



JUDICIAL COUNCIL OF CALIFORNIA

LEGISLATION COMMITTEE

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LEGISLATION COMMITTEE

MINUTES OF OPEN MEETING

February 20, 2020

4:30 p.m.

Telephone

Advisory Body Members Present: Hon. Marla O. Anderson, Chair; Hon. Brad R. Hill, Vice-Chair; Hon. Samuel K. Feng; Hon. Harold W. Hopp; Hon. Harry E. Hull, Jr.; Hon. Eric C. Taylor; Kevin Harrigan; Patrick M. Kelly; Gretchen Nelson; and, Michael M. Roddy.

Advisory Body Members Absent: None.

Others Present: **Guests:** Hon. Stacy Boulware Eurie, Member of the Judicial Council; Melissa Fowler-Bradley, Court Executive Officer, Superior Court of California, County of Shasta; and, Neil Gupta, Principal Attorney to Chief Justice; **Judicial Council Staff:** Mike Courtney, Andrea, Jaramillo, Anne Ronan, Laura Speed; Millicent Tidwell; **Committee Staff:** Yvette Casillas-Sarcos, Cory Jaspersen, Mark Neuburger, and Sharon Reilly.

CLOSED SESSION

Call to Order and Roll Call

The chair called the meeting to order at 4:3 p.m., and staff took roll call.

Approval of Minutes

The advisory body reviewed and approved, *with one correction*, the minutes of the February 20, 2020, Policy Coordination and Liaison Committee meeting

Discussion:

Judicial Council-Sponsored Legislation

a) Additional Marshals for New Shasta Superior Courthouse

Amends Penal Code sections 831 and 831.5 to grant authority to Shasta to employ the custodial officers necessary to fully staff the security needs of its new courthouse.

Action: Recommend Judicial Council sponsorship.

b) 2020 Judicial Council-Sponsored Legislative Proposals as Approved by the Judicial Council on November 13, 2019

- **AB 2165 (Rivas), as introduced – Electronic filing and service of documents (Electronic filing), Council Item: 19-184**

Amends Code of Civil Procedure section 1010.6, which governs electronic filing and service in civil matters in the trial courts account for signatures not made under penalty of perjury by persons other than the filer.

Action: Amendments approved

- **Electronic Delivery of Documents Following Conviction (e-Delivery) Council Item: 19-182**

Amends Penal Code section 1203.01, *as proposed to be amended*:

- Allow courts to offer the option of electronic delivery of “documents or the data contained in the documents” to attorneys, CDCR, and county jails.
- Allow attorneys, CDCR, and county jails to choose the electronic delivery option either orally or in writing.
- Require that courts continue to deliver the documents via U.S. mail if an attorney, CDCR, and county does not request electronic delivery.
- Require that courts continue to deliver the documents via U.S. Mail to defendants post-conviction.

Action: Amendments approved

- **SB 897 (Jackson), as introduced – Gun Violence Restraining Orders Council Item: 19-219**

Amends Penal Code section 18140 to add a time frame of as soon as practicable but not later than three court days after issuance for a law enforcement officer to file a copy of a temporary emergency gun violence restraining order with the court. This change will ensure that the court receives the emergency order with sufficient time to set and notice a hearing within 21 days, as required by newly enacted Penal Code section 18148.

Action: Informational only

- **Telephone Appearance Fee Revenue Distribution (Telephone Appearance) Council Item: 19-183**

Amends the statutes related to telephonic appearances to (1) update and improve the formula for telephone appearance service fees to be more equitable and reflect current revenue allocation standards; and (2) update the method of transmitting those fees to reflect current fiscal practices in the courts. The proposed amendments would have no impact on the fee charged to individuals for telephone appearance services. This proposal will eliminate the requirement that vendors make the existing \$944,000 (approximate)

statutory payments and the provisions providing for the allocation of these funds to the 38 courts. This will allow the Judicial Council to allocate funds equitably and distribute funds to all 58 trial courts. It will also increase the vendor's per call fee by \$3 to ensure the Trial Court Trust Fund (TCTF) continues to receive stable funding. Increasing the fee that each vendor and court must transmit to TCTF from \$20 to \$23 will result in a \$864,000 per year increase, which will help offset the loss of funds by the repeal of existing statute.

Action: Informational only

c) Provisions Submitted to the Public Safety, Transportation, and Judiciary Committee Annual Omnibus Cleanup Legislation

• **Submitted to Assembly Transportation Committee**

Amend Government Code Section 76000.3: to eliminate references to “infraction parking violations.”

• **Submitted to Assembly Judiciary Committee**

Amend Public Contract Code section 19209: to harmonize the branch procurement reporting requirements with the reporting provisions in FISCAL, which is a statewide budgeting, accounting, procurement, and cash management system.

• **Submitted to CDAA for Inclusion in the Public Safety Omnibus**

Amend Penal Code section 1001.36 to:

- Make presumptively confidential, except as otherwise provided by law, a document submitted to a court related to a defendant's petition to participate in Mental Health Diversion (i.e. written reports prepared by psychiatrists or psychologists) and requires the court to retain such documents in the confidential portion of the court's file.
- Provide that the defendant, counsel for the defendant, and the prosecution may inspect copy, or utilize the documents, and any information contained in the documents, without an order from the court for purposes related to the defense, prosecution, treatment, and safety of the defendant, and for the safety of the public.
- Provides that the court may consider a motion, application, or petition to access the documents in accordance with subdivision (h) of Rule 2.551 of the California Rules of Court.

Amend Penal Code section 1170.17: to allow a defendant to waive the right to be personally present, using similar language to Penal Code section 977(b)(2), waiver of personal presence of defendant in felony proceedings (other than arraignment, plea, preliminary hearing, specified parts of trial, and imposition of sentence).

Repeal Penal Code section 1170.17: to repeal the section allows a juvenile offender who was direct filed upon in adult court and then ultimately convicted of something not eligible for direct file to request that his sentencing/disposition be sent back to juvenile court. The statute is now obsolete because of Proposition 57 but it hasn't been repealed.

Action: Approved submission to the Judiciary, Public Safety, and Transportation Committees' Omnibus legislation.

Item 2 (Informational Item/No Action Required)

Pursuant to California Rules of Court, rule 10.75 (d)(3). Negotiations concerning legislation.

a) Legislative Update

None.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 4:50 p.m.

Approved by the advisory body on March 19, 2020.