> <p>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</p> | <p><b>SECTION 56</b><br/>No amendment.</p>  |

processing fee in the amount of ten dollars (\$10) shall be collected from each person cited and released by any peace officer in 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.

**SECTION 57 [Imposition and Collection of Criminal Fines]**

Section 1464 of the Penal Code is amended to read:

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

**SECTION 57**

Section 1464 of the Penal Code now reads:

1464. (a)(1) Subject to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, and except as otherwise provided in this section, there shall be levied a state penalty in the amount of ten dollars (\$10) for every ten dollars (\$10), or part of ten dollars (\$10), upon every fine, penalty, or forfeiture imposed and collected by the courts for all 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.

(2) Any bail schedule adopted pursuant to Section 1269b or bail schedule adopted by the Judicial Council pursuant to Section 40310 of the Vehicle Code may include the necessary amount to pay the penalties established by this section and Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, and the surcharge authorized by Section 1465.7, for all matters where a personal appearance is not mandatory and the

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 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 g>eneral <f>und. 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

bail is posted primarily to guarantee payment of the fine.

(3) The penalty imposed by this section does not apply to the following:

(A) Any restitution fine.

(B) Any penalty authorized by Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code.

(C) Any parking offense subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

(D) The state surcharge authorized by Section 1465.7.

(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 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

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

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

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.

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. Notwithstanding any other provision of law, the funds

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|   | <p>transferred into the Traumatic Brain Injury Fund for the 1997-98, 1998-99, and 1999-2000 fiscal years, may be expended by the State Department of Mental Health, in the current fiscal year or a subsequent fiscal year, to provide additional funding to the existing projects funded by the Traumatic Brain Injury Fund, to support new projects, or to do both.</p> <p>(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.</p> <p>(Amended by AB 1492 (Stats. 1999, ch. 1023, § 1); AB 1053 (Stats. 2000, ch. 248, § 1), eff. Aug. 28, 2000; SB 425 (Stats. 2007, ch. 302, § 17).)</p> |
| <p><b>SECTION 58 [Fees]</b></p> <p>Section 11205.1 is added to the Vehicle Code, to read:</p> <p>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.</p> | <p><b>SECTION 58</b></p> <p>Section 11205.1 of the Vehicle Code now reads:</p> <p>11205.1. Until January 1, 2013, the fee authorized in subdivision (d) of Section 11205.2, and after January 1, 2013, the fee authorized in subdivision (c) of Section 11205.2, 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 41501 or 42005.</p> <p>(Amended by AB 2499 (Stats. 2010, ch. 599, § 6).)</p>   |
| <p><b>SECTION 59 [Fees]</b></p> <p>Section 42007 of the Vehicle Code is amended to read:</p> <p>42007. (a) The clerk of the court shall collect a fee from every</p>  | <p><b>SECTION 59</b></p> <p>Section 42007 of the Vehicle Code now reads:</p> <p>(a)(1) The clerk of the court shall collect a fee from every</p>  |

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”

person who is ordered or permitted to attend a traffic violator school pursuant to Section 41501 or 42005 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 Bail and Penalty 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 a traffic violator school.

(2) The clerk may accept from a defendant who is ordered or permitted to attend traffic violator school a payment of at least 10 percent of the fee required by paragraph (1) upon filing a written agreement by the defendant to pay the remainder of the fee according to an installment payment schedule of no more than 90 days as agreed upon with the court. The Judicial Council shall prescribe the form of the agreement for payment of the fee in installments. When the defendant signs the Judicial Council form for payment of the fee in installments, the court shall continue the case to the date in the agreement to complete payment of the fee and submit the certificate of completion of traffic violator school to the court. The clerk shall collect a fee of up to thirty-five dollars (\$35) to cover administrative and clerical costs for processing an installment payment of the traffic violator school fee under this paragraph.

(3) If a defendant fails to make an installment payment of the

includes, but is not limited to, any program of traffic safety instruction the successful 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.

fee according to an installment agreement, the court may convert the fee to bail, declare it forfeited, and report the forfeiture as a conviction under Section 1803. The court may also charge a failure to pay under Section 40508 and impose a civil assessment as provided in Section 1214.1 of the Penal Code or issue an arrest warrant for a failure to pay. For the purposes of reporting a conviction under this subdivision to the department under Section 1803, the date that the court declares the bail forfeited shall be reported as the date of conviction.

(b) 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 and, as may be applicable, distributed as follows:

(1) 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) In any county that has established a Maddy Emergency Medical Services Fund pursuant to Section 1797.98a of the Health and Safety Code, an amount equal to the sum of each two dollars (\$2) for every seven dollars (\$7) that would have been collected pursuant to Section 76000 of the Government Code and, commencing January 1, 2009, an amount equal to the sum of each two dollars (\$2) for every ten dollars (\$10) that would have been collected pursuant to Section 76000.5 of the Government Code with respect to those counties to which that section is applicable shall be deposited in that fund. Nothing in the act that added this paragraph shall be interpreted in a manner that would result in either of the following:

(A) The utilization of penalty assessment funds that had been set aside, on or before January 1, 2000, to finance debt service

on a capital facility that existed before January 1, 2000.

(B) The reduction of the availability of penalty assessment revenues that had been pledged, on or before January 1, 2000, as a means of financing a facility which was approved by a county board of supervisors, but on January 1, 2000, is not under construction.

(3) The amount of the fee that is attributable to Section 70372 of the Government Code shall be transferred pursuant to subdivision (f) of that section.

(c) 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.

(d) 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. One conviction in any 18-month period will be held confidential and not show on your driving record if you complete a traffic violator school program.

(e) Notwithstanding any other provision of law, a county that has established a Maddy Emergency Medical Services Fund pursuant to Section 1797. 98a of the Health and Safety Code shall not be held liable for having deposited into the fund, prior to January 1, 2009, an amount equal to two dollars (\$2) for every ten dollars (\$10) that would have been collected pursuant

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|   | <p>to Section 76000.5 of the Government Code from revenues derived from traffic violator school fees collected pursuant to this section.</p> <p>(Amended by SB 623 (Stats. 1999, ch. 679, § 2); SB 256 (Stats. 2003, ch. 592, § 26); SB 111 (Stats. 2004, ch. 193, § 201); AB 1248 (Stats. 2007, ch. 738, § 54); AB 3076 (Stats. 2008, ch. 511, § 1), eff. Sept. 28, 2008; AB 2499 (Stats. 2010, ch. 599, § 16); SB 857 (Stats. 2010, ch. 720, § 37), eff. Oct. 19, 2010; SB 565 (Stats. 2011, ch. 341, § 6).)</p>  |
| <p><b>SECTION 60 [Fees]</b><br/> Section 42007.1 is added to the Vehicle Code, to read:</p> <p>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).</p> <p>(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.</p> | <p><b>SECTION 60</b><br/> Section 42007.1 of the Vehicle Code now reads:</p> <p>(a) The amount 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 a forty-nine-dollar (\$49) fee, and a fee determined by the department to be sufficient to defray the cost of routine monitoring of traffic violator school instruction pursuant to subdivision (c) of Section 11208, and a fee, if any, established by the court pursuant to subdivision (c) of Section 11205.2 to defray the costs incurred by a traffic assistance program.</p> <p>(b) Notwithstanding subdivision (b) of Section 42007, the revenue from the forty-nine-dollar (\$49) fee collected under this section shall be deposited in the county general fund. Fifty-one percent of the amount collected under this section and deposited into the county general fund shall be transmitted therefrom monthly to the Controller for deposit in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5 of the Government Code.</p> |

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|   | <p>(c) The fee assessed pursuant to subdivision (c) of Section 11208 shall be allocated to the department to defray the costs of monitoring traffic violator school instruction.</p> <p>(Added by AB 233 (Stats. 1997, ch. 850, § 60). Amended by SB 1407 (Stats. 2008, ch. 311, § 31); AB 2499 (Stats. 2010, ch. 599, § 17).)</p> |
| <p><b>SECTION 61</b> <i>[Fiscal Impact of Legislation Affecting Courts]</i></p> <p>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.</p>   | <p><b>SECTION 61</b><br/>No amendment (uncodified).</p>  |
| <p><b>SECTION 62</b> <i>[Civil Delay Reduction Team]</i></p> <p>(a) There shall be a Civil Delay Reduction Team comprised of judges assigned by and under the authority of the Chief Justice.</p> <p>(b) The primary responsibility of the team is to assist counties and courts in reducing or eliminating the delay in adjudicating civil cases.</p> <p>(c) Team judges will be assigned by the Chief Justice after taking into account the following.</p> <ol style="list-style-type: none"> <li>(1) The number of delayed civil cases in each county and court.</li> <li>(2) The delay in processing civil cases.</li> <li>(3) The age of inventory of cases, with greater weight to be given to cases with a long delay without resolution.</li> <li>(4) The average length of time needed to dispose of civil cases.</li> <li>(5) The adverse impact on civil litigants.</li> <li>(6) The likelihood that utilization of the team will encourage</li> </ol> | <p><b>SECTION 62</b><br/>No amendment (uncodified).</p>  |

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| <p>effective and efficient use of existing local court resources.</p> <p>(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.</p> <p>(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 state average delay for all trial courts.</p> <p>(f) The Judicial Council shall report to the Legislature annually on the assignment of team judges and the impact on civil case delay reduction.</p> <p>(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.</p> |  |
| <p><b>SECTION 63 [Civil Delay Reduction Team]</b><br/> As provided in the Budget Act of 1997, of funds appropriated in Schedule (a) of Item 0450–101–0932 of the Budget Act of 1997, the Judicial Council shall transfer up to two million dollars (\$2,000,000) to Schedule (c) of that item for support of the Civil Delay Reduction Team established by this act.</p>  | <p><b>SECTION 63</b><br/> No amendment (uncodified).</p> |
| <p><b>SECTION 64 [No Unfunded Mandate]</b><br/> 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.</p>  | <p><b>SECTION 64</b><br/> No amendment (uncodified).</p> |

**SECTION 65** *[No Unfunded Mandate]*

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.

**SECTION 65**

No amendment (uncodified).



# California LEGISLATIVE INFORMATION

Code:  Select Code Section:

[Up^](#)

## GOVERNMENT CODE - GOV

**TITLE 8. THE ORGANIZATION AND GOVERNMENT OF COURTS [68070. - 77655.]** ( Title 8 added by Stats. 1953, Ch. 206. )

**CHAPTER 13. State Funding of Trial Courts [77000. - 77400.]** ( Chapter 13 repealed and added by Stats. 1988, Ch. 945, Sec. 10. )

**ARTICLE 1. General Provisions [77000. - 77013.]** ( Article 1 added by Stats. 1988, Ch. 945, Sec. 10. )

**77000.** This chapter shall be known and may be cited as the Brown-Presley Trial Court Funding Act.

*(Repealed and added by Stats. 1988, Ch. 945, Sec. 10. Effective September 16, 1988. Conditionally inoperative as provided in Section 77400.)*

**77001.** The Judicial Council shall adopt 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 policies and procedures about moving funding between functions or line items or programs.
  - (2) Local personnel plans, including the promulgation of personnel policies.
  - (3) Processes and procedures to improve court 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.

*(Amended by Stats. 2001, Ch. 812, Sec. 19. Effective January 1, 2002. Conditionally inoperative as provided in Section 77400.)*

**77001.5.** On or before November 1, 2007, the Judicial Council shall adopt, and shall report to the Legislature annually thereafter upon, judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects:

- (1) Providing equal access to courts and respectful treatment for all court participants.
- (2) Case processing, including the efficient use of judicial resources.
- (3) General court administration.

*(Added by Stats. 2006, Ch. 390, Sec. 4. Effective January 1, 2007. Conditionally inoperative as provided in Section 77400.)*

**77002.** As used in this chapter, "board" means the board of supervisors of a county.

*(Repealed and added by Stats. 1988, Ch. 945, Sec. 10. Effective September 16, 1988. Conditionally inoperative as provided in Section 77400.)*

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

(1) Salaries, benefits, and public agency retirement contributions for superior court judges and for subordinate judicial officers. For purposes of this paragraph, "subordinate judicial officers" includes all commissioner or referee positions created prior to July 1, 1997, including positions created in the municipal court prior to July 1, 1997, which thereafter became positions in the superior court as a result of unification of the municipal and superior courts in a county, and including those commissioner positions created pursuant to former 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.

(2) The salary, benefits, and public agency retirement contributions for other court staff.

(3) Court security, but only to the extent consistent with court responsibilities under Article 8.5 (commencing with Section 69920) of Chapter 5.

(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 Sections 71630 and 71639.3 with respect to court employees.

(7) Subject to paragraph (1) of subdivision (d) of Section 77212, 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.

(8) Except as provided in subdivision (b), and subject to Article 8.5 (commencing with Section 69920) of Chapter 5, other matters listed as court operations in Rule 10.810 of the California Rules of Court as it read on January 1, 2007.

(b) However, "court operations" does not include collection enhancements as defined in Rule 10.810 of the California Rules of Court as it read on January 1, 2007.

*(Amended by Stats. 2012, Ch. 41, Sec. 54. Effective June 27, 2012. Conditionally inoperative as provided in Section 77400.)*

**77004.** As used in this chapter, "option county" means a county which has adopted the provisions of this chapter for the current fiscal year.

*(Added by Stats. 1988, Ch. 945, Sec. 10. Effective September 16, 1988. Conditionally inoperative as provided in Section 77400.)*

**77005.** As used in this chapter, "state-mandated local program" means any and all reimbursements owed or owing by operation of either Section 6 of Article XIII B of the California Constitution, or Section 17561 of the Government Code, or both.

*(Added by Stats. 1988, Ch. 945, Sec. 10. Effective September 16, 1988. Conditionally inoperative as provided in Section 77400.)*

**77006.** As used in this chapter, "subordinate judicial officer" means a court commissioner or referee authorized by statute.

*(Added by Stats. 1988, Ch. 945, Sec. 10. Effective September 16, 1988. Conditionally inoperative as provided in Section 77400.)*

**77006.5.** As used in this chapter, "trial court funding" means the amount of state funds provided for the operation of the trial courts, as defined in Section 77003, appropriated in the Budget Act, and allocated or reallocated by the Judicial Council.

*(Amended by Stats. 2004, Ch. 811, Sec. 13. Effective January 1, 2005. Conditionally inoperative as provided in Section 77400.)*

**77007.** As used in this chapter, "trial court" means a superior court.

*(Amended by Stats. 2002, Ch. 784, Sec. 506. Effective January 1, 2003. Conditionally inoperative as provided in Section 77400.)*

**77008.** As used in this chapter, "filing fees" means any and all fees and charges, liberally construed, collected or collectible for filing, processing, including service of process, copying, endorsing, or for any other service related to court operations as defined in Section 77003.

*(Amended by Stats. 2002, Ch. 784, Sec. 507. Effective January 1, 2003. Conditionally inoperative as provided in Section 77400.)*

**77009.** (a) The Judicial Council may establish bank accounts for the superior courts and require the courts to deposit moneys for trial court operations, and any other moneys under the control of the courts, into those accounts. Deposits to these accounts shall include, but are not limited to, the following:

(1) Moneys appropriated in the Budget Act and allocated or reallocated to the superior court by the Judicial Council.

(2) Moneys held in trust.

(3) Other moneys as deemed necessary or appropriate.

(b) Subdivision (a) shall not apply to payments from a party or a defendant received by the superior court for any criminal fees, fines, or forfeitures. However, the court and county may enter into a contract for the court to provide depository services in an account established by the Judicial Council for criminal fees, fines, and forfeitures, with the approval of the Administrative Director of the Courts. The contract shall identify the scope of service, method of service delivery, term of agreement, anticipated service outcomes, and the cost of the service. The amount of any indirect or overhead costs shall be individually stated with the method of calculation of the indirect or overhead costs.

(c) Moneys deposited into a bank account established pursuant to subdivision (a) for the Trial Court Operations Fund that are appropriated in the Budget Act and allocated or reallocated to the superior court 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.

(d) (1) All moneys received by a superior court from any source for court operating and program purposes shall be deposited into a bank account established pursuant to subdivision (a) and accounted for in the Trial Court Operations Fund. Moneys that are received to fulfill the requirements of Article 4 (commencing with Section 4250) of Chapter 2 of Part 2 of Division 9 and Division 14 (commencing with Section 10000) of the Family Code shall be identified and maintained in a separate account established in the fund for this purpose.

(2) All other moneys deposited into a bank account established pursuant to subdivision (a) and accounted for in the Trial Court Operations Fund that are received for purposes other than court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court, shall be identified and maintained in separate accounts in the fund.

(3) This subdivision shall not apply to either of the following:

(A) Moneys received by the courts pursuant to paragraph (2) of subdivision (a) of this section and Section 68084, if those moneys are not for court operating or program purposes.

(B) Payments from a party or a defendant received by the county for any fees, fines, or forfeitures; moneys collected by the superior court under Chapter 5.8 (commencing with Section 70600); or fees and fines to which Section 68085.1 applies.

(e) The presiding judge of the superior court, or his or her designee, shall authorize and direct all expenditures by the court for operating and program purposes from any account established under subdivision (b) or (c).

(f) The Judicial Council, in consultation with the Controller's office, shall establish procedures to implement 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.

(g) (1) If the Judicial Council has not established bank accounts pursuant to subdivision (a), the court shall contract with the county for fiscal services. Each board of supervisors shall maintain in the county treasury a Trial Court Operations Fund, which will operate as an agency fund. All moneys appropriated in the Budget Act and allocated and reallocated to the superior court in the county by the Judicial Council shall be deposited into the fund.

(2) Moneys deposited into the fund that are appropriated for the Trial Court Operations Fund in the Budget Act and allocated or reallocated to the superior court 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 the superior court, 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.

(3) All moneys received by a superior court from any source for court operating and program purposes shall be deposited in the fund, except as provided in this subdivision. Moneys that are received to fulfill the requirements of Article 4 (commencing with Section 4250) of Chapter 2 of Part 2 of Division 9 and Division 14 (commencing with Section 10000) of the Family Code shall be identified and maintained in a separate account established in the fund for this purpose. All other moneys that are received for purposes other than court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court, shall be identified and maintained in one or more separate accounts established in the fund pursuant to procedures adopted by the Judicial Council. This subdivision shall only apply to moneys received by the courts for operating and program purposes. This subdivision shall not apply to either of the following:

(A) Moneys received by the courts pursuant to Section 68084, if those funds are not for court operating or program purposes.

(B) Payments from a party or a defendant received by the county for any fees, fines, or forfeitures; moneys collected by the superior court under Chapter 5.8 (commencing with Section 70600); or fees and fines to which Section 68085.1 applies.

(4) Interest received by a county that is attributable to investment of moneys, which interest is required by this subdivision to be deposited in the superior court's fund, shall be deposited in the fund and shall be used for trial court operations purposes.

(5) In no event shall interest be charged to the superior court's fund, except as provided in Section 77009.1.

(6) Reasonable administrative expenses incurred by the county associated with the operation of this fund shall be charged to the superior court.

(7) A county, or city and county, may bill the superior court 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.

(8) Pursuant to Section 77206, the Controller, at the request of the Legislature, may perform financial and fiscal compliance audits of this fund. The Judicial Council or its representatives may perform audits, reviews, and investigations of this fund wherever the records may be located.

(h) The Judicial Council or its representatives may perform audits, reviews, and investigations of superior court operations and records wherever they may be located.

*(Amended by Stats. 2007, Ch. 130, Sec. 141. Effective January 1, 2008. Conditionally inoperative as provided in Section 77400.)*

**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.

*(Added by Stats. 1998, Ch. 1004, Sec. 6. Effective January 1, 1999. Conditionally inoperative as provided in Section 77400.)*

**77012.** As used in this chapter, "county" includes a city and county.

*(Added by Stats. 1988, Ch. 945, Sec. 10. Effective September 16, 1988. Conditionally inoperative as provided in Section 77400.)*

**77013.** As used in this chapter, "Controller" means the State Controller.

*(Added by Stats. 1988, Ch. 945, Sec. 10. Effective September 16, 1988. Conditionally inoperative as provided in Section 77400.)*

**ARTICLE 2. Legislative Findings [77100. - 77101.]** *( Article 2 added by Stats. 1988, Ch. 945, Sec. 10. )*

**77100.** The Legislature finds and declares that:

- (a) The trial of civil and criminal actions is an integral and necessary function of the judicial branch of state government under Article VI of the California Constitution.
- (b) All citizens of this state should enjoy equal and ready access to the trial courts.
- (c) Local funding of trial courts may create disparities in the availability of the courts for the resolution of disputes and the dispensation of justice.
- (d) The method of funding trial courts should not create financial barriers to the fair and proper resolution of civil and criminal actions.
- (e) Many people defend their personal and property rights in the courts, and seek redress through the judicial system only when compelled by sheer necessity of circumstance.
- (f) This chapter is enacted to promote the general welfare and to protect the public interest in a viable and accessible judicial system.

*(Repealed and added by Stats. 1988, Ch. 945, Sec. 10. Effective September 16, 1988. Conditionally inoperative as provided in Section 77400.)*

**77101.** The Legislature further finds and declares that the expenditure of the state funds under the provisions of this chapter is in the public interest and necessary to the accomplishment of the purposes set forth above.

*(Repealed and added by Stats. 1988, Ch. 945, Sec. 10. Effective September 16, 1988. Conditionally inoperative as provided in Section 77400.)*

**ARTICLE 3. State Finance Provisions [77200. - 77212.]** *( Article 3 repealed and added by Stats. 1997, Ch. 850, Sec. 46. )*

**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 10.810 of the California Rules of Court as it read on January 1, 2007. In meeting this responsibility, the state shall do all of the following:

- (a) Deposit in the 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, pursuant to Section 77201.1 from July 1, 1998, until June 30, 2006, inclusive, and pursuant to Section 77201.3, 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 court in a county be less than the amount remitted to the state by the county in which that court is located pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201 until June 30, 1998, pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201.1 from July 1, 1998, until June 30, 2006, inclusive, and pursuant to paragraphs (1) and (2) of subdivision (a) of Section 77201.3, thereafter.
- (d) The Judicial Council shall submit its allocation schedule to the Controller at least five days before the due date of any allocation.

(Amended by Stats. 2008, Ch. 179, Sec. 130. Effective January 1, 2009. Conditionally inoperative as provided in Section 77400.)

**77201.** (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007.

(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:

(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 .....      | \$ 42,045,093 |
| Alpine .....       | 46,044        |
| Amador .....       | 900,196       |
| Butte .....        | 2,604,611     |
| Calaveras .....    | 420,893       |
| Colusa .....       | 309,009       |
| Contra Costa ..... | 21,634,450    |
| Del Norte .....    | 780,786       |
| El Dorado .....    | 3,888,927     |
| Fresno .....       | 13,355,025    |
| Glenn .....        | 371,607       |
| Humboldt .....     | 2,437,196     |
| Imperial .....     | 2,055,173     |
| Inyo .....         | 546,508       |
| Kern .....         | 16,669,917    |
| Kings .....        | 2,594,901     |
| Lake .....         | 975,311       |
| Lassen .....       | 517,921       |
| Los Angeles .....  | 291,872,379   |
| Madera .....       | 1,242,968     |
| Marin .....        | 6,837,518     |
| Mariposa .....     | 177,880       |
| Mendocino .....    | 1,739,605     |
| Merced .....       | 1,363,409     |

## Attachment A

|                       |            |
|-----------------------|------------|
| Modoc .....           | 114,249    |
| Mono .....            | 271,021    |
| Monterey .....        | 5,739,655  |
| Napa .....            | 2,866,986  |
| Nevada .....          | 815,130    |
| Orange .....          | 76,567,372 |
| Placer .....          | 6,450,175  |
| Plumas .....          | 413,368    |
| Riverside .....       | 32,524,412 |
| Sacramento .....      | 40,692,954 |
| San Benito .....      | 460,552    |
| San Bernardino .....  | 31,516,134 |
| San Diego .....       | 77,637,904 |
| San Francisco .....   | 31,142,353 |
| San Joaquin .....     | 9,102,834  |
| San Luis Obispo ..... | 6,840,067  |
| 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:

| Jurisdiction       | Amount       |
|--------------------|--------------|
| Alameda .....      | \$12,769,882 |
| Alpine .....       | 58,757       |
| Amador .....       | 377,005      |
| Butte .....        | 1,437,671    |
| Calaveras .....    | 418,558      |
| Colusa .....       | 485,040      |
| Contra Costa ..... | 6,138,742    |
| Del Norte .....    | 235,438      |
| El Dorado .....    | 1,217,093    |
| Fresno .....       | 4,505,786    |
| Glenn .....        | 455,389      |
| Humboldt .....     | 1,161,745    |
| Imperial .....     | 1,350,760    |
| 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    |

## Attachment A

|                       |            |
|-----------------------|------------|
| 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 (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) 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:

(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 10.810 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.

(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:

(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 1994–95 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 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 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).

(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.

(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.

(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 Division of Juvenile Justice 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.

(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 10.810 of the California Rules of Court as it read on January 1, 2007, 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.

*(Amended (as amended by Stats. 2000, Ch. 671) by Stats. 2007, Ch. 130, Sec. 144. Effective January 1, 2008. Conditionally inoperative as provided in Section 77400.)*

**77201.1.** (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007.

(b) Commencing in the 1999–2000 fiscal year, and each fiscal year thereafter until the 2006–07 fiscal year, each county shall remit to the state in four equal installments due on October 1, January 1, April 1, and May 1, the amounts specified in paragraphs (1) and (2). For the purpose of determining the counties' payments commencing in the 2006–07 fiscal year, and each fiscal year thereafter, the amounts listed in subdivision (a) of Section 77201.3 shall be used in lieu of the amounts listed in this subdivision.

(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 .....      | \$ 22,509,905 |
| Alpine .....       | -             |
| Amador .....       | -             |
| Butte .....        | -             |
| Calaveras .....    | -             |
| Colusa .....       | -             |
| Contra Costa ..... | 11,974,535    |
| Del Norte .....    | -             |

## Attachment A

|                      |             |
|----------------------|-------------|
| El Dorado .....      | -           |
| Fresno .....         | 11,222,780  |
| Glenn .....          | -           |
| Humboldt .....       | -           |
| Imperial .....       | -           |
| Inyo .....           | -           |
| Kern .....           | 9,234,511   |
| Kings .....          | -           |
| Lake .....           | -           |
| Lassen .....         | -           |
| Los Angeles .....    | 175,330,647 |
| Madera .....         | -           |
| Marin .....          | -           |
| Mariposa .....       | -           |
| Mendocino .....      | -           |
| Merced .....         | -           |
| Modoc .....          | -           |
| Mono .....           | -           |
| Monterey .....       | 4,520,911   |
| Napa .....           | -           |
| Nevada .....         | -           |
| Orange .....         | 38,846,003  |
| Placer .....         | -           |
| Plumas .....         | -           |
| Riverside .....      | 17,857,241  |
| Sacramento .....     | 20,733,264  |
| San Benito .....     | -           |
| San Bernardino ..... | 20,227,102  |
| San Diego .....      | 43,495,932  |
| San Francisco .....  | 19,295,303  |
| San Joaquin .....    | 6,543,068   |

|                       |            |
|-----------------------|------------|
| San Luis Obispo ..... | -          |
| San Mateo .....       | 12,181,079 |
| Santa Barbara .....   | 6,764,792  |
| Santa Clara .....     | 28,689,450 |
| Santa Cruz .....      | -          |
| Shasta .....          | -          |
| Sierra .....          | -          |
| Siskiyou .....        | -          |
| Solano .....          | 6,242,661  |
| Sonoma .....          | 6,162,466  |
| Stanislaus .....      | 3,506,297  |
| Sutter .....          | -          |
| Tehama .....          | -          |
| Trinity .....         | -          |
| Tulare .....          | -          |
| Tuolumne .....        | -          |
| Ventura .....         | 9,734,190  |
| Yolo .....            | -          |
| 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 fee, 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:

| Jurisdiction       | Amount       |
|--------------------|--------------|
| Alameda .....      | \$ 9,912,156 |
| Alpine .....       | 58,757       |
| Amador .....       | 265,707      |
| Butte .....        | 1,217,052    |
| Calaveras .....    | 310,331      |
| Colusa .....       | 397,468      |
| Contra Costa ..... | 4,486,486    |
| Del Norte .....    | 124,085      |

|                      |            |
|----------------------|------------|
| El Dorado .....      | 1,028,349  |
| Fresno .....         | 3,695,633  |
| 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 .....      | 717,075    |
| Merced .....         | 1,733,156  |
| Modoc .....          | 104,729    |
| Mono .....           | 415,136    |
| Monterey .....       | 3,330,125  |
| Napa .....           | 719,168    |
| Nevada .....         | 1,220,686  |
| Orange .....         | 19,572,810 |
| Placer .....         | 1,243,754  |
| Plumas .....         | 193,772    |
| Riverside .....      | 7,681,744  |
| Sacramento .....     | 5,937,204  |
| San Benito .....     | 302,324    |
| San Bernardino ..... | 8,163,193  |
| 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 .....          | 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 .....            | 880,798    |
| Yuba .....            | 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 fewer 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 that section read on June 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) A 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. This paragraph is not intended to limit judicial sentencing discretion.

(6) In the 2005–06 fiscal year, the amount that the County of Santa Clara is required to remit to the state under paragraph (2) shall be reduced as described in this paragraph, rather than as described in subdivision (b) of Section 68085.7. It is the intent of the Legislature that this paragraph have retroactive effect.

(A) For the County of Santa Clara, the remittance under this subdivision for the 2005–06 fiscal year shall be reduced by an amount equal to one-half of the amount calculated by subtracting the budget reduction for the Superior Court of Santa Clara County for that fiscal year attributable to the reduction of the counties' payment

obligation from thirty-one million dollars (\$31,000,000) pursuant to subdivision (a) of Section 68085.6 from the net civil assessments received in that county in that fiscal year. "Net civil assessments" as used in this paragraph means the amount of civil assessments collected minus the costs of collecting those civil assessments, under the guidelines of the Controller.

(B) The reduction under this paragraph of the amount that the County of Santa Clara is required to remit to the state for the 2005–06 fiscal year shall not exceed two million five hundred thousand dollars (\$2,500,000). If the reduction reaches two million five hundred thousand dollars (\$2,500,000), the amount the county is required to remit to the state under paragraph (2) of subdivision (a) of Section 77201.3 in each subsequent fiscal year shall be eight million four hundred sixty-one thousand two hundred ninety-three dollars (\$8,461,293).

(C) This paragraph does not affect the reduction of the annual remittance for the County of Santa Clara as provided in Section 68085.2.

(7) Notwithstanding the changes to the amounts in paragraph (2) made by Section 68085.7 or any other section, the amounts in paragraph (2) shall not be changed for purposes of the calculation required by subdivision (a) of Section 77205.

(c) This section is not intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 70311.

(d) This section is not 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 juvenile justice 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 paragraph (2) of subdivision (b), 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 of this code.

(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 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 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 the actual amount charged in that fiscal year.

*(Amended by Stats. 2008, Ch. 179, Sec. 131. Effective January 1, 2009. Conditionally inoperative as provided in Section 77400. Note: Operative date in subd. (h) originated in an earlier version of this section.)*

**77201.2.** All moneys required to be paid to the Trial Court Trust Fund pursuant to Sections 77201, 77201.1, and 77201.3 shall be considered delinquent if not received by the dates therein specified, and shall be subject to the penalties set forth in Section 68085.

*(Amended by Stats. 2007, Ch. 383, Sec. 3. Effective January 1, 2008. Conditionally inoperative as provided in Section 77400.)*

**77201.3.** (a) Commencing with the 2006–07 fiscal year, and each fiscal year thereafter, except as otherwise specifically provided in this section, each county shall remit to the state the amounts described in this subdivision in four equal installments due on October 1, January 1, April 1, and May 1. The amounts listed in this subdivision are in lieu of the amounts listed in subdivision (b) of Section 77201.1. However, for purposes of the calculation required by subdivision (a) of Section 77205, the amounts in paragraph (2) of subdivision (b) of Section 77201.1 shall be used.

## Attachment A

(1) 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. The amount listed for Los Angeles County includes the twenty-three million five hundred twenty-seven thousand nine hundred forty-nine dollars (\$23,527,949) increase required by subdivision (g) of Section 77201.1.

| Jurisdiction       | Amount        |
|--------------------|---------------|
| Alameda .....      | \$ 22,509,905 |
| Alpine .....       | -             |
| Amador .....       | -             |
| Butte .....        | -             |
| Calaveras .....    | -             |
| Colusa .....       | -             |
| Contra Costa ..... | 11,974,535    |
| Del Norte .....    | -             |
| El Dorado .....    | -             |
| Fresno .....       | 11,222,780    |
| Glenn .....        | -             |
| Humboldt .....     | -             |
| Imperial .....     | -             |
| Inyo .....         | -             |
| Kern .....         | 9,234,511     |
| Kings .....        | -             |
| Lake .....         | -             |
| Lassen .....       | -             |
| Los Angeles .....  | 198,858,596   |
| Madera .....       | -             |
| Marin .....        | -             |
| Mariposa .....     | -             |
| Mendocino .....    | -             |
| Merced .....       | -             |
| Modoc .....        | -             |
| Mono .....         | -             |
| Monterey .....     | 4,520,911     |
| Napa .....         | -             |

## Attachment A

|                       |            |
|-----------------------|------------|
| Nevada .....          | -          |
| Orange .....          | 38,846,003 |
| Placer .....          | -          |
| Plumas .....          | -          |
| Riverside .....       | 17,857,241 |
| Sacramento .....      | 20,733,264 |
| San Benito .....      | -          |
| San Bernardino .....  | 20,227,102 |
| San Diego .....       | 43,495,932 |
| San Francisco .....   | 19,295,303 |
| San Joaquin .....     | 6,543,068  |
| San Luis Obispo ..... | -          |
| San Mateo .....       | 12,181,079 |
| Santa Barbara .....   | 6,764,792  |
| Santa Clara .....     | 28,689,450 |
| Santa Cruz .....      | -          |
| Shasta .....          | -          |
| Sierra .....          | -          |
| Siskiyou .....        | -          |
| Solano .....          | 6,242,661  |
| Sonoma .....          | 6,162,466  |
| Stanislaus .....      | 3,506,297  |
| Sutter .....          | -          |
| Tehama .....          | -          |
| Trinity .....         | -          |
| Tulare .....          | -          |
| Tuolumne .....        | -          |
| Ventura .....         | 9,734,190  |
| Yolo .....            | -          |
| Yuba .....            | -          |

## Attachment A

(2) (A) This paragraph sets forth the amount of the revenue maintenance of effort payment as modified by the reductions in Sections 68085.2 and 68085.7, including, if applicable, any adjustment made pursuant to paragraph (1) of subdivision (b) of Section 68085.8.

| Jurisdiction       | Amount       |
|--------------------|--------------|
| Alameda .....      | \$ 7,529,814 |
| Alpine .....       | 58,459       |
| Amador .....       | 261,618      |
| Butte .....        | 797,512      |
| Calaveras .....    | 298,247      |
| Colusa .....       | 394,002      |
| Contra Costa ..... | 3,136,407    |
| Del Norte .....    | 120,598      |
| El Dorado .....    | 732,606      |
| Fresno .....       | 3,536,164    |
| Glenn .....        | 293,014      |
| Humboldt .....     | 933,601      |
| Imperial .....     | 1,075,275    |
| Inyo .....         | 610,438      |
| Kern .....         | 5,247,051    |
| Kings .....        | 759,717      |
| Lake .....         | 133,003      |
| Lassen .....       | 379,561      |
| Los Angeles .....  | 47,023,566   |
| Madera .....       | 1,025,684    |
| Marin .....        | 2,010,028    |
| Mariposa .....     | 131,611      |
| Mendocino .....    | 441,037      |
| Merced .....       | 1,600,227    |
| Modoc .....        | 103,798      |
| Mono .....         | 409,747      |
| Monterey .....     | 2,662,998    |
| Napa .....         | 710,832      |
| Nevada .....       | 1,197,947    |

|                       |            |
|-----------------------|------------|
| Orange .....          | 15,603,484 |
| Placer .....          | 835,467    |
| Plumas .....          | 154,384    |
| Riverside .....       | 7,108,548  |
| Sacramento .....      | 1,829,692  |
| San Benito .....      | 270,940    |
| San Bernardino .....  | 3,325,704  |
| San Diego .....       | 13,501,132 |
| San Francisco .....   | 3,123,814  |
| San Joaquin .....     | 2,158,803  |
| San Luis Obispo ..... | 1,754,131  |
| San Mateo .....       | 2,527,355  |
| Santa Barbara .....   | 3,117,677  |
| Santa Cruz .....      | 1,495,691  |
| Shasta .....          | 574,383    |
| Sierra .....          | 41,810     |
| Siskiyou .....        | 482,082    |
| Solano .....          | 1,931,765  |
| Sonoma .....          | 1,439,187  |
| Stanislaus .....      | 1,079,927  |
| Sutter .....          | 644,174    |
| Tehama .....          | 627,958    |
| Trinity .....         | 102,233    |
| Tulare .....          | 1,345,686  |
| Tuolumne .....        | 277,573    |
| Ventura .....         | 2,283,494  |
| Yolo .....            | 464,030    |
| Yuba .....            | 273,437    |

(B) The amount remitted by the County of Santa Clara shall be ten million nine hundred sixty-one thousand two hundred ninety-three dollars (\$10,961,293) reduced as described in clauses (i) and (ii).

(i) The amount remitted by the County of Santa Clara pursuant to this paragraph for each fiscal year shall be reduced by an amount equal to one-half of the amount calculated by subtracting the budget reduction for the

Superior Court of Santa Clara County for that fiscal year attributable to the reduction of the counties' payment obligation from thirty-one million dollars (\$31,000,000) pursuant to subdivision (a) of Section 68085.6 from the net civil assessments received in that county in that fiscal year. "Net civil assessments" as used in this paragraph means the amount of civil assessments collected minus the costs of collecting those civil assessments, under the guidelines of the Controller.

(ii) The reduction calculated pursuant to paragraph (i) shall not exceed two million five hundred thousand dollars (\$2,500,000) in any fiscal year. If the reduction for a fiscal year reaches two million five hundred thousand dollars (\$2,500,000), the amount that the county is required to remit to the state under this paragraph in that fiscal year and in each subsequent fiscal year shall be eight million four hundred sixty-one thousand two hundred ninety-three dollars (\$8,461,293).

(b) Except as otherwise specifically provided in this section, county remittances specified in subdivision (a) shall not be increased in subsequent years.

(c) 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) of subdivision (a) shall be adjusted by the amount equal to any adjustment resulting from the procedures in subdivisions (c) and (d) of Section 77201 as that section read on June 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 subdivision 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.

(d) 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 (1) the fees, fines, and forfeitures retained by that county, and (2) 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 subdivision (a) by an equal amount. Nothing in this subdivision is intended to limit judicial sentencing discretion.

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

(f) 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 juvenile justice charges.

*(Added by Stats. 2007, Ch. 383, Sec. 4. Effective January 1, 2008. Conditionally inoperative as provided in Section 77400.)*

**77202.** (a) The Legislature shall make an annual appropriation to the Judicial Council for the general operations of the trial courts based on the request of the Judicial Council. The Judicial Council's trial court budget request, which shall be submitted to the Governor and the Legislature, shall meet the needs of all trial courts in a manner that ensures a predictable fiscal environment for labor negotiations in accordance with the Trial Court Employment Protection and Governance Act (Chapter 7 (commencing with Section 71600) of Title 8), that promotes equal access to the courts statewide, and that promotes court financial accountability. The annual budget request shall include the following components:

(1) Commencing with the 2006–07 fiscal year, annual General Fund appropriations to support the trial courts shall be comprised of both of the following:

(A) The current fiscal year General Fund appropriations, which include all of the following:

(i) General Fund moneys appropriated for transfer or direct local assistance in support of the trial courts.

(ii) Transfers to the State Trial Court Improvement and Modernization Fund.

(iii) Local assistance grants made by the Judicial Council, including the Equal Access Fund.

(iv) The full year cost of budget change proposals approved through the 2006–07 fiscal year or subsequently approved in accordance with paragraph (2), but excluding lease-revenue payments and funding for costs specifically and expressly reimbursed through other state or federal funding sources, excluding the cost of one-time or expiring programs.

(B) A cost-of-living and growth adjustment computed by multiplying the year-to-year percentage change in the state appropriation limit as described in Section 3 of Article XIIB of the California Constitution by the sum of all of the following:

(i) The current year General Fund appropriations for the trial courts, as defined in subparagraph (A).

(ii) The amount of county obligations established pursuant to subdivision (b) of Section 77201.1 in effect as of June 30, 2005, six hundred ninety-eight million sixty-eight thousand dollars (\$698,068,000).

(iii) The level of funding required to be transferred from the State Trial Court Improvement and Modernization Fund to the Trial Court Trust Fund pursuant to subdivision (k) of Section 77209, thirteen million three hundred ninety-seven thousand dollars (\$13,397,000).

(iv) Funding deposited into the Court Facilities Trust Fund associated with each facility that was transferred to the state not less than two fiscal years earlier than the fiscal year for which the cost-of-living and growth adjustment is being calculated.

(v) The court filing fees and surcharges projected to be deposited into the Trial Court Trust Fund in the 2005–06 fiscal year, adjusted to reflect the full-year implementation of the uniform civil fee structure implemented on January 1, 2006, three hundred sixty-nine million six hundred seventy-two thousand dollars (\$369,672,000).

(2) In addition to the moneys to be applied pursuant to subdivision (b), the Judicial Council may identify and request additional funding for the trial courts for costs resulting from the implementation of statutory changes that result in either an increased level of service or a new activity that directly affects the programmatic or operational needs of the courts.

(b) The Judicial Council shall allocate the funding from the Trial Court Trust Fund 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 allocations to the trial courts recognize each trial court's implementation of efficiencies and cost-saving measures.

These efficiencies and cost-saving measures shall include, but not be limited to, the following:

(1) The sharing or merger of court support staff among trial courts across counties.

(2) 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.

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

(4) 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.

(5) The use of alternative dispute resolution programs, such as arbitration.

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

(c) (1) The Judicial Council shall adopt policies and procedures 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 and may delegate the adoption to the Administrative Director of the Courts. The Administrative Director of the Courts shall establish budget procedures and an annual schedule of budget development and management consistent with these rules.

(2) The trial court policies and procedures shall specify the process for a court to transfer existing funds between or among the budgeted program components to reflect changes in the court's planned operation or to correct technical errors. If the process requires a trial court to request approval of a specific transfer of existing funds, the Administrative Office of the Courts shall review the request to transfer funds and respond within 30 days of receipt of the request. The Administrative Office of the Courts shall respond to the request for approval or denial to the affected court, in writing, with copies provided to the Department of Finance, the Legislative Analyst's Office, the Legislature's budget committees, and the court's affected labor organizations.

(3) The Judicial Council shall circulate for comment to all affected entities any amendments proposed to the trial court policies and procedures as they relate to budget monitoring and reporting. Final changes shall be adopted at a meeting of the Judicial Council.

*(Amended by Stats. 2012, Ch. 41, Sec. 55. Effective June 27, 2012. Conditionally inoperative as provided in Section 77400.)*

**77202.5.** (a) The Judicial Council shall report all approved allocations and reimbursements to the trial courts in each fiscal year, including funding received through augmentations in accordance with paragraph (2) of subdivision (a) of Section 77202, to the chairs of the Senate Committees on Budget and Fiscal Review and

Judiciary and the Assembly Committees on Budget and Judiciary on or before September 30 following the close of each fiscal year. The report shall include all of the following:

- (1) A statement of the intended purpose for which each allocation or reimbursement was made.
- (2) The policy governing trial court reserves.

(b) The trial courts shall report to the Judicial Council on or before September 15 following the close of each fiscal year all court revenues, expenditures, reserves, and fund balances from the prior fiscal year for funding from all fund sources. The report shall specify all expenditures, including those associated with administrative costs, by program, component, and object. The Judicial Council shall summarize this information by court and report it to the chairs of the Senate and Assembly Committees on Budget and the Judiciary and post that information on a public Internet Web site on or before December 31, 2009, and on or before December 31 following the close of each fiscal year thereafter.

(c) Nothing in this section is intended to restrict public access to information otherwise authorized by statute, rule, or case law.

*(Added by Stats. 2009, 4th Ex. Sess., Ch. 22, Sec. 27. Effective July 28, 2009. Conditionally inoperative as provided in Section 77400.)*

**77203.** (a) Prior to June 30, 2014, a trial court may carry over all unexpended funds from the courts operating budget from the prior fiscal year.

(b) Commencing June 30, 2014, a trial court may carry over unexpended funds in an amount not to exceed 1 percent of the courts operating budget from the prior fiscal year.

*(Repealed and added by Stats. 2012, Ch. 41, Sec. 57. Effective June 27, 2012. Section conditionally inoperative as provided in Section 77400.)*

**77204.** (a) The Judicial Council shall have the authority to allocate funds appropriated annually to the State Trial Court Improvement and Modernization 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 defined to be (1) the state's or Judicial Council's portion of any agreement, settlement decree, stipulation, or stipulated judgment; (2) the state's or Judicial Council's portion of any payment required pursuant to a judgment or order; or (3) attorneys' fees, legal assistant fees, and any litigation costs and expenses, including, but not limited to, experts' fees incurred by the state or Judicial Council.

*(Amended by Stats. 2012, Ch. 41, Sec. 58. Effective June 27, 2012. Conditionally inoperative as provided in Section 77400.)*

**77205.** (a) Notwithstanding any other provision of law, in any year in which a county collects fee, fine, and forfeiture revenue for deposit into the county general fund pursuant to Sections 1463.001 and 1464 of the Penal Code, 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 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 State Trial Court Improvement and Modernization Fund and 50 percent of the excess deposited into the county general fund. The Judicial Council shall allocate 80 percent of the amount deposited in the State Trial Court Improvement and Modernization Fund pursuant to this subdivision each fiscal year that exceeds the amount deposited in the 2002–03 fiscal year among:

- (1) The trial court in the county from which the revenue was deposited.
- (2) Other trial courts, as provided in paragraph (1) of subdivision (a) of Section 68085.
- (3) For retention in the State Trial Court Improvement and Modernization Fund.

For the purpose of this subdivision, fee, fine, and forfeiture revenue shall only include revenue 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 State Trial Court Improvement and Modernization Fund.

(c) 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:

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

*(Amended by Stats. 2012, Ch. 41, Sec. 59. Effective June 27, 2012. Conditionally inoperative as provided in Section 77400.)*

**77206.** (a) Notwithstanding any other law, the Judicial Council may regulate the budget and fiscal management of the trial courts. The Judicial Council, in consultation with the Controller, shall maintain appropriate regulations for recordkeeping and accounting by the courts. The Judicial Council shall seek to ensure, by these provisions, both of the following:

- (1) That the fiscal affairs of the trial courts are managed efficiently, effectively, and responsibly.
- (2) That all moneys collected by the courts, including filing fees, fines, forfeitures, and penalties, and all revenues and expenditures relating to court operations are known.

The Judicial Council may delegate its authority under this section, when appropriate, to the Administrative Director of the Courts.

(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, 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 and the Judicial Council.

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

(e) The Judicial Council shall adopt rules to provide for reasonable public access to budget allocation and expenditure information at the state and local levels.

(f) The Judicial Council shall adopt rules ensuring that, upon written request, the trial courts provide, in a timely manner, information relating to the administration of the courts, including financial information and other information that affects the wages, hours, and working conditions of trial court employees.

(g) (1) The Judicial Council or its representatives may do any of the following:

- (A) Inspect, review, and perform comprehensive oversight and analysis of court financial records wherever they may be located.
- (B) Investigate allegations of financial impropriety or mismanagement.

(2) The authority granted pursuant to this subdivision shall not substitute for, or conflict with, the audits conducted pursuant to subdivisions (h) and (i).

(h) (1) Commencing not earlier than July 1, 2011, and not later than December 15, 2012, the entity contracted with pursuant to subdivision (j) shall establish a pilot program to audit six trial courts. That entity shall select the trial courts using the following criteria:

(A) Two trial courts selected from counties with a population of 200,000 or less.

(B) Two trial courts selected from counties with a population greater than 200,000 and less than 750,000.

(C) Two trial courts selected from counties with a population of 750,000 or greater.

The audits shall be performed in accordance with generally accepted government auditing standards and shall determine the trial court's compliance with governing statutes, rules, and regulations relating to the revenues, expenditures, and fund balances of all material and significant funds, including state General Fund funds, funds generated from fees or fines, federal funds, grants, and any other funds within the trial court's administration or control. The audits required by this section shall be in addition to any audit regularly conducted pursuant to any other provision of law.

(2) Based on the results of the pilot program audits described in paragraph (1), the entity contracted with pursuant to subdivision (j) shall, on or before December 15, 2013, commence an audit of the trial courts, provided that every trial court is audited in the manner prescribed by this section at least once every four years. The audits shall be performed in accordance with generally accepted government auditing standards and shall determine the trial court's compliance with governing statutes, rules, and regulations relating to the revenues, expenditures, and fund balances of all material and significant funds, including state General Fund funds, funds generated from fees or fines, federal funds, grants, or any other funds within the trial court's administration or control. The audits required by this paragraph shall be in addition to any audit regularly conducted pursuant to any other provision of law.

(3) Notwithstanding Section 10231.5, the auditing entity shall compile the trial court audit findings and report the results of these audits to the Legislature, the Judicial Council, and the Department of Finance no later than April 1 of each year. An audit report shall not be considered final until the audited entity is provided a reasonable opportunity to respond and the response is included with, or incorporated into, the report.

(4) The reasonable and necessary contracted cost of the audit conducted pursuant to this subdivision shall be paid from funds of the local trial court being audited.

(i) (1) On or before December 15, 2013, and biennially thereafter, the entity contracted with pursuant to subdivision (j) shall perform an audit of the Administrative Office of the Courts in accordance with generally accepted government auditing standards and shall determine the Administrative Office of the Court's compliance with governing statutes, rules, regulations, and policies relating to the revenues, expenditures, and fund balances of all material and significant funds under the administration, jurisdiction, or control of the Administrative Office of the Courts.

(2) Notwithstanding Section 10231.5, the auditing entity shall provide a copy of the final audit report of the Administrative Office of the Courts to the Legislature, the Judicial Council, and the Department of Finance upon issuance. An audit report shall not be considered final until the audited entity is provided a reasonable opportunity to respond and the response is included with, or incorporated into, the report.

(3) Any reasonable and necessary contracted costs incurred by the auditing entity pursuant to this subdivision shall be reimbursed by the Administrative Office of the Courts.

(j) The Administrative Office of the Courts shall contract with the Controller to perform the audits described in subdivisions (h) and (i), unless either the Bureau of State Audits or the Department of Finance demonstrates that it can perform the audits pursuant to the same timeframes, scope, and methodology as the Controller for a cost that is less than that proposed by the Controller. In that case, the Administrative Office of the Courts may contract with the state entity named in this subdivision that is most cost effective. The Administrative Office of the Courts shall provide written notification to the chairs of the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Budget, and the Senate and Assembly Committees on Judiciary, if the Administrative Office of the Courts contracts with an entity other than the Controller. The contract period for any contract entered into pursuant to this section shall not exceed four years from the date of commencement.

(k) A report submitted pursuant to subdivision (h) or (i) shall be submitted in compliance with Section 9795.

*(Amended by Stats. 2011, Ch. 36, Sec. 17. Effective June 30, 2011. Conditionally inoperative as provided in Section 77400.)*

**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.

*(Added by Stats. 1998, Ch. 1004, Sec. 9. Effective January 1, 1999. Conditionally inoperative as provided in Section 77400.)*

**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.

*(Amended by Stats. 1998, Ch. 146, Sec. 11. Effective July 13, 1998. Conditionally inoperative as provided in Section 77400.)*

**77207.5.** (a) The Judicial Council shall make monthly allocations to the trial courts from the Trial Court Trust Fund for automated administrative systems as provided in this section. These funds shall be used for the development and implementation of automated systems as described in subdivision (a) of Section 68090.8. As used in this subdivision, "automated administrative systems" does not include electronic reporting systems for use in a courtroom.

(b) The amount allocated annually to each trial court shall be the amount stated in this subdivision, which is based on the revenue collected in the local 2 percent automation funds in the 1994–95 fiscal year. The amounts are as follows:

| Jurisdiction       | Amount    |
|--------------------|-----------|
| Alameda .....      | \$424,792 |
| Alpine .....       | 2,034     |
| Amador .....       | 11,006    |
| Butte .....        | 59,332    |
| Calaveras .....    | 18,652    |
| Colusa .....       | 13,708    |
| Contra Costa ..... | 218,186   |
| Del Norte .....    | 11,208    |
| El Dorado .....    | 54,374    |
| Fresno .....       | 181,080   |
| Glenn .....        | 19,264    |
| Humboldt .....     | 48,160    |
| Imperial .....     | 67,678    |
| Inyo .....         | 30,402    |
| Kern .....         | 277,328   |
| Kings .....        | 57,026    |
| Lake .....         | 20,328    |
| Lassen .....       | 20,156    |

## Attachment A

|                       |           |
|-----------------------|-----------|
| Los Angeles .....     | 3,144,530 |
| Madera .....          | 52,502    |
| Marin .....           | 114,766   |
| Mariposa .....        | 3,904     |
| Mendocino .....       | 30,068    |
| Merced .....          | 55,652    |
| Modoc .....           | 6,134     |
| Mono .....            | 12,446    |
| Monterey .....        | 183,464   |
| Napa .....            | 30,550    |
| Nevada .....          | 49,946    |
| Orange .....          | 923,882   |
| Placer .....          | 77,378    |
| Plumas .....          | 9,206     |
| Riverside .....       | 532,226   |
| Sacramento .....      | 340,254   |
| San Benito .....      | 14,700    |
| San Bernardino .....  | 435,474   |
| San Diego .....       | 718,442   |
| San Francisco .....   | 272,528   |
| San Joaquin .....     | 201,698   |
| San Luis Obispo ..... | 130,020   |
| San Mateo .....       | 329,518   |
| Santa Barbara .....   | 162,858   |
| Santa Clara .....     | 452,782   |
| Santa Cruz .....      | 113,210   |
| Shasta .....          | 44,394    |
| Sierra .....          | 1,830     |
| Siskiyou .....        | 37,000    |
| Solano .....          | 119,364   |
| Sonoma .....          | 119,004   |

|                  |         |
|------------------|---------|
| Stanislaus ..... | 88,718  |
| Sutter .....     | 37,382  |
| Tehama .....     | 28,100  |
| Trinity .....    | 7,648   |
| Tulare .....     | 204,932 |
| Tuolumne .....   | 16,642  |
| Ventura .....    | 205,304 |
| Yolo .....       | 48,556  |
| Yuba .....       | 15,788  |

*(Amended by Stats. 2005, Ch. 706, Sec. 33. Effective January 1, 2006. Conditionally inoperative as provided in Section 77400.)*

**77209.** (a) There is in the State Treasury the State Trial Court Improvement and Modernization Fund. The State Trial Court Improvement and Modernization Fund is the successor fund of the Trial Court Improvement Fund and the Judicial Administration Efficiency and Modernization Fund. All assets, liabilities, revenues, and expenditures of the Trial Court Improvement Fund and the Judicial Administration Efficiency and Modernization Fund shall be transferred to and become a part of the State Trial Court Improvement and Modernization Fund. Any reference in state law to the Trial Court Improvement Fund or the Judicial Administration Efficiency and Modernization Fund shall be construed to refer to the State Trial Court Improvement and Modernization Fund.

(b) Any funds in the State Trial Court Improvement and Modernization Fund that are unencumbered at the end of the fiscal year shall be reappropriated to the State Trial Court Improvement and Modernization Fund for the following fiscal year.

(c) Moneys deposited in the State Trial Court Improvement 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 (d).

(d) Moneys deposited in the State Trial Court Improvement and Modernization Fund may be disbursed for purposes of this section.

(e) Moneys deposited in the State Trial Court Improvement and Modernization Fund pursuant to Section 68090.8 shall be allocated by the Judicial Council for automated administrative system improvements pursuant to that section and in furtherance of former Rule 991 of the California Rules of Court, as it read on July 1, 1996. As used in this subdivision, "automated administrative system" does not include electronic reporting systems for use in a courtroom.

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

(g) Notwithstanding other provisions of this section, the 2-percent automation fund moneys deposited in the State Trial Court Improvement and Modernization Fund pursuant to Section 68090.8 shall be allocated by the Judicial Council to statewide initiatives related to trial court automation and their implementation. 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, "2-percent automation fund" means the fund established pursuant to Section 68090.8 as it read on June 30, 1996. As used in this subdivision, "statewide initiatives related to trial court automation and their implementation" does not include electronic reporting systems for use in a courtroom.

(h) Royalties received from the publication of uniform jury instructions shall be deposited in the State Trial Court Improvement and Modernization Fund and used for the improvement of the jury system.

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

(j) Each fiscal year, the Controller shall transfer thirteen million three hundred ninety-seven thousand dollars (\$13,397,000) from the State Trial Court Improvement and Modernization Fund to the Trial Court Trust Fund for allocation to trial courts for court operations.

*(Amended by Stats. 2012, Ch. 41, Sec. 60. Effective June 27, 2012. Conditionally inoperative as provided in Section 77400.)*

**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.

*(Added by Stats. 1997, Ch. 850, Sec. 46. Effective January 1, 1998. Conditionally inoperative as provided in Section 77400.)*

**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 in this section.

*(Added by Stats. 1997, Ch. 850, Sec. 46. Effective January 1, 1998. Conditionally inoperative as provided in Section 77400.)*

**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 fiscal year 1994–95, the court may seek adjustment of the amount the county is required to submit to the state pursuant Section 77201.

(b) In 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 available from the county or other entities that provide the service. 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 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 (b), 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 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.

For any contract entered into after January 1, 2002, the amount of any indirect or overhead costs shall be individually stated in any contract together with the method of calculation of the indirect or overhead costs. This amount shall not contain items that are not otherwise allowable court operations. The Judicial Council may audit the county figures to ensure compliance with this section and to determine the reasonableness of the figures.

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

*(Amended by Stats. 2001, Ch. 812, Sec. 24. Effective January 1, 2002. Conditionally inoperative as provided in Section 77400.)*

**ARTICLE 5. Nonseverability [77400. - 77400.]** *( Article 5 added by Stats. 1988, Ch. 945, Sec. 10. )*

**77400.** If any portion of this chapter is declared to be unconstitutional or void, the entire chapter shall become inoperative.

*(Repealed and added by Stats. 1988, Ch. 945, Sec. 10. Effective September 16, 1988. Note: Termination clause applies to Chapter 13, commencing with Section 77000.)*