



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title	Agenda Item Type
Judicial Administration: Rules for Advisory Groups	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Adopt Cal. Rules of Court, rules 10.65, 10.66, and 10.67; amend rules 10.2 and 10.50; and revise Trial Court Facility Modifications Policy	January 1, 2015
Recommended by	Date of Report
Executive and Planning Committee	November 4, 2014
Hon. Douglas P. Miller, Chair	Contact
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### Executive Summary

The Executive and Planning Committee recommends that the Judicial Council adopt California Rules of Court for three Judicial Council advisory committees and amend two rules: one for an advisory committee and one that addresses concurrent membership on the council and a council advisory committee. At its meeting on April 25, 2013, the Judicial Council approved the *Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Groups*<sup>1</sup> (*Report and Recommendations*) submitted by the Rules and Projects Committee (RUPRO), the Executive and Planning Committee (E&P), and the Technology Committee (JTC). Among the recommendations was the establishment by rule of the Trial Court Facility Modification Advisory Committee (TCFMAC). This proposal would establish a rule for the TCFMAC, the Workload Assessment Advisory Committee, and the Judicial Branch

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<sup>1</sup> The report can be found at [www.courts.ca.gov/documents/jc-20130426-item4.pdf](http://www.courts.ca.gov/documents/jc-20130426-item4.pdf).

Workers' Compensation Advisory Committee, and amend the rule for the Center for Judicial Education and Research (CJER) Governing Committee.<sup>2</sup>

## **Recommendation**

The Executive and Planning Committee recommends that the Judicial Council, effective December 12, 2014:

1. Adopt rules 10.65, 10.66, and 10.67 of the California Rules of Court to establish by rule the Trial Court Facility Modification Advisory Committee, the Workload Assessment Advisory Committee, and the Judicial Branch Workers' Compensation Advisory Committee;
2. Amend rule 10.2 to acknowledge that other rules may provide that a council member may concurrently serve on a council advisory committee;
3. Amend rule 10.50 for the Center for Judicial Education Governing Committee to increase the number of judicial officer members from 8 to 11, and to provide for a member who is a supervisor or manager in a trial or appellate court; and
4. Revise the Trial Court Facility Modifications Policy.

The text of the amended rules is attached at pages 9-12.

## **Previous Council Action**

The council initiative for reviewing the governance, structure, and organization of the council's advisory groups had its genesis in its June 2011 planning meeting. In August 2011, E&P made this recommendation to the council:

The Judicial Council will review the structure and organization of its advisory groups, including its advisory committees and task forces, and their subcommittees and advisory groups.<sup>3</sup>

That review resulted in the *Report and Recommendations* and the adoption, amendment, or repeal of certain advisory committee rules and an internal committee rule. Effective October 25,

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<sup>2</sup> At the time the *Report and Recommendations* was approved, the Workload Assessment Advisory Committee was known as the Senate Bill 56 Working Group. The *Report and Recommendations* did not include recommendations to develop rules for the Workload Assessment Advisory Committee or the Judicial Branch Workers' Compensation Advisory Committee, or to amend the CJER Governing Committee rule; the recommendations for rules for those advisory groups followed.

<sup>3</sup> Judicial Council meeting minutes, August 25–26, 2011, page 7, report from the Chair of the E&P: <http://www.courts.ca.gov/documents/jc-20110826-minutes.pdf>. See also, Minutes, August 12, 2011, E&P meeting: <http://www.courts.ca.gov/documents/jc-121311-comrep.pdf>.

2013, the council adopted rules for the Tribal Court–State Court Forum and the Court Security Advisory Committee. Effective February 20, 2014, the council adopted rules for the Court Facilities Advisory Committee, the Trial Court Budget Advisory Committee, and the Advisory Committee on Financial Accountability and Efficiency, and amended four rules; the council also adopted a rule for the Judicial Council Technology Committee. Effective October 28, 2014, the council amended the Trial Court Budget Advisory Committee rule.

### **Rationale for Recommendation**

Council advisory committees provide policy recommendations and advice to the council on topics the Chief Justice or the council specifies using the individual and collective experience, opinions, and wisdom of their members. (See Cal. Rules of Court, rule 10.30(a).) This proposal would establish by rule of court the Trial Court Facility Modification Advisory Committee, the Workload Assessment Advisory Committee, and the Judicial Branch Workers’ Compensation Advisory Committee and set out their areas of focus, responsibilities, and membership categories. Because existing rules address the nominations process, member selection, and appointment for advisory committees, the proposed new rules do not include such provisions.

Existing rules 10.31–10.34 address, respectively, council advisory bodies, advisory committee membership and terms, nominations and appointments to advisory committees, advisory committee meetings, and duties and responsibilities of advisory committees. Unless otherwise stated—or other provisions addressing these matters appear in proposed rules 10.65, 10.66, and 10.67—these rules apply to the rules establishing the Trial Court Facility Modification Advisory Committee, the Workload Assessment Advisory Committee, and the Judicial Branch Workers’ Compensation Advisory Committee.

In addition, the proposal would amend the rule for the CJER Governing Committee to make changes that affect membership. Rule 10.2 on Judicial Council membership and terms would be amended to provide that the restriction on advisory committee membership in that rule may be modified by other provisions in advisory committee rules.

This proposal will benefit the council and judicial branch by continuing to implement recommendations about specific subject matter advisory groups and their functions, charges, and oversight contained in the *Report and Recommendations*.

### **New Rules**

**Rule 10.65 and policy (Trial Court Facility Modification Advisory Committee).** This rule would address the Trial Court Facility Modification Advisory Committee and provide that its area of focus is to make recommendations to the council on facilities modifications, maintenance, and operations; environmental services; and utility management. The committee's additional duties would be described in subdivision (b) as follows:

The committee:

- (1) Makes recommendations to the council on policy issues, business practices, and budget monitoring and control for all facility-related matters in existing branch facilities.
- (2) Makes recommendations to the council on funding and takes additional action in accordance with council policy, both for facility modifications and for operations and maintenance.
- (3) Collaborates with the Court Facilities Advisory Committee in the development of the capital program, including providing input to design standards, prioritization of capital projects, and methods to reduce construction cost without impacting long-term operations and maintenance cost.
- (4) Provides quarterly and annual reports on the facilities modification program in accordance with the council policy.

The committee has existed as a working group since 2005, functioning within the area of focus and duties that are proposed for rule 10.65. The rule would reference in subdivision (b)(2) and (4) (paragraphs (2) and (4) immediately above)—certain duties performed by the committee in accordance with council policy. That policy, identified in the advisory committee comment to the rule, is the *Trial Court Facility Modifications Policy*, which was approved by the council in July 2012.<sup>4</sup> This proposal would revise the policy to eliminate provisions inconsistent with the new rule, such as the provisions on membership criteria and terms of the former working group, as they are no longer needed.

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<sup>4</sup> The policy replaced and superseded the Judicial Council's *Prioritization Methodology for Modifications to Court Facilities*.

**Rule 10.66 (Workload Assessment Advisory Committee).** The rule governing the Workload Assessment Advisory Committee would provide that the committee's area of focus is to make recommendations to the council on judicial administration standards and measures that provide for the equitable allocation of resources across courts to promote the fair and efficient administration of justice. The rule would set out the following additional duties in subdivision (b):

The committee must recommend:

- (1) Improvements to performance measures and implementation plans and any modifications to the Judicial Workload Assessment and the Resource Assessment Study Model;
- (2) Processes, study design, and methodologies that should be used to measure and report on court administration; and
- (3) Studies and analyses to update and amend case weights through time studies, focus groups, or other methods.

The area of focus and additional duties are drawn from the charge to the predecessor working group to the committee, the Senate Bill (SB) 56 Working Group, which was established in 2009. The rule shifts some responsibilities contained in the charge to the new advisory committee and from staff to the former Administrative Office of the Courts (AOC). For example, the charge provided that the AOC Office of Court Research (OCR) was responsible for developing a comprehensive model for performance measures for court systems and for preparing amendments to the Judicial Workload Assessment and the Resource Assessment Study models, as they relate to standards and measures of court administration. Under the proposed rule, the committee would have these responsibilities. (Proposed rule 10.66(b)(2).)

In addition, the proposal made changes to certain criteria for membership, eliminating the requirement that a member has recently served on the Civil and Small Claims, Collaborative Justice Courts, Family and Juvenile Law, Criminal Law, Probate and Mental Health, or Traffic Advisory committee as it was determined to be unnecessary. The rule would provide that membership is made up of an equal number of superior court judicial officers and court executive officers reflecting diverse aspects of state trial courts.

**Rule 10.67 (Judicial Branch Workers' Compensation Advisory Committee).**

This advisory committee succeeds the Judicial Branch Workers' Compensation Oversight Committee, formerly a subcommittee of the Trial Court Budget Advisory Committee. It was created in 2001 to assist superior courts with the then-newly-established workers' compensation program. The workers' compensation program is no longer limited to the trial courts: it has expanded to include all judicial branch entities except the Superior Court of Los Angeles County. The rule would provide that the committee's area of focus is to make

recommendations to the council for improving the statewide administration of the Judicial Branch Workers' Compensation Program and on allocations to and from the Judicial Branch Workers' Compensation Fund established under Government Code section 68114.10. The rule would include an advisory committee comment that cross-references rule 10.350, which authorizes the Judicial Council staff to administer the workers' compensation program for the trial courts.

### **Amended Rules**

#### ***Rule 10.2 (Judicial Council membership and terms).***

Rule 10.2 would be amended to add the following underlined text:

Unless otherwise provided by these rules or the Chief Justice waives this provision, neither council members nor nonvoting advisory council members may concurrently serve on a council advisory committee.

This amendment would clarify that the chair of the Trial Court Presiding Judges Advisory Committee (TCPJAC), who also serves as an ex officio voting member of the Trial Court Budget Advisory Committee under rule 10.64(c)(3), may also serve on the council. The provision in rule 10.64(c)(3) that the chair of the TCPJAC serves as an ex officio member of the TCBAC fulfills the description of being "otherwise provided by these rules" and therefore clarifies that a presiding judge may simultaneously serve on the council and the Trial Court Budget Advisory Committee.

#### ***Rule 10.50 (CJER Governing Committee).***

Rule 10.50 would be amended to increase the number of judicial officer members from 8 to 11, and to provide for a member who is a supervisor or manager in a trial or appellate court. The Executive and Planning Committee, at its February 11, 2014 meeting, approved a recommendation from Justice Robert L. Dondero, Chair of the CJER Governing Committee, to expand the committee membership by the appointment of an additional three judges, one of which would be an immediate past presiding judge, and by the appointment of a supervisor or manager from the trial or appellate courts. Since the CJER Governing Committee changed its education development model in 2009 to include a comprehensive two-year education plan for the entire judicial branch, its responsibilities have dramatically increased. The CJER Governing Committee must oversee the successful execution of the plan, as well as adapt and revise the plan during its execution. This requires the membership to have a greater level of substantive expertise and a broader representation of the many judicial branch audiences that the education plan serves.

### **Comments, Alternatives Considered, and Policy Implications**

The proposal circulated for public comment from August 21 through October 3, 2014. One comment, from a superior court, was submitted. The court agreed with the proposal without modification or any narrative comment. As a result, E&P made no changes to the proposal.

## **Alternatives**

During the review by three of the council's internal committees—RUPRO, E&P, and JCTC—which resulted in the *Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Groups*, the committees evaluated ways to achieve the following objectives:

1. Create efficiencies by consolidating certain committee activities and reducing overlapping responsibilities;
2. Reduce the costs associated with committee operations, including gaining a better understanding of the resources and staff support reasonably needed by the council's advisory groups;
3. Strengthen Judicial Council oversight of the groups that had not been directly overseen by the council, such as subcommittees and subgroups that had been created by the council's advisory groups; and
4. Create formal standing advisory committees to succeed task forces and working groups when the continued assistance of those groups is needed.

The internal committees concluded in the *Report and Recommendations* and decisions that followed that establishing the Trial Court Facility Modification Advisory Committee, the Workload Assessment Advisory Committee, and the Judicial Branch Workers Compensation Advisory Committee as standing advisory committees would assist in achieving these objectives. In addition, E&P recognized the need for amendments to the rule for the CJER Governing Committee and rule 10.2 on Judicial Council membership and terms.

## **Implementation Requirements, Costs, and Operational Impacts**

Advisory committee costs include the costs of members' travel, meals and lodging (if needed) for in-person meetings, and the cost of telephone and video conferences; other costs include staff time. The council has determined that the subject areas of the three new advisory committees—all of which been in existence for several years as working groups—are ones in which both the council and judicial branch would benefit from policy recommendations and advice. It has also determined that it is appropriate to establish advisory groups of members with diverse experience to provide recommendations and advice in the needed subject areas.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

This proposal supports the policies underlying Goal IV, Quality of Justice and Service to the Public, and Goal VI, Branchwide Infrastructure for Service Excellence.

## **Attachments and Links**

1. California Rules of Court, rules 10.2, 10.50, and 10.65–10.67, at pages 9-12

2. *Trial Court Facility Modifications Policy* (revisions effective December 12, 2014), at pages 13–22
3. Chart of Comments, at page 23

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Rules 10.65, 10.66, and 10.67 of the California Rules of Court are adopted and rules 10.2 and 10.50 are amended, effective December 12, 2014, to read:

1 **Rule 10.2. Judicial Council membership and terms**

2  
3 **(a)–(d) \* \* \***

4  
5 **(e) Restrictions on advisory committee membership**

6  
7 Unless otherwise provided by these rules or the Chief Justice waives this provision,  
8 neither council members nor nonvoting advisory council members may  
9 concurrently serve on a council advisory committee. This provision does not apply  
10 to members of the following advisory committees:

11  
12 (1) Administrative Presiding Justices;

13  
14 (2) Trial Court Presiding Judges; and

15  
16 (3) Court Executives.

17  
18 **Rule 10.50. Governing Committee of the Center for Judicial Education and**  
19 **Research**

20  
21 **(a)–(c) \* \* \***

22  
23 **(d) Membership**

24  
25 The committee consists of at least the following members:

26  
27 (1) ~~Eight~~ Eleven sitting judicial officers, including at least one appellate court  
28 justice and one immediate past presiding judge;

29  
30 (2) Three judicial administrators, including a supervisor or manager from a trial  
31 or appellate court;

32  
33 (3) The Administrative Director ~~of the Courts~~ as an advisory member;

34  
35 (4) The president of the California Judges Association or his or her designee as  
36 an advisory member; and

37  
38 (5) Other advisory members as the Chief Justice may appoint.

39  
40 **(e)–(f) \* \* \***

1 **Rule 10.65. Trial Court Facility Modification Advisory Committee**

2  
3 **(a) Area of focus**

4  
5 The committee makes recommendations to the council on facilities modifications,  
6 maintenance, and operations; environmental services; and utility management.

7  
8 **(b) Additional duties**

9  
10 In addition to the duties specified in rule 10.34, the committee:

- 11  
12 (1) Makes recommendations to the council on policy issues, business practices,  
13 and budget monitoring and control for all facility-related matters in existing  
14 branch facilities.
- 15  
16 (2) Makes recommendations to the council on funding and takes additional  
17 action in accordance with council policy, both for facility modifications and  
18 for operations and maintenance.
- 19  
20 (3) Collaborates with the Court Facilities Advisory Committee in the development  
21 of the capital program, including providing input to design standards,  
22 prioritization of capital projects, and methods to reduce construction cost without  
23 impacting long-term operations and maintenance cost.
- 24  
25 (4) Provides quarterly and annual reports on the facilities modification program  
26 in accordance with the council policy.

27  
28 **(c) Membership**

29  
30 The committee consists of members from the following categories:

- 31  
32 (1) Trial court judges; and  
33  
34 (2) Court executive officers.

35  
36 The committee includes the chair and vice-chair of the Court Facilities Advisory  
37 Committee, as non-voting members.

38  
39 Advisory Committee Comment

40  
41 The Judicial Council policy referred to in the rule is contained in the *Trial Court Facility*  
42 *Modifications Policy* adopted by the council.

43

1 **Rule 10.66. Workload Assessment Advisory Committee**

2  
3 **(a) Area of focus**

4  
5 The committee makes recommendations to the council on judicial administration  
6 standards and measures that provide for the equitable allocation of resources across  
7 courts to promote the fair and efficient administration of justice.  
8

9 **(b) Additional duties**

10  
11 In addition to the duties specified in rule 10.34, the committee must recommend:  
12

- 13 (1) Improvements to performance measures and implementation plans and any  
14 modifications to the Judicial Workload Assessment and the Resource  
15 Assessment Study Model;  
16  
17 (2) Processes, study design, and methodologies that should be used to measure  
18 and report on court administration; and  
19  
20 (3) Studies and analyses to update and amend case weights through time studies,  
21 focus groups, or other methods.  
22

23 **(c) Membership**

- 24  
25 (1) The advisory committee consists of an equal number of superior court  
26 judicial officers and court executive officers reflecting diverse aspects of  
27 state trial courts, including urban, suburban, and rural locales; size and  
28 adequacy of resources; number of authorized judgeships; and for judicial  
29 officers, diversity of case type experience.  
30  
31 (2) A judicial officer and court executive officer may be from the same court.  
32

33 **Rule 10.67. Judicial Branch Workers Compensation Advisory Committee**

34  
35 **(a) Area of focus**

36  
37 The committee makes recommendations to the council for improving the statewide  
38 administration of the Judicial Branch Workers' Compensation Program and on  
39 allocations to and from the Judicial Branch Workers' Compensation Fund  
40 established under Government Code section 68114.10.  
41

42 **(b) Additional duties**

43

1 In addition to the duties specified in rule 10.34, the committee must review:

- 2
- 3 (1) The progress of the Judicial Branch Workers' Compensation Program;
- 4
- 5 (2) The annual actuarial report; and
- 6
- 7 (3) The annual allocation, including any changes to existing methodologies for
- 8 allocating workers' compensation costs.
- 9

10 **(c) Membership**

11

12 The advisory committee consists of persons from trial courts and state judicial

13 branch entities knowledgeable about workers' compensation matters, including

14 court executive officers, appellate court clerk/administrators, and human resources

15 professionals.

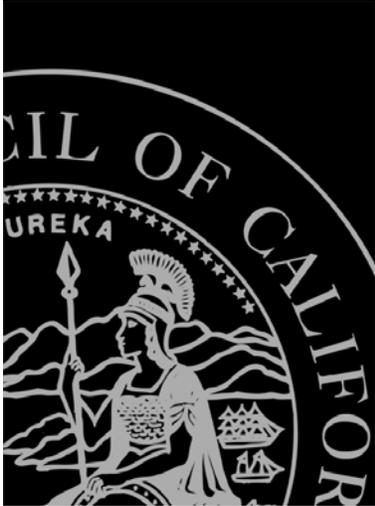
16

17 Advisory Committee Comment

18

19 The Judicial Branch Workers' Compensation Program is administered by the Judicial Council

20 staff under rule 10.350.



# Trial Court Facility Modifications Policy

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ADOPTED AND EFFECTIVE  
JULY 27, 2012  
REVISED DECEMBER 12, 2014

## I. Purpose

Government Code section 70391(h) requires the Judicial Council to allocate appropriated funds for the maintenance and construction of court facilities. Government Code section 70374(c)(1) authorizes the use of funds in the State Court Facilities Construction Fund for projects involving, among other things, rehabilitation, renovation, or replacement of court facilities. This document presents the methodology and process for identifying and prioritizing facility modifications (Facility Modifications) to be made to trial court facilities, the responsibility or title for which rests with the state.

~~This document~~ The Trial Court Facility Modifications Policy, initially approved and effective July 27, 2012, replaced replaces and superseded supersedes the Judicial Council's Prioritization Methodology for Modifications to Court Facilities, last revised April 24, 2009, and if approved, would become effective July 27, 2012. This revised Trial Court Facility Modifications Policy, if approved by the council, will become effective December 12, 2014.

## II. Definitions

### A. Facility Modification

A Facility Modification is a physical modification to a facility or its components that restores or improves the designed level of function of a facility or facility components. A Facility Modification may consist of:

- A modification that alters or increases the designed level of services of a building;
- A "special improvement" meaning a one-time modification to a facility that is not expected to be repeated during the lifetime of the facility;
- An alteration, addition to, or betterment of a facility that changes its function, layout, capacity, or quality;
- A rehabilitation, which restores a facility to its former state or capacity;
- A renovation, which restores a facility to a former or better state, including by repairing or reconstructing facility components;
- A replacement, which puts a new facility component of the same or better quality or function, in the place of an existing facility component;
- The addition of new systems, equipment, or components to a facility that would not otherwise exist;
- A modification to a facility that is required to bring the facility into compliance with law, including but not limited to the Americans with Disabilities Act, title 24 of the California Code of Regulations, and federal and state hazardous materials laws and regulations;
- Any of the foregoing where a facility or its components are damaged, seriously deteriorated, dysfunctional, subject to intermittent service outage,

or otherwise in insufficient operating condition as a result of deferred maintenance, emergency, acts of God, severe wind or weather conditions, vandalism, or criminal activity; and

- A correction of collateral damage arising from an emergency incident or unanticipated finding that is discovered during the performance of Facility Modification work.

A Facility Modification differs from routine maintenance and repair of a court facility, which is the routine, recurring, and generally anticipated work that must be performed periodically throughout the life of a facility to keep the building and its grounds, equipment, and utilities infrastructure in a condition adequate to support their designed level of service. Routine maintenance and repair includes annual or less frequent periodic repairs and replacements of building components and equipment consistent with manufacturers' recommendations or industry-recommended service cycles. While a Facility Modification may either restore or improve a facility's designed level of function, routine maintenance and repair always maintains, without materially improving, the facility and its components at their designed level of function. Routine maintenance and repair is the basic and ongoing work that is needed, as part of ordinary facility operation and management, to keep the facility and its components in a condition adequate to support existing facility operations and to prevent deterioration, break down, and service interruptions.

In some instances, it is difficult to distinguish between a Facility Modification, on the one hand, and routine maintenance and repair, on the other hand. Facility Modifications are distinguished from routine maintenance and repair based on the scope and complexity of the work to be performed, and the anticipated impact of the work on the ongoing operation of the facility. Factors to be considered in evaluating the scope, complexity, and impact of a project include:

- The amount of time and materials needed to complete the work;
- The number of steps involved in completing the project;
- The type and number of tools required to perform the work;
- The extent to which facility structures or equipment must be altered or moved to complete the project;
- Whether the facility component involved is a substantial part of a major facility system;
- Whether one or more facility systems will be disrupted or taken out of service as a result of the project; and
- Whether the project involves critical facility systems such as life safety or security equipment, HVAC equipment, utilities infrastructure, roofs and other structural components, or accessibility features (i.e., elevators, escalators, doors, parking lots and structures).

Projects of greater scope and complexity or with a more critical impact on the ongoing safe and secure operation of the court facility are more likely to be Facility Modifications; however, for projects that are more difficult to distinguish, case-by-case evaluation is required.

A Facility Modification differs from a capital project, which significantly increases the facility's gross area; substantially renovates the majority (more than 50 percent) of the facility; involves the construction of a new facility or a facility acquisition; or changes the use of the facility, as in a conversion from another use to court use.

**B. Judicial Branch Facilities' Customer Service Center (CSC)**

The Judicial Branch Facilities' Customer Service Center, or CSC, is a 24-hour service center established to receive, track, and control all work statewide related to court facilities. The center is managed by the Office of Court Construction Real Estate and Facilities Management staff (OCCM), a division of the Administrative Office of the Courts (AOC) within the Judicial Council's Administrative Division. The CSC is the primary contact point for all Facility Modification requests and all maintenance services. The e-mail address is [csc@jud.ca.gov](mailto:csc@jud.ca.gov).

**C. Facility Modification Budget Allocation Categories**

**1. Statewide Facility Modifications Planning Allocation**

The Statewide Facility Modifications Planning Allocation is the portion of the Facility Modifications budget set aside by the Judicial Council for planning, investigations, and other activities related to the identification, solution analysis or development of Facility Modification requirements, estimates, and plans. This includes studies of issues that may eventually require Facility Modifications as well as full facility assessments used for long-range planning of the Facility Modification program. This budget does not include detailed construction design work, which is incorporated into the cost of each specific Facility Modification.

**2. Priority 1 Facility Modifications Allocation**

The Priority 1 Facility Modifications Allocation is the portion of the Facility Modification budget set aside by the Judicial Council for performance of emergency Facility Modifications. Due to the unpredictable nature of these Facility Modifications funding must be set aside to ensure an adequate reserve to address any emergencies that may arise over the course of the ~~Fiscal Year~~ fiscal year.

**3. Planned Facility Modifications Allocation**

The Planned Facility Modifications Allocation is the portion of the Facility Modification budget set aside by the Judicial Council for Facility Modifications that the ~~TCFMWG~~ Trial Court Facility Modification Advisory Committee

(TCFMAC) has fully vetted and recommended for funding at the beginning of the ~~Fiscal Year~~ fiscal year and that are approved by the Judicial Council. Typically these Facility Modifications are considered to be among the highest priority from those *not* funded in the previous year due to budget constraints. Funds remaining in this allocation after all Planned Facility Modifications have been completed can be reallocated by the ~~TCFMWG~~ TCFMAC among the other Facilities Modification Budget Categories. The Judicial Council will be advised of any such reallocations in the annual information report submitted after the close of each fiscal year. The report also will indicate if any Planned Facility Modifications approved by the council are cancelled.

#### **4. Priority 2–6 Facility Modifications Allocation**

The remainder of the Facility Modifications budget is set aside by the Judicial Council for Priority 2–6 Facility Modifications that were either not received prior to the beginning of the fiscal year or involved lower-priority work not yet fully vetted and estimated but eligible for funding during the current fiscal year depending on funds available and priority of the requested modification.

This budget allocation is spread over the course of the ~~Fiscal Year~~ fiscal year by the ~~TCFMWG~~ TCFMAC to fund requests that are ad hoc or unplanned, but that rank among the highest priority Facility Modifications. The ~~TCFMWG~~ TCFMAC will determine at the beginning of the fiscal year the amount to be used at each of its meetings as part of a plan to stage the work over the course of the year. This will allow for funding decisions at each meeting to ensure funds are spent appropriately and fully for the fiscal year. Based on this funding determination the ~~AOC~~ Judicial Council staff will present a proposed list of Facility Modification at each meeting. The ~~TCFMWG~~ TCFMAC will then approve or disapprove funding for each of the proposed Facility Modifications.

### **III. Priority Categories**

#### **Priority Categories for Facility Modifications**

Projects determined to be Facility Modifications will be assigned one of the six priority categories described below. These priority categories are based on methods commonly used by private sector facility management firms. Facility Modifications will be prioritized based on confirmation that the requested project qualifies as a Facility Modification under the criteria in section IIA above, as well as by priority category, specific justifications, effect on court operations, public and employee safety, risk management and mitigation, funding availability, equity among the courts, implementation feasibility, cost/benefit analysis, planning and design status, contribution to ADA compliance, and status of major capital improvements.

Facility Modifications determined to be Priority 1 will be addressed immediately and regardless of whether the court occupies a shared-use facility. Planned Priority 2–6 Facility Modifications requested for shared-use facilities will be assigned an appropriate priority category; their prioritization and implementation may be dependent, however, on financial participation by the county that shares the building.

Priority categories for Facility Modifications are as follows:

**Priority 1—Immediately or Potentially Critical.** A Priority 1 ranking is appropriate where a condition of the facility requires immediate action to return the facility to normal operations or where a condition exists that will become critical if not corrected expeditiously. Such conditions necessitate a Facility Modification to prevent accelerated deterioration, damage, or dysfunction; to correct a safety hazard that imminently threatens loss of life or serious injury to the public or court employees; or to remedy intermittent function, service interruptions, or potential safety hazards. These conditions may include, but are not limited to, major flooding, substantial damage to roofs or other structural building components, or actual or imminent hazardous material release or exposure. Depending on scope, complexity, and impact, a severe deterioration in life safety or security components may also be considered a condition requiring a Priority 1 Facility Modification.

Owing to their critical nature, Priority 1 Facility Modification requests will be addressed immediately by AOC staff using internal procedures—including a method and a process for setting aside funds to address Priority 1 requests—that ensure timely and effective responses to unplanned damage, deterioration, or dysfunction resulting from an emergency or other potentially critical conditions.

**Priority 2—Necessary, But Not Yet Critical.** A Priority 2 ranking is appropriate where a facility requires a modification to preclude deterioration, potential loss of function or service, or associated damage or higher costs if correction of a condition is further deferred.

**Priority 3—Needed.** A Priority 3 ranking is appropriate where addressing a Facility Modification will reduce long-term maintenance or repair costs or improve the functionality, usability, and accessibility of a court facility. Such a condition is not hindering to the most basic functions of the facility, but its correction will improve court operations.

**Priority 4—Does Not Meet Current Codes or Standards.** A Priority 4 ranking is appropriate where a facility or one or more of its components does not conform to current code requirements, despite having complied with all codes in place at the time of initial construction. Such conditions are considered *legally nonconforming*, and their modification to meet current code requirements is generally not required.

**Priority 5—Beyond Rated Life, But Serviceable.** A Priority 5 ranking is appropriate where a facility is currently adequate to support court operations but, owing to some condition, cannot be expected to fully and properly function as designed for more than one year without the requested Facility Modification.

**Priority 6—Hazardous Materials, Managed But Not Abated.** A Priority 6 ranking is appropriate for a Facility Modification where a facility contains hazardous materials, such as asbestos or lead-based paints, that are managed in place and not yet abated.

#### IV. Process for Requesting and Prioritizing Facility Modifications

##### A. Requesting Facility Modifications

Potential Facility Modifications will be identified by court and Judicial Council personnel through requests made to the CSC. The ~~AOC~~ Judicial Council staff in collaboration with the local court staff will:

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- Confirm that each requested project is a Facility Modification under the criteria set forth above in section II;
- Assign a priority category to each request;
- Resolve any questions and develop a preliminary cost estimate; and
- Finalize the scope of the Facility Modification.

**1. Priority 1 Requests.** Owing to their critical nature, Priority 1 requests will be addressed immediately by Judicial Council staff using internal procedures that ensure timely and effective responses to unplanned damage, deterioration, or dysfunction resulting from an emergency or other potentially critical conditions. Judicial Council staff will report to the ~~TCFMWG~~ TCFMAC on all Priority 1 requests as part of the next scheduled ~~TCFMWG~~ TCFMAC meeting.

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**2. Priority 2–6 Requests.** Requests for Priority 2–6 Facility Modifications will be tracked by the Judicial Council and the courts using the Judicial Council's Computer Aided Facility Management (CAFM) database. Each request will outline the problem to be addressed and state the impact if the problem is not addressed. Requests will be processed by CSC staff and tracked in CAFM.

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##### B. Prioritizing Requests for Priority 2–6 Facility Modifications

The following criteria will be used in ranking of all noncritical Facility Modifications:

- Priority category;
- Specific justifications, effect on court operations;
- Public and employee safety and security, and risk management;
- Funding availability;
- Equity among the courts;

- Implementation feasibility;
- Cost/benefit analysis;
- Design and plan status;
- Contribution to ADA compliance; and
- Planned major capital improvements.

#### ~~V. Trial Court Facility Modifications Working Group~~

##### ~~A. Trial Court Facility Modifications Working Group: Membership and Terms~~

~~The Trial Court Facility Modifications Working Group (TCFMWG) has been established by the Judicial Council to review Facility Modification needs across the state. Judges or court executive officers from any California court who have knowledge of or interest in facilities management or construction are eligible to apply for membership. The TCFMWG consists of five judges selected by the Trial Court Presiding Judges Advisory Committee and three Court Executive Officers selected by the Court Executive Officers Advisory Committee. Members serve a three year term, though terms may be extended at the discretion of the chair of the Court Facilities Working Group (CFWG). The chair and vice chair of the TCFMWG are appointed from among the TCFMWG membership by the Chief Justice, with recommendations from the chair of the CFWG. AOC staff is responsible for notifying the pertinent selection committee when new members need to be appointed.~~

##### ~~C. Trial Court Facility Modifications Working Group Advisory Committee: Duties and Procedures~~

~~The TCFMWG TCFMAC will meet as needed to review the AOC Judicial Council staff-prepared reports, which will include a suggested ranked list of all proposed Facility Modifications with fully developed scopes of work and cost estimates as well as current funding availability. The total cost of all modifications on the draft ranked list may not exceed total available funding for the current fiscal year. Based on a review of the AOC Judicial Council reports and any other available information, the TCFMWG TCFMAC will determine which modifications to recommend for funding in the current fiscal year and which should be deferred for future consideration based on funding availability. The group may also determine that certain items do not qualify as Facility Modifications and remove them from the list of recommended projects.~~

##### ~~D. Trial Court Facility Modifications Working Group Advisory Committee: Annual Recommendation to the Judicial Council~~

- ~~1. The Legislature appropriates funding to the annual Facility Modification budget (annual budget) out of the State Court Facilities Construction Fund and the Immediate and Critical Needs Account.~~
- ~~2. Based on the annual budget, the AOC Judicial Council staff to the TCFMWG TCFMAC will develop a proposed allocation among the four Facility~~

Modification Budget Allocation Categories and a list of potential Planned Facility Modifications.

3. The ~~TCFMWG~~ TCFMAC will consider the ~~AOC~~ Judicial Council staff proposal and develop a recommended allocation among the four Facility Modification Budget Allocation Categories: Priority 1 Facility Modifications, Statewide Facility Modification Planning, Planned Facility Modifications, and Priority 2–6 Facility Modifications.
4. The ~~TCFMWG~~ TCFMAC will also use the ~~AOC~~ Judicial Council staff proposal to determine if there are high priority Facility Modifications that should be funded with the Planned Facility Modification allocation. A list of proposed Planned Facility Modifications, if any, will be developed, and will include the location, a short description, and estimated cost of each Planned Facility Modification. Based on the Annual Budget, the ~~TCFMWG~~ TCFMAC may recommend all funding be preserved for use on the highest priority Facility Modifications throughout the year and not recommend any Planned Facility Modifications.
5. The ~~TCFMWG's~~ TCFMAC's draft recommendations of the proposed funding allocation and the list of Planned Facility Modifications will be made available to the trial courts for comment by posting them on Serranus and e-mailing them to the ~~Presiding Judges~~ presiding judges and the ~~Court Executive Officers~~ court executive officers. The comments and the ~~TCFMWG's~~ TCFMAC's responses will be included with the final recommendations in a report to the Judicial Council.
6. Based upon comments received, the ~~TCFMWG~~ TCFMAC will determine its final recommended funding allocation and list of Planned Facility Modifications, which will be presented to the ~~CFWG~~ council for review and approval. ~~The CFWG may approve the TCFMWG recommendations in whole or it may revise the recommendations.~~

~~The CFWG will forward its recommended funding allocation and list of Planned Facility Modifications to E&P for placing on a Judicial Council business meeting agenda for the council's consideration and approval or revision.~~

7. This policy, and the budget allocations and list of Planned Facility Modifications approved by the Judicial Council will be the basis on which the ~~TCFMWG~~ TCFMAC and the ~~AOC~~ Judicial Council staff, in collaboration with the local courts, will proceed to implement Facility Modifications.

8. During the fiscal year, justifiable reasons may arise for reallocating funds among the four Facility Modification budget allocations—Statewide Facility Modification Planning, Priority 1, Planned, and Priorities 2–6. Under this policy, the Judicial Council delegates to the ~~TCFMWG~~ TCFMAC the authority to redistribute funds among the four budget allocations as necessary to ensure that the funds are used in the fiscal year and are used for the highest priority Facility Modifications, consistent with this policy and the criteria outlined in section IV.B above. All reallocations will be reported to the council as part of the annual report on the activities of the ~~TCFMWG~~ TCFMAC.
9. The Judicial Council also delegates to the ~~TCFMWG~~ TCFMAC the authority to approve Priority 1 and 2 Facility Modifications between the beginning of the fiscal year and the Judicial Council’s approval of the annual budget allocation and list of Planned Facility Modifications. This is necessary to ensure that emergency and necessary Facility Modifications that could impact court operations are not delayed. The ~~TCFMWG~~ TCFMAC will not expend more than 20% of the annual budget prior to the Judicial Council’s approval.

**E. Trial Court Facility Modifications Working Group ~~Advisory Committee~~:  
Annual Informational Report**

The ~~TCFMWG~~ TCFMAC will develop an informational annual report to the council summarizing its activities during the preceding fiscal year. Like the annual budget allocation recommendation, this report will be provided to the courts for comment in the same manner as the recommendations to the Judicial Council outlined above.

This report will be developed in the second quarter of the new fiscal year after all data is available and analyzed for the preceding year. This report will include data on actual expenditures, requests received, any backlog of work based on industry standard major facility systems, funding of modifications by priority, time required to complete each project, cancellation of any council-approved projects, redistribution of funding between categories, and other significant ~~TCFMWG~~ TCFMAC activities.

~~The CFWG will review this report and forward it to E&P for placing on a Judicial Council business meeting agenda as an informational item.~~

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**F. Trial Court Facility Modifications Working Group ~~Advisory Committee~~:  
Quarterly Report ~~to E&P~~**

The ~~TCFMWG~~ TCFMAC will develop a quarterly report to provide to E&P, which will also be provided to the Judicial Council at the next meeting the council. The report will include a list of all Facility Modifications funded during the quarter, as well as any reallocation of funds between the funding categories. ~~The first of these reports will be presented to E&P in October 2012 covering the first quarter of FY 2012-2013.~~

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**SP14-07**

**Judicial Administration: Rules for Advisory Groups** (adopt Cal. Rules of Court, rules 10.65, 10.66, and 10.67; amend rules 10.2 and 10.50; and revise Trial Court Facility Modifications Policy)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Proposed Committee Response</b>
1.	Superior Court of California, County of Los Angeles	A	No narrative comments submitted.	No response required.

DRAFT



# JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND  
PLANNING COMMITTEE

[www.courts.ca.gov/epmeetings.htm](http://www.courts.ca.gov/epmeetings.htm)  
[executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov)

## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF OPEN MEETING WITH CLOSED SESSION

Tuesday, October 21, 2014  
12:10 to 1:10 p.m.  
Teleconference

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**Advisory Body Members Present:** Justice Douglas P. Miller (Chair); Judge David M. Rubin (Vice Chair); Justice Judith Ashmann-Gerst; Presiding Judges Marla O. Anderson and Marsha G. Slough; Assistant Presiding Judges Morris D. Jacobson, Dean T. Stout, and Charles D. Wachob; Judge James R. Brandlin; Ms. Mary Beth Todd and Ms. Donna D'Angelo Melby

**Advisory Body Members Absent:** None

**Committee Staff Present:** Ms. Jody Patel and Ms. Nancy Carlisle

**Staff Present:** Mr. Cliff Alumno, Ms. Deborah C. Brown; Ms. Roma Cheadle, Ms. Cristina Foti, Ms. Diane Nunn, Mr. Patrick O'Donnell, Mr. Zlatko Theodorovic

*The meeting was held under urgent circumstances because the chair determined that the matters to be discussed required prompt action.*

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#### OPEN MEETING

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##### Call to Order and Roll Call

The chair called the meeting to order at 12:10 p.m. and committee staff took roll call.

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#### DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

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##### Item 1

##### Approval of Minutes

The committee reviewed the minutes of its September 29, 2014, action by e-mail and October 9, 2014, meeting.

**Action:** *The committee approved the minutes of its September 29, 2014, action by e-mail and October 9, 2014, meeting.*

##### Item 2

##### Agenda Setting for the October 27-28, 2014, Judicial Council Meeting

The committee reviewed available draft reports and set the agenda for the October Judicial Council meeting.

**Action:** *E&P approved the following items for placement on the October Judicial Council meeting agenda:*

- *Trial Court Trust Fund Allocations: 2 Percent State-Level Reserve Process*
- *Government Code section 68106: Public Notice of Courts by Closures or Reduced Clerks' Office Hours (Gov. Code 68106–Report 27)*

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**A D J O U R N M E N T**

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There being no further open meeting business, the meeting was adjourned at 12:25 p.m.

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**C L O S E D   S E S S I O N**

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**Item 1**

**Pursuant to California Rules of Court, rule 10.75(d)(1)**

Review materials regarding out-of-cycle vacancies on advisory bodies.

**Action:** *The committee determined its recommendations to be sent to the Chief Justice for out-of-cycle vacancies on advisory bodies.*

Adjourned closed session at 12:40 p.m.

Approved by the advisory body on [enter date].



## **JUDICIAL COUNCIL OF CALIFORNIA MEETINGS**

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.6(a))

Ronald M. George State Office Complex

William C. Vickrey Judicial Council Conference Center

Malcolm M. Lucas Board Room

455 Golden Gate Avenue • San Francisco, California 94102-3688

**Thursday, December 11, 2014 • 1:00 p.m.–4:30 p.m.**

**Friday, December 12, 2014 • 8:30 a.m.–12:15 p.m.**

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by Judicial Council Support. For recent postings of hyperlinked reports, please check the agenda at [REPLACE WITH CURRENT JC MEETING PAGE ADDRESS](#).

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### **THURSDAY, DECEMBER 11, 2014 AGENDA**

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#### **CLOSED SESSION (RULE 10.6(b))—PERSONNEL AND OTHER CONFIDENTIAL MATTERS**

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**Session**            **1:00–4:30 p.m.**

*NOTE: Time is estimated. Actual start and end times may vary.*

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## FRIDAY, DECEMBER 12, 2014 AGENDA

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### OPEN SESSION (RULE 10.6(a))—MEETING AGENDA

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- 8:30–8:40 a.m. Approval of Minutes**  
Approve minutes of the October 27–28, 2014 Judicial Council meeting.
- 8:40–9:00 a.m. Chief Justice’s Report**  
Chief Justice Tani G. Cantil-Sakauye will report.
- 9:00–9:20 a.m. Administrative Director’s Report**  
Mr. Martin Hoshino, Administrative Director, will report.
- 9:20–9:40 a.m. Judicial Council Committee Presentations**  
Executive and Planning Committee  
Hon. Douglas P. Miller, Chair  
Policy Coordination and Liaison Committee  
Hon. Kenneth K. So, Chair  
Rules and Projects Committee  
Hon. Harry E. Hull, Jr., Chair  
Technology Committee  
Hon. James E. Herman, Chair
- 9:40–10:10 a.m. Judicial Council Members’ Liaison Reports**  
Judicial Council members will report on their liaison work.
- 10:10–10:40 a.m. Public Comment [LINK TO PROCEDURE HERE](#)**  
The Judicial Council welcomes public comment, as it can enhance the council’s understanding of the issues coming before it. To accommodate members of the public, the Judicial Council encourages those who wish to comment at the meeting, on either a specific agenda item or on a more general topic of judicial administration, to provide notice in order to ensure that all requests are acknowledged during the meeting.

Notice can be provided in two ways:

- 1) Written notice by **4 p.m., Tuesday, December 9, 2014**
  - by e-mail to [judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov), or
  - by postal mail or delivery in person to:  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

*NOTE: Time is estimated. Actual start and end times may vary.*

Attention: Cliff Alumno

In the notice, please state the speaker's first and last name and the specific agenda item to be addressed or, if not on the agenda, the topic to be addressed.

- 2) Sign in at the meeting reception, on the day of the meeting
  - before the call for general public comment, or
  - before the specific agenda item of interest is introduced.

Each speaker will have three minutes or less, depending on the number of requests, to address the council.

Please note that anyone wishing to speak on a specific agenda topic should arrive at the beginning of the meeting on which the agenda item will be heard, as agenda times are subject to change.

The Judicial Council is the policy-making body for the judicial branch. Comments pertaining to a specific court case will not be received.

#### **Written Comments Received**

Written comments pertaining to a matter affecting judicial administration or an item on this agenda may be e-mailed to [judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov), or mailed or delivered to:

Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, California 94102-3688  
Attention: Cliff Alumno

Written comments received by **1 p.m. on Wednesday, December 10, 2014**, will be distributed to council members at the meeting. All comments received will be posted directly to the public Judicial Council web page.

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## **CONSENT AGENDA (ITEMS A1–A5 THROUGH R)**

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*A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Carlisle at 415-865-7614 at least 48 hours before the meeting.*

### **ITEMS A1–A5      RULES AND FORMS**

#### ***Civil Jury Instructions***

***NOTE: Time is estimated. Actual start and end times may vary.***

**Item A1 Jury Instructions: New, Revised, Renumbered, and Revoked Civil Jury Instructions and Verdict Forms (Action Required)**

The Advisory Committee on Civil Jury Instructions recommends approving for publication the civil jury instructions prepared by the committee. On Judicial Council approval, the instructions will be published in the official 2015 edition of the Judicial Council of California Civil Jury Instructions.

Hon. Martin J. Tangeman, Chair, Advisory Committee on Civil Jury Instructions

Mr. Bruce Greenlee, Legal Services

**Collaborative Justice Courts**

**Item A2 Revisions to Notification of Military Status Form (MIL-100) (Action Required) REPORT ETA NOVEMBER 14 (CARRIE ZOLLER STAFF CONTACT)**

The Collaborative Justice Courts Advisory Committee recommends revisions to the optional *Notification of Military Status* (form MIL-100). This proposal responds to recent legislation directing courts to (1) inform criminal defendants at arraignment that there are provisions of law designed for former or current military service members who have been charged with a crime and (2) that the defendant may request a copy of form MIL-100 explaining those rights. The legislation directs the Judicial Council to revise the military form accordingly. To ensure that the revised form is available to courts when the law becomes effective January 1, 2015, the committee recommends that the Judicial Council adopt the revised form without prior circulation for public comment. If adopted effective January 1, the committee will circulate the adopted revised form for public comment in the winter 2015 cycle and will consider any necessary additional revisions to propose to become effective July 1, 2015.

Hon. Richard Vlavianos, Chair, Collaborative Justice Courts Advisory Committee

Ms. Adrienne Toomey and Ms. Carrie Zoller, Center for Families, Children & the Courts

**Criminal Law**

**Item A3 Criminal Justice Realignment: Imposition of Mandatory Supervision (Action Required)**

The Criminal Law Advisory Committee recommends amendments to rules 4.411 and 4.411.5 of the California Rules of Court and adoption of a new rule to govern the imposition of mandatory supervision under Penal Code section 1170(h)(5), including criteria for court consideration and the contents and requirements for related probation reports, as required by recent legislation that mandates adoption of these rules by January 1, 2015.

Hon. Tricia A. Bigelow, Chair, Criminal Law Advisory Committee

Mr. Arturo Castro, Criminal Justice Services

## **Family Law**

### **Item A4 Family Law: Technical Change to Response for Dissolution, Legal Separation and Nullity of Marriage and Domestic Partnership (Action Required)**

The Family and Juvenile Law Advisory Committee recommends amending *Response – Marriage/Domestic Partnership (Family Law)* (Form FL-120) to correct an error in a notification regarding when automatic restraining orders become effective on the respondent and to reinstate a provision notifying the respondent that a proof of service must be filed with the Response. These changes to the existing form were inadvertently made when the form was revised to look more similar to the *Petition–Marriage/Domestic Partnership (Family Law)* (FL-100) and the error was identified after the Judicial Council meeting on October 24, when the revised form was adopted.

Hon. Mark Juhas and Hon. Jerilyn Borack, Co-Chairs, Family and Juvenile Law Advisory Committee

Ms. Bonnie Rose Hough and Ms. Gabrielle Selden, Center for Families, Children & the Courts

## **Miscellaneous**

### **Item A5 Judicial Administration: Rules for Advisory Groups (Action Required)**

The Executive and Planning Committee recommends that the Judicial Council adopt California Rules of Court for three Judicial Council advisory committees and amend two rules: one for an advisory committee and one that addresses concurrent membership on the council and a council advisory committee. At its meeting on April 25, 2013, the Judicial Council approved the Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Groups (Report and Recommendations) submitted by the Rules and Projects Committee (RUPRO), the Executive and Planning Committee (E&P), and the Technology Committee (JCTC). Among the recommendations was the establishment by rule of the Trial Court Facility Modification Advisory Committee (TCFMAC). This proposal would establish a rule for the TCFMAC, the Workload Assessment Advisory Committee, and the Judicial Branch Workers' Compensation Advisory Committee, and amend the rule for the Center for Judicial Education and Research (CJER) Governing Committee.

Hon. Douglas P. Miller, Chair, Executive and Planning Committee

Ms. Susan R. McMullan, Legal Services

### **Item B Access to Visitation: Program Funding Allocation for Federal Grant Fiscal Years 2015–2016 through 2017–2018 (Action Required)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve Access to Visitation Grant Program funding allocation and distribution of approximately \$755,000 to \$770,000 statewide for federal grant fiscal years (FY) 2015–2016

through 2017–2018, which begins on April 1 and ends on March 31. The funding allocations will be directed to 11 superior courts representing 16 counties and involving 21 subcontractor agencies (i.e., local community nonprofit service providers) to support and facilitate noncustodial parents’ access to and visitation with their children through supervised visitation and exchange services, parent education, and group counseling services. Family Code section 3204(b)(2) requires the Judicial Council to determine the final number and amount of grants to be awarded to the superior courts.

Hon. Jerilyn L. Borack and Hon. Mark A. Juhas, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Shelly La Botte and Mr. Michael Wright, Center for Families, Children & the Courts

**Item C California Reentry Court Evaluation Report (Action Required)**

Judicial Council staff recommend that the Judicial Council receive the *California Reentry Court Evaluation Report* and direct the Administrative Director to submit this report to the California Legislature and Governor, as mandated by Penal Code section 3015. Under the statute, the Judicial Council is required to submit a final evaluation report that assesses the pilot reentry court program’s effectiveness in reducing recidivism no later than three years after the establishment of a reentry court. The report was developed in consultation with the California Department of Corrections and Rehabilitation.

Ms. Francine Byrne, Center for Families, Children & the Courts

**Item D Children’s Waiting Rooms: Distribution Request Process and Distribution Request from a Court (Action Required)**

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the Superior Court of San Francisco County’s request for an increase in the court’s children’s waiting room distribution amount, effective January 1, 2015, and amendments to the process for courts to request children’s waiting room distributions or distribution adjustments.

Hon. Laurie M. Earl and Mr. Zlatko Theodorovic, Cochairs, Trial Court Budget Advisory Committee

Mr. Steven Chang, Finance

**Item E Court Interpreters: Revised Policy on Use of Unused Savings from Program 45.45 (Action Required)**

The Court Interpreters Advisory Panel (CIAP) recommends that the Judicial Council update the action taken on January 23, 2014, on the proper usage of unused interpreter savings in light of the enactment of Assembly Bill (AB) 1657 (Stats. 2014, ch. 721). On January 23, 2014, the Judicial Council authorized the use of unused interpreter savings for civil matters where the parties are indigent. AB 1657, effective January 1, 2015, authorizes courts to provide interpreters to all parties in civil matters, regardless of income, and sets forth a priority and preference order when courts do not have sufficient resources to provide

interpreters for all persons. CIAP recommends that the Judicial Council authorize the use of unused interpreter savings consistent with the requirements of the newly enacted statute.

Hon. Steven K. Austin, Chair, Court Interpreters Advisory Panel

Ms. Donna S. Hershkowitz, Court Operations Services

**Item F Judicial Administration: Revision of the Conflict of Interest Code for the Judicial Council (Action Required)**

This proposal would adopt amendments to the Judicial Council Conflict of Interest Code (Code) and bring the Code up to date with the current organizational structure that, after a recent consolidation, now includes the former Administrative Office of the Courts. In accordance with Government Code sections 87303 and 87306, the Code must be updated “when change is necessitated by changed circumstances” (id., § 87306). The council must review proposed amendments and approve the Code as amended or direct that it be further revised and resubmitted for approval.

Ms. Linda M. Cox, Human Resources

**Item G Judicial Branch Report to the Legislature: Receipts and Expenditures From Local Courthouse Construction Funds (Action Required)**

The Judicial Branch Capital Program Office recommends approving *Receipts and Expenditures From Local Courthouse Construction Funds: Report to the Budget and Fiscal Committees of the Legislature* for submission to these committees of the Legislature. The report provides information for the reporting period of July 1, 2013, through June 30, 2014, on receipts and expenditures from local courthouse construction funds, as reported by each county. The annual submission of this report is required under Government Code section 70403(d).

Ms. Gisele Corrie and Mr. William Guerin, Capital Programs

**Item H Judicial Council Legislative Policy Summary: 2014 (Action Required)**

The Policy Coordination and Liaison Committee (PCLC) recommends that the Judicial Council adopt the updated Legislative Policy Summary reflecting actions through the 2014 legislative year. Adoption of this updated summary of positions taken on court-related legislation will assist the council in making decisions about future legislation, consistent with strategic plan goals.

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Ms. Laura E. Speed, Governmental Affairs

**Item I Judicial Council Report to the Legislature: Statewide Collection of Delinquent Court-Ordered Debt (Action Required)**

The Revenue and Collections Unit, Finance, recommends approving the FY 2013– 2014 annual *Report to the Legislature on the Statewide Collection of Delinquent Court-Ordered Debt*, as required by Penal Code section 1463.010.

Mr. Zlatko Theodorovic and Mr. Bob Fleshman, Finance

**Item J Judicial Council–Sponsored Legislation (Criminal and Civil Procedure):  
Monetary Sanctions (Action Required)**

The PCLC and Criminal Law Advisory Committee (CLAC) propose amending Code of Civil Procedure section 177.5 to expressly include jurors in the category of persons subject to sanctions for violating a lawful court order under that section. The proposal was developed at the request of judges to eliminate any ambiguity about whether courts are authorized to sanction jurors.

Hon. Tricia A. Bigelow, Chair, Criminal Law Advisory Committee

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Mr. Arturo Castro, Criminal Justice Services

Ms. Sharon Reilly, Governmental Affairs

**Item K Judicial Council–Sponsored Legislation (Criminal Justice Realignment):  
Parole Holds (Action Required)**

The PCLC and CLAC recommend that the Judicial Council sponsor legislation to amend Penal Code sections 1203.2(a), 3000.08(c), 3056(a), and 3455(b) and (c) to provide courts with discretion to order the release of supervised persons from custody, unless otherwise serving a period of flash incarceration, regardless of whether a petition has been filed or a parole hold has been issued. This proposal was developed at the request of criminal law judges to enhance judicial discretion to decide the custody status of supervised persons. To enhance public safety, this proposal would also empower courts to fashion any terms and conditions of release deemed appropriate.

Hon. Tricia A. Bigelow, Chair, Criminal Law Advisory Committee

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Ms. Eve Herschopf, Criminal Justice Services

Ms. Sharon Reilly, Governmental Affairs

**Item L Judicial Council–Sponsored Legislation (Criminal Justice Realignment):  
Recalling Sentences (Action Required)**

The PCLC and CLAC propose amending Penal Code section 1170(d)(1)1 to apply existing court authority to recall felony prison sentences to sentences now served in county jail under section 1170(h). This proposal was developed at the request of criminal law judges to enhance judicial discretion by applying existing recall authority to a new category of felony sentences created by criminal justice realignment.

Hon. Tricia A. Bigelow, Chair, Criminal Law Advisory Committee

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Mr. Arturo Castro, Criminal Justice Services

Ms. Sharon Reilly, Governmental Affairs

**Item M Judicial Council–Sponsored Legislation (Criminal Procedure): Appeals of the Imposition or Calculation of Fines and Fees (Action Required)**

The PCLC and CLAC propose adding Penal Code section 1237.21 and amending section 1237 to prohibit appeals in felony cases based solely on the grounds of an error in the imposition or calculation of fines, penalty assessments, surcharges, fees, or costs unless the defendant first presents the claim to the trial court. This proposal was developed at the request of courts to reduce the burdens associated with formal appeals and resentencing proceedings stemming from a common sentencing error.

Hon. Tricia A. Bigelow, Chair, Criminal Law Advisory Committee

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Mr. Arturo Castro, Criminal Justice Services

Ms. Sharon Reilly, Governmental Affairs

**Item N Judicial Council–Sponsored Legislation: Evidentiary Objections in Summary Judgment Proceedings (Action Required)**

The PCLC, Civil and Small Claims Advisory Committee and the Appellate Advisory Committee recommend that the Judicial Council sponsor legislation to amend Code of Civil Procedure section 437c to provide that in deciding a motion for summary judgment, the court need rule only on objections to evidence that is material to the disposition of the summary judgment motion and that objections not ruled on are preserved on appeal.

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Hon. Patricia M. Lucas, Chair, Civil and Small Claims Advisory Committee

Hon. Raymond J. Ikola, Chair, Appellate Advisory Committee

Mr. Daniel Pone, Governmental Affairs

Ms. Heather Anderson and Ms. Susan R. McMullan, Legal Services

**Item O Judicial Council–Sponsored Legislation: Sentencing Report Deadlines (Action Required)**

The PCLC and CLAC recommend amending Penal Code section 1203 to require courts to find good cause before continuing a sentencing hearing for failure by the probation department to provide a sentencing report by the required deadlines.

Hon. Tricia A. Bigelow, Chair, Criminal Law Advisory Committee

*NOTE: Time is estimated. Actual start and end times may vary.*

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Ms. Kimberly DaSilva and Ms. Sharon Reilly, Governmental Affairs

**Item P Judicial Council–Sponsored Legislation: State Court Facilities Construction Fund Report (Action Required)**

Government Code section 70371.8 requires the Judicial Council to report annually, by March 1, to the Joint Legislative Budget Committee and the Chairs of the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget on the status of each project established by the State Public Works Board under Government Code section 70371.7 to be funded by the Immediate and Critical Needs Account of the State Court Facilities Construction Fund. The Report is required to include an accounting of the revenues generated and the expenditures made in the Immediate and Critical Needs Account. In preparing this report for FY 2013–2014, the need to amend the due date in section 70371.8 for the report from March 1 to November 1 was raised. The actual expenditures per year-end Financial Statements for each fiscal year are not available until August. Staff recommends sponsoring legislation that will change the due date from March 1 to November 1 to allow the report to be completed with the expenditure information as reported in year-end financial statements and to go through the Judicial Council review process before submission to the Legislature.

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Ms. Laura E. Speed, Governmental Affairs

**Item Q Report to the Legislature: Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant (Action Required)**

Court Operations Services and its Office of Court Research recommends that the Judicial Council approve the report Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant and direct staff to transmit it to the Legislature. Doing so fulfills the requirements of Penal Code section 1170.45 which requires the Judicial Council to report annually on the disposition of criminal cases statewide according to the defendants' race and ethnicity. Since 2001 the Judicial Council's Office of Court Research has produced this report by analyzing the disposition of felony cases using data provided by the California State Department of Justice. Consistent with previous years, the 2014 report finds that when controlling for prior record and type of offense, the data show no consistent patterns in the severity of sentences that are principally related to the defendants' race/ethnicity.

Mr. David Smith, Court Operations Services Office

**Item R Uniform Bail and Penalty Schedules, 2015 Edition (Action Required)**

The Traffic Advisory Committee recommends revisions to the Uniform Bail and Penalty Schedules, effective January 1, 2015. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Under rule 4.102 of the California Rules of Court, trial courts, in

performing their duty under Penal Code section 1269b, must revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for traffic infractions is established by the schedules approved by the Judicial Council. The recommended revisions bring the schedules into conformance with recent legislation.

Hon. Mark S. Borrell, Chair, Traffic Advisory Committee

Mr. Courtney Tucker, Criminal Justice Services

**Break      10:40–10:55 a.m. (approx.)**

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## **DISCUSSION AGENDA (ITEMS S–U)**

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**Item S      10:55–11:10 a.m.**

**Judicial Branch Planning: Proposal to Re-Adopt the Strategic Plan for California’s Judicial Branch for Fiscal Years 2006–2012 (Action Required) REPORT ETA UNKNOWN (NANCY CARLISLE STAFF CONTACT)**

The chairs of the Judicial Council’s five internal committees propose that the Judicial Council re-adopt the 2006–2012 strategic plan, on an interim basis until the Chief Justice’s Commission on the Future of California’s Court System completes its work on the priorities of the branch for the next decade and beyond. In reviewing the Strategic Plan for the Judicial Branch from 2006–2012, the chairs recommend that the mission and goals in this plan continue to serve as the guiding vision and direction for the branch. Once the Commission has determined its recommendations in a final report, the chairs recommend using those as a platform for a new strategic plan.

*Public Comment and Presentation (10 minutes) • Discussion (5 minutes)*

Speakers:      Hon. Harry E. Hull, Jr., Chair, Rules and Projects Committee  
                    Hon. Douglas P. Miller, Chair, Executive and Planning Committee  
                    Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee  
                    Hon. David M. Rubin, Chair, Litigation Management Committee  
                    Hon. James E. Herman, Chair, Technology Committee

**Item T      11:10–11:50 a.m.**

**Judicial Workload Assessment: 2014 Update of Judicial Needs Assessment and Proposed Revision to Methodology Used to Prioritize New Judgeships (Action Required)**

The Workload Assessment Advisory Committee recommends that the Judicial Council approve the *Need for New Judgeships in the Superior Courts: 2014 Update of the Judicial Needs Assessment* for transmission to the Legislature and the Governor. This report, which fulfills the requirements of Government Code section 69614(c)(1), shows that nearly 270 new judicial officers are needed to meet the workload-based need for new judgeships. This report also includes information about the conversion of additional subordinate judicial officers to fulfill the reporting requirement of Government Code section 69614(c)(3). The Advisory Committee further recommends that the Judicial Council adopt a revision to the current methodology that is used to prioritize any new judgeships that may be authorized and funded by the Legislature for the trial courts. The proposed revision to the Judicial Council's methodology would allow smaller courts whose workload need is substantial, but less than the one full-time equivalent (FTE) threshold currently needed, to be eligible for consideration for a new judgeship.

*Public Comment and Presentation (25 minutes) • Discussion (15 minutes)*

Speakers: Hon. Lorna A. Alksne, Chair, Workload Assessment Advisory Committee  
Ms. Leah Rose-Goodwin, Court Operations Services

**Item U 11:50 a.m.–12:15 p.m.**

#### **Judicial Council Legislative Priorities: 2015 (Action Required)**

Each year, the Judicial Council authorizes sponsorship of legislation to further key council objectives and establishes priorities for the upcoming legislative year. For the 2014 legislative year, the council's legislative priorities focused on reinvestment in the judicial branch, securing critically needed judgeships and expanding access to interpreters in civil cases. Governmental Affairs recommends a similar approach for the 2015 legislative year, following the Chief Justice's Access 3D framework. Staff recommends that the PCLC adopt the following as Judicial Council legislative priorities in 2015: 1) Advocate for a robust reinvestment in our justice system to avoid further reductions and to preserve access to justice for all Californians, including a method to provide stable and reliable funding, including growth funding; 2) Advocate to secure new judgeships and ratify the authority of the council to convert vacant subordinate judicial officer positions to judgeships in eligible courts; and 3) Advocate for legislation to expand access to interpreters. These legislative priorities support the Chief Justice's Access 3D framework for increased access to the courts and the Three-year Blueprint for a Fully Functioning Judicial Branch (Blueprint).

*Public Comment and Presentation (15 minutes) • Discussion (10 minutes)*

Speakers: Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee  
Mr. Cory T. Jasperson, Governmental Affairs

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## INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

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### **INFO 1 Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring**

The chair of E&P presents this informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31, 2012. The Judicial Council Staff Restructuring Directives specifically direct the Administrative Director to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

### **INFO 2 Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Report No. 28) REPORT DUE 10 BUSINESS DAYS BEFORE JC MEETING (NICOLE DAVIS STAFF CONTACT)**

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 28th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, **NUMBER** superior courts—those of **COUNTY NAME(S)**—have issued new notices.

### **INFO 3 Trial Courts: Quarterly Investment Report for Third Quarter of 2014**

This *Trial Court Quarterly Investment Report* provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004, and the report covers the period of July 1, 2014, through September 30, 2014.

### **INFO 4 Court Facilities: Lease Revenue Bond Issuances, Fall 2013–Spring 2014**

As authorized and directed by the Judicial Council, the Administrative Director of the Courts presents this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board in fall 2013 and spring 2014 for the financing of court facilities projects.

**Circulating Orders since the last business meeting.**

**Appointment Orders since the last business meeting.**

*NOTE: Time is estimated. Actual start and end times may vary.*





## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 12, 2014

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Title	Agenda Item Type
Jury Instructions: New, Revised, Renumbered, and Revoked Civil Jury Instructions and Verdict Forms	Action Required
	Effective Date
	December 12, 2014
Rules, Forms, Standards, or Statutes Affected	Date of Report
<i>Judicial Council of California Civil Jury Instructions (CACI)</i>	October 30, 2014
Recommended by	Contact
Advisory Committee on Civil Jury Instructions	Bruce Greenlee, 415-865-7698
Hon. Martin J. Tangeman, Chair	<a href="mailto:bruce.greenlee@jud.ca.gov">bruce.greenlee@jud.ca.gov</a>

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### Executive Summary

The Advisory Committee on Civil Jury Instructions recommends approving for publication the civil jury instructions prepared by the committee. On Judicial Council approval, the instructions will be published in the official 2015 edition of the *Judicial Council of California Civil Jury Instructions*.

### Recommendation

The Advisory Committee on Civil Jury Instructions recommends that the Judicial Council, effective December 12, 2014, approve for publication under rules 2.1050 and 10.58 of the California Rules of Court the civil jury instructions prepared by the committee. On Judicial Council approval, the instructions will be published in the official 2015 edition of the *Judicial Council of California Civil Jury Instructions*.

A table of contents and the proposed revised, new, and revoked civil jury instructions and verdict forms are attached at pages xx–xxx.

## Previous Council Action

At its meeting on July 16, 2003, the Judicial Council adopted what is now rule 10.58 of the California Rules of Court, which established the advisory committee and its charge.<sup>1</sup> At this meeting, the council voted to approve the *CACI* instructions under what is now rule 2.1050 of the California Rules of Court. Since that time, the committee has complied with both rules by regularly proposing to the council additions and changes to *CACI*.

This is the 25th release of *CACI*. The council approved *CACI* release 24 at its June 2014 meeting.

## Rationale for Recommendation

The committee recommends proposed additions and revisions to, and revocation of, the following 39 instructions and verdict forms: 314–320, 422, 456, 457, VF-406, 1010, VF-1001, 1123, 1124, 1244, VF-1201, VF-1202, 1620, 1621, 1622, 1623, 1803, 2336, 2407, 2431, 2432, 2442, 2443, 2540, 2547, 2730, 2732, 3040, 3041, 3070, 4342, 4510, and 5012. Of these, 29 are proposed to be revised, 7 are newly drafted, 1 is proposed to be revoked (VF-1202), 1 is proposed to be renumbered (1123 renumbered to 1124), and 1 that was temporarily revoked in the last release has been revised and is proposed to be restored (2730).

The Judicial Council's Rules and Projects Committee (RUPRO) has also approved changes to 444 additional instructions under a delegation of authority from the council to RUPRO.<sup>2</sup>

The instructions were revised or added based on comments or suggestions from justices, judges, and attorneys; proposals by staff and committee members; and recent developments in the law. Below is a summary of the more significant changes recommended to the council.

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<sup>1</sup> Rule 10.58(a) states: "The committee regularly reviews case law and statutes affecting jury instructions and makes recommendations to the Judicial Council for updating, amending, and adding topics to the council's civil jury instructions."

<sup>2</sup> At its October 20, 2006, meeting, the Judicial Council delegated to RUPRO the final authority to approve nonsubstantive technical changes and corrections and minor substantive changes to jury instructions unlikely to create controversy. The council also gave RUPRO the authority to delegate to the jury instructions advisory committees the authority to review and approve nonsubstantive grammatical and typographical corrections and other similar changes to the jury instructions, which RUPRO has done.

Under the implementing guidelines that RUPRO approved on December 14, 2006, which were submitted to the council on February 15, 2007, RUPRO has the final authority to approve (among other things) additional cases and statutes cited in the Sources and Authority and additions or changes to the Directions for Use.

The 444 instructions approved by RUPRO under this delegation include 380 for which verbatim language from statutes, rules of court, and regulations has been deleted from the Sources and Authority. The council approved this project in June. Further, under its delegation of authority from RUPRO, the advisory committee has made other nonsubstantive grammatical, typographical, and technical corrections.

## New instructions

CACI has always included an instruction on loss of design immunity (currently CACI No. 1123, *Loss of Design Immunity (Cornette)*), but has not had an instruction on design immunity itself as an affirmative defense to public entity liability. The initial assumption of the CACI task force, as noted in the Directions for Use to No. 1123, was that design immunity would not likely involve an issue of fact for the jury. Recently, however, a superior court judge who was sitting on an appellate court by designation was working on an opinion involving design immunity, in which the jury was given the issue.<sup>3</sup> She suggested that there really should be a CACI instruction on design immunity. In response, the committee proposes new instruction CACI No. 1123, *Affirmative Defense—Design Immunity*. The committee also proposes renumbering current CACI No. 1123 to become CACI No. 1124 so that the exception follows the defense.

A member of the committee from Sacramento noted that cases by government employees against the state under the California Whistleblower Protection Act<sup>4</sup> were becoming common. She recommended that CACI propose instructions under this act. The committee now proposes new CACI No. 2442, *Protected Disclosure by State Employee—California Whistleblower Protection Act—Essential Factual Elements*, and CACI No. 2443, *Affirmative Defense—Same Decision*, for use in cases under the act.

*Rope v. Auto-Chlor System of Washington, Inc.*, a recent case on disability discrimination under the Fair Employment and Housing Act (FEHA), addressed a claim for “associational disability discrimination.”<sup>5</sup> An employee who was not disabled claimed that he had been discriminated against because of his association with a disabled person. CACI has always recognized that discrimination based on one’s association with a person from a protected category was actionable, and numerous FEHA instructions suggest in the Directions for Use that the instruction may be modified for use in an “association” case.<sup>6</sup> The court in *Rope* set forth specific standards for associational discrimination based on disability. The committee proposes new CACI No. 2547, *Disability-Based Associational Discrimination—Essential Factual Elements*, based on the elements and standards from *Rope*.

In the last release, the committee temporarily revoked CACI No. 2730, *Whistleblower Protection—Essential Factual Elements*, in the Labor Code Actions series. Labor Code section 1102.5, on which the instruction was based, was amended by the Legislature, making the instruction no longer complete.<sup>7</sup> The amended statute contained additional matters that the jury had to consider in applying it. The committee has now revised the instruction to conform to the statutory revisions and proposes restoring it as revised.

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<sup>3</sup> See *Martinez v. County of Ventura* (2014) 225 Cal.App.4th 364.

<sup>4</sup> Gov. Code, § 8547 et seq.

<sup>5</sup> *Rope v. Auto-Chlor System of Washington, Inc.* (2013) 220 Cal.App.4th 635, 655–660.

<sup>6</sup> See Gov. Code, § 12926(o).

<sup>7</sup> See Sen. Bill 666 (Stats. 2013, ch. 577), § 5; Assem. Bill 263 (Stats. 2013, ch. 732), § 6; and Sen. Bill 496 (Stats. 2013, ch. 781), § 4.1.

A new statute Labor Code section 1019 creates a cause of action for “retaliatory unfair immigration-related practices.”<sup>8</sup> The statute provides workers with some protection should their employer contact immigration authorities in retaliation for asserting rights provided by the Labor Code, such as the right to minimum wage and overtime pay. The committee proposes new instruction CACI No. 2732, *Retaliatory Unfair Immigration-Related Practice—Essential Factual Elements* for use in claims under this statute.

The Disabled Persons Act (DPA) provides disabled persons with rights of access to public facilities.<sup>9</sup> However, the Construction-Related Accessibility Standards Act (CRASA) restricts the availability of statutory damages under the DPA with regard to access barriers to a public facility.<sup>10</sup> The committee proposes new instruction CACI No. 3070, *Disability Discrimination—Access Barriers to Public Facility—Construction-Related Accessibility Standards Act—Essential Factual Elements*, for use in DPA and CRASA cases.

In an unlawful detainer case in which the jury finds a breach of the warranty of habitability, whether the amount of a partial rent reduction is to be decided by the jury or by the court is unclear. As explained in the Directions for Use to CACI No. VF-4301, *Termination Due to Failure to Pay Rent—Affirmative Defense—Breach of Implied Warranty of Habitability*, the controlling statute can be read to support either result.<sup>11</sup> The committee has heard from trial judges who are adamant on each side of the divide. Normally, the committee does not draft instructions for unsettled issues. However, judges who believe that the reduction is a jury question have requested a CACI instruction that gives the jury guidance in determining the reduction. In response, the committee has drafted proposed new instruction 4342, *Reduced Rent for Breach of Habitability*. The Directions for Use make it clear that the instruction is based on an unsettled legal principle.

### **Revoked verdict form**

A trial judge requested that the two tests for product liability design defect (consumer expectation and risk-benefit) be combined into a single verdict form for use in cases in which both tests will be submitted to the jury. Currently, VF-1201 is for use for the consumer-expectation test, and VF-1202 is for use for the risk-benefit test. The Directions for Use to both verdict forms currently say that the two verdict forms should not be combined because it must be made clear to the jury that the two tests are alternative theories of liability and that the burden shifting to the defendant to prove that the benefits outweigh the risks does not apply to the consumer-expectation test.

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<sup>8</sup> Added by Assem. Bill 263 (Stats. 2013, ch. 732, § 4), effective January 1, 2014.

<sup>9</sup> Civ. Code, §§ 54, 54.1.

<sup>10</sup> Civ. Code, § 55.56.

<sup>11</sup> See Code Civ. Proc., § 1174.2.

In considering the judge’s proposal to combine the two tests into a single verdict form, the committee has concluded that the warning in the Directions for Use is not compelled. To construct a verdict form that presents both tests to the jury without introducing any confusion over the burden-shifting of the risk-benefit test is, in fact, possible. Unlike the instructions, the verdict forms do not include language on the burden of proof. Therefore, the committee proposes modifying and renaming CACI No. VF-1201 as *Strict Products Liability—Design Defect—Affirmative Defense—Misuse or Modification*, for use in cases in which either or both of the tests are at issue. The committee proposes revoking CACI No. VF-1202, *Strict Products Liability—Design Defect—Risk-Benefit Test*.

### **Contract interpretation: role of jury (CACI Nos. 314–320)**

CACI has seven instructions that ask the jury to interpret a contract.<sup>12</sup> Nowhere is it explained when it is appropriate for a jury to interpret a contract. Most of the instructions have no Directions for Use at all.

In fact, interpretation of a contract is often a matter of law for the court.<sup>13</sup> It is a question of fact for the jury only if ascertaining the intent of the parties at the time the contract was executed depends on the credibility of extrinsic evidence.<sup>14</sup>

The committee decided to make CACI No. 314, *Interpretation—Disputed Words*, an introductory instruction for use in all cases in which the jury will be asked to interpret the contract. The Directions for Use were expanded to set forth the proper roles of court and jury. The other six instructions then can be given with 314 if they are relevant to the jury’s task. Directions for Use to these instructions have been added or revised to cross refer back to No. 314 for the rule as to when contract interpretation is a jury matter.

### **Product liability: sophisticated user defense (CACI No. 1244)**

In the recent case of *Buckner v. Milwaukee Electric Tool Corp.*, the court found that the jury had been inadequately instructed on the affirmative defense of sophisticated user.<sup>15</sup> The jury was given CACI No. 1244, which requires that “[*plaintiff*] because of [his/her] particular position, training, experience, knowledge, or skill, knew or should have known of the [*product*]’s risk, harm, or danger.” The court found this language to be inadequately general because it did not define the relevant “risk, harm, or danger.” The court held that to prove the sophisticated user defense, the defendant had to show that “[t]he sophisticated user must know or be deemed to know not only the bare hazard posed by the product, but also the severity of the potential

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<sup>12</sup> See CACI Nos. 314, *Interpretation—Disputed Words*; 315, *Interpretation—Meaning of Ordinary Words*; 316, *Interpretation—Meaning of Technical Words*; 317, *Interpretation—Construction of Contract as a Whole*; 318, *Interpretation—Construction by Conduct*; 319, *Interpretation—Reasonable Time*; and 320, *Interpretation—Construction Against Drafter*.

<sup>13</sup> *Parsons v. Bristol Development Co.* (1965) 62 Cal.2d 861, 865.

<sup>14</sup> *City of Hope National Medical Center v. Genentech, Inc.* (2008) 43 Cal.4th 375, 395.

<sup>15</sup> *Buckner v. Milwaukee Electric Tool Corp.* (2013) 222 Cal.App.4th 522.

consequences, and any mitigation techniques of which the manufacturer is aware. All are necessary in order for the potential user to make an informed decision regarding whether and how to use the product.”<sup>16</sup>

The committee seriously debated whether *Buckner* compelled an expansion of the language in CACI No. 1244 to state that the plaintiff knew or should have known the particular risk and consequences involved, and all mitigation techniques known to the defendant. Some members were dubious that *Buckner* stated a rule that would be applicable in all cases. But the majority decided that the court’s language was mandatory and that CACI No. 1244 needed to be expanded.

On posting for public comment, the committee received comments from the defense bar opposing the proposed changes to CACI No. 1244. Different reasons were given, many of which were that the commentators essentially disagreed with the result in *Buckner*.

However, the comment that caused the committee to rethink its position was the following, submitted by Horvitz and Levy LLP:

The proposed revisions would require trial courts to make decisions that are properly left to the jury. The trial court would fill in the bracketed material by describing the risks of the product and the severity of potential consequences. In many cases the parties dispute these issues—what risks the product poses (if any), and what the possible consequences of those risks may be (if any). In existing practice, the parties present evidence and argument to the jury on these issues, and the jury then decides what risks the products posed, how severe the consequences might be, and whether the plaintiff was aware of those particular risks.

The committee agreed that the requirement to specify the particular risk and consequences in the instruction would only be appropriate if those matters are uncontested. But the sophisticated user is an affirmative defense to a claim for failure to warn. As noted in the comment, the risk and consequences may well be the major points in dispute as to whether there was a duty to warn at all. In such a case, the instruction on the affirmative defense cannot specifically identify the risk and consequences. Therefore, the committee has concluded that *Buckner*’s seemingly mandatory expansion of No. 1244 cannot be applied in all cases. The committee now proposes stating the rule from *Buckner* in the Directions for Use, noting that it may apply in some cases.

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<sup>16</sup> *Id.* at p. 537.

### **Emotional distress from negligence without physical injury (NIED)<sup>17</sup>(CACI Nos. 1620–1623)**

A 2010 case, *Wong v. Jing*, holds with little discussion or analysis that serious emotional distress from negligence without other injury (NIED) is the same as “severe” emotional distress for the tort of intentional infliction of emotional distress (IIED).<sup>18</sup> CACI No. 1604 defines “severe emotional distress” for IIED as “so substantial or long lasting that no reasonable person in a civilized society should be expected to bear it.”<sup>19</sup> In contrast, CACI instructions say that for distress from NIED, “serious emotional distress exists if an ordinary, reasonable person would be unable to cope with it.” This language comes from the California Supreme Court in *Molien v. Kaiser Foundation Hospitals*.<sup>20</sup> While perhaps a linguist would be able to construct an argument that the two descriptions can be reconciled, a jury would likely require more distress to meet the first test than the second.<sup>21</sup>

The committee considered revising NIED instructions CACI Nos. 1620–1623, based on *Wong*, to replace the definition of *serious emotional distress* with the language used for IIED in CACI No. 1604. But ultimately the committee rejected this revision. The committee was not ready to accept *Wong* as the definitive statement of the proper definition. The court in *Wong* did not consider *Molien*, nor did it provide any real analysis of the issue. It simply concluded that the two tests were the same. The committee opted instead to simply point out in the Directions for Use that *Wong* could be read as requiring a different iteration of serious emotional distress.

### **Comments, Alternatives Considered, and Policy Implications**

The proposed additions and revisions to *CACI* circulated for comment from July 21 to August 29, 2014. Comments were received from 15 different commentators. The committee evaluated all comments and revised some of the instructions as a result. A chart with summaries of all comments received and the committee’s responses is attached at pages xx–xx.

Rule 2.1050 of the California Rules of Court requires the committee to update, amend, and add topics to *CACI* on a regular basis and to submit its recommendations to the council for approval. The proposed new, revised, and revoked instructions are presented to ensure that the instructions remain clear, accurate, and complete; therefore, the advisory committee did not consider any alternative actions.

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<sup>17</sup> The committee no longer refers to this doctrine as “negligent infliction of emotional distress.” However, the commonly used acronym “NIED” remains a useful tool in discussing it.

<sup>18</sup> *Wong v. Jing* (2010) 189 Cal.App.4th 1354, 1378.

<sup>19</sup> *Hughes v. Pair* (2009) 46 Cal.4th 1035, 1051.

<sup>20</sup> See *Molien v. Kaiser Foundation Hospitals* (1980) 27 Cal.3d 916, 927–928.

<sup>21</sup> Perhaps a “reasonable person in a civilized society” is the same as an “ordinary, reasonable person.” And perhaps not being “expected to bear it” is the same as “unable to cope.”

## **Implementation Requirements, Costs, and Operational Impacts**

No implementation costs are associated with this proposal. To the contrary, under the publication agreement, the official publisher, LexisNexis, will publish a 2015 edition and pay royalties to the Judicial Council. Other licensing agreements with other publishers provide additional royalties.

The official publisher will also make the revised content available free of charge to all judicial officers in both print and HotDocs document assembly software. With respect to commercial publishers, the Judicial Council will register the copyright of this work and continue to license its publication of the instructions under provisions that govern accuracy, completeness, attribution, copyright, fees and royalties, and other publication matters. To continue to make the instructions freely available for use and reproduction by parties, attorneys, and the public, the Judicial Council provides a broad public license for their noncommercial use and reproduction.

## **Attachments**

1. Full text of new and revised *CACI* instructions, at pages xx–xxx
2. Charts of comments, at pages xx–xx
- 3.

<b>Instruction</b>	<b>Commentator</b>	<b>Comment</b>	<b>BG Response</b>
314. <i>Interpretation—Disputed Words</i>	Consumer Attorneys of California, by Jacqueline Serna, Associate Legislative Counsel	Section 314 revises the CACI instruction for “disputed words.” The definition is so complex that we would not attempt to rewrite it in any fashion. CAOC member attorney Stan Peddler suggests that the section starting with “The trial court’s determination” is so complicated it would almost need a series of lawyers to explain it to a jury. We recommend that this be simplified or that the committee eliminate it entirely.	The language questioned by attorney Peddler is a verbatim case excerpt, not a part of the instruction. The change that the committee proposes is simply to replace the ambiguous “terms” with the clearer “words.” Not all disputed language is about “terms.”
	State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair	Agree	No response is necessary.
315-320: Instructions on Contract Interpretation	State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair	Agree, but we suggest modifying the Directions for Use to make it clear that if this instruction is given CACI No. 314 must also be given.	The Directions for Use say: “This instruction may be given with CACI No. 314.” The committee believes that this sentence makes it clear that 314 must also be given.
320. <i>Interpretation—Construction Against Drafter</i>	Los Angeles County Superior Court, by Janet Garcia, Court Manager	Change “a term of the contract” to “words in the contract.”	The committee agreed and has made this change.
422 and VF-406, <i>Providing Alcoholic Beverages to Obviously Intoxicated Minors</i>	State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair	Agree	No response is necessary.
456. <i>Defendant Stopped From Asserting Statute of</i>	State Bar of California, Litigation	Agree, but we suggest modifying the second sentence in the Directions for Use to refer to	The committee agreed and has made the suggested revision.

Instruction	Commentator	Comment	BG Response
<p><i>Limitations Defense, and 457. Statute of Limitations—Equitable Tolling—Other Prior Proceeding</i></p>	<p>Section, Jury Instructions Committee, by Reuben Ginsberg, Chair</p>	<p>“advisory findings” rather than an “advisory jury.” We believe that the jury making these findings typically will be the same jury deciding the rest of the case, rather than a jury empanelled solely for advisory findings.</p> <p>We suggest modifying the second sentence in the Directions for Use as follows:</p> <p>“This instruction is for use if the court <del>empanels an advisory jury to make preliminary factual</del> <u>submits the matter to the jury for advisory findings.</u>”</p>	
		<p>We also suggest modifying the second bullet point in the Sources and Authority by adding the following quotation from <i>Hopkins v. Kedzierski</i> (2014) 225 Cal.App.4th 736, 745:</p> <p>“ ‘[A] jury may be used for advisory verdicts as to questions of fact [in equitable actions]’ .”</p>	<p>The proposed language from <i>Hopkins</i> is from a parenthetical to a citation to another case. CACI format for Sources and Authority does not provide for excerpts from parentheticals.</p>
	<p>Los Angeles County Superior Court, by Janet Garcia, Court Manager</p>	<p>In the Direction for Use, add to each of the initial new paragraphs the following sentence and citation:</p> <p>“If the judge empanels an advisory jury, “it is the duty of the trial court to make its own independent findings and to adopt or reject the findings of the jury as it deems proper. (<i>Hoopes v. Dolan</i> (2008) 168 Cal. App. 4th 146,156.”</p>	<p>The proposed language is not really a Direction for Use as it does not provide any useful information for the drafter. But the committee agreed that an excerpt on this point from <i>Hoopes</i> is appropriate for the Sources and Authority and has made this addition..</p>
<p>1010. <i>Affirmative Defense—Recreation Immunity—Exceptions</i></p>	<p>Orange County Bar Association, by Thomas Bienert, Jr., President</p>	<p>The Civil Code § 846 exceptions for recreational use immunity for landowners generally read as proposed by the committee, and therefore are generally correct. By eliminating the current case-law definition of “willful or malicious” failure to guard or warn against a dangerous condition, the instruction</p>	<p>The committee considered this issue at some length before proposing these revisions. Its conclusion was that the definition of “willful or malicious” from <i>New</i> raised many unresolved</p>

Instruction	Commentator	Comment	BG Response
		creates more ambiguity. The OCBA recommends that the prior version of option #1 which sets forth the <i>New vs. Consolidated Rock Products Co.</i> (1985) 171 Cal.App.3d 681, 689-690 definition of “willful or malicious” be retained.	questions. The committee concluded that <i>New</i> should be noted in the Directions for Use rather than in the language of the instruction.
	State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair	We believe that the current language in the introductory paragraph “unless [ <i>name of plaintiff</i> ] proves . . .” is clearer than “However, [ <i>name of defendant</i> ] is still responsible for [ <i>name of plaintiff</i> ]’s harm if [ <i>name of plaintiff</i> ] proves . . . .”	The committee believes that the proposed revision is much clearer. The current language creates an awkward run-on sentence that grafts the exceptions together with the defense. The revision first states the defense and then sets up the options for the exceptions.
		We believe that the language “[ <i>Choose one of the following three options</i> ]” should be deleted from the instruction. We believe that the jury should be instructed on all exceptions at issue and should not be limited to only one exception. Moreover, we believe that such directions for use belong in the Directions for Use. We suggest deleting this quoted language and adding a statement to the Directions for Use that only those exceptions that are at issue should be read.	The committee agreed and deleted this language. The three options are not mutually exclusive; more than one of them could apply. The committee also agreed that the proposed addition to the Directions for Use would be helpful and has added it.
VF-1001. <i>Premises Liability—Affirmative Defense—Recreation Immunity—Exceptions</i>	Orange County Bar Association, by Thomas Bienert, Jr., President	Civil Code §846 sets forth three (3) exceptions to the landowner’s recreational use immunity, which are each presented in CACI 1010. This proposed revisions to VF-1001 only addresses in a summary manner the first exception and do not define in any manner the statutory terms for “willful or malicious” failure to guard or warn against dangerous conditions, uses, structures, or activities. Without fully addressing the case-law definitions of “willful or malicious”	With regard to not defining “willful or malicious,” see above.  CACI format for verdict forms is to not include all of the options for elements from the corresponding instruction. One option is included, and then a sentence is included in the Directions for Use noting that the question

Instruction	Commentator	Comment	BG Response
		nor the other two exceptions, this instruction is incomplete and incorrect.	<p>may be replaced by one reflecting the other options; for example:</p> <p>“Question 5 should be modified if either of the other two exceptions to recreational immunity from Civil Code section 846 is at issue. (see CACI No. 1010.)”</p>
	State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair	Agree, but we believe that the words “skip the next three questions and answer question 6” after question 4 should be changed to “skip the next question” in light of the deletion of current questions 6 and 7.	This error has been corrected.
1123. <i>Affirmative Defense—Design Immunity</i>	State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair	<p>We suggest that the introductory paragraph be modified to state more clearly and directly that defendant is not responsible for harm to plaintiff caused by the plan or design if defendant proves certain facts. We believe that describing this as defendant’s “claim” and then stating “In order to prove this claim, . . .” may complicate matters unnecessarily. We also find the language “harm caused to [name of plaintiff] based on the plan or design” cumbersome and would prefer to state more directly “harm to [name of plaintiff] caused by the plan or design.” We note that the words “caused by the plan or design” appear in the statute (Govt. Code, § 830.6).</p> <p>“[Name of defendant] <del>claims that it</del> is not responsible for <u>any</u> harm <del>caused to [name of plaintiff] based on</del> <u>caused by</u> the plan or design of the [insert type of property, e.g., “highway”].- In order to prove this claim, if [name of defendant] <del>must</del> <u>proves</u></p>	<p>The committee agreed that “based on” should be changed to “caused by” and has made this revision.</p> <p>However, the word “elements” is not plain language and is never used in the body of an instruction.</p>

Instruction	Commentator	Comment	BG Response
		both of the following <u>elements</u> :	
		We would add the word “and” before the second element to emphasize that both elements must be proven.	The committee agreed and has added “and.”
1124. <i>Loss of Design Immunity (Cornette)</i>	State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair	<p>This instruction states an exception to an affirmative defense, which comes into play only if the defendant establishes the affirmative defense. The Directions for Use currently state that the instruction should be given “if the public entity defendant is entitled to design immunity unless the changed–conditions exception can be established.” In other words, the current instruction assumes that design immunity is established in the first instance.</p> <p>The introductory paragraph for the revised instruction seems to require plaintiff to prove the three elements stated in order to establish defendant’s liability for harm caused by the plan or design, even if defendant fails to establish design immunity, i.e., by failing to prove discretionary approval of the plan or design before construction (element 1 of design immunity). This is appropriate if design immunity is established, as assumed in the current instruction. But plaintiff need not prove the three elements for loss of design immunity if defendant fails to establish design immunity in the first place.</p> <p>We suggest that the introductory paragraph be modified as follows:</p> <p>“<u>Even if [name of defendant] proves both of these elements, [Nname of defendant] is not responsible for any harm caused to [name of plaintiff] based on caused</u></p>	<p>The committee agreed that changing “not responsible unless” to “is responsible if” is better and has made this change.</p> <p>The committee does not believe that the instruction needs to refer back to CACI No. 1123 re: “both of these elements.”</p>

Instruction	Commentator	Comment	BG Response
		<p>by the plan or design of the [insert type of property, e.g., "highway"] <del>unless if</del> [name of plaintiff] proves the following:"</p>	
		<p>Consistent with the proposed modifications stated above, we suggest that language be added to the Directions for Use stating that this instruction should be given immediately following CACI No. 1123 (because of the reference to "these elements") and should be modified if the elements of design immunity are established and CACI No. 1123 is not given.</p>	<p>The committee has added a paragraph to the Directions for Use suggesting possible modifications if the existence of design immunity in the first instance is disputed and 1123 will be given.</p>
<p>1244. <i>Affirmative Defense—Sophisticated User</i></p>	<p>Association of Southern California Defense Counsel, by Lawrence R. Ramsey</p>	<p>The proposed changes stem directly from one recent appellate decision: <i>Buckner v. Milwaukee Electric Tool Corp.</i> (2013) 222 Cal.App.4th 522. In <i>Buckner</i> the jury rendered a verdict for the defense, finding no design defect and no failure to warn based on the sophisticated user defense. Plaintiff moved for a new trial and argued a lack of evidence to support the sophisticated user affirmative defense. There was no challenge to CACI 1244 in <i>Buckner</i>, and <i>Buckner</i> does not discuss the propriety of CACI 1244.</p>	<p>Although it is not explicit in the court's opinion, the committee believes that the only conclusion to be drawn from <i>Buckner</i> is that the court finds that CACI No. 1244's mere reference to "risk, harm, or danger" to be insufficient.</p>
		<p>The proposed revision replacing "harm," i.e., "<i>describe severity of the potential consequences,</i>" unnecessarily complicates and confuses the "harm" requirement. This change improperly injects into the affirmative defense a new element of knowledge on the part of the sophisticated user not previously identified in California law.</p>	<p>The committee believes that <i>Buckner</i> compels this revision.</p>
		<p>The third element of the proposed revision, "Any ways to use the [product] to reduce or avoid the risks that were known to [defendant]," impermissibly requires the defendant to prove the</p>	<p><i>Buckner</i> says that the user should know "any mitigation techniques of which the manufacturer is aware."</p>

Instruction	Commentator	Comment	BG Response
		<p>sophisticated user had the same knowledge of risk reduction and avoidance as the defendant, which is not required under <i>Johnson v. American Standard, Inc.</i> (2008) 43 Cal.4th 56. But the defendant's knowledge of risk reduction and avoidance will probably be much greater than that of an individual sophisticated user in a particular use of the product. Thus, the application of this proposed change would give rise to many issues under Evidence Code section 352, because the defendant will be required to introduce evidence of its knowledge of risk reduction and avoidance that will exceed the scope of the claim, necessitate an undue consumption of time, confuse and mislead the jury, and result in undue prejudice to the defendant.</p>	<p>As expressed by the court in <i>Buckner</i>, the defendant does seem to have to prove that the plaintiff knew all of the mitigation techniques that the defendant knew. The committee shares the concern of the comment that this seems to be an unworkable standard. For this and other reasons explained below, the committee has decided not to modify the text of the instruction based on <i>Buckner</i> at this time. The possible expansion of the instruction that <i>Buckner</i> seems to compel will be presented in the Directions for Use.</p> <p>The committee does believe that a sophisticated user would know how to use the product safely. But it does not seem that the defense should have to prove that if it knows 10 ways to use the product safely, that the user would also have to know all 10; just enough of them to avoid injury.</p>
	<p>Consumer Attorneys of California, by Jacqueline Serna, Associate Legislative Counsel</p>	<p>While the revision pulls some of the buzzwords from the <i>Johnson</i> opinion (“should have known”), it then fails to sufficiently narrow the instruction to tie it to the facts of the case—as <i>Johnson</i> requires, and as the subsequent cases cited in the Sources and Authority also require. CAOC member attorney David Rosen writes, “<i>Johnson</i> is very fact dependent; it wasn’t just that the plaintiff was an experienced</p>	<p>It would seem that the proposed changes, requiring inclusion of the specific facts of the case regarding harm and avoidance of risk, would address the concerns of the comment.</p>

Instruction	Commentator	Comment	BG Response
		refrigerator mechanic, or that he took some classes in the field; he was licensed/certified, which meant he was required to take and pass an exam which reflected his personal, actual knowledge of the very health hazards of phosgene exposure upon which he based his failure to warn lawsuit. The language of the instruction should so reflect in a tighter fashion.”	
	Gordon & Rees, by Mordecai D. Boone, on behalf of 3M Company	We ask that the Council consider language that more explicitly addresses the sophisticated intermediary or sophisticated employer circumstance, which arises frequently in mass tort litigation; we believe that a sophisticated user instruction should make clear that if a plaintiff’s employer is itself a sophisticated user, the defendant manufacturer may properly rely on the employer to impart necessary information to its employees.	This comment does not address the proposed revisions, but instead requests a different change.  The committee has in the past considered this argument and found it not to be supported by current California law. The committee does not propose to consider it further unless new authority supports it.
		The proposed revisions eliminate CACI No. 1244’s current requirement that the manufacturer demonstrate that the user knew of the product’s “risk, harm or danger,” replacing it with a requirement that the manufacturer show not only that the user knew of the product’s risk, but also the severity of potential consequences and ways to mitigate that risk. We believe that this change is inconsistent with settled California law as expressed in <i>Johnson (supra)</i> , and that it imposes unrealistic and virtually impossible burdens of proof on the defendant manufacturer.	While this comment lacks specificity with regard to unrealistic and virtually impossible burdens of proof, the committee has considered more specific comments and has decided not to proceed with the proposed revisions.
		We are concerned about the proposed revisions’ requirement that in order for a defendant to prevail on a sophisticated user defense, the defendant must	The committee believes that whether a product is risk-free is wholly separate from whether or not the plaintiff is a

Instruction	Commentator	Comment	BG Response
		<p>demonstrate that the plaintiff knew or should have known of the “risk posed by the product.” Some accused products, including 3M’s safety equipment, do not themselves pose any risk. A requirement that assumes the existence of a risk is potentially confusing to a jury and inapposite to safety products.</p>	<p>sophisticated user.</p>
		<p><i>Johnson</i> does not require a defendant to prove all three of these things; indeed, it specifically notes that the user need only be “generally aware of the risk at issue.” (<i>Johnson, supra</i>, 43 Cal.4th at p. 73.) Importantly, <i>Johnson</i> holds that the plaintiff’s subjective state of mind (that is, his or her actual appreciation of the severity of the potential consequences, or his or her specific knowledge of particular methods of minimizing the risk) is not a factor to be considered:</p>	<p>The “should have known” language in the instruction present the test as objective rather than subjective.</p>
		<p>In the context of a safety product, the three requirements set out in the proposed revisions to CACI No. 1244 will make it effectively impossible for a manufacturer to prevail on a sophisticated user defense. The “risks” or dangers associated with such a product come not from the product itself but from its possible misuse – for example, providing a respiratory protection product to workers for use as protection against a contaminant or level of contaminant for which the product was not designed or intended. It should be enough for a manufacturer to demonstrate that the user knew or should have known how the product appropriately should be used – not that the user knew or should have known every possible type of misuse that could lead to every possible type of harm; and not that</p>	<p>The committee believes that if a product is safe unless misused, then there is no “risk” that gives rise to a duty to warn, and whether the injured person is or is not a sophisticated user is not relevant. The defendant’s affirmative defense is product misuse under CACI No. 1245.</p>

Instruction	Commentator	Comment	BG Response
		<p>the user knew every way in which to use the product safely around every other product in order to mitigate the risk of harm.</p>	
		<p>By requiring a manufacturer to show that the user knew of “[a]ny ways to use the [<i>product</i>] to reduce or avoid the risks that were known to [<i>name of defendant</i>],” the proposed revisions potentially require the manufacturer to warn of risks of other defendants’ products – the saw manufacturer will have to warn of the risks of using the saw to cut insulation – in order to claim the benefit of the sophisticated user defense.</p>	<p>This comment conflates the duty to warn with proof of a sophisticated user. Under <i>Buckner</i>, the defense must show that the user knew what the defendant knew about how to use the product safely. What a saw manufacturer might or might not have to warn about is not the question with regard to the sophisticated user defense.</p>
	<p>Horvitz &amp; Levy, by Lisa Perrochet and Curt Cutting</p>	<p>The proposed revisions would require trial courts to make decisions that are properly left to the jury. The trial court would fill in the bracketed material by describing the risks of the product and the severity of potential consequences. In many cases the parties dispute these issues—what risks the product poses (if any), and what the possible consequences of those risks may be (if any). In existing practice, the parties present evidence and argument to the jury on these issues, and the jury then decides what risks the products posed, how severe the consequences might be, and whether the plaintiff was aware of those particular risks.</p>	<p>The committee agreed with this comment and has decided not to propose any revisions to the instruction based on <i>Buckner</i>. The proposed new language does address matters that may very well be in dispute and to be resolved by the jury. The stance of the case in <i>Buckner</i> did not involve this potential problem. But on different facts, the language proposed by the court in <i>Buckner</i> might very well intrude on the role of the jury.</p>
		<p>We also believe the instruction unfairly favors plaintiffs. The proposed revisions unnecessarily turn a simple concept into a multifactor test, thereby increasing the likelihood that jurors will be confused by it and reject it. The current version of the instruction already permits a jury to conclude—and permits counsel to</p>	<p>If the proposed revisions to the instruction favor plaintiffs, it is because that was the result in <i>Buckner</i>.</p>

Instruction	Commentator	Comment	BG Response
		<p>argue—that the plaintiff was not aware of all the risks, or of the severity of all those risks, or the ways to avoid the risks. Taking those factors out of counsel’s argument and putting them into the instruction is unnecessary, and serves only to tip the balance in favor of plaintiffs.</p>	
	<p>McKenna Long &amp; Aldridge, by Jayme C. Long</p>	<p>Because the proposed revision potentially requires choosing among or, at least, characterizing conflicting theories of a case, it risks pushing the resulting instruction into the realm of impermissible argument by unduly emphasizing particular evidence or theories of liability over others. While jury instructions should be tailored to a particular case, the inclusion of too much evidentiary detail can lead to a finding on appeal that an instruction lends prominence to particular theories or issues, leading the jury to conclude those are entitled to extra weight.</p>	<p>The committee agreed. See response to comment of Horvitz &amp; Levy, above.</p>
		<p>Another practical problem is when a strict liability failure to warn claim is asserted. These cases often hinge on what was “[known/ [or] knowable in light of the [scientific/ [and] medical] knowledge that was generally accepted in the scientific community at the time of [manufacture/distribution/sale].” (CACI 1205) CACI 1244 works with CACI 1205 by allowing the jury to determine whether “at the time of the injury” the plaintiff knew or should have known of the products “risk, harm, or danger.” The proposed revision to CACI 1244 usurps this jury function, inserting instead the court’s determination as to what risks were known and what the severity of those risks were at the time of sale or distribution.</p>	<p>The committee agreed. See response to comment of Horvitz &amp; Levy, above.</p>

Instruction	Commentator	Comment	BG Response
	Polsinelli Law Firm, by J. Alan Warfield, on behalf of CertainTeed Corporation, Dana Companies LLC, and Union Carbide Corporation	The current version of CACI 1244 is drawn from the California Supreme Court's decision in <i>Johnson v. American Standard, Inc.</i> (2008) 43 Cal.4th 56, 71. The proposed changes add requirements that are not imposed by <i>Johnson</i> and thus are without the Supreme Court's imprimatur.	Supreme Court authority is not required to support a CACI instruction. Appellate authority is sufficient.
		It would be particularly inappropriate to adopt changes to CACI 1244 given that there are two cases now pending before the California Supreme Court ( <i>Webb v. Special Electric Co , Inc.</i> (S209927) and <i>Ramos v. Brenntag Specialties, Inc.</i> (S218176)) in which the court's decisions could well implicate these issues.	It is not likely that these two cases will have an impact on the sophisticated user doctrine. <i>Ramos</i> is a primarily a component parts case. <i>Webb</i> could affect 1244, but most likely will not affect the <i>Buckner</i> issues.
		The proposed changes do not fairly capture the central legal principle underlying the decision in <i>Buckner, supra</i> , on which they are purportedly based.	The comment does not explain what the "central legal principle" underlying <i>Buckner</i> is.
		Even if <i>Buckner's</i> analysis of the sophisticated user defense could be considered authoritative for all cases in California, the fill-in-the-blank nature of the proposed instruction is problematic. It is misleading, because it takes what is essentially a specially drafted instruction and labels it an "approved" instruction. Litigants are given free rein to fill in the blanks with whatever they choose, tempered only by opposing counsel's objections. Asking litigants to "describe the risk" and "describe the severity," without providing any instruction or limitation, will simply increase litigation and nullify the purpose of having an approved instruction.-	There is nothing <i>per se</i> inappropriate about pattern instructions requiring the user to fill in the blanks with facts from the case at issue. Nearly every CACI instruction has blanks for the user to complete. However, per the response to Horvitz & Levy, above, the committee has concluded that the blanks to be filled in under <i>Buckner</i> may invade the province of the jury in some cases and are not appropriate for a pattern instruction.
	State Bar of California, Litigation Section, Jury Instructions	We suggest that the introductory paragraph be modified to state more clearly and directly that defendant is not responsible for harm to plaintiff caused by a failure	As the committee has proposed no changes to the opening paragraph, it is beyond the scope of this proposal. However,

Instruction	Commentator	Comment	BG Response
	Committee, by Reuben A. Ginsberg, Chair	<p>to warn in certain circumstances. We believe that describing this as defendant’s “claim” and then stating “In order to prove this claim, . . .” may complicate matters unnecessarily.</p> <p>We suggest that the Advisory Committee consider two alternative modifications of the introductory paragraph. The first eschews use of the term “sophisticated user” in favor of simply stating the elements of the affirmative defense without introducing to the jury a term that is familiar only to lawyers and that may add nothing to jurors’ understanding of this instruction. The second retains the term “sophisticated user” as a short-hand reference that may be useful.</p> <p>We suggest that the third element be modified as follows for greater clarity:</p> <p><del>“Any ways</del> <u>How to use the [product] in a way that to reduces or avoids the [product]’s risks, if that were known to [name of defendant] knew that information.”</u></p>	<p>this paragraph is in the standard CACI format to present an affirmative defense. Therefore, the committee does not propose to consider this comment in the future.</p> <p>The comment is moot as the committee no longer proposes additions to the instruction text.</p>
VF-1201. <i>Strict Products Liability—Design Defect—Affirmative Defense—Misuse or Modification</i>	Los Angeles County Superior Court, by Janet Garcia, Court Manager	Change the transitional language after Question 6 to state: “If your answer to either Question 5 or Question 6 is yes, answer Question 7. <i>If you answered no to Question 6 and did not answer yes to Question 5, stop here, answer no further questions, and have the presiding juror sign and date this form.</i> ”	This comment addresses what to do if only one test is at issue. This point is better handled in the Directions for Use than in the transitional language between questions.
	Orange County Bar Association, by Thomas Bienert, Jr., President	The addition of question number 4 is confusing and does not match the jury instruction for which the Verdict Form should correspond, CACI 1203, <i>Strict Liability – Design Defect – Consumer Expectation Test—Essential Factual Elements</i> . CACI 1203 does not list as an element “is the [product] one about which an	The committee considered adding this point as an optional element to 1203. However, the Directions for Use to 1203 say to add the element if the court decides that the applicability of the test is for the jury. The

Instruction	Commentator	Comment	BG Response
		ordinary consumer can form reasonable minimum safety expectations.”	committee decided that was sufficient.
VF-1201 and VF-1202. <i>Strict Products Liability—Design Defect—Risk-Benefit Test</i> (to be revoked)	Orange County Bar Association, by Thomas Bienert, Jr., President	<p>Verdict Forms 1201 and 1202 should not be combined. Combining them is contrary to the Directions for Use currently in place for these Verdict Forms, which should remain in place.</p> <p>The consumer expectations test requires no expert whereas the risk benefit test requires use of an expert.</p> <p>Combining these tests at this stage creates far too much risk for confusion. Having separate verdict forms with separate titles will help the jury understand the distinction.</p>	<p>The committee concluded that the Directions for Use have needlessly cautioned against combining the two tests into a single verdict form. If both tests are to go to the jury, the fact that risk-benefit involves burden-shifting is irrelevant as burden of proof is not built into verdict forms. Trial judges have requested that the two tests be combined.</p> <p>The need for experts is irrelevant as far as the verdict form questions are concerned.</p>
1305. <i>Battery by Peace Officer</i>	Consumer Attorneys of California, by Jacqueline Serna, Associate Legislative Counsel	<p>Although there has been no change in the law or other reason to depart from the well established instruction, this revision would eliminate language that is very helpful in clarifying for the jury what sorts of factors it should consider when deciding whether force is reasonable. Most jurors have no common sense experience in evaluating excessive force factors, and I do not see how eliminating these guideposts benefit anyone.</p> <p>CACI 1305 only makes sense when the victim of force is under arrest (or perhaps detention) while the officer is performing a lawful arrest or detention.</p>	<p>The committee agreed. See the response below to the comment of the State Bar.</p> <p>This comment does not present any issues based on the proposed revisions to the instruction. It may be considered in the release cycle.</p>
	State Bar of California, Litigation Section, Jury	We disagree with the proposed deletion of language from this instruction. <i>Hernandez v. City of Pomona</i> (2009) 46 Cal.4th 501,	The committee agreed with the comment. <i>Hernandez</i> expressly says that instructing the

Instruction	Commentator	Comment	BG Response
	Instructions Committee, by Reuben Ginsberg, Chair	514, held that the same three factors should be considered in determining whether force was reasonable for purposes of a negligence action (wrongful death). <i>Hernandez</i> cited CACI No. 1305 with approval and stated that the three factors should be considered “in determining whether police officers used unreasonable force for purposes of tort liability.” ( <i>Id.</i> at p. 514.) We would retain the three factors and cite <i>Hernandez</i> in the Sources and Authority.	jury on the three factors is correct under California law. This proposed deletions have been withdrawn from the release. An excerpt from <i>Hernandez</i> has been added to the Sources and Authority as proposed by the comment.
1621. <i>Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Bystander—Essential Factual Elements</i>	Consumer Attorneys of California, by Jacqueline Serna, Associate Legislative Counsel	CAOC member and attorney Patrik Griego writes, “I just finished a jury trial and the jurors were confused by CACI 1621. The first question asks whether defendant negligently "caused" the injury. The 6th question asks whether the conduct was a "substantial factor" in causing the serious emotional distress. The term "caused" in the first question means "substantial factor" but it does not say that and is therefore confusing to jurors. Why use the term "substantial factor" in the sixth question and not in the first question? Jurors in my case thought that the term "caused" in the first question must mean "sole cause"; otherwise, why not use the term "substantial factor", as was done in the sixth question.” We recommend that this section 1621 be clarified to avoid confusion.	The comment addresses a point not raised by the proposed changes posted for public comment.  However, the committee does not perceive the problem. This instruction is about the recovery of damages for emotional distress by a bystander. So element 1 refers to the defendant causing the injury to the physical victim. Element 6 requires that the defendant’s conduct be a substantial factor in causing emotional distress to the bystander. In a bystander case, the committee believes that it is highly unlikely that element 1 will be contested. If it is, there will be instructions on the underlying event, which will present causation as “substantial factor.”
1620-1623, Instructions on Negligent Infliction of Emotional Distress	State Bar of California, Litigation Section, Jury Instructions	Agree	No response is necessary.

Instruction	Commentator	Comment	BG Response
	Committee, by Reuben Ginsberg, Chair		
1623. <i>Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Fear of Cancer, HIV, or AIDS—Malicious, Oppressive, or Fraudulent Conduct—Essential Factual Elements</i>	Orange County Bar Association, by Thomas Bienert, Jr., President	The proposed change to the Direction for Use should read: “[t]he explanation in the second to last paragraph....”	The committee has corrected this error.
1803. <i>Appropriation of Name or Likeness—Essential Factual Elements</i>	State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair	Agree. In addition, we suggest that a new instruction be created on the affirmative defense that requires balancing the plaintiff’s right of privacy against the public interest in the dissemination of news and information.	The committee will consider this suggestion in the next cycle.
2336. <i>Bad Faith (Third Party)—Unreasonable Failure to Defend—Essential Factual Elements</i>	Orange County Bar Association, by Thomas Bienert, Jr., President	We suggest leaving the deleted language in the Directions for Use pertaining to excess insurance. Since the court determines if the claim is potentially covered by the policy, the court will determine if the claim falls within the excess limits. However, deleting the paragraph concerning excess insurance will not guide the revision of the instruction such that the jury is aware that there is a difference between excess and primary insurers.	There is no explanation given nor authority provided, either in the Directions for Use or in the comment, as to how the instruction should be modified if there is an issue of excess insurance coverage. Without some guidance, the sentence is not helpful. The committee considers it a collateral point, which need not be addressed in the Directions for Use.
		The excerpt from <i>Shade Foods</i> in the Sources and Authority is the same as what was previously below. But the citation is now incomplete. While the paragraph could be moved higher in the analysis, the full citation for the case needs to be set forth.	The full citation format for <i>Shade Foods</i> has been included.
	State Bar of	We believe that the Directions for	The court will decide

Instruction	Commentator	Comment	BG Response
	California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair	<p>Use should state more clearly (1) that the court decides whether the claim was potentially covered by the policy and (2) that this instruction should be given only if the court decides that there was potential coverage. We suggest that the beginning of the second paragraph in the Directions for Use be modified as follows:</p> <p>“Whether the claim was potentially covered by the policy is an issue for the court to decide. Give this instruction only if the court decides that the claim was potentially covered. The court will decide the issue of whether the claim was potentially covered by the policy.”</p>	<p>that there was no potential coverage only if there are no disputed facts, in which case the case will be resolved on summary judgment. If there are disputed facts, there is a duty to defend.</p> <p>The issue for the jury is element 4, whether the insurer’s decision to deny coverage and a defense was unreasonable and without proper cause.</p>
2407. <i>Affirmative Defense—Employee’s Duty to Mitigate Damages</i>	State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair	We believe that failure to mitigate damages is an affirmative defense and therefore suggest that the title of this instruction, and other instructions on the duty to mitigate, be changed to “Affirmative Defense—Failure to Mitigate Damages.”	The committee agreed, and has revised the title.
		We believe that the “see also” citation to <i>Rabago-Alvarez v. Dart Industries, Inc.</i> (1976) 55 Cal.App.3d 91, 98, added to the first excerpt in the Sources and Authority adds nothing substantial to the California Supreme Court authority already cited, <i>Parker v. Twentieth Century-Fox Film Corp.</i> (1970) 3 Cal.3d 176, 181-182. The point was conceded in <i>Rabago</i> . We would delete the citation to <i>Rabago</i> .	The committee believes that the “see also” to <i>Rabago-Alvarez</i> sets up the “but see” to <i>Villacorta v. Cemex Cement, Inc.</i> (2013) 221 Cal.App.4th 1425, 1432, which is the real reason for the additions to the <i>Parker</i> excerpt. The court in <i>Villacorta</i> relies heavily on <i>Rabago-Alvarez</i> . But the committee believes that this reliance is misplaced.
		We believe that the citation to <i>Villacorta v. Cemex Cement, Inc.</i> (2013) 221 Cal.App.4th 1425, 1432, added to the excerpt point belongs in a separate bullet point. The parenthetical description of the	The committee does not believe that <i>Villacorta</i> can be harmonized with <i>Parker</i> , and thus must be presented as a “but see.”

Instruction	Commentator	Comment	BG Response
		<p>case is actually a quotation. Moreover, <i>Villacorta</i> is consistent with the quoted language from <i>Parker</i>, so “but see” is not appropriate. We suggest that the new bullet point should precede the current third bullet point, which makes the same point, and should read:</p> <p>“ ‘Wages actually earned from an inferior job may not be used to mitigate damages . . . .’ (<i>Villacorta v. Cemex Cement, Inc.</i> (2013) 221 Cal.App.4th 1425, 1432.)”</p>	
	Wilson Turner Kosmo, by Michael S. Kalt	<p>Add: “However, minor differences in salary, benefits, or the availability of a merit-based system does not render a job inferior (<i>Id.</i> at p. 255.)” to the second paragraph of the Directions for Use.</p> <p>This instruction is generally correct; however, <i>California School Employees Assn. v. Personnel Commission</i> (1973) 30 Cal.App.3d 241, 250-255 rejected plaintiff’s contention that any minor difference in salary and benefits or the availability of a merit-based system renders a job inferior. Adding the language above is appropriate to avoid any misconception and maintains the instruction’s neutrality.</p>	The comment proposes treatise-like discussion. That is not generally the purpose of the Directions for Use, which is to present information relevant to the use and drafting of the instruction.
		<p>Delete both <i>Rabago</i> and <i>Villacorta</i> from <i>Parker</i> excerpt in Sources and Authority.</p> <p>Including these citations in this jury instruction conflates the issue of actual damages (and what earnings may be used to determine Plaintiff’s lost wages) with the affirmative defense of failure to mitigate damages. The affirmative defense is used if the plaintiff failed to make reasonable efforts to seek or obtain alternative employment, not in cases where the plaintiff</p>	<p>The committee believes that the <i>Parker-Rabago-Villacorta</i> issue is what wages can be deducted in mitigation, not what earnings may be used to determine plaintiff’s lost wages (although they may functionally be the same thing).</p> <p>The proposed excerpt from <i>California School Employees</i> is an appellate case saying</p>

Instruction	Commentator	Comment	BG Response
		<p>actually obtained alternative employment. The citations suggested by the revised CACI instructions do not address this affirmative defense, but instead address what measure of damages an employee may use in calculating her lost wages.</p> <p>Alternatively, if the Judicial Council insists on including these citations, we suggest changing the <i>Robago-Alvarez</i> citation to <i>California School Employees Assn. v. Personnel Commission, supra</i>, 30 Cal.App.3d at p. 255 with the quote “The general rule is that the obligation to reimburse a wrongfully discharged employee may be mitigated by deducting earnings actually received from other employment.” The quote cited in <i>Rabago-Alvarez</i> does not address the court’s ruling or holding, but instead only addresses what the plaintiff conceded, making it not citable for this proposition. On the other hand, <i>California School Employees Assn.</i> stated the general rule on this issue. In addition, including <i>California School Employees Assn</i> together with <i>Villacorta</i> recognizes the split in authority and provides a neutral reference.</p>	<p>the same thing as <i>Parker</i>, a Supreme Court case.</p>
<p>2431. <i>Constructive Discharge in Violation of Public Policy—Plaintiff Required to Violate Public Policy</i></p>	<p>State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair</p>	<p>We agree that this instruction should plainly state, rather than only imply, that the conduct that plaintiff allegedly was required to engage in would violate public policy. But we believe that the proposed new sentence in the introductory paragraph inappropriately combines the public policy with defendant’s requiring the plaintiff to violate it (which is addressed in element 2).</p> <p>For example, price fixing is a violation of public policy, and</p>	<p>The language in question is partially within an example of how the instruction could be completed. The committee has moved the “require”: language from the instruction text to the example to address any possible lack of clarity as postulated by the comment. This change was made to CACI Nos. 2430 and 2432 also.</p>

Instruction	Commentator	Comment	BG Response
		<p>requiring an employee to engage in price fixing is a tort if it results in a constructive discharge. Rather than state that it is a violation of public policy to require an employee to engage in price fixing, we believe that the new sentence should state that price fixing is a violation of public policy and leave it to element 2 to state that defendant is liable only if defendant required plaintiff to engage in such conduct.</p> <p>Accordingly, we would modify the new sentence as follows:</p> <p><i>“[Specify conduct alleged to violate public policy, e.g., price fixing] It is a violation of public policy for an employer to require that an employee [specify claim in case, e.g., engage in price fixing].”</i></p>	
	<p>Wilson Turner Kosmo, by Michael S. Kalt</p>	<p>Revise last paragraph of Directions for Use to read:</p> <p><i>“The judge should determine whether the purported reason for plaintiff’s resignation would amount to a violation of public policy whether the action allegedly required by the employer violated a fundamental public policy.”</i> See <i>Stevenson v. Superior Court (1997) 16 Cal. 4th 880, 889-890 [outlining four part test as to whether a policy is sufficient to support a tortious discharge claim]; Gantt v. Sentry Insurance (1992) 1 Cal.4th 1083, 1090, overruled on other grounds by Green v. Ralee Engineering Co. (1998) 19 Cal. 4th 66, 71 [“The difficulty, of course, lies in determining where and how to draw the line between claims that genuinely involve matters of public policy, and those that concern merely ordinary disputes between employer and employee.”]. If the judge does not conclude this, the claim should be dismissed prior to</i></p>	<p>The committee has added a citation to <i>Gantt</i> to support this paragraph. The citation has been added to CACI Nos. 2430 and 2432 also.</p> <p>The proposed additional discussion is not appropriate for Directions for Use.</p>

Instruction	Commentator	Comment	BG Response
		<p><u>submission to the jury. The jury should then be instructed that the alleged conduct would constitute a public-policy violation if proved.”</u></p>	
<p>2432. <i>Constructive Discharge in Violation of Public Policy—Plaintiff Required to Endure Intolerable Conditions That Violate Public Policy</i></p>	<p>State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair</p>	<p>The essence of this claim is that plaintiff was subjected to intolerable working conditions that violated public policy and was forced to resign. We believe that the first sentence in the Directions for Use says it well: “This instruction should be given if plaintiff claims that his or her constructive termination was wrongful because defendant subjected plaintiff to intolerable working conditions in violation of public policy.” But the instruction itself does not convey this so clearly, and the example in the proposed new sentence does not correspond with the example in element 2. We believe that the two examples should be the same. And the example given seems to combine two separate Labor Code violations, failure to pay overtime and failure to pay minimum wage, into one. We suggest that the introductory paragraph be modified as follows for greater clarity and consistency:</p> <p>“<i>[Name of plaintiff]</i> claims that <i>[name of defendant]</i> forced <i>[him/her]</i> to resign <del>for reasons by</del> <u>subjecting <i>[him/her]</i> to working conditions that violated public policy.</u> It is a violation of public policy for an employer to <del>require an employee to</del> <i>[specify claim in case, e.g., require an employee to work more than forty hours a week for less than minimum wage]</i>. To establish this claim, <i>[name of plaintiff]</i> must prove all of the following:”</p> <p>We suggest that the title be modified to “Constructive Discharge in Violation of Public</p>	<p>The committee agreed that the examples in the introductory paragraph and in element 2 should be the same.</p> <p>The committee is not concerned that the example includes two Labor Code violations as overtime and minimum wage violations often go hand in hand.</p> <p>The committee agreed with the comment and has removed “for</p>

Instruction	Commentator	Comment	BG Response
		Policy—Plaintiff Required to Endure Intolerable Conditions for Improper Purpose That Violates Public Policy.”	Improper Purpose” from the title.
	Wilson Turner Kosmo, by Michael S. Kalt	The proposed addition to the introductory paragraph is vague and does not make sense in the context for which this instruction is designed to address, i.e. the employee resigns because of intolerable working conditions created by the employer allegedly due to the employer’s violation of a fundamental public policy. The judge should determine as a matter of law whether the employer’s alleged actions violated a fundamental public policy. By adding the proposed sentence it invites the juror to make this determination. As such, our recommendation is to not include this sentence at all	The committee does not believe that instructing the jury that particular acts, if proved, constitute a violation of public policy invites the jury to make this determination. The committee believes the opposite; that this language is essential to ensure that the jury does <i>not</i> consider whether a public policy has been violated.
		The instruction should also be clarified as to what constitutes “intolerable working conditions.” “The mere existence of illegal conduct in a workplace does not, without more, render employment conditions intolerable to a reasonable employee.” ( <i>Turner v. Anheuser-Busch, Inc.</i> (1994) 7 Cal. 4th 1238, 1254, abrogated on other grounds by <i>Romano v. Rockwell Int’l, Inc.</i> (1996) 14 Cal.4th 479.) The employee’s resignation must be employer-coerced, not caused by the voluntary action of the employee or by conditions or matters beyond the employer’s reasonable control. ( <i>Turner, supra</i> , 7 Cal.4th at p. 1248.) “In order to amount to a constructive discharge, adverse working conditions must be unusually ‘aggravated’ or amount to a ‘continuous pattern’ before the situation will be deemed intolerable.” ( <i>Id.</i> at 1246-1247.) “Single, trivial, or isolated acts of [misconduct] are insufficient to	The committee agrees that the inclusion of an explanation of “intolerable working conditions” in the last paragraph may be insufficient for reasons noted in the comment. However, the comment is beyond the scope of matters posted for public comment. It will be addressed in the next cycle.

Instruction	Commentator	Comment	BG Response
		<p>support a constructive discharge claim.” (<i>Id.</i> [internal citations omitted].)</p> <p>So revise last paragraph to read:</p> <p>To be intolerable, the adverse working conditions must be <u>unusually aggravated or repeatedly offensive</u> to a reasonable person in [name of plaintiff]’s position <u>or must amount to a continuous pattern over a prolonged period of time.</u></p>	
<p>2442. <i>Protected Disclosure by State Employee—California Whistleblower Protection Act—Essential Factual Elements</i></p>	<p>Hon. David Abbott, Judge of the Superior Court of Sacramento County</p>	<p>The proposed addition of CACI No. 2442 will certainly be helpful in whistleblower employment cases. I am currently in such a trial, with jury instructions in draft at present. This proposed instruction and use notes will assist me in drafting final instructions and in addressing requests from counsel for “pinpoint” instructions. I’ll provide comments and feedback as I deal with the final version in my case.</p>	<p>The committee looks forward to getting Judge Abbott’s feedback on this instruction.</p>
	<p>California Employment Lawyers Association, by David deRobertis</p>	<p>The instruction's focus on "discharge" ignores the unique statutory definition of adverse action in this context as including "acts of reprisal, retaliation, threats, coercion or similar acts."</p>	<p>The committee has considered the question of how to present adverse actions short of discharge in a series entitled Wrongful Termination. The committee’s decision is to limit the actual instruction text to discharge, and then explain in the Directions for Use how to modify the instruction for other adverse employment actions.</p>
		<p>We understand that the second paragraph of the Directions for Use tries to address this issue. However, it does so in a confusing manner, which will create a risk that trial courts will simply use CACI 2509</p>	<p>The committee does not believe that the second paragraph of the Directions for Use is confusing. It says to replace “discharge” with</p>

Instruction	Commentator	Comment	BG Response
		<p><i>(Adverse Employment Action-Explained)</i> to fill the gap in this instruction when it is used for adverse actions shy of termination. To avoid this result, the statutory language - "engages in acts of reprisal, retaliation, threats, coercion, or similar acts" - should either be found in the text of the instruction or, alternatively, at the very least, directly included in the "Directions for Use." Doing so will ensure that courts are well-tuned into the idea that this statute contains its own unique adverse action language that differentiates it from other statutes (such as the FEHA) for which instruction 2509 is well-suited.</p>	<p>whatever the adverse action was in the case.</p> <p>The committee does not see a likelihood that the court would just give 2509. 2509 is for use if the jury is to decide whether an action was adverse or not. If that is an issue, then 2509 should be given; if not, then the user just inserts "demotion" or whatever adverse action is at issue in the case in place of "termination."</p> <p>The list of prohibited acts is in the first paragraph of the Directions for Use.</p>
	<p>Joshua C. Irwin, Deputy Attorney General, State of California</p>	<p>As written, proposed CACI No. 2442 is somewhat confusing. The title suggests that it addresses only the "protected disclosure" aspect of the Whistleblower Protection Act (see Gov. Code, § 8547.2(e).) However, the body more generally addresses at least some of the elements of a cause of action for retaliation under the WPA. (See Gov. Code § 8547.8(c) and (e)).</p> <p>To be clearer for a jury, CACI 2442 should state only the elements of a cause of action for WPA retaliation and be given a title that reflects this content.</p> <p>The definition of "protected disclosure" (see elements 1 through 3 of proposed CACI 2442) is better understood and considered if it is addressed as a stand-alone instruction. See proposed new CACI 2442.5.</p>	<p>The committee prefers a single instruction rather than the proposed division into separate instructions, which would move the meaning of "protected activity" from 2442 into a separate definitional instruction (the proposed 2442.5)</p> <p>The second part of the proposed 2442.5 sets forth the very complex statutory definition of "improper governmental activity." The committee does not believe that it is necessary to give all of this language to the jury. As noted in the Directions for Use, whatever governmental activity is at issue in the case can be included if necessary.</p>

Instruction	Commentator	Comment	BG Response
		<p>2442 needs an element stating that the defendant was aware of the protected disclosure. While there is no reported WPA case law on this point, cases dealing with retaliation causes of action under the Fair Employment and Housing Act and Labor Code section 1102.5 state that an employer or actor must be aware of the protected activity. (See <i>Fisher v. San Pedro Peninsula Hospital</i> (1989) 214 Cal.App.3d 590, 614-615 [“Essential to a causal link is evidence that the employer was aware that the plaintiff had engaged in the protected activity”]; <i>Morgan v. Regents of University of Cal.</i> (2000) 88 Cal.App.4th 52, 69-70, 73.) If there is more than one defendant, plaintiff must establish that each defendant was aware of the protected disclosure(s).</p>	<p>Awareness is subsumed within Element 5, which says that the protected disclosure was a contributing factor in the adverse action. If the defendant was not aware of the disclosure, it could not be a contributing factor.</p>
		<p>The instruction should specify that the discharge was after the protected disclosure. Government Code section 8547.8(c) prohibits “acts of reprisal, retaliation, threats, coercion, or similar acts” against plaintiff. If those acts do not occur after the protected disclosure, they cannot be taken because of that disclosure.</p>	<p>This point is also subsumed within “contributing factor.”</p>
		<p>2442 should have an element that reflects the language in section 8547.8(c) that there is a cause of action against a person who <i>intentionally</i> engages in retaliation. See <i>Mize-Kurzman v. Marin Community College Dist.</i> (2012) 202 Cal.App.4th 832, 860-861, dealing with the analogous the Education Code provisions extending WPA to community college employees.</p>	<p>Intent is also subsumed within “contributing factor.”</p>
	<p>State Bar of California, Litigation Section, Jury</p>	<p>Agree</p>	<p>No response is necessary</p>

Instruction	Commentator	Comment	BG Response
	Instructions Committee, by Reuben Ginsberg, Chair		
	Wilson Turner Kosmo, by Michael S. Kalt	Change “contributing factor” to “substantial motivating factor.” They don’t say why. I assume they believe that <i>Harris v. City of Santa Monica</i> applies to this statute.	This statute uses “contributing factor” and then creates a specific affirmative defense based on that language. The committee believes that because “contributing factor” is addressed in the statute, the instruction should use that language.
2443. <i>Affirmative Defense—Same Decision</i>	California Employment Lawyers Association, by David deRobertis	The "same-decision" defense instruction must include the concept that the employer would have taken the same action <i>at the same time</i> based on wholly legitimate reasons.	The committee agreed with the comment and has added language clarifying that the defendant must have considered the valid reason at the time when the adverse action was taken.
	Joshua C. Irwin, Deputy Attorney General, State of California	The proposed CACI No. 2443 appears to be a correct statement of the law. However, it should add the term “protected” before the first appearance of the word “disclosure.”	The committee agreed with the comment and has added “protected.”
	State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair	We agree with this proposed new instruction, but find it cumbersome. The instruction is a single sentence with three ifs, which could be confusing. We believe that the initial clause (“If [ <i>name of plaintiff</i> ] proves that [his/her] disclosure was a contributing factor to [his/her] discharge”) is unnecessary because the jury need not decide whether plaintiff has proven his or her case to find that the affirmative defense applies. We would delete this initial clause.	This instruction is contingent on first finding that there was prohibited retaliation. Without the initial clause, the jury could lose sight of this limitation.
	Wilson Turner Kosmo, by Michael S. Kalt	Change “contributing factor” to “substantial motivating factor.” They don’t say why. I assume they	This statute uses “contributing factor” and then creates this

Instruction	Commentator	Comment	BG Response
		believe that <i>Harris v. City of Santa Monica</i> applies to this statute.	specific affirmative defense based on that language. The instruction must reflect this statutory language.
		Add “anyways” after “would have discharged plaintiff.”	The committee agreed with the comment, but prefers “anyway” to “anyways.”
		Delete: “even if [ <i>name of plaintiff</i> ] had not made protected disclosures [or refused an illegal order]” at the end of the instruction.	The committee agreed that that deletion of most of this language improves clarity. The language of the instruction has been revised, but reference to “refusing an illegal order” has been retained.
2540. <i>Disability Discrimination—Disparate Treatment—Essential Factual Elements</i>	California Employment Lawyers Association, by David deRobertis	Elimination of the standard, Judicial Council-approved language covering the "perceived as" prong of the statutory definition of protected disabilities will leave litigants and trial court without guidance on how to properly define this type of claim in jury instructions. CELA acknowledges that it appears that the intent of the proposed change is to retain Instruction 2540 to cover "perceived as" disability claims given the comment in the "Directions for Use" about modifying elements 3 and 6 in a "perceived as" case. But CELA is troubled by the removal of the standard, Judicial Council-approved language from the instruction itself for a "perceived as" claim.	The proposed revisions to this instruction conform it to a decision made previously to simplify several FEHA cause-of-action instructions by reducing the options. Rather than trying to build perception and association discrimination into the instructions themselves, the Directions for Use now note the possible modification of the instruction for use in these cases.
		If, nonetheless, the "perceived as" language is going to be removed from the text of the instruction, it should be incorporated in abbreviated form into the Directions for Use. This could be done, for example, as follows with the bolded text being our suggested	The committee agreed with the comment and has revised the Directions for Use along the lines suggested in the comment.

Instruction	Commentator	Comment	BG Response
		<p>addition</p> <p>“Modify elements 3 and 6 if plaintiff was not actually disabled or had a history of a disability, but alleges discrimination because he or she was perceived to be disabled. (See Gov. Code, § 12926(o); see also Gov. Code, § 12926G(4)(m)(4) [mental and physical disability include being regarded or treated as disabled by the employer.]. <b>This can be done with language in element 3 that the employer "treated [name of plaintiff] as if [he/she] ... " and with language in element 6 "That [name of employer's] belief that ... "</b></p>	
	<p>Orange County Bar Association, by Thomas Bienert, Jr., President</p>	<p>In the Sources and Authority, the added authority set forth in the first two full bulleted excerpts from <i>Rope v. Auto-Chlor System of Washington, Inc.</i> (2014) 220 Cal.App.4th 635 should be deleted in that they are not relevant to this instruction.</p>	<p>The committee agreed with the comment and has removed these excerpts on associational discrimination. Proposed new CACI No. 2547, to which this instruction cross refers, addresses associational discrimination. Thus, these excerpts are not needed here.</p>
	<p>State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair</p>	<p>Agree</p>	<p>No response is necessary.</p>
	<p>Wilson Turner Kosmo, by Michael S. Kalt</p>	<p>Agree</p>	<p>No response is necessary.</p>
<p>2547. <i>Disability-Based Associational Discrimination—Essential Factual Elements</i></p>	<p>California Employment Lawyers Association, by David</p>	<p>The proposed language for the first and third options of element 4 misstates the law because it does not properly account for an adverse employment action based on the</p>	<p>The committee believes that the comment makes an interesting argument that may very well prove to be correct some</p>

Instruction	Commentator	Comment	BG Response
	deRobertis	<p>employer's mistaken, stereotypical beliefs. It requires proof of the underlying asserted facts rather than permitting the employee to rely on proof of the employer's mistaken belief as to the underlying asserted facts as an alternative. Thus, for example, the plaintiff must actually prove that the association with the individual with a disability "was costly" to the employer or that the employee "was somewhat inattentive at work." In some cases, these underlying facts may be reality. The employee may actually have been "somewhat inattentive at work"; but, in other cases, the employer may mistakenly assume based on stereotypical thought processes that the employee will be inattentive or unreliable. In this latter scenario, the plaintiff will not need to prove these underlying facts because they are not reality but rather they are incorrectly assumed or mistaken facts by the employer.</p>	<p>day. But the argument relies on federal cases under the Americans with Disabilities Act. CACI instructions cannot rely on federal cases construing different statutes.</p> <p><i>Rope, supra</i>, on which this instruction is based, also relies on ADA cases, but the court did not expressly adopt this position. In fact, in footnote 13, the court says that <i>Rope cannot</i> rely on the "distraction" category because he pled that he was not distracted. If the commentator is right, <i>Rope</i> should have been able to claim to be a victim of "distraction" associational discrimination based on the employer's misperception that he was likely to be distracted.</p>
		<p>The suggested language "is likely" in the second option of element 4 overstates the requirement and should be replaced with "may."</p>	<p>The committee agreed with the comment and has made this replacement.</p>
	Wilson Turner Kosmo, by Michael S. Kalt	<p>In the first option to element 4, change "costly" to "an unduly burdensome expense."</p>	<p><i>Rope</i> says "costly." The instruction should use the court's language, particularly when it is better plain English.</p>
		<p>In the third option for element 4, change "but not so inattentive that to perform to [name of defendant]'s satisfaction [name of plaintiff] would need an accommodation;" to "but [name of plaintiff] did not [himself/herself] require an accommodation to perform their job duties;</p>	<p>The comment does not indicate why this change should be made. There is no connection in the proposed language between the inattentiveness and the question of an accommodation.</p>

Instruction	Commentator	Comment	BG Response
<p>2730. <i>Whistleblower Protection—Essential Factual Elements</i></p>	<p>California Employment Lawyers Association, by David deRobertis</p>	<p>The bracketed phrase "acting on behalf of" in the first element is confusing. It appears that this language is intended to cover the concept that Labor Code section 1102.5's prohibitions apply not just to the employer but also to "any person acting on behalf of the employer ...." (Lab. Code §1102.5(a), (b), and (c).) However, nothing in the Directions for Use or otherwise makes this clear. Thus, we submit that if this bracket is intended to be used only for individual defendants to ensure that their conduct was done "on behalf of the employer," then the "Directions for Use" should make this clear. Otherwise, there is a risk that courts will include this bracket when the only party being sued is the employer entity itself.</p>	<p>The committee agreed with the comment and has deleted "acting on behalf of."</p>
	<p>Because a disclosure may be about something "unwise, wasteful" gross misconduct, or the like," but that is also a legal violation, the word "merely" needs to be added.</p>	<p>The committee agreed with the comment. "Merely" has been added.</p>	
	<p>Delete: "A report of publicly known facts is not a protected disclosure." This statement is not an accurate statement of California law under Labor Code section 1102.5 or, at the very least, it is such a unsettled proposition that it does not belong in a standard, CACI instruction. A new case, <i>Hager v. County of Los Angeles</i> (2014) 228 Cal. App. 4th 1538, 1548-1553, directly disagreed with <i>Mize-Kurzman's</i> assertion that a report of already known facts cannot be a protected disclosure.</p> <p>Apart from <i>Hager</i>, CELA argues at length that <i>Mize-Kurzman</i> was wrongly decided on this point.</p>	<p>The committee agreed that <i>Hager</i> casts serious doubt on <i>Mize-Kurzman</i> on this point. But a petition for review has been filed in <i>Hager</i>, which means that the case will not be final in time to make the 2015 edition. Nevertheless, the committee has deleted the last sentence on publicly known facts, while noting the holding of <i>Mize-Kurzman</i> in the Directions for Use.</p>	
	<p>State Bar of California, Litigation</p>	<p>Rather than include the bracketed language "[acting on behalf of]" in element 1, we would delete that</p>	<p>The committee agreed with the comment and has deleted "acting on</p>

Instruction	Commentator	Comment	BG Response
	Section, Jury Instructions Committee, by Reuben Ginsberg, Chair	<p>language and state in the Directions for Use that the instruction should be modified if the claim is based on the conduct of a person acting on behalf of the employer. We believe that the defendant in most cases will be the employer, rather than a person acting on behalf of the employer. If the defendant is not the employer, other references in the instruction to the defendant may need to be changed to be consistent with the statute. For example, Labor Code section 1102.5(b) states that “[a]n employer, or any person acting on behalf of the employer, shall not retaliate” (Italics added). If the defendant is the employer, then “[name of defendant]” is appropriate the first time it appears in element 2. But if the defendant is a person acting on behalf of the employer, it may be appropriate to name the employer rather than the defendant in element 2. The reference to “[name of defendant]’s policies” in the first bracketed sentence after element 7 also may need to be changed if the defendant is not the employer.</p>	behalf of.”
		<p>Element 1 of the previous version of this instruction stated, “That [name of plaintiff] was an employee of [name of defendant].” We find this language clearer and more direct than the proposed new language and would use this language in element 1.</p>	The committee sees no significant difference between the previous and current language.
	Wilson Turner Kosmo, by Michael S. Kalt	<p>Change the third option for element 3 to “<u>That [name of plaintiff]’s refusal to [specify activity in which plaintiff refused to participate]</u> would result in [a violation of a [state/federal statute/[a violation of/noncompliance with] a [local/state/federal] rule or regulation];”.</p>	<p>The first proposed change is not correct. It is not the refusal that would result in a violation; it is the participation. The committee has revised the option to make that clear.</p> <p>The second proposed</p>

Instruction	Commentator	Comment	BG Response
			change is unnecessary because “in which the plaintiff refused to participate” is stated in element 2. It does not need to be repeated in element 3.
		Delete: “[A disclosure is protected even though disclosing the information may be part of <i>[name of plaintiff]</i> ’s job duties.]. This can be a special jury instruction if at all applicable.	The committee believes that it is an appropriate optional element.
2732. <i>Retaliatory Unfair Immigration-Related Practice—Essential Factual Elements</i>	State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair	Labor Code section 1019(a) refers to an alleged violation of “this code or local ordinance.” Element 1 in this instruction refers instead to defendant’s violation of “a legal obligation.” We believe that the language “violation of law” accurately conveys the meaning of section 1019 and is more familiar language to lay jurors than “violation of a legal obligation.”  Also, rephrase the first option to the active voice.	The committee concluded that both “violation of a legal obligation” and “violation of law” were too broad as the statute requires a violation of the Labor Code or local ordinance. The instruction was restructured to require the user to insert the particular violation alleged.
		Labor Code section 1019(b)(1)(C) was amended in June 2014, effective January 1, 2015. The amendment adds the words “or a false report or complaint with any state or federal agency.” Accordingly, we suggest that the language “[filed or threatened to file a false police report[:/.]]”	The committee is grateful for this information and has revised the instruction as suggested.
	Wilson Turner Kosmo, by Michael S. Kalt	In element 1, delete the open “specify other” option or reword it to read: “[ <i>specify other plaintiff conduct in violation of the Labor Code or local ordinance alleged to have caused retaliation</i> ].” This can be a special jury instruction if at all applicable.	If the plaintiff’s conduct was something other than one of those specified in the statute, the instruction has to set forth the acts.
		In element 3, add “legal” thus:  That [ <i>name of defendant</i> ]’s conduct was for the purpose of, or with the intent of, retaliating against [ <i>name</i>	The committee has added “legally protected.”

Instruction	Commentator	Comment	BG Response
		<p><i>of plaintiff</i>] for exercising [his/her] <u>legal rights</u>;</p> <p>Add to the end of the instruction as a new paragraph (Lab. Code § 1019(b)(2)):</p> <p>“Unfair immigration-related practice” does not include conduct undertaken at the express and specific direction or request of the federal government.”</p> <p>Delete the paragraph from the Directions for Use about the option to specify other conduct in element 1.</p>	<p>The committee does not believe that this limitation from the statute would ever be a jury issue.</p> <p>The committee believes that it is important to alert the user to the “includes but is not limited to” language from the statute.</p>
<p>3040. <i>Violation of Prisoner’s Federal Civil Rights—Eighth Amendment—Substantial Risk of Serious Harm</i></p>	<p>State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair</p>	<p>We agree with the revisions to the instruction, but we would delete the excerpt from <i>Grenning v. Miller-Stout</i> (9th Cir. 2014) 739 F.3d 1235, 1240, in the Sources and Authority. The quotation provides no clear guidance and appears to provide no solid authority.</p>	<p>Element 4 requires that there be no reasonable justification. The excerpt from <i>Grenning</i> addresses this element.</p>
<p>3041. <i>Violation of Prisoner’s Federal Civil Rights—Eighth Amendment—Medical Care</i></p>	<p>State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair</p>	<p>We disagree with the proposed revisions that are based on <i>Peralta v. Dillard</i> (9th Cir. 2014) 744 F.3d 1076, a 6-5 en banc opinion. The holding in <i>Peralta</i> is by no means settled law binding on California courts. It is not unlikely that other federal courts will reach the opposite conclusion. We believe that until more solid authority can be cited, the bracketed final paragraph in the instruction and the citations to <i>Peralta</i> in the Directions for Use and Sources and Authority should be deleted.</p>	<p>The committee believes that the comment raises a legitimate point, but one that the committee expressly considered. The conclusion was that <i>Peralta</i> merited an optional paragraph in the instruction.</p> <p>However, the Directions for Use have been revised to make it clear that <i>Peralta</i> is not binding on a California court and that the optional paragraph is provided should the court decide that it agrees with <i>Peralta</i>.</p>
<p>3070. <i>Disability Discrimination—Access Barriers to Public</i></p>	<p>James S. Link, Attorney at Law, Pasadena</p>	<p>This jury instruction should not be limited to the Disabled Persons Act, of which section 54.3 is a part.</p>	<p>The committee agreed that the Directions for Use should note that the</p>

Instruction	Commentator	Comment	BG Response
<i>Facility—Construction-Related Accessibility Standards Act—Essential Factual Elements</i>		<p>Rather, it should also be extended to the Unruh Civil Rights Act, of which Civil Code § 52 is a part. This proposed extension follows from the provisions of Civil Code section 55.56, which provides:</p> <p>(a) Statutory damages under either <b>subdivision (a) of Section 52</b> or subdivision (a) of Section 54.3 may be recovered in a construction-related accessibility claim against a place of public accommodation only if a violation or violations of one or more construction-related accessibility standards denied the plaintiff full and equal access to the place of public accommodation on a particular occasion.</p>	<p>CRASA also applies to claims under the Unruh Act.</p>
		<p>I have previously sent letters to the CACI committee respecting the damage instructions regarding the Unruh Civil Rights Act. In those letters, I noted the Committee does not address section 55.56 in CACI Nos. 3060 and 3067 and VF 3030 where it is stated damages may be presumed on an Unruh violation. Section 55.56 precludes the assertion that damage is “presumed.” The Committee does not even cite section 55.56 in the notes to CACI Nos. 3060 and 3067 and VF 3030. Civil Code § 52 has required for a very long time proof of actual harm or damage. The law on which the Committee relies is out of date, dicta or not applicable as set out in my prior correspondence.</p>	<p>The commentator has made, and the committee has rejected, this argument several times previously. The Unruh Act applies to many kinds of discrimination in public accommodations, not just to accessibility barrier claims.</p> <p>CACI Nos. 3060 and 3067 are correct for all Unruh Act claims except CRASA claims. With this new CRASA instruction that mentions that it applies under the Unruh Act, the committee has addressed any possible confusion created by not building CRASA limitations into the CACI Unruh instructions.</p>
	<p>State Bar of California, Litigation Section, Jury</p>	<p>Civil Code section 54.3(a) authorizes an award of actual or statutory damages, and section 55.56 states the requirements for an</p>	<p>The committee agreed with the comment and has added references to statutory damages to the</p>

Instruction	Commentator	Comment	BG Response
	Instructions Committee, by Reuben Ginsberg, Chair	<p>award of statutory damages based on a construction-related accessibility claim. This new instruction includes the elements required to recover statutory damages on such a claim, as distinguished from the elements required for an award of actual damages. We suggest that the following sentence be added at the beginning of the Directions for Use:</p> <p>“Use this instruction if a plaintiff seeks statutory damages based on a construction-related accessibility claim.”</p> <p>We suggest that the title be modified to “Disability Discrimination—Access Barriers to Public Facility—Construction-Related Accessibility Standards Act—<u>Statutory Damages—</u>Essential Factual Elements (Civ. Code, §§ 54.3, 55.56)”</p> <p>We suggest that the final paragraph in the Directions for Use be modified as follows:</p> <p><u>“This instruction can be modified for use if actual damages are sought by deleting element 2 and all that follows and adding a new element 2 stating that the defendant’s conduct was a substantial factor in causing the plaintiff’s harm. If actual damages are sought, CACI No. 3067, Unruh Civil Rights Act—Damages, may be given.</u></p>	<p>Directions for Use along the lines suggested.</p> <p>The committee believes that the addition to the Directions for Use is sufficient. A title change would just make the title even longer.</p> <p>The committee agreed that the final paragraph could be improved, but did not agree with the revision proposed in the comment. Rather than suggest what would be essentially an entirely new instruction, it would be better to say that because the CRASA only applies to the recovery of statutory damages, the instruction should not be given if actual damages are sought.</p>
4342. <i>Reduced Rent for Breach of Habitability</i>	California Judges Association	Because the law is unsettled, it seems it would be best not have this instruction at all.	While CACI instructions are usually not provided for unsettled points of law, the committee has received multiple requests for this

Instruction	Commentator	Comment	BG Response
			instruction from judges who believe that the reduction of rent is a jury issue. The Directions for Use make it clear that the instruction rests on an unresolved point.
		For a substantial breach of the warranty of habitability, the rent is reduced on a periodic basis (usually monthly, because usually the rent is paid monthly) by the percentage that the premises is uninhabitable. This instruction gives an option of making a simple dollar amount reduction, and using the dollar amount is too vague to accurately reflect the percentage of uninhabitability.	The committee does not see any vagueness. If rent is \$1000 a month and the jury finds that rent should be reduced by half because of uninhabitability, it can either say \$500 or 50 percent.
		The instruction assumes that the reduction is consistent for whatever period the jury determines. The reduction for habitability can vary from month to month. For example, if the breach were for the breakdown of a furnace starting April 1, the reduction could be 50 percent for April, 40 percent for May, 30 percent for June, 10 percent for July, and 0 percent for August. The instruction does not address the very definite possibility of a variance of the substantial breach over time.	The committee agreed with the comment and has added an optional sentence to the instruction and a paragraph to the Directions for Use.
	State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair	Agree	No response is necessary.
4510. <i>Breach of Implied Covenant to Perform Work in a Good and Competent Manner—Essential</i>	State Bar of California, Litigation Section, Jury Instructions	We suggest that the proposed new paragraph in the Directions for Use be modified for greater clarity and consistency. Also, <i>Gilbert Financial Corp. v. Steelform</i>	The committee agreed that the current language could use some greater clarity and revised it somewhat.

Instruction	Commentator	Comment	BG Response
<i>Factual Elements</i>	Committee, by Reuben Ginsberg, Chair	<p><i>Contracting Co.</i> (1978) 82 Cal.App.3d 65, 69-70 held that an owner could maintain a cause of action against a subcontractor for breach of the implied warranty of quality and fitness if the owner was an intended beneficiary of the contract between the general contractor and the subcontractor. We believe that this deserves mention as well.</p> <p>We suggest that the proposed new paragraph be modified as follows:</p> <p>“This instruction may be adapted for use <del>with a claim by a homeowner who purchased the property from the developer-owner against the contractor for construction defects</del> if an owner <u>claims to be a third party beneficiary of a construction contract between the developer and a contractor or between a general contractor and a subcontractor.</u> <del>That claim would be based on the proposition that the homeowner is a third party beneficiary of the builder-developer contract.</del> (See <i>Burch v. Superior Court</i> (2014) 223 Cal.App.4th 1411, 1422-1423; <i>Gilbert Financial Corp. v. Steelform Contracting Co.</i> (1978) 82 Cal.App.3d 65, 69-70.)”</p>	<p>But the comment’s proposed rewrite elevates the third-party beneficiary point to be the basis of the claim rather than it just being the underlying legal reason for liability.</p> <p><i>Gilbert</i> has been added to the citation as a “see also” to point out the applicability to subcontractors.</p>
5012. <i>Introduction to Special Verdict Form</i>	State Bar of California, Litigation Section, Jury Instructions Committee, by Reuben Ginsberg, Chair	Agree. We believe that the proposed new language clarifies an important point regarding the requirement that all jurors deliberate on each question, and we enthusiastically support the revision.	The committee appreciates the comment.

<b>Instruction</b>	<b>Commentator</b>	<b>Comment</b>	<b>BG Response</b>
All except as noted above	Orange County Bar Association, by Thomas Bienert, Jr., President	Agree	No response is necessary.

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314. Interpretation—Disputed **WordsTerm**

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[Name of plaintiff] and [name of defendant] dispute the meaning of the following **wordsterm** ~~contained~~ in their contract: [insert *text of term disputed language*].

[Name of plaintiff] claims that the **wordsterm** means [insert plaintiff's interpretation ~~of the term~~].

[Name of defendant] claims that the **words term** means [insert defendant's interpretation ~~of the term~~].

[Name of plaintiff] must prove that [his/her/its] interpretation ~~of the term~~ is correct.

In deciding what the **wordsterms** of a contract mean, you must decide what the parties intended at the time the contract was created. You may consider the usual and ordinary meaning of the language used in the contract as well as the circumstances surrounding the making of the contract.

[The following instructions may also help you interpret the **wordsterms** of the contract:]

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New September 2003; *Revised December 2014*

**Directions for Use**

~~Give this instruction if there is conflicting extrinsic evidence as to what the parties intended the language of their contract to mean. While interpretation of a contract can be a matter of law for the court (*Parsons v. Bristol Development Co.* (1965) 62 Cal.2d 861, 865 [44 Cal.Rptr. 767, 402 P.2d 839]), it is a question of fact for the jury if ascertaining the intent of the parties at the time the contract was executed depends on the credibility of extrinsic evidence. (*City of Hope National Medical Center v. Genentech, Inc.* (2008) 43 Cal.4th 375, 395 [75 Cal.Rptr.3d 333, 181 P.3d 142].)~~

Read any of the ~~following~~ instructions (as appropriate) on tools for interpretation (CACI Nos. 315 through 320) after reading the last bracketed sentence.

**Sources and Authority**

- ~~• Section 200 of the Restatement Second of Contracts provides: “Interpretation of a promise or agreement or a term thereof is the ascertainment of its meaning.”~~
- Contract Interpretation: Intent. Civil Code section 1636 provides: “A contract must be so interpreted as to give effect to the mutual intention of the parties as it existed at the time of contracting, so far as the same is ascertainable and lawful.”
- Contracts Explained by Circumstances. Civil Code section 1647 provides: “A contract may be explained by reference to the circumstances under which it was made, and the matter to which it relates.”
- “Juries are not prohibited from interpreting contracts. Interpretation of a written instrument becomes solely a judicial function only when it is based on the words of the instrument alone, when there is no

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conflict in the extrinsic evidence, or a determination was made based on incompetent evidence. But when, as here, ascertaining the intent of the parties at the time the contract was executed depends on the credibility of extrinsic evidence, that credibility determination and the interpretation of the contract are questions of fact that may properly be resolved by the jury.” (*City of Hope National Medical Center, supra, v. Genentech, Inc.* (2008) 43 Cal.4th at p.375, 395 [~~75 Cal.Rptr.3d 333, 181 P.3d 142~~], footnote and internal citations omitted.)

- “This rule—that the jury may interpret an agreement when construction turns on the credibility of extrinsic evidence—is well established in our case law. California’s jury instructions reflect this (Judicial Council of Cal. Civ. Jury Instns. (2008) CACI No. 314) . . . , as do authoritative secondary sources.” (*City of Hope National Medical Center, supra*, 43 Cal.4th at pp. 395–396.)
- “The trial court’s determination of whether an ambiguity exists is a question of law, subject to independent review on appeal. The trial court’s resolution of an ambiguity is also a question of law if no parol evidence is admitted or if the parol evidence is not in conflict. However, where the parol evidence is in conflict, the trial court’s resolution of that conflict is a question of fact and must be upheld if supported by substantial evidence. Furthermore, ‘[w]hen two equally plausible interpretations of the language of a contract may be made . . . parol evidence is admissible to aid in interpreting the agreement, thereby presenting a question of fact which precludes summary judgment if the evidence is contradictory.’ ” (*WYDA Associates v. Merner* (1996) 42 Cal.App.4th 1702, 1710 [50 Cal.Rptr.2d 323].)
- ~~California courts apply an objective test to determine the intent of the parties:~~ “In interpreting a contract, the objective intent, as evidenced by the words of the contract is controlling. We interpret the intent and scope of the agreement by focusing on the usual and ordinary meaning of the language used and the circumstances under which the agreement was made.” (*Lloyd’s Underwriters v. Craig & Rush, Inc.* (1994) 26 Cal.App.4th 1194, 1197-1198 [32 Cal.Rptr.2d 144], internal citations omitted.)

### Secondary Sources

1 Witkin, Summary of California Law (10th ed. 2005) Contracts, §§ 741–743

13 California Forms of Pleading and Practice, Ch. 140, *Contracts*, § 140.32 (Matthew Bender)

27 California Legal Forms, Ch. 75, *Formation of Contracts and Standard Contractual Provisions*, § 75.15 (Matthew Bender)

2 Matthew Bender Practice Guide: California Contract Litigation, Ch. 21, *Asserting a Particular Construction of Contract*, 21.04[2][b], 21.14[2]

### 315. Interpretation—Meaning of Ordinary Words

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**You should assume that the parties intended the words in their contract to have their usual and ordinary meaning unless you decide that the parties intended the words to have a special meaning.**

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*New September 2003; Revised December 2014*

#### Directions for Use

This instruction may be given with CACI No. 314, *Interpretation—Disputed Words*. See the Directions for Use and Sources and Authority to that instruction for discussion of when contract interpretation may be a proper jury role.

#### Sources and Authority

- ~~• Words to Be Understood in Usual Sense. Civil Code section 1644 provides: “The words of a contract are to be understood in their ordinary and popular sense, rather than according to their strict legal meaning; unless used by the parties in a technical sense, or unless a special meaning is given to them by usage, in which case the latter must be followed.”~~
- ~~• “Under statutory rules of contract interpretation, the mutual intention of the parties at the time the contract is formed governs interpretation. Such intent is to be inferred, if possible, solely from the written provisions of the contract. The ‘clear and explicit’ meaning of these provisions, interpreted in their ‘ordinary and popular sense,’ unless ‘used by the parties in a technical sense or a special meaning is given to them by usage,’ controls judicial interpretation. Thus, if the meaning a layperson would ascribe to contract language is not ambiguous, we apply that meaning.” (*Santisas v. Goodin* (1998) 17 Cal.4th 599, 608 71 Cal.Rptr.2d 830, 951 P.2d 399], internal citations omitted.)~~
- “Generally speaking, words in a contract are to be construed according to their plain, ordinary, popular or legal meaning, as the case may be. However, particular expressions may, by trade usage, acquire a different meaning in reference to the subject matter of a contract. If both parties are engaged in that trade, the parties to the contract are deemed to have used them according to their different and peculiar sense as shown by such trade usage and parol evidence is admissible to establish the trade usage even though the words in their ordinary or legal meaning are entirely unambiguous. [Citation.]” (*Hayter Trucking Inc. v. Shell Western E & P, Inc.* (1993) 18 Cal.App.4th 1, 15 [22 Cal.Rptr.2d 229].)

#### *Secondary Sources*

1 Witkin, Summary of California Law (10th ed. 2005) Contracts, § 745

13 California Forms of Pleading and Practice, Ch. 140, *Contracts*, § 140.32 (Matthew Bender)

27 California Legal Forms, Ch. 75, *Formation of Contracts and Standard Contractual Provisions*, §

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75.15 (Matthew Bender)

2 Matthew Bender Practice Guide: California Contract Litigation, Ch. 21, *Asserting a Particular Construction of Contract*, 21.20

316. Interpretation—Meaning of Technical Words

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You should assume that the parties intended technical words used in the contract to have the meaning that is usually given to them by people who work in that technical field, unless you decide that the parties clearly used the words in a different sense.

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*New September 2003; Revised December 2014*

**Directions for Use**

This instruction may be given with CACI No. 314, *Interpretation—Disputed Words*. See the *Directions for Use and Sources and Authority* to that instruction for discussion of when contract interpretation may be a proper jury role.

**Sources and Authority**

- Technical Words. Civil Code section 1645 ~~provides: “Technical words are to be interpreted as usually understood by persons in the profession or business to which they relate, unless clearly used in a different sense.”.~~
- “The 'clear and explicit' meaning of these provisions, interpreted in their 'ordinary and popular sense,' unless 'used by the parties in a technical sense or a special meaning is given to them by usage' [citation], controls judicial interpretation.”~~A court will look beyond the terms of the writing where it appears that the parties intended to ascribe a technical meaning to the terms used.~~ (*Cooper Companies, Inc. v. Transcontinental Insurance Co.* (1995) 31 Cal.App.4th 1094, 1101 [37 Cal.Rptr.2d 508].)

***Secondary Sources***

1 Witkin, Summary of California Law (10th ed. 2005) Contracts, § 745

13 California Forms of Pleading and Practice, Ch. 140, *Contracts*, § 140.32 (Matthew Bender)

27 California Legal Forms, Ch. 75, *Formation of Contracts and Standard Contractual Provisions*, § 75.15 (Matthew Bender)

2 Matthew Bender Practice Guide: California Contract Litigation, Ch. 21, *Asserting a Particular Construction of Contract*, 21.22

### 317. Interpretation—Construction of Contract as a Whole

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In deciding what the words of a contract meant to the parties, you should consider the whole contract, not just isolated parts. You should use each part to help you interpret the others, so that all the parts make sense when taken together.

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*New September 2003; Revised December 2014*

#### Directions for Use

This instruction may be given with CACI No. 314, *Interpretation—Disputed Words*. See the *Directions for Use and Sources and Authority* to that instruction for discussion of when contract interpretation may be a proper jury role.

#### Sources and Authority

- Effect to Be Given to Every Part of Contract. Civil Code section 1641, ~~provides: “The whole of a contract is to be taken together, so as to give effect to every part, if reasonably practicable, each clause helping to interpret the other.”~~
- “[T]he contract must be construed as a whole and the intention of the parties must be ascertained from the consideration of the entire contract, not some isolated portion.” (*County of Marin v. Assessment Appeals Bd. of Marin County* (1976) 64 Cal.App.3d 319, 324-325 [134 Cal.Rptr. 349].)
- “Any contract must be construed as a whole, with the various individual provisions interpreted together so as to give effect to all, if reasonably possible or practicable.” (*City of Atascadero v. Merrill Lynch, Pierce, Fenner & Smith* (1998) 68 Cal.App.4th 445, 473 [80 Cal.Rptr.2d 329].)
- ~~Contracts should be construed as a whole, with each clause lending meaning to the others. “[W]e should interpret contractual language in a manner which Contractual language should be interpreted in a manner that gives force and effect to every clause rather than to one that which renders clauses nugatory,” inoperative, or meaningless. (*City of Atascadero v. Merrill Lynch, Pierce, Fenner & Smith* (1998) 68 Cal.App.4th 445, 473 [80 Cal.Rptr.2d 329]; (*Titan Corp. v. Aetna Casualty and Surety Co.* (1994) 22 Cal.App.4th 457, 473-474 [27 Cal.Rptr.2d 476].)~~
- “Nor are we persuaded by [defendant]’s related claim that it was improper for [plaintiff]’s counsel to tell the jurors, during closing argument, that in resolving witness credibility issues they should consider the ‘big picture’ and not get lost in the minutiae of the contractual language.” (*City of Hope National Medical Center v. Genentech, Inc.* (2008) 43 Cal.4th 375, 394 [75 Cal.Rptr.3d 333, 181 P.3d 142].)

#### Secondary Sources

1 Witkin, Summary of California Law (10th ed. 2005) Contracts, §§ 746–747

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13 California Forms of Pleading and Practice, Ch. 140, *Contracts*, § 140.32 (Matthew Bender)

27 California Legal Forms, Ch. 75, *Formation of Contracts and Standard Contractual Provisions*, § 75.15 (Matthew Bender)

2 Matthew Bender Practice Guide: California Contract Litigation, Ch. 21, *Asserting a Particular Construction of Contract*, 21.19

318. Interpretation—Construction by Conduct

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In deciding what the words in a contract meant to the parties, you may consider how the parties acted after the contract was created but before any disagreement between the parties arose.

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New September 2003; Revised December 2014

**Directions for Use**

This instruction may be given with CACI No. 314, *Interpretation—Disputed Words*. See the *Directions for Use and Sources and Authority* to that instruction for discussion of when contract interpretation may be a proper jury role.

**Sources and Authority**

- “In construing contract terms, the construction given the contract by the acts and conduct of the parties with knowledge of its terms, and before any controversy arises as to its meaning, is relevant on the issue of the parties’ intent.” (*Southern Pacific Transportation Co. v. Santa Fe Pacific Pipelines, Inc.* (1999) 74 Cal.App.4th 1232, 1242 [88 Cal.Rptr.2d 777].)
- ~~This instruction covers the “rule of practical construction.”~~ “This rule of practical construction “is predicated on the common sense concept that ‘actions speak louder than words.’ Words are frequently but an imperfect medium to convey thought and intention. When the parties to a contract perform under it and demonstrate by their conduct that they knew what they were talking about the courts should enforce that intent.” (*Crestview Cemetery Assn. v. Dieden* (1960) 54 Cal.2d 744, 754 [8 Cal.Rptr. 427, 356 P.2d 171].)
- “The conduct of the parties after execution of the contract and before any controversy has arisen as to its effect affords the most reliable evidence of the parties’ intentions.” (*Kennecott Corp. v. Union Oil Co. of California* (1987) 196 Cal.App.3d 1179, 1189 [242 Cal.Rptr. 403].)
- “[T]his rule is not limited to the joint conduct of the parties in the course of performance of the contract. As stated in *Corbin on Contracts*, ‘The practical interpretation of the contract by one party, evidenced by his words or acts, can be used against him on behalf of the other party, even though that other party had no knowledge of those words or acts when they occurred and did not concur in them. In the litigation that has ensued, one who is maintaining the same interpretation that is evidenced by the other party’s earlier words, and acts, can introduce them to support his contention.’ We emphasize the conduct of one party to the contract is by no means conclusive evidence as to the meaning of the contract. It is relevant, however, to show the contract is reasonably susceptible to the meaning evidenced by that party’s conduct.” (*Southern California Edison Co. v. Superior Court* (1995) 37 Cal.App.4th 839, 851 [44 Cal.Rptr.2d 227], internal citations omitted.)

**Secondary Sources**

**Draft—Not Approved by Judicial Council**

1 Witkin, Summary of California Law (10th ed. 2005) Contracts, § 749

13 California Forms of Pleading and Practice, Ch. 140, *Contracts*, § 140.32 (Matthew Bender)

1 Matthew Bender Practice Guide: California Contract Litigation, Ch. 13, *Attacking or Defending Existence of Contract—Absence of Essential Element*, 13.51

319. Interpretation—Reasonable Time

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If a contract does not state a specific time in which the parties are to meet the requirements of the contract, then the parties must meet them within a reasonable time. What is a reasonable time depends on the facts of each case, including the subject matter of the contract, the reasons each party entered into the contract, and the intentions of the parties at the time they entered the contract.

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*New September 2003; Revised December 2014*

**Directions for Use**

This instruction may be given with CACI No. 314, *Interpretation—Disputed Words*. See the Directions for Use and Sources and Authority to that instruction for discussion of when contract interpretation may be a proper jury role.

**Sources and Authority**

- ~~• Time of Performance of Contract. Civil Code section 1657. provides: “If no time is specified for the performance of an act required to be performed, a reasonable time is allowed. If the act is in its nature capable of being done instantly as, for example, if it consists in the payment of money only it must be performed immediately upon the thing to be done being exactly ascertained.”~~
- ~~• “[A]s the contract was silent as to the time of delivery a reasonable time for performance must be implied.” This rule of construction applies where the contract is silent as to the time of performance. (See *Palmquist v. Palmquist* (1963) 212 Cal.App.2d 322, 331 [27 Cal.Rptr. 744].)~~
- ~~• “The question of what constituted a reasonable time was of course one of fact.” The reasonableness of time for performance is a question of fact that depends on the circumstances of the particular case. (*Lyon v. Goss* (1942) 19 Cal.2d 659, 673 [123 P.2d 11].); *Consolidated World Investments, Inc. v. Lido Preferred Ltd.* (1992) 9 Cal.App.4th 373, 381 [11 Cal.Rptr.2d 524].)~~
- ~~• “[W]hat constitutes a reasonable time is a question of fact, depending upon These circumstances include the situation of the parties, the nature of the transaction, and the facts of the particular case.” (See *Sawday v. Vista Irrigation Dist.* (1966) 64 Cal.2d 833, 836 [52 Cal.Rptr. 1, 415 P.2d 816].)~~

**Secondary Sources**

1 Witkin, Summary of California Law (10th ed. 2005) Contracts, §§ 762–764

13 California Forms of Pleading and Practice, Ch. 140, *Contracts*, § 140.41 (Matthew Bender)

27 California Legal Forms, Ch. 75, *Formation of Contracts and Standard Contractual Provisions*, § 75.15 (Matthew Bender)

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1 Matthew Bender Practice Guide: California Contract Litigation, Ch. 13, *Attacking or Defending Existence of Contract—Absence of Essential Element*, 13.49

2 Matthew Bender Practice Guide: California Contract Litigation, Ch. 21, *Asserting a Particular Construction of Contract*, 21.30

2 Matthew Bender Practice Guide: California Contract Litigation, Ch. 22, *Suing or Defending Action for Breach of Contract*, 22.46

320. Interpretation—Construction Against Drafter

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In determining the meaning of ~~a term~~the words of the contract, you must first consider all of the other instructions that I have given you. If, after considering these instructions, you still cannot agree on the meaning of the ~~term~~words, then you should interpret the contract ~~term~~ against [the party that drafted the ~~term~~ disputed words]~~/ [the party that caused the uncertainty]~~.

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*New September 2003; Revised December 2014*

**Directions for Use**

~~This instruction may be given with CACI No. 314, *Interpretation—Disputed Words*. See the Directions for Use and Sources and Authority to that instruction for discussion of when contract interpretation may be a proper jury role. This instruction should be given only to a deadlocked jury, so as to avoid giving them this tool to resolve the case before they have truly exhausted the other avenues of approach.~~

**Sources and Authority**

- ~~• Language Interpreted Against Party Causing Uncertainty. Civil Code section 1654 ~~provides: “In case of uncertainty not removed by the preceding rules, the language of a contract should be interpreted most strongly against the party who caused the uncertainty to exist.”~~~~
- ~~• “[T]his [Civil Code 1654] canon applies only as a tie breaker, when other canons fail to dispel Section 1654 states the general rule, but this canon does not operate to the exclusion of all other rules of contract interpretation. It is used only when none of the canons of construction succeed in dispelling the uncertainty.” (Pacific Gas & Electric Co. v. Superior Court (1993) 15 Cal.App.4th 576, 596 [19 Cal.Rptr.2d 295], disapproved on other grounds in Advanced Micro Devices, Inc. v. Intel Corp. (1994) 9 Cal.4th 362, 376-377 [36 Cal.Rptr.2d 581, 885 P.2d 994].)~~
- “The trial court's instruction ... embodies a general rule of contract interpretation that was applicable to the negotiated agreement between [the parties]. It may well be that in a particular situation the discussions and exchanges between the parties in the negotiation process may make it difficult or even impossible for the jury to determine which party caused a particular contractual ambiguity to exist, but this added complexity does not make the underlying rule irrelevant or inappropriate for a jury instruction. We conclude, accordingly, that the trial court here did not err in instructing the jury on Civil Code section 1654's general rule of contract interpretation.” (*City of Hope National Medical Center v. Genentech, Inc.* (2008) 43 Cal.4th 375, 398 [75 Cal.Rptr.3d 333, 181 P.3d 142].)
- ~~• “[I]f the uncertainty is not removed by application of the other rules of interpretation, a contract must be interpreted most strongly against the party who prepared it. This last rule is applied with particular force This rule is applied more strongly in the case of adhesion contracts.” (*Badie v. Bank of America* (1998) 67 Cal.App.4th 779, 801 [79 Cal.Rptr.2d 273].) ~~It also applies with~~~~
- “The doctrine of contra proferentem (construing ambiguous agreements against the drafter) applies

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| with even ~~It also applies with~~ greater force when the person who prepared the writing is a lawyer.”  
(*Mayhew v. Benninghoff* (1997) 53 Cal.App.4th 1365, 1370 [62 Cal.Rptr.2d 27].)

***Secondary Sources***

1 Witkin, Summary of California Law (10th ed. 2005) Contracts, § 757

13 California Forms of Pleading and Practice, Ch. 140, *Contracts*, § 140.32 (Matthew Bender)

27 California Legal Forms, Ch. 75, *Formation of Contracts and Standard Contractual Provisions*, § 75.15 (Matthew Bender)

2 Matthew Bender Practice Guide: California Contract Litigation, Ch. 21, *Asserting a Particular Construction of Contract*, 21.15

422. ~~Sale of~~Providing Alcoholic Beverages to Obviously Intoxicated Minors (Bus. & Prof. Code, § 25602.1)

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[Name of plaintiff] claims [name of defendant] is responsible for [his/her] harm because [name of defendant] ~~sold/-or gave~~ alcoholic beverages to [name of alleged minor], a minor who was already obviously intoxicated.

To establish this claim, [name of plaintiff] must prove all of the following:

1. ~~[That [name of defendant] was [required to be] licensed/authorized/required to be licensed or authorized] to sell alcoholic beverages;]~~

~~[or]~~

~~[That [name of defendant] was authorized by the federal government to sell alcoholic beverages on a military base or other federal enclave;]~~

2. ~~[That [name of defendant] ~~sold/-or gave~~ alcoholic beverages to [name of alleged minor];]~~

~~[or]~~

~~[That [name of defendant] caused alcoholic beverages to be ~~sold/given away~~ to [name of alleged minor];]~~

3. That [name of alleged minor] was less than 21 years old at the time;
4. That when [name of defendant] provided the alcoholic beverages, [name of alleged minor] displayed symptoms that would lead a reasonable person to conclude that [he/she] was obviously intoxicated;
5. That [name of alleged minor] harmed [name of plaintiff]; and
6. That [name of defendant]’s ~~selling/-or giving~~ alcoholic beverages to [name of alleged minor] was a substantial factor in causing [name of plaintiff]’s harm.

In deciding whether [name of alleged minor] was obviously intoxicated, you may consider whether [he/she] displayed one or more of the following symptoms to [name of defendant] before the alcoholic beverages were provided: impaired judgment; alcoholic breath; incoherent or slurred speech; poor muscular coordination; staggering or unsteady walk or loss of balance; loud, boisterous, or argumentative conduct; flushed face; or other symptoms of intoxication. The mere fact that [name of alleged minor] had been drinking is not enough.

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New September 2003; Revised December 2009, June 2014, December 2014

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### Directions for Use

Business and Professions Code section 25602.1 imposes potential liability on those who have or are required to have a liquor license for the selling, furnishing, or giving away of alcoholic beverages to an obviously intoxicated minor. It also imposes potential liability on a person who is not required to be licensed who sells alcohol to an obviously intoxicated minor. (See *Ennabe v. Manosa* (2014) 58 Cal.4th 697, 711 [168 Cal.Rptr.3d 440, 319 P.3d 201].) In this latter case, omit element 1, select “sold” in the opening paragraph and, ~~delete “or gave”~~ in element 2, and select “selling” ~~delete “or giving”~~ in element 6.

If the plaintiff is the minor who is suing for his or her own injuries (see *Chalup v. Aspen Mine Co.* (1985) 175 Cal.App.3d 973, 974 [221 Cal.Rptr. 97]), modify the instruction by substituting the appropriate pronoun for “[*name of alleged minor*]” throughout.

For purposes of this instruction, a “minor” is someone under the age of 21. (*Rogers v. Alvas* (1984) 160 Cal.App.3d 997, 1004 [207 Cal.Rptr. 60].)

### Sources and Authority

- Liability for Providing Alcohol to Minors. Business and Professions Code section 25602.1.
- Sales Under the Alcoholic Beverage Control Act. Business and Professions Code section 23025.
- “In sum, if a plaintiff can establish the defendant provided alcohol to an obviously intoxicated minor, and that such action was the proximate cause of the plaintiff’s injuries or death, section 25602.1--the applicable statute in this case--permits liability in two circumstances: (1) the defendant was either licensed to sell alcohol, required to be licensed, or federally authorized to sell alcoholic beverages in certain places, and the defendant sold, furnished, or gave the minor alcohol or caused alcohol to be sold, furnished, or given to the minor; or (2) the defendant was ‘any other person’ (i.e., neither licensed nor required to be licensed), and he or she sold alcohol to the minor or caused it to be sold. Whereas licensees (and those required to be licensed) may be liable if they merely furnish or give an alcoholic beverage away, a nonlicensee may be liable only if a *sale* occurs; that is, a nonlicensee, such as a social host, who merely furnishes or gives drinks away--even to an obviously intoxicated minor--retains his or her statutory immunity.” (*Ennabe, supra*, 58 Cal.4th at pp. 709–710, original italics.)
- “[W]e conclude that the placement of section 25602.1 in the Business and Professions Code does not limit the scope of that provision to commercial enterprises. First, the structure of section 25602.1 suggests it applies to noncommercial providers of alcohol. The statute addresses four categories of persons and we assume those falling in the first three categories--those licensed by the Department of ABC, those without licenses but who are nevertheless required to be licensed, and those authorized to sell alcohol by the federal government--are for the most part engaged in some commercial enterprise. The final category of persons addressed by section 25602.1 is more of a catchall: ‘any other person’ who sells alcohol. Consistent with the plain meaning of the statutory language and the views of the Department of ABC, we find this final category includes private persons and ostensible social hosts who, for whatever reason, charge money for alcoholic drinks.” (*Ennabe, supra*, 58 Cal.4th at p. 711.)

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- “[Business and Professions Code] Section 23025's broad definition of a sale shows the Legislature intended the law to cover a wide range of transactions involving alcoholic beverages: a qualifying sale includes ‘*any* transaction’ in which title to an alcoholic beverage is passed for ‘*any* consideration.’ (Italics added.) Use of the term ‘any’ to modify the words ‘transaction’ and ‘consideration’ demonstrates the Legislature intended the law to have a broad sweep and thus include both indirect as well as direct transactions.” (*Ennabe, supra*, 58 Cal.4th at p. 714, original italics.)
- In “ ‘The use of intoxicating liquor by the average person in such quantity as to produce intoxication causes many commonly known *outward* manifestations which are “plain” and “easily seen or discovered.” If such outward manifestations exist and the seller still serves the customer so affected, he has violated the law, whether this was because he failed to observe what was plain and easily seen or discovered, or because, having observed, he ignored that which was apparent.’ ” (*Schaffield v. Abboud* (1993) 15 Cal.App.4th 1133, 1140 [19 Cal.Rptr.2d 205], original italics.)
- “[T]he standard for determining ‘obvious intoxication’ is measured by that of a reasonable person.” (*Schaffield, supra*, 15 Cal.App.4th at p. 1140.)
- “We shall make no effort to state definitively the meaning of the word ‘furnishes’ . . . . As used in a similar context the word ‘furnish’ has been said to mean: ‘ “To supply; to offer for use, to give, to hand.” ’ It has also been said the word ‘furnish’ is synonymous with the words ‘supply’ or ‘provide.’ In relation to a physical object or substance, the word ‘furnish’ connotes possession or control over the thing furnished by the one who furnishes it. The word ‘furnish’ implies some type of affirmative action on the part of the furnisher; failure to protest or attempt to stop another from imbibing an alcoholic beverage does not constitute ‘furnishing.’ ” (*Bennett v. Letterly* (1977) 74 Cal.App.3d 901, 904–905 [141 Cal.Rptr. 682], internal citations omitted.)
- “As instructed by the court, the jury was told to consider several outward manifestations of obvious intoxication, which included incontinence, unkempt appearance, alcoholic breath, loud or boisterous conduct, bloodshot or glassy eyes, incoherent or slurred speech, flushed face, poor muscular coordination or unsteady walking, loss of balance, impaired judgment, or argumentative behavior. This instruction was correct.” (*Jones v. Toyota Motor Co.* (1988) 198 Cal.App.3d 364, 370 [243 Cal.Rptr. 611], internal citation omitted.)
- “[S]ection 25602.1's phrase 'causes to be sold' requires an affirmative act directly related to the sale of alcohol which necessarily brings about the resultant action to which the statute is directed, i.e., the furnishing of alcohol to an obviously intoxicated minor.” (*Hernandez v. Modesto Portuguese Pentecost Assn.* (1995) 40 Cal.App.4th 1274, 1276 [48 Cal.Rptr.2d 229].)
- “The undisputed evidence shows [defendant]'s checker sold beer to Spitzer and that Spitzer later gave some of that beer to Morse. As in *Salem* [*Salem v. Superior Court* (1989) 211 Cal.App.3d 595, 600 [259 Cal.Rptr. 447]] , we conclude defendant cannot be held liable because the person to whom it sold alcohol was not the person whose negligence allegedly caused the injury at issue.” (*Ruiz v. Safeway, Inc.* (2013) 209 Cal.App.4th 1455, 1462 [147 Cal.Rptr.3d 809].)
- “[O]bviously intoxicated minors who are served alcohol by a licensed purveyor of liquor, may bring a

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cause of action for negligence against the purveyor for [their own] subsequent injuries.” (*Chalup, supra*, 175 Cal.App.3d at p. 979.)

***Secondary Sources***

6 Witkin, Summary of California Law (10th ed. 2005) Torts, § 1072

California Tort Guide (Cont.Ed.Bar 3d ed.) § 4.63

Haning et al., California Practice Guide: Personal Injury, Ch. 2(II)-L, *Liability For Providing Alcoholic Beverages*, ¶ 2:2101 (The Rutter Group)

1 Levy et al., California Torts, Ch. 1, *Negligence: Duty and Breach*, § 1.21 (Matthew Bender)

3 California Forms of Pleading and Practice, Ch. 19, *Alcoholic Beverages: Civil Liability*, §§ 19.12, 19.52, 19.75 (Matthew Bender)

1 California Points and Authorities, Ch. 15A, *Alcoholic Beverages: Civil Liability for Furnishing*, § 15A.21 et seq. (Matthew Bender)

456. Defendant Estopped From Asserting Statute of Limitations Defense

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*[Name of plaintiff]* claims that even if *[his/her/its]* lawsuit was not filed on time, *[he/she/it]* may still proceed because *[name of defendant]* did or said something that caused *[name of plaintiff]* to delay filing the lawsuit. In order to establish the right to proceed, *[name of plaintiff]* must prove all of the following:

1. That *[name of defendant]* said or did something that caused *[name of plaintiff]* to believe that it would not be necessary to file a lawsuit;
2. That *[name of plaintiff]* relied on *[name of defendant]*'s conduct and therefore did not file the lawsuit within the time otherwise required;
3. That a reasonable person in *[name of plaintiff]*'s position would have relied on *[name of defendant]*'s conduct;
4. That after the limitation period had expired, *[name of defendant]*'s representations by words or conduct proved to not be true; and
5. That *[name of plaintiff]* proceeded diligently to file suit once *[he/she/it]* discovered the actual facts.

It is not necessary that *[name of defendant]* have acted in bad faith or intended to mislead *[name of plaintiff]*.

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New October 2008; Revised December 2014

Directions for Use

Equitable estoppel, including any disputed issue of fact, is to be decided by the court, even if there are disputed issues of fact. (*Hopkins v. Kedzierski* (2014) 225 Cal.App.4th 736, 745 [170 Cal.Rptr.3d 551].) This instruction is for use if the court submits the issue to the jury for advisory findings.

There is perhaps a question as to whether all the elements of equitable estoppel must be proved in order to establish an estoppel to rely on a statute of limitations. These elements are (1) the party to be estopped must know the facts; (2) the party must intend that his or her conduct will be acted on, or must act in such a way that the party asserting the estoppel had the right to believe that the conduct was so intended; (3) the party asserting the estoppel must be ignorant of the true state of facts; and, (4) that party must rely upon the conduct to his or her detriment. (See *Ashou v. Liberty Mutual Fire Ins. Co.* (2006) 138 Cal.App.4th 748, 766–767 [41 Cal.Rptr.3d 819]; see also *Olofsson v. Mission Linen Supply* (2012) 211 Cal.App.4th 1236, 1246 [150 Cal.Rptr.3d 446] [equitable estoppel to deny family leave under California Family Rights Act].)

Most cases do not frame the issue as one of equitable estoppel and its four elements. All that is required is that the defendant's conduct actually have misled the plaintiff, and that plaintiff reasonably have relied

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on that conduct. Bad faith or an intent to mislead is not required. (*Lantzy v. Centex Homes* (2003) 31 Cal.4th 363, 384 [2 Cal.Rptr.3d 655, 73 P.3d 517]; *Shaffer v. Debbas* (1993) 17 Cal.App.4th 33, 43 [21 Cal.Rptr.2d 110].) Nor does it appear that there is a requirement that the defendant specifically intended to induce the plaintiff to defer filing suit. Therefore, no specific intent element has been included.

### Sources and Authority

- “As the name suggests, equitable estoppel is an equitable issue for court resolution.” (*Hopkins, supra*, 225 Cal.App.4th at p. 745.)
- “While the judge determines equitable causes of action, the judge may (in rare instances) empanel an advisory jury to make preliminary factual findings. The factual findings are purely advisory because, on equitable causes of action, the judge is the proper fact finder. ‘[W]hile a jury may be used for advisory verdicts as to questions of fact [in equitable actions], it is the duty of the trial court to make its own independent findings and to adopt or reject the findings of the jury as it deems proper.’” (*Hoopes v. Dolan* (2008) 168 Cal.App.4th 146, 156 [85 Cal.Rptr.3d 337], internal citations omitted.)
- “[CACI No. 456 is] appropriate for use when a trial court ‘empanel[s] an advisory jury to make preliminary factual findings,’ with respect to equitable estoppel ... .” (*Hopkins, supra*, 225 Cal.App.4th at p. 745.)
- “Equitable tolling and equitable estoppel are distinct doctrines. ‘“Tolling, strictly speaking, is concerned with the point at which the limitations period begins to run and with the circumstances in which the running of the limitations period may be suspended. ... Equitable estoppel, however, ... comes into play only after the limitations period has run and addresses ... the circumstances in which a party will be estopped from asserting the statute of limitations as a defense to an admittedly untimely action because his conduct has induced another into forbearing suit within the applicable limitations period. [Equitable estoppel] is wholly independent of the limitations period itself and takes its life ... from the equitable principle that no man [may] profit from his own wrongdoing in a court of justice.’” Thus, equitable estoppel is available even where the limitations statute at issue expressly precludes equitable tolling.” (*Lantzy, supra*, 31 Cal.4th at pp. 383–384, internal citations omitted.)
- “Accordingly, (1) if one potentially liable for a construction defect represents, while the limitations period is still running, that all actionable damage has been or will be repaired, thus making it unnecessary to sue, (2) the plaintiff reasonably relies on this representation to refrain from bringing a timely action, (3) the representation proves false after the limitations period has expired, and (4) the plaintiff proceeds diligently once the truth is discovered, the defendant may be equitably estopped to assert the statute of limitations as a defense to the action.” (*Lantzy, supra*, 31 Cal.4th at p. 384, internal citations omitted.)
- “‘An estoppel may arise although there was no designed fraud on the part of the person sought to be estopped. ... To create an equitable estoppel, “it is enough if the party has been induced to refrain from using such means or taking such action as lay in his power, by which he might have retrieved his position and saved himself from loss. ... Where the delay in commencing action is

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induced by the conduct of the defendant it cannot be availed of by him as a defense.” ’ ’ ( *Vu v. Prudential Property & Casualty Ins. Co.* (2001) 26 Cal.4th 1142, 1152–1153 [113 Cal.Rptr.2d 70, 33 P.3d 487].)

- “ ‘A defendant will be estopped to invoke the statute of limitations where there has been “some conduct by the defendant, relied on by the plaintiff, which induces the belated filing of the action.” It is not necessary that the defendant acted in bad faith or intended to mislead the plaintiff. [Citations.] It is sufficient that the defendant's conduct in fact induced the plaintiff to refrain from instituting legal proceedings. [Citation.] “[W]hether an estoppel exists—whether the acts, representations or conduct lulled a party into a sense of security preventing him from instituting proceedings before the running of the statute, and whether the party relied thereon to his prejudice—is a question of fact and not of law.” [Citations.]’ ’ ( *Holdgrafer v. Unocal Corp.* (2008) 160 Cal.App.4th 907, 925–926 [73 Cal.Rptr.3d 216], internal citations omitted.)
- “It is well settled that a public entity may be estopped from asserting the limitations of the claims statute where its agents or employees have prevented or deterred the filing of a timely claim by some affirmative act. Estoppel most commonly results from misleading statements about the need for or advisability of a claim; actual fraud or the intent to mislead is not essential. A fortiori, estoppel may certainly be invoked when there are acts of violence or intimidation that are intended to prevent the filing of a claim.” ( *John R. v. Oakland Unified Sch. Dist.* (1989) 48 Cal.3d 438, 445 [256 Cal.Rptr. 766, 769 P.2d 948], internal citations omitted.)
- “It is well settled that the doctrine of estoppel *in pais* is applicable in a proper case to prevent a fraudulent or inequitable resort to the statute of limitations. Apropos to this rule are the following established principles: A person, by his conduct, may be estopped to rely on the statute; where the delay in commencing an action is induced by the conduct of the defendant, it cannot be availed of by him as a defense; one cannot justly or equitably lull his adversary into a false sense of security and thereby cause him to subject his claim to the bar of the statute of limitations, and then be permitted to plead the very delay caused by his conduct as a defense to the action when brought; actual fraud in the technical sense, bad faith or intent to mislead are not essential to the creation of an estoppel, but it is sufficient that the defendant made misrepresentations or so conducted himself that he misled a party, who acted thereon in good faith, to the extent that such party failed to commence the action within the statutory period; a party has a reasonable time in which to bring his action after the estoppel has expired, not exceeding the period of limitation imposed by the statute for commencing the action; and that whether an estoppel exists—whether the acts, representations or conduct lulled a party into a sense of security preventing him from instituting proceedings before the running of the statute, and whether the party relied thereon to his prejudice—is a question of fact and not of law. It is also an established principle that in cases of estoppel to plead the statute of limitations, the same rules are applicable, as in cases falling within subdivision 4 of section 338, in determining when the plaintiff discovered or should have discovered the facts giving rise to his cause of action.” ( *Estate of Pieper* (1964) 224 Cal.App.2d 670, 690–691 [37 Cal.Rptr. 46], internal citations omitted.)
- “Although ‘ignorance of the identity of the defendant ... will not *toll* the statute’, ‘a defendant may be *equitably estopped* from asserting the statute of limitations when, as the result of intentional concealment, the plaintiff is unable to discover the defendant’s actual identity’.” ( *Vaca*

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*v. Wachovia Mortgage Corp.* (2011) 198 Cal.App.4th 737, 745 [129 Cal.Rptr.3d 354], original italics, internal citation omitted.)

- “Settlement negotiations are relevant and admissible to prove an estoppel to assert the statute of limitations.” (*Holdgrafer, supra*, 160 Cal.App.4th at p. 927.)
- “The estoppel issue in this case arises in a unique context. Defendants' wrongful conduct has given rise to separate causes of action for property damage and personal injury with separate statutes of limitation. Where the plaintiffs reasonably rely on defendants' promise to repair the property damage without a lawsuit, is a jury permitted to find that plaintiffs' decision to delay filing a personal injury lawsuit was also reasonable? We conclude such a finding is permissible on the facts of this case.” (*Shaffer, supra*, 17 Cal.App.4th at p. 43, internal citation omitted.)
- “At the very least, [plaintiff] cannot establish the second element necessary for equitable estoppel. [Plaintiff] argues that [defendant] was estopped to rely on the time bar of section 340.9 by its continued reconsideration of her claim after December 31, 2001, had passed. But she cannot prove [defendant] intended its reconsideration of the claim to be relied upon, or acted in such a way that [plaintiff] had a right to believe it so intended.” (*Ashou, supra*, 138 Cal.App.4th at p. 767.)
- “ ‘It is well settled that a public entity may be estopped from asserting the limitations of the claims statute where its agents or employees have prevented or deterred the filing of a timely claim by some affirmative act.’ Estoppel as a bar to a public entity's assertion of the defense of noncompliance arises when a plaintiff establishes by a preponderance of the evidence (1) the public entity was apprised of the facts, (2) it intended its conduct to be acted upon, (3) the plaintiff was ignorant of the true state of facts, and (4) relied upon the conduct to his detriment.” (*K.J. v. Arcadia Unified School Dist.* (2009) 172 Cal.App.4th 1229, 1239–1240 [92 Cal.Rptr.3d 1], internal citation omitted.)
- “A nondisclosure is a cause of injury if the plaintiff would have acted so as to avoid injury had the plaintiff known the concealed fact. The plaintiff's reliance on a nondisclosure was reasonable if the plaintiff's failure to discover the concealed fact was reasonable in light of the plaintiff's knowledge and experience. Whether the plaintiff's reliance was reasonable is a question of fact for the trier of fact unless reasonable minds could reach only one conclusion based on the evidence. The fact that a plaintiff was represented by counsel and the scope and timing of the representation are relevant to the question of the reasonableness of the plaintiff's reliance.” (*Superior Dispatch, Inc. v. Insurance Corp. of New York* (2010) 181 Cal.App.4th 175, 187–188 [104 Cal.Rptr.3d 508], internal citations omitted.)

### Secondary Sources

3 Witkin, California Procedure (5th ed. 2008) Actions, §§ 566–581

Haning et al., California Practice Guide: Personal Injury, Ch. 5-B, *When To Sue—Statute Of Limitations*, ¶ 5:111.6 (The Rutter Group)

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5 Levy et al., California Torts, Ch. 71, *Commencement, Prosecution, and Dismissal of Action*, § 71.06 (Matthew Bender)

30 California Forms of Pleading and Practice, Ch. 345, *Limitation of Actions*, § 345.81 (Matthew Bender)

14 California Points and Authorities, Ch. 143, *Limitation of Actions*, § 143.50 (Matthew Bender)

1 Matthew Bender Practice Guide: California Pretrial Civil Procedure, Ch. 4, *Limitation of Actions*, 4.42

457. Statute of Limitations—Equitable Tolling—Other Prior Proceeding

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[Name of plaintiff] claims that even if [his/her/its] lawsuit was not filed by [insert date from applicable statute of limitations], [he/she/it] may still proceed because the deadline for filing the lawsuit was extended by the time during which [specify prior proceeding that qualifies as the tolling event, e.g., she was seeking workers' compensation benefits]. In order to establish the right to proceed, [name of plaintiff] must prove all of the following:

1. That [name of defendant] received timely notice that [name of plaintiff] was [e.g., seeking workers' compensation] instead of filing a lawsuit;
2. That the facts of the two claims were so similar that an investigation of the [e.g., workers' compensation claim] gave or would have given [name of defendant] the information needed to defend the lawsuit; and
3. That [name of plaintiff] was acting reasonably and in good faith by [e.g., seeking workers' compensation].

For [name of defendant] to have received timely notice, [name of plaintiff] must have filed the [e.g., workers' compensation claim] by [insert date from applicable statute of limitations] and the [e.g., claim] notified [name of defendant] of the need to begin investigating the facts that form the basis for the lawsuit.

In considering whether [name of plaintiff] acted reasonably and in good faith, you may consider the amount of time after the [e.g., workers' compensation claim] was [resolved/abandoned] before [he/she/it] filed the lawsuit.

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New December 2009; Revised December 2014

**Directions for Use**

Equitable tolling, including any disputed issue of fact, is to be decided by the court, even if there are disputed issues of fact. (Hopkins v. Kedzierski (2014) 225 Cal.App.4th 736, 745 [170 Cal.Rptr.3d 551].) This instruction is for use if the court submits the issue to the jury for advisory findings. The verdict form should ask the jury to find the period of time that the limitation period was tolled on account of the other proceeding. The court can then add the additional time to the limitation period and determine whether the action is timely.

Equitable tolling is not available for legal malpractice (see *Laird v. Blacker* (1992) 2 Cal.4th 606, 618 [7 Cal.Rptr.2d 550, 828 P.2d 691] [statutory tolling provisions of Code Civ Proc., § 340.6 are exclusive for both one-year and four-year limitation periods]; see also CACI No. 610, *Affirmative Defense—Statute of Limitations—Attorney Malpractice—One-Year Limit*, and CACI No. 611, *Affirmative Defense—Statute of Limitations—Attorney Malpractice—Four-Year Limit*) nor for medical malpractice with regard to the three-year limitation period of Code of Civil Procedure section 340.5. (See *Belton v. Bowers Ambulance*

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*Serv.* (1999) 20 Cal.4th 928, 934 [86 Cal.Rptr.2d 107, 978 P.2d 591] [statutory tolling provisions of Code Civ. Proc., § 340.5 are exclusive only for three-year period; one-year period may be tolled on other grounds]; see also CACI No. 555, *Affirmative Defense—Statute of Limitations—Medical Malpractice—One-Year Limit*, and CACI No. 556, *Affirmative Defense—Statute of Limitations—Medical Malpractice—Three-Year Limit*.)

### Sources and Authority

- “The equitable tolling of statutes of limitations is a judicially created, nonstatutory doctrine. It is ‘designed to prevent unjust and technical forfeitures of the right to a trial on the merits when the purpose of the statute of limitations—timely notice to the defendant of the plaintiff’s claims—has been satisfied.’ Where applicable, the doctrine will ‘suspend or extend a statute of limitations as necessary to ensure fundamental practicality and fairness.’ ” (*McDonald v. Antelope Valley Community College Dist.* (2008) 45 Cal.4th 88, 99 [84 Cal.Rptr.3d 734, 194 P.3d 1026], internal citations omitted.)
- “While the case law is not entirely clear, it appears that the weight of authority supports our conclusion that whether a plaintiff has demonstrated the elements of equitable tolling presents a question of fact.” (*Hopkins, supra*, 225 Cal.App.4th at p. 755.)
- “[E]quitable tolling, ‘[a]s the name suggests ... is an equitable issue for court resolution.’ ” (*Hopkins, supra*, 225 Cal.App.4th at p. 745.)
- “While the judge determines equitable causes of action, the judge may (in rare instances) empanel an advisory jury to make preliminary factual findings. The factual findings are purely advisory because, on equitable causes of action, the judge is the proper fact finder. ‘[W]hile a jury may be used for advisory verdicts as to questions of fact [in equitable actions], it is the duty of the trial court to make its own independent findings and to adopt or reject the findings of the jury as it deems proper.’ ” (*Hoopes v. Dolan* (2008) 168 Cal.App.4th 146, 156 [85 Cal.Rptr.3d 337], internal citations omitted.)
- “[CACI No. 457 is] appropriate for use when a trial court ‘empanel[s] an advisory jury to make preliminary factual findings,’ with respect to equitable ... tolling.” (*Hopkins, supra*, 225 Cal.App.4th at p. 745.)
- “The equitable tolling doctrine rests on the concept that a plaintiff should not be barred by a statute of limitations unless the defendant would be unfairly prejudiced if the plaintiff were allowed to proceed. ‘[T]he primary purpose of the statute of limitations is normally satisfied when the defendant receives timely notification of the first of two proceedings.’ The doctrine has been applied ‘where one action stands to lessen the harm that is the subject of the second action; where administrative remedies must be exhausted before a second action can proceed; or where a first action, embarked upon in good faith, is found to be defective for some reason.’ ” (*Aguilera v. Heiman* (2009) 174 Cal.App.4th 590, 598 [95 Cal.Rptr.3d 18], internal citations omitted.)
- “[T]he effect of equitable tolling is that the limitations period stops running during the tolling event, and begins to run again only when the tolling event has concluded. As a consequence, the

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tolled interval, no matter when it took place, is tacked onto the end of the limitations period, thus extending the deadline for suit by the entire length of time during which the tolling event previously occurred.” (*Lantzy v. Centex Homes* (2003) 31 Cal.4th 363, 370–371 [2 Cal.Rptr.3d 655, 73 P.3d 517].)

- “A major reason for applying the doctrine is to avoid ‘the hardship of compelling plaintiffs to pursue several duplicative actions simultaneously on the same set of facts.’ ‘[D]isposition of a case filed in one forum may render proceedings in the second unnecessary or easier and less expensive to resolve.’ ” (*Guevara v. Ventura County Community College Dist.* (2008) 169 Cal.App.4th 167, 174 [87 Cal.Rptr.3d 50], internal citations omitted.)
- “[A]pplication of the doctrine of equitable tolling requires timely notice, and lack of prejudice, to the defendant, and reasonable and good faith conduct on the part of the plaintiff. These elements seemingly are present here. As noted, the federal court, without prejudice, declined to assert jurisdiction over a timely filed state law cause of action and plaintiffs thereafter promptly asserted that cause in the proper state court. Unquestionably, the same set of facts may be the basis for claims under both federal and state law. We discern no reason of policy which would require plaintiffs to file simultaneously two separate actions based upon the same facts in both state and federal courts since ‘duplicative proceedings are surely inefficient, awkward and laborious.’ ” (*Addison v. State* (1978) 21 Cal.3d 313, 319 [146 Cal.Rptr. 224, 578 P.2d 941], internal citations omitted.)
- “ “The timely notice requirement essentially means that the first claim must have been filed within the statutory period. Furthermore[,] the filing of the first claim must alert the defendant in the second claim of the need to begin investigating the facts which form the basis for the second claim. Generally this means that the defendant in the first claim is the same one being sued in the second.” “The second prerequisite essentially translates to a requirement that the facts of the two claims be identical or at least so similar that the defendant's investigation of the first claim will put him in a position to fairly defend the second.” “The third prerequisite of good faith and reasonable conduct on the part of the plaintiff is less clearly defined in the cases. But in *Addison v. State of California*, *supra*, 21 Cal.3d 313[,] the Supreme Court did stress that the plaintiff filed his second claim a short time after tolling ended.” ’ ” (*McDonald, supra*, 45 Cal.4th at p. 102, fn. 2, internal citations omitted.)
- “The third requirement of good faith and reasonable conduct may turn on whether ‘a plaintiff delayed filing the second claim until the statute on that claim had nearly run ...’ or ‘whether the plaintiff [took] affirmative actions which ... misle[d] the defendant into believing the plaintiff was foregoing his second claim.’ ” (*Tarkington v. California Unemployment Ins. Appeals Bd.* (2009) 172 Cal.App.4th 1494, 1505 [92 Cal.Rptr.3d 131].)
- “Where exhaustion of an administrative remedy is mandatory prior to filing suit, equitable tolling is automatic: ‘It has long been settled in this and other jurisdictions that whenever the exhaustion of administrative remedies is a prerequisite to the initiation of a civil action, the running of the limitations period is tolled during the time consumed by the administrative proceeding.’ This rule prevents administrative exhaustion requirements from rendering illusory nonadministrative remedies contingent on exhaustion.” (*McDonald, supra*, 45 Cal.4th at p. 101, internal citation

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omitted.)

- “The trial court rejected equitable tolling on the apparent ground that tolling was unavailable where, as here, the plaintiff was advised the alternate administrative procedure he or she was pursuing was voluntary and need not be exhausted. In reversing summary judgment, the Court of Appeal implicitly concluded equitable tolling is in fact available in such circumstances and explicitly concluded equitable tolling is not foreclosed as a matter of law under the FEHA. The Court of Appeal was correct on each count.” (*McDonald, supra*, 45 Cal.4th at p. 114.)
- “Equitable tolling and equitable estoppel [see CACI No. 456] are distinct doctrines. ‘Tolling, strictly speaking, is concerned with the point at which the limitations period begins to run and with the circumstances in which the running of the limitations period may be suspended. ... Equitable estoppel, however, ... comes into play only after the limitations period has run and addresses ... the circumstances in which a party will be estopped from asserting the statute of limitations as a defense to an admittedly untimely action because his conduct has induced another into forbearing suit within the applicable limitations period. [Equitable estoppel] is wholly independent of the limitations period itself and takes its life ... from the equitable principle that no man [may] profit from his own wrongdoing in a court of justice.’ ” (*Lantzy, supra*, 31 Cal.4th at pp. 383–384.)
- “[V]oluntary abandonment [of the first proceeding] does not categorically bar application of equitable tolling, but it may be relevant to whether a plaintiff can satisfy the three criteria for equitable tolling.” (*McDonald, supra*, 45 Cal.4th at p. 111.)
- “The equitable tolling doctrine generally requires a showing that the plaintiff is seeking an alternate remedy in an established procedural context. Informal negotiations or discussions between an employer and employee do not toll a statute of limitations under the equitable tolling doctrine.” (*Acuna v. San Diego Gas & Electric Co.* (2013) 217 Cal.App.4th 1402, 1416 [159 Cal.Rptr.3d 749], internal citation omitted.)
- “Section 340.6, subdivision (a), states that ‘in no event’ shall the prescriptive period be tolled except under those circumstances specified in the statute. Thus, the Legislature expressly intended to disallow tolling under any circumstances not enumerated in the statute.” (*Laird, supra*, 2 Cal.4th at p. 618 [applying rule to one-year limitation period].)
- “We see no reason to apply the second sentence of section 340.5 to the one-year period it does not mention, in addition to the three-year period it does mention. The general purpose of MICRA does not require us to expand that sentence beyond its language.” (*Belton, supra*, 20 Cal.4th at p. 934 [rejecting application of rule to one-year limitation period].)
- “[E]quitable tolling has never been applied to allow a plaintiff to extend the time for pursuing an administrative remedy by filing a lawsuit. Despite broad language used by courts in employing the doctrine, equitable tolling has been applied almost exclusively to extend statutory deadlines for judicial actions, rather than deadlines for commencing administrative proceedings.” (*Bjorndal v. Superior Court* (2012) 211 Cal.App.4th 1100, 1109 [150 Cal.Rptr.3d 405].)

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***Secondary Sources***

Rylaarsdam et al., California Practice Guide: Civil Procedure Before Trial—Statutes of Limitations, Ch. 1-A, *Definitions And Distinctions* ¶ 1:57.2 (The Rutter Group)

3 California Torts, Ch. 32, *Liability of Attorneys*, § 32.60[1][g.1] (Matthew Bender)

30 California Forms of Pleading and Practice, Ch. 345, *Limitation of Actions*, § 345.21 (Matthew Bender)

14 California Points and Authorities, Ch. 143, *Limitation of Actions*, § 143.46 (Matthew Bender)

VF-406. Negligence—~~Sale of~~Providing Alcoholic Beverages to Obviously Intoxicated Minor

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We answer the questions submitted to us as follows:

1. [Was [name of defendant] [required to be] licensed] ~~[authorized] [required to be licensed or authorized]~~ to sell alcoholic beverages?]

[or]

[Was [name of defendant] authorized by the federal government to sell alcoholic beverages on a military base or other federal enclave?]

     Yes         No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. [Did [name of defendant] [sell/~~or~~ give] alcoholic beverages to [name of alleged minor]?]  
     Yes         No

[or]

[Did [name of defendant] cause alcoholic beverages to be [sold/given away] to [name of alleged minor]?]

     Yes         No

If your answer to either option for question 2 is yes, then answer question 3. If you answered no to both options, stop here, answer no further questions, and have the presiding juror sign and date this form.

3. Was [name of alleged minor] less than 21 years old at the time?  
     Yes         No

If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

4. When [name of defendant] provided the alcoholic beverages, ~~Did~~ did [name of alleged minor] display symptoms that would lead a reasonable person to conclude that [name of alleged minor] was obviously intoxicated?  
     Yes         No

If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

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5. Did [name of alleged minor] later harm [name of plaintiff]?  
\_\_\_ Yes \_\_\_ No

If your answer to question 5 is yes, then answer question 6. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

6. Was [name of defendant]’s [~~selling~~ **giving**] alcoholic beverages to [name of alleged minor] a substantial factor in causing [name of plaintiff]’s harm?  
\_\_\_ Yes \_\_\_ No

If your answer to question 6 is yes, then answer question 7. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

7. What are [name of plaintiff]’s damages?

[a. Past economic loss  
[lost earnings \$ \_\_\_\_\_]  
[lost profits \$ \_\_\_\_\_]  
[medical expenses \$ \_\_\_\_\_]  
[other past economic loss \$ \_\_\_\_\_]  
Total Past Economic Damages: \$ \_\_\_\_\_]

[b. Future economic loss  
[lost earnings \$ \_\_\_\_\_]  
[lost profits \$ \_\_\_\_\_]  
[medical expenses \$ \_\_\_\_\_]  
[other future economic loss \$ \_\_\_\_\_]  
Total Future Economic Damages: \$ \_\_\_\_\_]

[c. Past noneconomic loss, including [physical pain/mental suffering:]  
\$ \_\_\_\_\_]

[d. Future noneconomic loss, including [physical pain/mental suffering:]  
\$ \_\_\_\_\_]

TOTAL \$ \_\_\_\_\_

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**Signed:** \_\_\_\_\_  
**Presiding Juror**

**Dated:** \_\_\_\_\_

**After [this verdict form has/all verdict forms have] been signed, notify the [clerk/bailiff/court attendant] that you are ready to present your verdict in the courtroom.**

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*New September 2003; Revised April 2007, December 2009, December 2010, December 2014*

**Directions for Use**

This verdict form is based on CACI No. 422, ~~Sale of~~ *Providing Alcoholic Beverages to Obviously Intoxicated Minors.*

The special verdict forms in this section are intended only as models. They may need to be modified depending on the facts of the case.

Omit question 1 if the defendant is a person such as a social host who, though not required to be licensed, sells alcohol to an obviously intoxicated minor. (See *Ennabe v. Manosa* (2014) 58 Cal.4th 697, 711 [168 Cal.Rptr.3d 440, 319 P.3d 201].) ~~This verdict form is based on CACI No. 422, *Sale of Alcoholic Beverages to Obviously Intoxicated Minors.*~~

If specificity is not required, users do not have to itemize all the damages listed in question 7. The breakdown is optional depending on the circumstances.

If there are multiple causes of action, users may wish to combine the individual forms into one form. If different damages are recoverable on different causes of action, replace the damages tables in all of the verdict forms with CACI No. VF-3920, *Damages on Multiple Legal Theories.*

This form may be modified if the jury is being given the discretion under Civil Code section 3288 to award prejudgment interest on specific losses that occurred prior to judgment.

If the comparative fault of the plaintiff is an issue, this form should be modified. See CACI No. VF-401, *Negligence—Single Defendant—Plaintiff's Negligence at Issue—Fault of Others Not at Issue*, for a model form involving the issue of comparative fault.

1010. Affirmative Defense—Recreation Immunity—Exceptions (Civ. Code, § 846)

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[Name of defendant] is not responsible for [name of plaintiff]’s harm if [he/she] proves that [name of plaintiff]’s harm resulted from [his/her] entry on or use of [name of defendant]’s property for a recreational purpose. However, [name of defendant] is still responsible for [name of plaintiff]’s harm if [name of plaintiff] proves that

[Choose one or more of the following three options:]

[unless [name of plaintiff] proves [name of defendant] willfully or maliciously failed to protect others from or warn others about a dangerous [condition/use/structure/activity] on the property, all of the following:

- ~~1. That [name of defendant] knew or should have known of the [condition/use/structure/activity on the property] that created an unreasonable risk of serious injury;~~
- ~~2. That [name of defendant] knew or should have known that someone would probably be seriously injured by the dangerous [condition/use/structure/activity]; and~~
- ~~3. That [name of defendant] knowingly failed to protect others from the dangerous [condition/use/structure/activity].~~

[or]

~~[unless [name of plaintiff] proves that a charge or fee was paid to [name of defendant] to use the property.]~~

[or]

~~[unless [name of plaintiff] proves that [name of defendant] expressly invited [name of plaintiff] to use the property for the recreational purpose.]~~

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*New September 2003; Revised October 2008, December 2014*

**Directions for Use**

This instruction sets forth the statutory exceptions to recreational immunity. (See Civ. Code, § 846.) Choose one or more of the optional exceptions according to the facts. Depending on the facts, the court could instruct that the activity involved was a “recreational purpose” as a matter of law. For a comprehensive list of “recreational purposes,” refer to Civil Code section 846.

Whether the term “willful or malicious failure” has a unique meaning under this statute is not entirely clear. One court construing this statute has said that three elements must be present to raise a negligent act to the level of willful misconduct: (1) actual or constructive knowledge of the peril to be apprehended, (2) actual or constructive knowledge that injury is a probable, as opposed to a possible, result of the

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danger, and (3) conscious failure to act to avoid the peril. (See *New v. Consolidated Rock Products Co.* (1985) 171 Cal.App.3d 681, 689–690 [217 Cal.Rptr. 522].)

Federal courts interpreting California law have addressed whether the “express invitation” must be personal to the user. The Ninth Circuit has held that invitations to the general public do not qualify as “express invitations” within the meaning of section 846. In *Ravell v. United States* (9th Cir. 1994) 22 F.3d 960, 963, the Ninth Circuit held that California law requires a personal invitation for a section 846 invitation, citing *Johnson v. Unocal Corp.* (1993) 21 Cal.App.4th 310, 317 [26 Cal.Rptr.2d 148]. However, the issue has not been definitively resolved by the California Supreme Court.

### Sources and Authority

- Recreational Immunity. Civil Code section 846 ~~provides:~~

~~An owner of any estate or any other interest in real property, whether possessory or nonpossessory, owes no duty of care to keep the premises safe for entry or use by others for any recreational purpose or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purpose, except as provided in this section.~~

~~A “recreational purpose,” as used in this section, includes such activities as fishing, hunting, camping, water sports, hiking, spelunking, sport parachuting, riding, including animal riding, snowmobiling, and all other types of vehicular riding, rock collecting, sightseeing, picnicking, nature study, nature contacting, recreational gardening, gleanng, hang gliding, winter sports, and viewing or enjoying historical, archaeological, scenic, natural, or scientific sites.~~

~~An owner of any estate or any other interest in real property, whether possessory or nonpossessory, who gives permission to another for entry or use for the above purpose upon the premises does not thereby (a) extend any assurance that the premises are safe for such purpose, or (b) constitute the person to whom permission has been granted the legal status of an invitee or licensee to whom a duty of care is owed, or (c) assume responsibility for or incur liability for any injury to person or property caused by any act of such person to whom permission has been granted except as provided in this section.~~

~~This section does not limit the liability which otherwise exists (a) for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or (b) for injury suffered in any case where permission to enter for the above purpose was granted for a consideration other than the consideration, if any, paid to said landowner by the state, or where consideration has been received from others for the same purpose; or (c) to any persons who are expressly invited rather than merely permitted to come upon the premises by the landowner.~~

~~Nothing in this section creates a duty of care or ground of liability for injury to person or property.~~

- “[A]n owner of ... real property owes no duty of care to keep the premises safe for entry or use by others for recreational purposes or to give recreational users warning of hazards on the property, unless: (1) the landowner willfully or maliciously fails to guard or warn against a dangerous

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condition, use, structure or activity; (2) permission to enter for a recreational purpose is granted for a consideration; or (3) the landowner expressly invites rather than merely permits the user to come upon the premises.” (*Ornelas v. Randolph* (1993) 4 Cal.4th 1095, 1099-1100 [17 Cal.Rptr.2d 594, 847 P.2d 560].)

- “Generally, whether one has entered property for a recreational purpose within the meaning of the statute is a question of fact, to be determined through a consideration of the ‘totality of the facts and circumstances, including ... the prior use of the land. While the plaintiff’s subjective intent will not be controlling, it is relevant to show purpose.’ ” (*Ornelas, supra*, 4 Cal.4th at p. 1102, internal citation omitted.)
- “The phrase ‘interest in real property’ should not be given a narrow or technical interpretation that would frustrate the Legislature’s intention in passing and amending section 846.” (*Hubbard v. Brown* (1990) 50 Cal.3d 189, 196 [266 Cal.Rptr. 491, 785 P.2d 1183].)
- “[D]efendants’ status as business invitees of the landowner does not satisfy the prerequisite that the party seeking to invoke the immunity provisions of section 846 be ‘[a]n owner of any estate or any other interest in real property, whether possessory or nonpossessory.’ Although such invitee may be entitled to be present on the property during such time as the work is being performed, such presence does not convey any estate or interest in the property.” (*Jenson v. Kenneth I. Mullen, Consulting Engineers, Inc.* (1989) 211 Cal.App.3d 653, 658 [259 Cal.Rptr. 552].)
- ~~“Three essential elements must be present to raise a negligent act to the level of wilful misconduct: (1) actual or constructive knowledge of the peril to be apprehended, (2) actual or constructive knowledge that injury is a probable, as opposed to a possible, result of the danger, and (3) conscious failure to act to avoid the peril.” (*New v. Consolidated Rock Products Co.* (1985) 171 Cal.App.3d 681, 689-690 [217 Cal.Rptr. 522].)~~
- “The concept of willful misconduct has a well-established, well-defined meaning in California law. ‘Willful or wanton misconduct is intentional wrongful conduct, done either with a knowledge that serious injury to another will probably result, or with a wanton and reckless disregard of the possible results.’ ” (*New, supra*, 171 Cal.App.3d at p. 689, internal citations omitted.)
- “Clearly, consideration means some type of entrance fee or charge for permitting a person to use specially constructed facilities. There are many amusement facilities in government-owned parks that charge admission fees and a consideration in this or a similar context was intended.” (*Moore v. City of Torrance* (1979) 101 Cal.App.3d 66, 72 [166 Cal.Rptr. 192], disapproved of on other grounds in *Delta Farms Reclamation Dist. v. Superior Court* (1983) 33 Cal.3d 699, 707 [190 Cal.Rptr. 494, 660 P.2d 1168].)
- “A landowner must gain some immediate and reasonably direct advantage, usually in the form of an entrance fee, before the exception to immunity for consideration under section 846 comes into play.” (*Johnson, supra*, 21 Cal.App.4th at p. 317.)
- “The purpose of section 846 is to encourage landowners to permit people to use their property for recreational use without fear of reprisal in the form of lawsuits. The trial court should therefore

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construe the exceptions for consideration and express invitees narrowly. (*Johnson, supra*, 21 Cal.App.4th at p. 315.)

- “Civil Code section 846’s liability shield does not extend to acts of vehicular negligence by a landowner or by the landowner’s employee while acting within the course of the employment. We base this conclusion on section 846’s plain language. The statutory phrase ‘keep the premises safe’ is an apt description of the property-based duties underlying premises liability, a liability category that does not include vehicular negligence. Furthermore, a broad construction of that statutory phrase would render superfluous another provision of section 846 shielding landowners from liability for failure to warn recreational users about hazardous conditions or activities on the land.” (*Klein v. United States of America* (2010) 50 Cal.4th 68, 72 [112 Cal.Rptr.3d 722, 235 P.3d 42].)

### *Secondary Sources*

6 Witkin, Summary of California Law (10th ed. 2005) Torts, §§ 1103–1111

1 Levy et al., California Torts, Ch. 15, *General Premises Liability*, § 15.22 (Matthew Bender)

11 California Real Estate Law and Practice, Ch. 381, *Tort Liability of Property Owners*, § 381.30 (Matthew Bender)

36 California Forms of Pleading and Practice, Ch. 421, *Premises Liability*, § 421.21 (Matthew Bender)

17 California Points and Authorities, Ch. 178, *Premises Liability*, § 178.130 et seq. (Matthew Bender)

| 1 California Civil Practice: Torts ~~(Thomson West)~~ § 16:34 [\(Thomson Reuters\)](#)

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VF-1001. Premises Liability—Affirmative Defense —Recreation Immunity—Exceptions

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We answer the questions submitted to us as follows:

1. Did *[name of defendant]* [own/lease/occupy/control] the property?  
 Yes  No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. Was *[name of defendant]* negligent in the [use/maintenance] of the property?  
 Yes  No

If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

3. Was *[name of defendant]*'s negligence a substantial factor in causing harm to *[name of plaintiff]*?  
 Yes  No

If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

4. Did *[name of plaintiff]* enter on or use *[name of defendant]*'s property for a recreational purpose?  
 Yes  No

If your answer to question 4 is yes, then answer question 5. If you answered no, skip ~~the next three~~ question 5s and answer question 86.

5. Did *[name of defendant]* willfully or maliciously fail to protect others from or warn others about a dangerous [condition/use/structure/activity] on the property~~know or should [he/she/it] have known of a [condition/use/structure/activity] on the property~~ that created an unreasonable risk of serious injury?  
 Yes  No

If your answer to question 5 is yes, then answer question 6. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

- ~~6. Did *[name of defendant]* know or should [he/she/it] have known that someone would probably be seriously injured by the dangerous [condition/use/structure/activity]?~~

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~~\_\_\_\_\_ Yes \_\_\_\_\_ No~~

~~If your answer to question 6 is yes, then answer question 7. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.~~

~~7. Did [name of defendant] knowingly fail to protect others from the dangerous [condition/use/structure/activity]?~~

~~\_\_\_\_\_ Yes \_\_\_\_\_ No~~

~~If your answer to question 7 is yes, then answer question 8. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.~~

**86.** What are [name of plaintiff]’s damages?

[a. Past economic loss

[lost earnings \$ \_\_\_\_\_]

[lost profits \$ \_\_\_\_\_]

[medical expenses \$ \_\_\_\_\_]

[other past economic loss \$ \_\_\_\_\_]

Total Past Economic Damages: \$ \_\_\_\_\_]

[b. Future economic loss

[lost earnings \$ \_\_\_\_\_]

[lost profits \$ \_\_\_\_\_]

[medical expenses \$ \_\_\_\_\_]

[other future economic loss \$ \_\_\_\_\_]

Total Future Economic Damages: \$ \_\_\_\_\_]

[c. Past noneconomic loss, including [physical pain/mental suffering:]

\$ \_\_\_\_\_]

[d. Future noneconomic loss, including [physical pain/mental suffering:]

\$ \_\_\_\_\_]

TOTAL \$ \_\_\_\_\_

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**Signed:** \_\_\_\_\_  
**Presiding Juror**

**Dated:** \_\_\_\_\_

**After [this verdict form has/all verdict forms have] been signed, notify the [clerk/bailiff/court attendant] that you are ready to present your verdict in the courtroom.**

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*New September 2003; Revised April 2007, October 2008, December 2010, December 2014*

**Directions for Use**

*This verdict form is based on CACI No. 1000, Premises Liability—Essential Factual Elements, and CACI No. 1010, Affirmative Defense—Recreation Immunity—Exceptions.*

The special verdict forms in this section are intended only as models. They may need to be modified depending on the facts of the case.

~~*This verdict form is based on CACI No. 1000, Premises Liability—Essential Factual Elements, and CACI No. 1010, Affirmative Defense—Recreation Immunity.*~~

*Question 5 should be modified if either of the other two exceptions to recreational immunity from Civil Code section 846 is at issue. (See CACI No. 1010.)*

If specificity is not required, users do not have to itemize all the damages listed in question **86**. The breakdown is optional depending on the circumstances.

If there are multiple causes of action, users may wish to combine the individual forms into one form. If different damages are recoverable on different causes of action, replace the damages tables in all of the verdict forms with CACI No. VF-3920, *Damages on Multiple Legal Theories*.

This form may be modified if the jury is being given the discretion under Civil Code section 3288 to award prejudgment interest on specific losses that occurred prior to judgment.

~~*This verdict form should be modified (see CACI No. 1010, Affirmative Defense—Recreation Immunity) if either of the two other grounds for countering this defense is at issue.*~~

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**1123. Affirmative Defense—Design Immunity (Gov. Code, § 830.6)**

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**[Name of defendant] claims that it is not responsible for harm to [name of plaintiff] caused by the plan or design of the [insert type of property, e.g., “highway”]. In order to prove this claim, [name of defendant] must prove both of the following:**

- 1. That the plan or design was [prepared in conformity with standards previously] approved before [construction/improvement] by the [legislative body of the public entity, e.g., city council]/[other body or employee, e.g., city civil engineer]] exercising discretionary authority to approve the plan or design; and**
  - 2. That the plan or design of the [e.g., highway] was a substantial factor in causing harm to [name of plaintiff].**
- 

*New December 2014*

**Directions for Use**

Give this instruction to present the affirmative defense of design immunity to a claim for liability caused by a dangerous condition on public property. (Gov. Code, § 830.6; see *Martinez v. County of Ventura* (2014) 225 Cal.App.4th 364, 369 [169 Cal.Rptr.3d 880] [design immunity is an affirmative defense that the public entity must plead and prove].)

A public entity claiming design immunity must establish three elements: (1) a causal relationship between the plan or design and the accident; (2) discretionary approval of the plan or design before construction; and (3) substantial evidence supporting the reasonableness of the plan or design. (*Cornette v. Dept. of Transportation* (2001) 26 Cal.4th 63, 66 [109 Cal.Rptr.2d 1, 26 P.3d 332].) The first two elements, causation and discretionary approval, are issues of fact for the jury to decide. (*Id.* at pp. 74–75; see also *Alvis v. County of Ventura* (2009) 178 Cal.App.4th 536, 550 [100 Cal.Rptr.3d 494] [elements may only be resolved as issues of law if facts are undisputed].) The third element, substantial evidence of reasonableness, must be tried by the court, not the jury. (*Cornette, supra*, 26 Cal.4th at pp. 66–67; see Gov. Code, § 830.6.)

**Sources and Authority**

- Design Immunity. Government Code section 830.6.
- “The purpose of design immunity ‘is to prevent a jury from second-guessing the decision of a public entity by reviewing the identical questions of risk that had previously been considered by the government officers who adopted or approved the plan or design. [Citation.]’ ‘ “[T]o permit reexamination in tort litigation of particular discretionary decisions where reasonable men may differ as to how the discretion should be exercised would create too great a danger of impolitic interference with the freedom of decision-making by those public officials in whom the function of making such decisions has been vested.” ’ ” (*Martinez, supra*, 225 Cal.App.4th at p. 369, internal citations omitted.)

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- “Section 830.6 makes it quite clear that ‘the trial or appellate court’ is to determine whether ‘there is any substantial evidence upon the basis of which (a) a reasonable public employee could have adopted the plan or design or the standards therefor or (b) a reasonable legislative body or other body or employee could have approved the plan or design or the standards therefor.’ ” (*Cornette, supra*, 26 Cal.4th at pp. 66-67.)
- “To prove [the discretionary approval element of design immunity], the entity must show that the design was approved ‘in advance’ of the construction ‘by the legislative body of the public entity or by some other body or employee exercising discretionary authority to give such approval or where such plan or design is prepared in conformity with standards previously so approved ... .’ ‘Approval ... is a vital precondition of the design immunity.’ ” (*Martinez, supra*, 225 Cal.App.4th at p. 369, internal citations omitted.)
- “In many cases, the evidence of discretionary authority to approve a design decision is clear, or even undisputed. For example, ‘[a] detailed plan, drawn up by a competent engineering firm, and approved by a city engineer in the exercise of his or her discretionary authority, is persuasive evidence of the element of prior approval. [Citation.]’ When the discretionary approval issue is disputed, however, as it was here, we must determine whether the person who approved the construction had the discretionary authority to do so.” (*Martinez, supra*, 225 Cal.App.4th at pp. 370–371, internal citations omitted.)
- “[T]he public entity claiming design immunity must prove that the person or entity who made the decision is vested with the authority to do so. Recognizing ‘implied’ discretionary approval would vitiate this requirement and provide public entities with a blanket release from liability that finds no support in section 830.6.” (*Martinez, supra*, 225 Cal.App.4th at p. 373.)

### *Secondary Sources*

5 Witkin, Summary of California Law (10th Ed. 2005), Torts §§ 229, 280 et seq.

Haning et al., California Practice Guide: Personal Injury, Ch. 2(III)-D, Liability For “Dangerous Conditions” Of Public Property, ¶ 2:2855 et seq. (The Rutter Group)

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**H231124**. Loss of Design Immunity (*Cornette*)

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[*Name of defendant*] is ~~not~~ responsible for harm ~~caused to~~ [*name of plaintiff*] ~~based on~~ **caused by** the plan or design of the [*insert type of property, e.g., “highway”*] ~~unless if~~ [*name of plaintiff*] proves **all of** the following:

1. That the [*insert type of property, e.g., “highway”*]’s plan[s] or design[s] had become dangerous because of a change in physical conditions;
2. That [*name of defendant*] had notice of the dangerous condition created because of the change in physical conditions; and
3. [That [*name of defendant*] had a reasonable time to obtain the funds and carry out the necessary corrective work to conform the property to a reasonable design or plan;]

[or]

[That [*name of defendant*] was unable to correct the condition due to practical impossibility or lack of funds but did not reasonably attempt to provide adequate warnings of the dangerous condition.]

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*New September 2003; Revised June 2010; Renumbered from CACI No. 1123 and Revised December 2014*

**Directions for Use**

Give this instruction if the plaintiff claims that the public entity defendant ~~is entitled to~~ has lost its design immunity ~~unless because of the~~ changed conditions since the design or plan was originally adopted ~~exception can be established~~. Read either or both options for element 3 depending on the facts of the case.

~~–If the applicability of design immunity in the first instance is disputed, give CACI No. 1123, *Affirmative Defense—Design Immunity*. Also in this case, the introductory paragraph might begin with “Even if [*name of defendant*] proves both of these elements” (from No. 1123).~~

~~A public entity claiming design immunity must establish three elements: (1) a causal relationship between the plan or design and the accident; (2) discretionary approval of the plan or design before construction; and (3) substantial evidence supporting the reasonableness of the plan or design. (*Cornette v. Dept. of Transportation* (2001) 26 Cal.4th 63, 66 [109 Cal.Rptr.2d 1, 26 P.3d 332].) The third element, substantial evidence of reasonableness, must be tried by the court, not the jury. (*Id.* at pp. 66–67; see Gov. Code, § 830.6.) The first two elements, causation and discretionary approval, are issues of fact for the jury to decide. (*Cornette, supra*, 26 Cal.4th at pp. 74–75; see also *Alvis v. County of Ventura* (2009) 178 Cal.App.4th 536, 550 [100 Cal.Rptr.3d 494] [elements may only be resolved as issues of law if facts are undisputed].) But, as a practical matter, these elements are usually stipulated to or otherwise established~~

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~~so they seldom become issues for the jury.~~

Users should include CACI No. 1102, *Definition of “Dangerous Condition,”* and CACI No. 1103, *Notice*, to define ~~“notice” and “dangerous condition”~~ and “notice” in connection with this instruction. Additionally, the meaning and legal requirements for a “change of physical condition” have been the subject of numerous decisions involving specific contexts. Appropriate additional instructions to account for these decisions may be necessary.

### Sources and Authority

- Design Immunity. Government Code section 830.6 ~~provides: “Neither a public entity nor a public employee is liable under this chapter for an injury caused by the plan or design of a construction of, or an improvement to, public property where such plan or design has been approved in advance of the construction or improvement by the legislative body of the public entity or by some other body or employee exercising discretionary authority to give such approval or where such plan or design is prepared in conformity with standards previously so approved, if the trial or appellate court determines that there is any substantial evidence upon the basis of which (a) a reasonable public employee could have adopted the plan or design or the standards therefor or (b) a reasonable legislative body or other body or employee could have approved the plan or design or the standards therefor. Notwithstanding notice that constructed or improved public property may no longer be in conformity with a plan or design or a standard which reasonably could be approved by the legislative body or other body or employee, the immunity provided by this section shall continue for a reasonable period of time sufficient to permit the public entity to obtain funds for and carry out remedial work necessary to allow such public property to be in conformity with a plan or design approved by the legislative body of the public entity or other body or employee, or with a plan or design in conformity with a standard previously approved by such legislative body or other body or employee. In the event that the public entity is unable to remedy such public property because of practical impossibility or lack of sufficient funds, the immunity provided by this section shall remain so long as such public entity shall reasonably attempt to provide adequate warnings of the existence of the condition not conforming to the approved plan or design or to the approved standard. However, where a person fails to heed such warning or occupies public property despite such warning, such failure or occupation shall not in itself constitute an assumption of the risk of the danger indicated by the warning.”~~
- “[W]here a plan or design of a construction of, or improvement to, public property, although shown to have been reasonably approved in advance or prepared in conformity with standards previously so approved, as being safe, nevertheless in its actual operation under *changed physical conditions* produces a dangerous condition of public property and causes injury, the public entity does not retain the statutory immunity from liability conferred on it by section 830.6.” (*Dammann v. Golden Gate Bridge, Highway & Transportation Dist.* (2012) 212 Cal.App.4th 335, 343 [150 Cal.Rptr.3d 829], quoting *Baldwin v. State* (1972) 6 Cal.3d 424, 438 [99 Cal.Rptr. 145, 491 P.2d 1121], original italics.)
- ““Design immunity does not necessarily continue in perpetuity. To demonstrate loss of design immunity a plaintiff must also establish three elements: (1) the plan or design has become dangerous because of a change in physical conditions; (2) the public entity had actual or constructive notice of the dangerous condition thus created; and (3) the public entity had a reasonable time to obtain the

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funds and carry out the necessary remedial work to bring the property back into conformity with a reasonable design or plan, or the public entity, unable to remedy the condition due to practical impossibility or lack of funds, had not reasonably attempted to provide adequate warnings.” (*Cornette v. Dept. of Transportation* (2001) 26 Cal.4th 63, 66 [109 Cal.Rptr.2d 1, 26 P.3d 332], ~~supra~~, 26 Cal.4th at p. 66 \_\_\_, internal citations omitted.)

- “The rationale for design immunity is to prevent a jury from second-guessing the decision of a public entity by reviewing the identical questions of risk that had previously been considered by the government officers who adopted or approved the plan or design.” (*Cornette*, *supra*, 26 Cal.4th at p. 69, internal citation omitted.)
- “Section 830.6 makes it quite clear that ‘the trial or appellate court’ is to determine whether ‘there is any substantial evidence upon the basis of which (a) a reasonable public employee could have adopted the plan or design or the standards therefor or (b) a reasonable legislative body or other body or employee could have approved the plan or design or the standards therefor.’ The question presented by this case is whether the Legislature intended that the three issues involved in determining whether a public entity has lost its design immunity should also be tried by the court. Our examination of the text of section 830.6, the legislative history of that section, and our prior decisions leads us to the conclusion that, where triable issues of material fact are presented, as they were here, a plaintiff has a right to a jury trial as to the issues involved in loss of design immunity.” (*Cornette*, *supra*, 26 Cal.4th at pp. 66-67.)
- “[T]echnological advances ... do not constitute the ‘changed physical conditions’ necessary to defeat the [defendant]’s defense of design immunity under *Baldwin* and *Cornette*.” (*Dammann*, *supra*, 22 Cal.App.4th at p. 351.)

### *Secondary Sources*

[5 Witkin, Summary of California Law \(10th Ed. 2005\), Torts § 284](#)

[Haning et al., California Practice Guide: Personal Injury, Ch. 2\(III\)-D, Liability For “Dangerous Conditions” Of Public Property, ¶ 2:2865 et seq. \(The Rutter Group\)](#)

5 Levy et al., California Torts, Ch. 61, *Particular Liabilities and Immunities of Public Entities and Public Employees*, § 61.03[3][b] (Matthew Bender)

40 California Forms of Pleading and Practice, Ch. 464, *Public Entities and Officers: California Tort Claims Act*, § 464.85 (Matthew Bender)

19A California Points and Authorities, Ch. 196, *Public Entities*, § 196.12 (Matthew Bender)

1244. Affirmative Defense—Sophisticated User

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[Name of defendant] claims that [he/she/it] is not responsible for any harm to [name of plaintiff] based on a failure to warn because [name of plaintiff] is a sophisticated user of the [product]. To succeed on this defense, [name of defendant] must prove that, at the time of the injury, [name of plaintiff], because of [his/her] particular position, training, experience, knowledge, or skill, knew or should have known of the [product]’s risk, harm, or danger.

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New October 2008; Revised December 2014

**Directions for Use**

Give this instruction as a defense to CACI No. 1205, *Strict Liability—Failure to Warn—Essential Factual Elements*, or CACI No. 1222, *Negligence—Manufacturer or Supplier—Duty to Warn—Essential Factual Elements*.

In some cases, it may be necessary to expand this instruction to state that the plaintiff knew or should have known of the particular risk posed by the product, of the severity of the potential consequences, and how to use the product to reduce or avoid the risks, to the extent that information was known to the defendant. (See *Buckner v. Milwaukee Electric Tool Corp.* (2013) 222 Cal.App.4th 522, 536 [166 Cal.Rptr.3d 202].)

**Sources and Authority**

- “A manufacturer is not liable to a sophisticated user of its product for failure to warn of a risk, harm, or danger, if the sophisticated user knew or should have known of that risk, harm, or danger.” (*Johnson v. American Standard, Inc.* (2008) 43 Cal.4th 56, 71 [74 Cal.Rptr.3d 108, 179 P.3d 905].)
- “The sophisticated user defense exempts manufacturers from their typical obligation to provide product users with warnings about the products’ potential hazards. The defense is considered an exception to the manufacturer’s general duty to warn consumers, and therefore, in most jurisdictions, if successfully argued, acts as an affirmative defense to negate the manufacturer’s duty to warn.” (*Johnson, supra*, 43 Cal.4th at p. 65, internal citation omitted.)
- “Under the sophisticated user defense, sophisticated users need not be warned about dangers of which they are already aware or should be aware. Because these sophisticated users are charged with knowing the particular product’s dangers, the failure to warn about those dangers is not the legal cause of any harm that product may cause. The rationale supporting the defense is that ‘the failure to provide warnings about risks already known to a sophisticated purchaser usually is not a proximate cause of harm resulting from those risks suffered by the buyer’s employees or downstream purchasers.’ This is because the user’s knowledge of the dangers is the equivalent of prior notice.” (*Johnson, supra*, 43 Cal.4th at p. 65, internal citations omitted.)
- “[T]he defense applies equally to strict liability and negligent failure to warn cases. The duty to

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warn is measured by what is generally known or should have been known to the class of sophisticated users, rather than by the individual plaintiff’s subjective knowledge.” (*Johnson, supra*, 43 Cal.4th at pp. 65–66, internal citations omitted.)

- “[A] manufacturer is not liable to a sophisticated user for failure to warn, even if the failure to warn is a failure to provide a warning required by statute.” (*Johnson v. Honeywell Internat. Inc.* (2009) 179 Cal.App.4th 549, 556 [101 Cal.Rptr.3d 726].)
- “The sophisticated user defense concerns warnings. Sophisticated users ‘are charged with knowing the particular product’s dangers.’ ‘The rationale supporting the defense is that “the failure to provide warnings about risks already known to a sophisticated purchaser usually is not a proximate cause of harm resulting from those risks suffered by the buyer’s employees or downstream purchasers.” [Citation.]’ [¶] [Plaintiff]’s design defect cause of action was not concerned with warnings. Instead, he alleged that respondents’ design of their refrigerant was defective. We see no logical reason why a defense that is based on the need for warning should apply.” (*Johnson, supra*, 179 Cal.App.4th at p. 559, internal citations omitted.)
- “The relevant time for determining user sophistication for purposes of this exception to a manufacturer’s duty to warn is when the sophisticated user is injured and knew or should have known of the risk.” (*Johnson, supra*, 43 Cal.4th at p. 73.)
- “*Johnson* did not impute an intermediary’s knowledge to the plaintiff, or charge him with any knowledge except that which had been made available to him through his training and which, by reason of his profession and certification, he should have had. In contrast, [defendant]’s proposed instruction is not based on the theory that [plaintiff] had the opportunity to acquire any knowledge of the dangers of asbestos, let alone the obligation to do so. Instead, it contends that its customers ... knew or should have known (from public sources) of the dangers of asbestos, and that its duty to warn [plaintiff] is measured by the knowledge [the customers] should have had. It is apparent that such a theory has nothing to do with *Johnson*.” (*Stewart v. Union Carbide Corp.* (2010) 190 Cal.App.4th 23, 28–29 [117 Cal.Rptr.3d 791].)
- “Thus, in actions by employees or servants, the critical issue concerns their knowledge (or potential knowledge), rather than an intermediary’s sophistication. [¶] This conclusion flows directly from [Restatement Third of Torts] section 388 itself. Under section 388, a supplier of a dangerous item to users ‘directly or through a third person’ is subject to liability for a failure to warn, when the supplier ‘has no reason to believe that those for whose use the [item] is supplied will realize its dangerous condition.’ Accordingly, to avoid liability, there must be some basis for the supplier to believe that the ultimate user knows, or should know, of the item’s hazards. In view of this requirement, the intermediary’s sophistication is not, as matter of law, sufficient to avert liability; there must be a sufficient reason for believing that the intermediary’s sophistication is likely to operate to protect the user, or that the user is likely to discover the hazards in some other manner. The fact that the user is an employee or servant of the sophisticated intermediary cannot plausibly be regarded as a sufficient reason, as a matter of law, to infer that the latter will protect the former. We therefore reject [defendant]’s contention that an intermediary’s sophistication invariably shields suppliers from liability to the intermediary’s employees or servants.” (*Pfeifer v. John Crane, Inc.* (2013) 220 Cal.App.4th 1270, 1296–1297 [164 Cal.Rptr.3d 112].)

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- “In order to establish the defense, a manufacturer must demonstrate that sophisticated users of the product know what the risks are, including the degree of danger involved (i.e., the severity of the potential injury), and how to use the product to reduce or avoid the risks, to the extent that information is known to the manufacturer.” (*Buckner, supra, v. Milwaukee Electric Tool Corp.* (2013) 222 Cal.App.4th at p.522, 536 [~~166 Cal.Rptr.3d 202~~].)
- “[S]peculation about a risk does not give rise to constructive knowledge of a risk under the ‘should have known’ test.” (*Scott v. Ford Motor Co.* (2014) 224 Cal.App.4th 1492, 1501 [169 Cal.Rptr.3d 823].)

### *Secondary Sources*

6 Witkin, Summary of California Law (10th ed. 2005) Torts, §§ 1467, 1537, 1541–1542

Haning et al., California Practice Guide: Personal Injury, Ch. 2(II)-D, *Strict Liability For Defective Products*, ¶ 2:1277 (The Rutter Group)

40 California Forms of Pleading and Practice, Ch. 460, *Products Liability*, § 460.185 (Matthew Bender)

19 California Points and Authorities, Ch. 190, *Products Liability*, § 190.246 (Matthew Bender)

VF-1201. Strict Products Liability—Design Defect—~~Consumer Expectation Test~~—Affirmative Defense—Misuse or Modification

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We answer the questions submitted to us as follows:

1. Did [*name of defendant*] [manufacture/distribute/sell] the [*product*]?  
 Yes  No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. Was the [*product*] [misused/ [or] modified] after it left [*name of defendant*]'s possession in a way that was so highly extraordinary that it was not reasonably foreseeable to [him/her/it]?  
 Yes  No

If your answer to question 2 is yes, then answer question 3. If you answered no, skip question 3 and answer question 4.

3. Was the [misuse/ [or] modification] the sole cause of [*name of plaintiff*]'s harm?  
 Yes  No

If your answer to question 3 is no, then answer question 4. If you answered yes, stop here, answer no further questions, and have the presiding juror sign and date this form.

4. Is the [*product*] one about which an ordinary consumer can form reasonable minimum safety expectations?  
 Yes  No

If your answer to question 4 is yes, answer question 5. If your answer is no, skip question 5 and answer question 6.]

- 4]5. Did the [*product*] fail to perform as safely as an ordinary consumer would have expected when used or misused in an intended or reasonably foreseeable way?  
 Yes  No

Regardless of your answer to question 5, answer question 6. If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.]

6. Did the risk of the [*product*]'s design outweigh the benefits of the design?  
 Yes  No

If your answer to either question 5 or question 6 is yes, answer question 7. If you

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**answered no to both questions 5 and 6, stop here, answer no further questions, and have the presiding juror sign and date this form.**

**57.** Was the [product]’s design a substantial factor in causing harm to [name of plaintiff]?  
\_\_\_ Yes \_\_\_ No

If your answer to question **5-7** is yes, then answer question **68**. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

**68.** What are [name of plaintiff]’s damages?

[a. Past economic loss

[lost earnings \$ \_\_\_\_\_]

[lost profits \$ \_\_\_\_\_]

[medical expenses \$ \_\_\_\_\_]

[other past economic loss \$ \_\_\_\_\_]

Total Past Economic Damages: \$ \_\_\_\_\_]

[b. Future economic loss

[lost earnings \$ \_\_\_\_\_]

[lost profits \$ \_\_\_\_\_]

[medical expenses \$ \_\_\_\_\_]

[other future economic loss \$ \_\_\_\_\_]

Total Future Economic Damages: \$ \_\_\_\_\_]

[c. Past noneconomic loss, including [physical pain/mental suffering:]

\$ \_\_\_\_\_]

[d. Future noneconomic loss, including [physical pain/mental suffering:]

\$ \_\_\_\_\_]

TOTAL \$ \_\_\_\_\_

Signed: \_\_\_\_\_  
Presiding Juror

Dated: \_\_\_\_\_

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After [this verdict form has/all verdict forms have] been signed, notify the [clerk/bailiff/court attendant] that you are ready to present your verdict in the courtroom.

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New September 2003; Revised October 2004, April 2007, April 2009, December 2010, June 2011, December 2011, December 2014

### Directions for Use

This verdict form is based on CACI Nos. 1203, *Strict Liability—Design Defect—Consumer Expectation Test—Essential Factual Elements*, 1204, *Strict Liability—Design Defect—Risk-Benefit Test—Essential Factual Elements—Shifting Burden of Proof*, and 1245, *Affirmative Defense—Product Misuse or Modification*. If the comparative fault or negligence of the plaintiff or of third persons is at issue, questions 6 through 9 of CACI No. VF-1200, *Strict Products Liability—Manufacturing Defect—Comparative Fault at Issue*, may be added at the end.

The special verdict forms in this section are intended only as models. They may need to be modified depending on the facts of the case.

This verdict form can be used in a case in which the jury will decide design defect under both the consumer expectation and the risk-benefit tests. If only the risk-benefit test is at issue, omit questions 4 and 5. If only the consumer expectation test is at issue, omit question 6. Modify the transitional language following questions 5 and 6 if only one test is at issue in the case. Include question 4 if the court has decided to give to the jury the preliminary question as to whether the consumer expectation test can be applied to the product at issue in the case. (See *Saller v. Crown Cork & Seal Co., Inc.* (2010) 187 Cal.App.4th 1220, 1233–1234 [115 Cal.Rptr.3d 151].) ~~This verdict form is based on CACI No. 1203, *Strict Liability—Design Defect—Consumer Expectation Test—Essential Factual Elements*, and CACI No. 1245, *Affirmative Defense—Product Misuse or Modification*. If the comparative fault or negligence of the plaintiff or of third persons is at issue, questions 6 through 10 of CACI No. VF-1200, *Strict Products Liability—Manufacturing Defect—Comparative Fault at Issue*, may be added at the end.~~

An additional question may be needed if the defendant claims that the plaintiff's injuries were caused by some product other than the defendant's.

If specificity is not required, users do not have to itemize all the damages listed in question 68. The breakdown is optional depending on the circumstances.

~~If there are multiple causes of action, users may wish to combine the individual forms into one form. However, do not combine this verdict form with CACI No. VF-1202, *Strict Products Liability—Design Defect—Risk-Benefit Test*. The verdict forms must make it clear to the jury that the two tests are alternative theories of liability (*Bracisco v. Beech Aircraft Corp.* (1984) 159 Cal.App.3d 1101, 1106–1107 [206 Cal.Rptr. 431]) and that the burden shifting to the defendant to prove that the benefits outweigh the risks does not apply to the consumer expectation test. If different damages are recoverable on different causes of action, replace the damages tables in all of the verdict forms with CACI No. VF-3920, *Damages on Multiple Legal Theories*.~~

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This form may be modified if the jury is being given the discretion under Civil Code section 3288 to award prejudgment interest on specific losses that occurred prior to judgment.

VF-1202. Strict Products Liability—Design Defect—Risk-Benefit Test

Revoked December 2014; See CACI No. VF-1201

~~We answer the questions submitted to us as follows:~~

~~1. Did [name of defendant] [manufacture/distribute/sell] the [product]?~~

~~\_\_\_\_\_ Yes \_\_\_\_\_ No~~

~~If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.~~

~~2. Was the [product]'s design a substantial factor in causing harm to [name of plaintiff]?~~

~~\_\_\_\_\_ Yes \_\_\_\_\_ No~~

~~If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.~~

~~3. Did the risks of the [product]'s design outweigh the benefits of the design?~~

~~\_\_\_\_\_ Yes \_\_\_\_\_ No~~

~~If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.~~

~~4. What are [name of plaintiff]'s damages?~~

~~{a. Past economic loss~~

~~\_\_\_\_\_ [lost earnings] \_\_\_\_\_ \$ \_\_\_\_\_ }~~

~~\_\_\_\_\_ [lost profits] \_\_\_\_\_ \$ \_\_\_\_\_ }~~

~~\_\_\_\_\_ [medical expenses] \_\_\_\_\_ \$ \_\_\_\_\_ }~~

~~\_\_\_\_\_ [other past economic loss] \_\_\_\_\_ \$ \_\_\_\_\_ }~~

~~Total Past Economic Damages: \$ \_\_\_\_\_ }~~

~~{b. Future economic loss~~

~~\_\_\_\_\_ [lost earnings] \_\_\_\_\_ \$ \_\_\_\_\_ }~~

~~\_\_\_\_\_ [lost profits] \_\_\_\_\_ \$ \_\_\_\_\_ }~~

~~\_\_\_\_\_ [medical expenses] \_\_\_\_\_ \$ \_\_\_\_\_ }~~

~~\_\_\_\_\_ [other future economic loss] \_\_\_\_\_ \$ \_\_\_\_\_ }~~

~~Total Future Economic Damages: \$ \_\_\_\_\_ }~~

~~{c. Past noneconomic loss, including [physical~~

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~~\_\_\_\_\_ pain/mental suffering:} \$ \_\_\_\_\_}~~

~~{d. \_\_\_\_\_ Future noneconomic loss, including {physical  
\_\_\_\_\_ pain/mental suffering:} \$ \_\_\_\_\_}~~

~~TOTAL \$ \_\_\_\_\_~~

~~Signed: \_\_\_\_\_  
\_\_\_\_\_ Presiding Juror~~

~~Dated: \_\_\_\_\_~~

~~After {this verdict form has/all verdict forms have} been signed, notify the {clerk/bailiff/court attendant} that you are ready to present your verdict in the courtroom.~~

~~New September 2003; Revised April 2007, April 2009, December 2010, June 2011~~

**Directions for Use**

The special verdict forms in this section are intended only as models. They may need to be modified depending on the facts of the case.

This verdict form is based on CACI No. 1204, *Strict Liability—Design Defect—Risk-Benefit Test—Essential Factual Elements—Shifting Burden of Proof*. If product misuse or modification is alleged as a complete defense (see CACI No. 1245, *Affirmative Defense—Product Misuse or Modification*), questions 2 and 3 of CACI No. VF-1201, *Strict Products Liability—Design Defect—Consumer Expectation Test—Affirmative Defense—Misuse or Modification*, may be included after question 1. If the comparative fault or negligence of the plaintiff or of third persons is at issue, questions 7 through 9 of CACI No. VF-1200, *Strict Products Liability—Manufacturing Defect—Comparative Fault at Issue*, may be added at the end.

If specificity is not required, users do not have to itemize all the damages listed in question 4. The breakdown is optional depending on the circumstances.

If there are multiple causes of action, users may wish to combine the individual forms into one form. However, do not combine this verdict form with CACI No. VF-1201, *Strict Products Liability—Design Defect—Consumer Expectation Test—Affirmative Defense—Misuse or Modification*. The verdict forms must make it clear to the jury that the two tests are alternative theories of liability (*Bracisco v. Beech Aircraft Corp.* (1984) 159 Cal.App.3d 1101, 1106–1107 [206 Cal.Rptr. 431]) and that the burden shifting to the defendant to prove that the benefits outweigh the risks does not apply to the consumer expectation test. If different damages are recoverable on different causes of action, replace the damages tables in all of the verdict forms with CACI No. VF-3920, *Damages on Multiple Legal Theories*.

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~~This form may be modified if the jury is being given the discretion under Civil Code section 3288 to award prejudgment interest on specific losses that occurred prior to judgment.~~

**1620. Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Direct Victim—Essential Factual Elements**

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[*Name of plaintiff*] claims that [*name of defendant*]’s conduct caused [him/her] to suffer serious emotional distress. To establish this claim, [*name of plaintiff*] must prove all of the following:

1. That [*name of defendant*] was negligent;
2. That [*name of plaintiff*] suffered serious emotional distress; and
3. That [*name of defendant*]’s negligence was a substantial factor in causing [*name of plaintiff*]’s serious emotional distress.

Emotional distress includes suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame. Serious emotional distress exists if an ordinary, reasonable person would be unable to cope with it.

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| *New September 2003; Revised June 2014, [December 2014](#)*

**Directions for Use**

Use this instruction in a negligence case if the only damages sought are for emotional distress. The doctrine of “negligent infliction of emotional distress” is not a separate tort or cause of action. It simply allows certain persons to recover damages for emotional distress only on a negligence cause of action even though they were not otherwise injured or harmed. (See *Molien v. Kaiser Foundation Hospitals* (1980) 27 Cal.3d 916, 928 [167 Cal.Rptr. 831, 616 P.2d 813].)

A “direct victim” case is one in which the plaintiff’s claim of emotional distress is based on the violation of a duty that the defendant owes directly to the plaintiff. (*Ragland v. U.S. Bank National Assn.* (2012) 209 Cal.App.4th 182, 205 [147 Cal.Rptr.3d 41].) The California Supreme Court has allowed plaintiffs to recover damages as “direct victims” in only three types of factual situations: (1) the negligent mishandling of corpses (*Christensen v. Superior Court* (1991) 54 Cal.3d 868, 879 [2 Cal.Rptr.2d 79, 820 P.2d 181]); (2) the negligent misdiagnosis of a disease that could potentially harm another (*Molien, supra*, 27 Cal.3d at p. 923); and (3) the negligent breach of a duty arising out of a preexisting relationship (*Burgess v. Superior Court* (1992) 2 Cal.4th 1064, 1076 [9 Cal.Rptr.2d 615, 831 P.2d 1197]).

The judge will normally decide whether a duty was owed to the plaintiff as a direct victim. If the issue of whether the plaintiff is a direct victim is contested, a special instruction with the factual dispute laid out for the jury will need to be drafted.

This instruction should be read in conjunction with either CACI No. 401, *Basic Standard of Care*, or CACI No. 418, *Presumption of Negligence per se*.

If the plaintiff witnesses the injury of another, use CACI No. 1621, *Negligence—Recovery of Damages*

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*for Emotional Distress—No Physical Injury—Bystander—Essential Factual Elements.* For instructions for use for emotional distress arising from exposure to carcinogens, HIV, or AIDS, see CACI No. 1622, *Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Fear of Cancer, HIV, or AIDS—Essential Factual Elements*, and CACI No. 1623, *Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Fear of Cancer, HIV, or AIDS—Malicious, Oppressive, or Fraudulent Conduct—Essential Factual Elements*.

Elements 1 and 3 of this instruction could be modified for use in a strict products liability case. A plaintiff may seek damages for the emotional shock of viewing the injuries of another when the incident is caused by defendant’s defective product. (*Kately v. Wilkinson* (1983) 148 Cal.App.3d 576, 587 [195 Cal.Rptr. 902].)

The explanation in the last paragraph of what constitutes “serious” emotional distress comes from the California Supreme Court. (See *Molien, supra*, 27 Cal.3d at p.928.) In *Wong v. Jing*, an appellate court subsequently held that serious emotional distress from negligence without other injury is the same as “severe” emotional distress for the tort of intentional infliction of emotional distress. (*Wong v. Jing* (2010) 189 Cal.App.4th 1354, 1378 [117 Cal.Rptr.3d 747].)

### Sources and Authority

- “[The] negligent causing of emotional distress is not an independent tort but the tort of negligence ... .’ ‘The traditional elements of duty, breach of duty, causation, and damages apply. Whether a defendant owes a duty of care is a question of law. Its existence depends upon the foreseeability of the risk and upon a weighing of policy considerations for and against imposition of liability.’ ” (*Marlene F. v. Affiliated Psychiatric Medical Clinic, Inc.* (1989) 48 Cal.3d 583, 588 [257 Cal.Rptr. 98, 770 P.2d 278], internal citations omitted.)
- “ ‘Direct victim’ cases are cases in which the plaintiff’s claim of emotional distress is not based upon witnessing an injury to someone else, but rather is based upon the violation of a duty owed directly to the plaintiff.” (*Ragland, supra*, 209 Cal.App.4th at p. 205.)
- “[D]uty is found where the plaintiff is a ‘direct victim,’ in that the emotional distress damages result from a duty owed the plaintiff ‘that is “assumed by the defendant or imposed on the defendant as a matter of law, or that arises out of a relationship between the two.” ’ ” (*McMahon v. Craig* (2009) 176 Cal.App.4th 1502, 1510 [97 Cal.Rptr.3d 555].)
- “We agree that the unqualified requirement of physical injury is no longer justifiable.” (*Molien, supra*, 27 Cal.3d at p. 928.)
- “[S]erious mental distress may be found where a reasonable man, normally constituted, would be unable to adequately cope with the mental stress engendered by the circumstances of the case.” (*Molien, supra*, 27 Cal.3d at pp. 927–928.)
- “In our view, this articulation of ‘serious emotional distress’ is functionally the same as the articulation of ‘severe emotional distress’ [as required for intentional infliction of emotional distress]. Indeed, given the meaning of both phrases, we can perceive no material distinction between them and

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can conceive of no reason why either would, or should, describe a greater or lesser degree of emotional distress than the other for purposes of establishing a tort claim seeking damages for such an injury.” (*Wong, supra, v. Jing* (2010) 189 Cal.App.4th at p.1354, 1378 [~~117 Cal.Rptr.3d 747~~].)

***Secondary Sources***

6 Witkin, Summary of California Law (10th ed. 2005) Torts, § 1004

Croskey et al., California Practice Guide: Insurance Litigation, Ch. 3-C, *Specific Items Of Compensatory Damages*, ¶ 3:215 et seq. (The Rutter Group)

1 California Torts, Ch. 5, *Negligent Infliction of Emotional Distress*, § 5.03 (Matthew Bender)

32 California Forms of Pleading and Practice, Ch. 362, *Mental Suffering and Emotional Distress*, § 362.11 (Matthew Bender)

15 California Points and Authorities, Ch. 153, *Mental Suffering and Emotional Distress*, § 153.31 et seq. (Matthew Bender)

**1621. Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Bystander—Essential Factual Elements**

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[*Name of plaintiff*] claims that [he/she] suffered serious emotional distress as a result of perceiving [an injury to/the death of] [*name of victim*]. To establish this claim, [*name of plaintiff*] must prove all of the following:

1. That [*name of defendant*] negligently caused [injury to/the death of] [*name of victim*];
2. That when the [*describe event, e.g., traffic accident*] that caused [injury to/the death of] [*name of victim*] occurred, [*name of plaintiff*] was present at the scene;
3. That [*name of plaintiff*] was then aware that the [*e.g., traffic accident*] was causing [injury to/the death of] [*name of victim*];
4. That [*name of plaintiff*] suffered serious emotional distress; and
5. That [*name of defendant*]'s conduct was a substantial factor in causing [*name of plaintiff*]'s serious emotional distress.

[*Name of plaintiff*] need not have been then aware that [*name of defendant*] had caused the [*e.g., traffic accident*].

Emotional distress includes suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame. Serious emotional distress exists if an ordinary, reasonable person would be unable to cope with it.

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*New September 2003; Revised December 2013, June 2014*

**Directions for Use**

Use this instruction in a negligence case if the only damages sought are for emotional distress. The doctrine of “negligent infliction of emotional distress” is not a separate tort or cause of action. It simply allows certain persons to recover damages for emotional distress only on a negligence cause of action even though they were not otherwise injured or harmed. (See *Molien v. Kaiser Foundation Hospitals* (1980) 27 Cal.3d 916, 928 [167 Cal.Rptr. 831, 616 P.2d 813].)

A “bystander” case is one in which a plaintiff seeks recovery for damages for emotional distress suffered as a percipient witness of an injury to another person. If the plaintiff is a direct victim of tortious conduct, use CACI No. 1620, *Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Direct Victim—Essential Factual Elements*. For instructions for use for emotional distress arising from exposure to carcinogens, HIV, or AIDS, see CACI No. 1622, *Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Fear of Cancer, HIV, or AIDS—Essential Factual Elements*, and CACI No. 1623, *Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—*

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*Fear of Cancer, HIV, or AIDS—Malicious, Oppressive, or Fraudulent Conduct—Essential Factual Elements.*

This instruction should be read in conjunction with instructions in the Negligence series (see CACI No. 400 et seq.) to further develop element 1.

Whether the plaintiff had a sufficiently close relationship with the victim should be determined as an issue of law because it is integral to the determination of whether a duty was owed to the plaintiff.

The explanation in the last paragraph of what constitutes “serious” emotional distress comes from the California Supreme Court. (See *Molien, supra*, 27 Cal.3d at p.928.) In *Wong v. Jing*, an appellate court subsequently held that serious emotional distress from negligence without other injury is the same as “severe” emotional distress for the tort of intentional infliction of emotional distress. (*Wong v. Jing* (2010) 189 Cal.App.4th 1354, 1378 [117 Cal.Rptr.3d 747].)

### Sources and Authority

- “California's rule that plaintiff's fear for his own safety is compensable also presents a strong argument for the same rule as to fear for others; otherwise, some plaintiffs will falsely claim to have feared for themselves, and the honest parties unwilling to do so will be penalized. Moreover, it is incongruous and somewhat revolting to sanction recovery for the mother if she suffers shock from fear for her own safety and to deny it for shock from the witnessed death of her own daughter.” (*Dillon v. Legg* (1968) 68 Cal.2d 728, 738 [69 Cal.Rptr. 72, 441 P.2d 912].)
- “As an introductory note, we observe that plaintiffs ... framed both negligence and negligent infliction of emotional distress causes of action. To be precise, however, ‘the [only] tort with which we are concerned is negligence. Negligent infliction of emotional distress is not an independent tort ... .’” (*Catsouras v. Department of California Highway Patrol* (2010) 181 Cal.App.4th 856, 875–876 [104 Cal.Rptr.3d 352].)
- “In the absence of physical injury or impact to the plaintiff himself, damages for emotional distress should be recoverable only if the plaintiff: (1) is closely related to the injury victim, (2) is present at the scene of the injury-producing event at the time it occurs and is then aware that it is causing injury to the victim and, (3) as a result suffers emotional distress beyond that which would be anticipated in a disinterested witness.” (*Thing v. La Chusa* (1989) 48 Cal.3d 644, 647 [257 Cal.Rptr. 865, 771 P.2d 814].)
- “[T]o satisfy the second *Thing* requirement the plaintiff must experience a contemporaneous sensory awareness of the causal connection between the defendant's infliction of harm and the injuries suffered by the close relative.” (*Fortman v. Förvaltningsbolaget Insulan AB* (2013) 212 Cal.App.4th 830, 836 [151 Cal.Rptr.3d 320].)
- “[A] plaintiff need not contemporaneously understand the defendant's conduct as *negligent*, as opposed to *harmful*. But the court confused awareness of negligence, a legal conclusion, with contemporaneous, understanding awareness of the event as causing harm to the victim.” (*Bird v. Saenz* (2002) 28 Cal.4th 910, 920 [123 Cal.Rptr.2d 465, 51 P.3d 324].)

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- “*Thing* does not require that the plaintiff have an awareness of what caused the injury-producing event, but the plaintiff must have an understanding perception of the ‘event as causing harm to the victim.’ ” (*Fortman, supra*, 212 Cal.App.4th at p. 841, fn. 4.)
- “[W]e also reject [plaintiff]’s attempt to expand bystander recovery to hold a product manufacturer strictly liable for emotional distress when the plaintiff observes injuries sustained by a close relative arising from an unobservable product failure. To do so would eviscerate the second *Thing* requirement.” (*Fortman, supra*, 212 Cal.App.4th at pp. 843–844.)
- “Absent exceptional circumstances, recovery should be limited to relatives residing in the same household, or parents, siblings, children, and grandparents of the victim.” (*Thing, supra*, 48 Cal.3d at p. 668, fn. 10.)
- “[A]n unmarried cohabitant may not recover damages for emotional distress based on such injury.” (*Elden v. Sheldon* (1988) 46 Cal.3d 267, 273 [250 Cal.Rptr. 254, 758 P.2d 582].)
- “Although a plaintiff may establish presence at the scene through nonvisual sensory perception, ‘someone who hears an accident but does not then know it is causing injury to a relative does not have a viable [bystander] claim for [negligent infliction of emotional distress], even if the missing knowledge is acquired moments later.’ ” (*Ra v. Superior Court* (2007) 154 Cal.App.4th 142, 149 [64 Cal.Rptr.3d 539], internal citation omitted.)
- “[I]t is not necessary that a plaintiff bystander actually have witnessed the infliction of injury to her child, provided that the plaintiff was at the scene of the accident and was sensorially aware, in some important way, of the accident and the necessarily inflicted injury to her child.” (*Wilks v. Hom* (1992) 2 Cal.App.4th 1264, 1271 [3 Cal.Rptr.2d 803].)
- “[S]erious mental distress may be found where a reasonable man, normally constituted, would be unable to adequately cope with the mental stress engendered by the circumstances of the case.’ ” (*Molien, supra*, 27 Cal.3d at pp. 927–928.)
- “In our view, this articulation of ‘serious emotional distress’ is functionally the same as the articulation of ‘severe emotional distress’ [as required for intentional infliction of emotional distress]. Indeed, given the meaning of both phrases, we can perceive no material distinction between them and can conceive of no reason why either would, or should, describe a greater or lesser degree of emotional distress than the other for purposes of establishing a tort claim seeking damages for such an injury.” (*Wong, supra, v. Jing* (2010) 189 Cal.App.4th at p. 1354, 1378 [~~117 Cal.Rptr.3d 747~~].)

### Secondary Sources

6 Witkin, Summary of California Law (10th ed. 2005) Torts, §§ 1007–1021

Croskey, et al., California Practice Guide: Insurance Litigation, Ch. 11-F, *Negligent Infliction Of Emotional Distress*, ¶ 11:101 (The Rutter Group)

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1 Levy et al., California Torts, Ch. 5, *Negligent Infliction of Emotional Distress*, § 5.04 (Matthew Bender)

32 California Forms of Pleading and Practice, Ch. 362, *Mental Suffering and Emotional Distress*, § 362.11 (Matthew Bender)

15 California Points and Authorities, Ch. 153, *Mental Suffering and Emotional Distress*, §§ 153.31 et seq., 153.45 et seq. (Matthew Bender)

**1622. Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Fear of Cancer, HIV, or AIDS—Essential Factual Elements**

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**[Name of plaintiff] claims that [name of defendant]’s conduct caused [him/her] to suffer serious emotional distress by exposing [name of plaintiff] to [insert applicable carcinogen, toxic substance, HIV, or AIDS]. To establish this claim, [name of plaintiff] must prove all of the following:**

- 1. That [name of plaintiff] was exposed to [insert applicable carcinogen, toxic substance, HIV, or AIDS] as a result of [name of defendant]’s negligence;**
- 2. That [name of plaintiff] suffered serious emotional distress from a fear that [he/she] will develop [insert applicable cancer, HIV, or AIDS] as a result of the exposure;**
- 3. That reliable medical or scientific opinion confirms that it is more likely than not that [name of plaintiff] will develop [insert applicable cancer, HIV, or AIDS] as a result of the exposure; and**
- 4. That [name of defendant]’s negligence was a substantial factor in causing [name of plaintiff]’s serious emotional distress.**

**Emotional distress includes suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame. Serious emotional distress exists if an ordinary, reasonable person would be unable to cope with it.**

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*New September 2003; Revised June 2014*

**Directions for Use**

Use this instruction in a negligence case if the only damages sought are for emotional distress. The doctrine of “negligent infliction of emotional distress” is not a separate tort or cause of action. It simply allows certain persons to recover damages for emotional distress only on a negligence cause of action even though they were not otherwise currently injured or harmed. (See *Molien v. Kaiser Foundation Hospitals* (1980) 27 Cal.3d 916, 928 [167 Cal.Rptr. 831, 616 P.2d 813].)

Recovery for emotional distress without other current harm or injury is allowed for negligent exposure to a disease-causing substance, but only if the plaintiff can establish that it is more likely than not that the plaintiff will contract the disease. (See *Potter v. Firestone Tire and Rubber Co.* (1993) 6 Cal.4th 965, 997 [25 Cal.Rptr.2d 550, 863 P.2d 795].) There may be other harmful agents and medical conditions that could support this claim for damages.

This instruction should be read in conjunction with either CACI No. 401, *Basic Standard of Care*, or CACI No. 418, *Presumption of Negligence per se*.

| If plaintiff alleges that defendant’s conduct constituted oppression, fraud, or malice, then CACI No. 1623,

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*Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Fear of Cancer, HIV, or AIDS—Malicious, Oppressive, or Fraudulent Conduct—Essential Factual Elements*, should be read.

The explanation in the last paragraph of what constitutes “serious” emotional distress comes from the California Supreme Court. (See *Molien, supra*, 27 Cal.3d at p.928.) In *Wong v. Jing*, an appellate court subsequently held that serious emotional distress from negligence without other injury is the same as “severe” emotional distress for the tort of intentional infliction of emotional distress. (*Wong v. Jing* (2010) 189 Cal.App.4th 1354, 1378 [117 Cal.Rptr.3d 747].)

### Sources and Authority

- “[D]amages for negligently inflicted emotional distress may be recovered in the absence of physical injury or impact ... .” (*Potter, supra*, 6 Cal.4th at p. 986, internal citation omitted.)
- “[T]he way to avoid damage awards for unreasonable fear, i.e., in those cases where the feared cancer is at best only remotely possible, is to require a showing of the actual likelihood of the feared cancer to establish its significance.” (*Potter, supra*, 6 Cal.4th at p. 990.)
- “[D]amages for fear of cancer may be recovered only if the plaintiff pleads and proves that (1) as a result of the defendant’s negligent breach of a duty owed to the plaintiff, the plaintiff is exposed to a toxic substance which threatens cancer; and (2) the plaintiff’s fear stems from a knowledge, corroborated by reliable medical or scientific opinion, that it is more likely than not that the plaintiff will develop the cancer in the future due to the toxic exposure.” (*Potter, supra*, 6 Cal.4th at p. 997.)
- “[S]erious mental distress may be found where a reasonable man, normally constituted, would be unable to adequately cope with the mental stress engendered by the circumstances of the case.’ ” (*Molien, supra*, 27 Cal.3d at pp. 927-928.)
- “In our view, this articulation of ‘serious emotional distress’ is functionally the same as the articulation of ‘severe emotional distress’ [as required for intentional infliction of emotional distress]. Indeed, given the meaning of both phrases, we can perceive no material distinction between them and can conceive of no reason why either would, or should, describe a greater or lesser degree of emotional distress than the other for purposes of establishing a tort claim seeking damages for such an injury.” (*Wong, supra, v. Jing* (2010) 189 Cal.App.4th at p.1354, 1378 [117 Cal.Rptr.3d 747].)
- “[W]e hold that the cost of medical monitoring is a compensable item of damages where the proofs demonstrate, through reliable medical expert testimony, that the need for future monitoring is a reasonably certain consequence of a plaintiff’s toxic exposure and that the recommended monitoring is reasonable.” (*Potter, supra*, 6 Cal.4th at p. 1009.)
- “All of the policy concerns expressed in *Potter* apply with equal force in the fear of AIDS context.” (*Kerins v. Hartley* (1994) 27 Cal.App.4th 1062, 1074 [33 Cal.Rptr.2d 172].)
- “[Plaintiff parent] claims the likelihood of actual injury to [child] is immaterial and that, in short, the rule announced in *Potter* regarding fear of cancer should not be applied to a case involving fear of AIDS. We disagree.” (*Herbert v. Regents of University of California* (1994) 26 Cal.App.4th 782, 786

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[31 Cal.Rptr.2d 709].)

- “[W]hen a defendant demonstrates that a plaintiff’s smoking is negligent and that a portion of the plaintiff’s fear of developing cancer is attributable to the smoking, comparative fault principles may be applied in determining the extent to which the plaintiff’s emotional distress damages for such fear should be reduced to reflect the proportion of such damages for which the plaintiff should properly bear the responsibility.” (*Potter, supra*, 6 Cal.4th at pp. 965, 1011.)

***Secondary Sources***

6 Witkin, Summary of California Law (10th ed. 2005) Torts, § 1036

Haning, et al., California Practice Guide: Personal Injury, Ch. 3-C, *Specific Items Of Compensatory Damages*, ¶ 3:218.6 (The Rutter Group)

1 Levy et al., California Torts, Ch. 5, *Negligent Infliction of Emotional Distress*, § 5.02 (Matthew Bender)

32 California Forms of Pleading and Practice, Ch. 362, *Mental Suffering and Emotional Distress*, § 362.11[3][c] (Matthew Bender)

15 California Points and Authorities, Ch. 153, *Mental Suffering and Emotional Distress*, § 153.38 (Matthew Bender)

**1623. Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Fear of Cancer, HIV, or AIDS—Malicious, Oppressive, or Fraudulent Conduct—Essential Factual Elements**

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**[Name of plaintiff] claims that [name of defendant] acted with [malice/oppression/fraudulent intent] in exposing [name of plaintiff] to [insert applicable carcinogen, toxic substance, HIV, or AIDS] and that this conduct caused [name of plaintiff] to suffer serious emotional distress. To establish this claim, [name of plaintiff] must prove all of the following:**

- 1. That [name of plaintiff] was exposed to [insert applicable carcinogen, toxic substance, HIV, or AIDS] as a result of [name of defendant]’s negligent conduct;**
- 2. That [name of defendant] acted with [malice/oppression/fraudulent intent] because [insert one or more of the following, as applicable]:**

**[[Name of defendant] intended to cause injury to [name of plaintiff];] [or]**

**[[Name of defendant]’s conduct was despicable and was carried out with a willful or conscious disregard of [name of plaintiff]’s rights or safety;] [or]**

**[[Name of defendant]’s conduct was despicable and subjected [name of plaintiff] to cruel and unjust hardship in conscious disregard of [name of plaintiff]’s rights;] [or]**

**[[Name of defendant] intentionally misrepresented or concealed a material fact known to [name of defendant], intending to cause [name of plaintiff] harm;]**

- 3. That [name of plaintiff] suffered serious emotional distress from a fear that [he/she] will develop [insert applicable cancer, HIV, or AIDS] as a result of the exposure;**
- 4. That reliable medical or scientific opinion confirms that [name of plaintiff]’s risk of developing [insert applicable cancer, HIV, or AIDS] was significantly increased by the exposure and has resulted in an actual risk that is significant; and**
- 5. That [name of defendant]’s conduct was a substantial factor in causing [name of plaintiff]’s serious emotional distress.**

**Emotional distress includes suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame. Serious emotional distress exists if an ordinary, reasonable person would be unable to cope with it.**

**“Despicable conduct” is conduct that is so mean, vile, base, or contemptible that it would be looked down on and despised by reasonable people.**

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### Directions for Use

Use this instruction in a negligence case if the only damages sought are for emotional distress. There is no separate tort or cause of action for “negligent infliction of emotional distress.” The doctrine is one that allows certain persons to recover damages for emotional distress only on a negligence cause of action even though they were not otherwise currently injured or harmed. (See *Molien v. Kaiser Foundation Hospitals* (1980) 27 Cal.3d 916, 928 [167 Cal.Rptr. 831, 616 P.2d 813].)

Recovery for emotional distress without other current harm or injury is allowed for negligent exposure to a disease-causing substance. If the plaintiff can prove oppression, fraud, or malice, it is not necessary to establish that it is more likely than not that the plaintiff will contract the disease. (See *Potter v. Firestone Tire and Rubber Co.* (1993) 6 Cal.4th 965, 998 [25 Cal.Rptr.2d 550, 863 P.2d 795.]) Use CACI No. 1622, *Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Fear of Cancer, HIV, or AIDS—Essential Factual Elements*, if plaintiff alleges exposure without oppression, fraud, or malice.

This instruction should be read in conjunction with either CACI No. 401, *Basic Standard of Care*, or CACI No. 418, *Presumption of Negligence per se*.

“Oppression, fraud, or malice” is used here as defined by Civil Code section 3294, except that the higher “clear and convincing” burden of proof is not required in this context. (See *Potter, supra*, 6 Cal.4th at p. 1000.)

In some cases the judge should make clear that the defendant does not need to have known of the individual plaintiff where there is a broad exposure and plaintiff is a member of the class that was exposed.

The explanation in the next-to-last paragraph of what constitutes “serious” emotional distress comes from the California Supreme Court. (See *Molien, supra*, 27 Cal.3d at p.928.) In *Wong v. Jing*, an appellate court subsequently held that serious emotional distress from negligence without other injury is the same as “severe” emotional distress for the tort of intentional infliction of emotional distress. (*Wong v. Jing* (2010) 189 Cal.App.4th 1354, 1378 [117 Cal.Rptr.3d 747].)

### Sources and Authority

- Punitive Damages: Malice, Oppression, and Fraud Defined. Civil Code section 3294(c).
- “[D]amages for negligently inflicted emotional distress may be recovered in the absence of physical injury or impact ... .” (*Potter, supra*, 6 Cal.4th at p. 986.)
- “[A] toxic exposure plaintiff need not meet the more likely than not threshold for fear of cancer recovery in a negligence action if the plaintiff pleads and proves that the defendant’s conduct in causing the exposure amounts to ‘oppression, fraud, or malice’ as defined in Civil Code section 3294.” (*Potter, supra*, 6 Cal.4th at p. 998.)
- “[S]erious mental distress may be found where a reasonable man, normally constituted, would be

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unable to adequately cope with the mental stress engendered by the circumstances of the case.’ ”  
(*Molien, supra*, 27 Cal.3d at pp. 927-928.)

- “[D]amages for fear of cancer may be recovered only if the plaintiff pleads and proves that (1) as a result of the defendant’s negligent breach of a duty owed to the plaintiff, the plaintiff is exposed to a toxic substance which threatens cancer; and (2) the plaintiff’s fear stems from a knowledge, corroborated by reliable medical or scientific opinion, that it is more likely than not that the plaintiff will develop the cancer in the future due to the toxic exposure.” (*Potter, supra*, 6 Cal.4th at p. 997.)
- “In our view, this articulation of ‘serious emotional distress’ is functionally the same as the articulation of ‘severe emotional distress’ [as required for intentional infliction of emotional distress]. Indeed, given the meaning of both phrases, we can perceive no material distinction between them and can conceive of no reason why either would, or should, describe a greater or lesser degree of emotional distress than the other for purposes of establishing a tort claim seeking damages for such an injury.” (*Wong, supra, v. Jing (2010)* 189 Cal.App.4th at p. 1354, 1378 [117 Cal.Rptr.3d 747].)
- “All of the policy concerns expressed in *Potter* apply with equal force in the fear of AIDS context.” (*Kerins v. Hartley* (1994) 27 Cal.App.4th 1062, 1074 [33 Cal.Rptr.2d 172].)
- “[Plaintiff parent] claims the likelihood of actual injury to [child] is immaterial and that, in short, the rule announced in *Potter* regarding fear of cancer should not be applied to a case involving fear of AIDS. We disagree.” (*Herbert v. Regents of University of California* (1994) 26 Cal.App.4th 782, 786 [31 Cal.Rptr.2d 709].)
- “Despicable conduct is conduct which is so vile, base, contemptible, miserable, wretched or loathsome that it would be looked down upon and despised by ordinary decent people.” (*Mock v. Mich. Millers Mut. Ins. Co.* (1992) 4 Cal.App.4th 306, 331 [5 Cal.Rptr.2d 594].)
- “Used in its ordinary sense, the adjective ‘despicable’ is a powerful term that refers to circumstances that are ‘base,’ ‘vile,’ or ‘contemptible.’ ” (*College Hospital, Inc. v. Superior Court* (1994) 8 Cal.4th 704, 725 [34 Cal.Rptr.2d 898, 882 P.2d 894].)
- ~~[Although] “Civil Code section 3294 requires a plaintiff to prove oppression, fraud, or malice by ‘clear and convincing evidence’ for purposes of punitive damages, recovery. We decline to impose this stringent burden of proof for recovery of fear of cancer damages in negligence cases for two reasons. First, we have already adopted strict limitations on the availability of damages for negligently inflicted fear of cancer; an additional hurdle at this point is unnecessary for public policy purposes. Second, to recover compensatory damages in an action for intentional infliction of emotional distress, a plaintiff need only prove the fact that a defendant intentionally inflicted such distress by a preponderance of the evidence. It is therefore both logical and consistent to utilize the same burden of proof for recovery of compensatory damages when a defendant has acted with ‘oppression, fraud or malice’ to negligently inflict emotional distress.” ~~this higher burden of proof has not been applied to fear of cancer cases.~~ (*Potter, supra*, 6 Cal.4th at p. 1000, fn. 20.)~~
- “[W]hen a defendant demonstrates that a plaintiff’s smoking is negligent and that a portion of the plaintiff’s fear of developing cancer is attributable to the smoking, comparative fault principles may

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be applied in determining the extent to which the plaintiff’s emotional distress damages for such fear should be reduced to reflect the proportion of such damages for which the plaintiff should properly bear the responsibility.” (*Potter, supra*, 6 Cal.4th at p. 1011.)

***Secondary Sources***

6 Witkin, Summary of California Law (10th ed. 2005) Torts, § 1036

Haning, et al., California Practice Guide: Personal Injury, Ch. 3-C, *Specific Items Of Compensatory Damages*, ¶ 3:218.6 (The Rutter Group)

1 Levy et al., California Torts, Ch. 5, *Negligent Infliction of Emotional Distress*, § 5.02 (Matthew Bender)

32 California Forms of Pleading and Practice, Ch. 362, *Mental Suffering and Emotional Distress*, § 362.11[3][c] (Matthew Bender)

15 California Points and Authorities, Ch. 153, *Mental Suffering and Emotional Distress*, § 153.38 (Matthew Bender)

1803. Appropriation of Name or Likeness—Essential Factual Elements

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[Name of plaintiff] claims that [name of defendant] violated [his/her] right to privacy. To establish this claim, [name of plaintiff] must prove all of the following:

1. That [name of defendant] used [name of plaintiff]’s name, likeness, or identity without [his/her] permission;
2. That [name of defendant] gained a commercial benefit [or some other advantage] by using [name of plaintiff]’s name, likeness, or identity;
3. That [name of plaintiff] was harmed; [and]
4. That [name of defendant]’s conduct was a substantial factor in causing [name of plaintiff]’s harm.; ~~[and]~~

~~[5. That the privacy interests of [name of plaintiff] outweigh the public interest served by [name of defendant]’s use of [his/her] name, likeness, or identity.~~

~~In deciding whether [name of plaintiff]’s privacy interest outweighs the public’s interest, you should consider where the information was used, the extent of the use, the public interest served by the use, and the seriousness of the interference with [name of plaintiff]’s privacy.~~

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*New September 2003; Revised December 2014*

**Directions for Use**

If the plaintiff is asserting more than one privacy right, give an introductory instruction stating that a person’s right to privacy can be violated in more than one way and listing the legal theories under which the plaintiff is suing.

If the alleged “benefit” is not commercial, the judge will need to determine whether the advantage gained by the defendant qualifies as “some other advantage.”

If suing under both the common law and Civil Code section 3344, the judge may need to explain that a person’s voice, for example, may qualify as “identity” if the voice is sufficient to cause listeners to identify the plaintiff. The two causes of action overlap, and the same conduct should be covered by both.

Even if the elements are established, the First Amendment may require that the right to be protected from unauthorized publicity be balanced against the public interest in the dissemination of news and information. The last bracketed element and the last bracketed paragraph are appropriate in cases that implicate a defendant’s First Amendment right to freedom of expression and freedom of the press. (See *Gionfriddo v. Major League Baseball* (2001) 94 Cal.App.4th 400, 409–410 [114 Cal.Rptr.2d 307].) In a closely related right-of-publicity claim, the California Supreme Court has held that an artist who is faced

1803. Appropriation of Name or Likeness—Essential Factual Elements

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[Name of plaintiff] claims that [name of defendant] violated [his/her] right to privacy. To establish this claim, [name of plaintiff] must prove all of the following:

1. That [name of defendant] used [name of plaintiff]’s name, likeness, or identity without [his/her] permission;
2. That [name of defendant] gained a commercial benefit [or some other advantage] by using [name of plaintiff]’s name, likeness, or identity;
3. That [name of plaintiff] was harmed; [and]
4. That [name of defendant]’s conduct was a substantial factor in causing [name of plaintiff]’s harm.; ~~[and]~~

~~[5. —That the privacy interests of [name of plaintiff] outweigh the public interest served by [name of defendant]’s use of [his/her] name, likeness, or identity.~~

~~In deciding whether [name of plaintiff]’s privacy interest outweighs the public’s interest, you should consider where the information was used, the extent of the use, the public interest served by the use, and the seriousness of the interference with [name of plaintiff]’s privacy.~~

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*New September 2003; Revised December 2014*

**Directions for Use**

If the plaintiff is asserting more than one privacy right, give an introductory instruction stating that a person’s right to privacy can be violated in more than one way and listing the legal theories under which the plaintiff is suing.

If the alleged “benefit” is not commercial, the judge will need to determine whether the advantage gained by the defendant qualifies as “some other advantage.”

If suing under both the common law and Civil Code section 3344, the judge may need to explain that a person’s voice, for example, may qualify as “identity” if the voice is sufficient to cause listeners to identify the plaintiff. The two causes of action overlap, and the same conduct should be covered by both.

Even if the elements are established, the First Amendment may require that the right to be protected from unauthorized publicity be balanced against the public interest in the dissemination of news and information. The last bracketed element and the last bracketed paragraph are appropriate in cases that implicate a defendant’s First Amendment right to freedom of expression and freedom of the press. (See *Gionfriddo v. Major League Baseball* (2001) 94 Cal.App.4th 400, 409–410 [114 Cal.Rptr.2d 307].) In a closely related right-of-publicity claim, the California Supreme Court has held that an artist who is faced

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with a challenge to his or her work may raise as affirmative defense that the work is protected by the First Amendment because it contains significant transformative elements or that the value of the work does not derive primarily from the celebrity's fame. (*Comedy III Productions, Inc. v. Gary Saderup, Inc.* (2001) 25 Cal.4th 387, 407 [106 Cal.Rptr.2d 126, 21 P.3d 797]; see CACI No. 1805, *Affirmative Defense to Use or Appropriation of Name or Likeness—First Amendment (Comedy III)*.) Therefore, if there is an issue of fact regarding a First Amendment balancing test, it most probably should be considered to be an affirmative defense. (Cf. *Gionfriddo, supra* [“Given the significant public interest in this sport, plaintiffs can only prevail if they demonstrate a substantial competing interest.”].)

### Sources and Authority

- “A common law cause of action for appropriation of name or likeness may be pleaded by alleging (1) the defendant’s use of the plaintiff’s identity; (2) the appropriation of plaintiff’s name or likeness to defendant’s advantage, commercially or otherwise; (3) lack of consent; and (4) resulting injury.” (*Eastwood v. Superior Court* (1983) 149 Cal.App.3d 409, 417 [198 Cal.Rptr. 342], internal citations omitted.)
- “The common law cause of action may be stated by pleading the defendant's unauthorized use of the plaintiff's identity; the appropriation of the plaintiff's name, voice, likeness, signature, or photograph to the defendant's advantage, commercially or otherwise; and resulting injury.” (*Ross v. Roberts* (2013) 222 Cal.App.4th 677, 684–685 [166 Cal.Rptr.3d 359].)Section 652C of the Restatement Second of Torts provides: “One who appropriates to his own use or benefit the name or likeness of another is subject to liability to the other for invasion of his privacy.”
- “California common law has generally followed Prosser’s classification of privacy interests as embodied in the Restatement.” (*Hill v. National Collegiate Athletic Assn.* (1994) 7 Cal.4th 1, 24 [26 Cal.Rptr.2d 834, 865 P.2d 633], internal citation omitted.)
- “[T]he appearance of an ‘endorsement’ is not the *sine qua non* of a claim for commercial appropriation.” (*Eastwood, supra*, 149 Cal.App.3d at p. 419.)
- “[N]o cause of action will lie for the ‘[p]ublication of matters in the public interest, which rests on the right of the public to know and the freedom of the press to tell it.’ ” (*Montana v. San Jose Mercury News* (1995) 34 Cal.App.4th 790, 793 [40 Cal.Rptr.2d 639], internal citation omitted.)
- “The difficulty in defining the boundaries of the right, as applied in the publication field, is inherent in the necessity of balancing the public interest in the dissemination of news, information and education against the individuals’ interest in peace of mind and freedom from emotional disturbances. When words relating to or actual pictures of a person or his name are published, the circumstances may indicate that public interest is predominant. Factors deserving consideration may include the medium of publication, the extent of the use, the public interest served by the publication, and the seriousness of the interference with the person’s privacy.” (*Gill v. Curtis Publishing Co.* (1952) 38 Cal.2d 273, 278-279 [239 P.2d 630].)
- “Even if each of these elements is established, however, the common law right does not provide relief for every publication of a person’s name or likeness. The First Amendment requires that the right to

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be protected from unauthorized publicity ‘be balanced against the public interest in the dissemination of news and information consistent with the democratic processes under the constitutional guaranties of freedom of speech and of the press.’ ” (*Gionfriddo, supra*, 94 Cal.App.4th at pp. 409-410, internal citations and footnote omitted.)

- “Public interest attaches to people who by their accomplishments or mode of living create a bona fide attention to their activities.” (*Dora v. Frontline Video, Inc.* (1993) 15 Cal.App.4th 536, 542 [18 Cal.Rptr.2d 790], internal citation omitted.)
- “[T]he fourth category of invasion of privacy, namely, appropriation, ‘has been complemented legislatively by Civil Code section 3344, adopted in 1971.’ ” complements the common-law tort of appropriation. (*Eastwood, supra*, 149 Cal.App.3d at pp. 416–417.)

### Secondary Sources

5 Witkin, Summary of California Law (10th ed. 2005) Torts, §§ 676–678

4 Levy et al., California Torts, Ch. 46, *Invasion of Privacy*, § 46.05 (Matthew Bender)

37 California Forms of Pleading and Practice, Ch. 429, *Privacy*, §§ 429.35, 429.36 (Matthew Bender)

18 California Points and Authorities, Ch. 184, *Privacy: Invasion of Privacy*, § 184.21 (Matthew Bender)

1 California Civil Practice: Torts ~~(Thomson West)~~ § 20:16 (Thomson Reuters)

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2336. Bad Faith (Third Party)—Unreasonable Failure to Defend—Essential Factual Elements

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[Name of plaintiff] claims [he/she/it] was harmed by [name of defendant]’s breach of the obligation of good faith and fair dealing because [name of defendant] failed to defend [name of plaintiff] in a lawsuit that was brought against [him/her/it]. To establish this claim, [name of plaintiff] must prove all of the following:

1. That [name of plaintiff] was insured under an insurance policy with [name of defendant];
  2. That a lawsuit was brought against [name of plaintiff];
  3. That [name of plaintiff] gave [name of defendant] timely notice that [he/she/it] had been sued;
  4. That [name of defendant], unreasonably or without proper cause, failed to defend [name of plaintiff] against the lawsuit;
  5. That [name of plaintiff] was harmed; and
  6. That [name of defendant]’s conduct was a substantial factor in causing [name of plaintiff]’s harm.
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New October 2004; Revised December 2007, December 2014

**Directions for Use**

The instructions in this series assume that the plaintiff is an insured and the defendant is the insurer. The party designations may be changed if appropriate to the facts of the case.

~~This instruction also assumes that the judge~~The court will decide the issue of whether the claim was potentially covered by the policy. (See *California Shoppers, Inc. v. Royal Globe Ins. Co.* (1985) 175 Cal.App.3d 1, 52 [221 Cal.Rptr. 171].) If coverage depends on an unresolved dispute over a factual question, the very existence of that dispute establishes a possibility of coverage and thus a duty to defend. (*North Counties Engineering, Inc. v. State Farm General Ins. Co.* (2014) 224 Cal.App.4th 902, 922 [169 Cal.Rptr.3d 726].) Therefore, the jury does not resolve factual disputes that determine coverage.~~If there are factual disputes regarding this issue, a special interrogatory could be used.~~

For instructions regarding general breach of contract issues, refer to the Contracts series (CACI No. 300 et seq.).

~~If it is alleged that a demand was made in excess of limits and there is a claim that the defendant should have contributed the policy limits, then this instruction will need to be modified. Note that an excess insurer generally owes no duty to defend without exhaustion of the primary coverage by judgment or~~

settlement.

### Sources and Authority

- “A breach of the duty to defend in itself constitutes only a breach of contract, but it may also violate the covenant of good faith and fair dealing where it involves unreasonable conduct or an action taken without proper cause. On the other hand, ‘[i]f the insurer’s refusal to defend is reasonable, no liability will result.’ ” (Shade Foods, Inc. v. Innovative Products Sales & Marketing, Inc. 78 Cal.App.4th 847, 881 [93 Cal. Rptr. 2d 364], internal citations omitted.)
- “To prevail in an action seeking declaratory relief on the question of the duty to defend, ‘the insured must prove the existence of a *potential for coverage*, while the insurer must establish *the absence of any such potential*. In other words, the insured need only show that the underlying claim *may* fall within policy coverage; the insurer must prove it *cannot*.’ The duty to defend exists if the insurer ‘becomes aware of, or if the third party lawsuit pleads, facts giving rise to the potential for coverage under the insuring agreement.’ ” (*Delgado v. Interinsurance Exchange of Automobile Club of Southern California* (2009) 47 Cal.4th 302, 308 [97 Cal.Rptr.3d 298, 211 P.3d 1083], original italics, internal citation omitted.)
- “ ‘ [A]n insurer has a duty to defend an insured if it becomes aware of, or if the third party lawsuit pleads, facts giving rise to the potential for coverage under the insuring agreement. ... This duty ... is separate from and broader than the insurer’s duty to indemnify. ... ’ “ [F]or an insurer, the existence of a duty to defend turns not upon the ultimate adjudication of coverage under its policy of insurance, but upon those facts known by the insurer at the inception of a third party lawsuit. ... Hence, the duty ‘may exist even where coverage is in doubt and ultimately does not develop.’ ... ” ... ’ ” (*State Farm Fire & Casualty Co. v. Superior Court* (2008) 164 Cal.App.4th 317, 323 [78 Cal.Rptr.3d 828], internal citations omitted.)
- “If any facts stated or fairly inferable in the complaint, or otherwise known or discovered by the insurer, suggest a claim potentially covered by the policy, the insurer’s duty to defend arises and is not extinguished until the insurer negates all facts suggesting potential coverage. On the other hand, if, as a matter of law, neither the complaint nor the known extrinsic facts indicate any basis for potential coverage, the duty to defend does not arise in the first instance.” (*GGIS Ins. Services, Inc. v. Superior Court* (2008) 168 Cal.App.4th 1493, 1506 [86 Cal.Rptr.3d 515].)
- “In determining its duty to defend, the insurer must consider facts from any source—the complaint, the insured, and other sources. An insurer does not have a continuing duty to investigate the potential for coverage if it has made an informed decision on coverage at the time of tender. However, where the information available at the time of tender shows no coverage, but information available later shows otherwise, a duty to defend may then arise.” (*American States Ins. Co. v. Progressive Casualty Ins. Co.* (2009) 180 Cal.App.4th 18, 26 [102 Cal.Rptr.3d 591], internal citations omitted.)
- “The duty does not depend on the labels given to the causes of action in the underlying claims against the insured; ‘instead it rests on whether the *alleged facts or known extrinsic facts* reveal a *possibility* that the claim may be covered by the policy.’ ” (*Travelers Property Casualty Co. of America v. Charlotte Russe Holding, Inc.* (2012) 207 Cal.App.4th 969, 976 [144 Cal.Rptr.3d 12], original italics.)

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disapproved on other grounds in *Hartford Casualty Ins. Co. v. Swift Distribution, Inc.* (2014) 59 Cal.4th 277, 295 [172 Cal.Rptr.3d 653, 326 P.3d 253].)

- “The obligation of the insurer to defend is of vital importance to the insured. ‘In purchasing his insurance the insured would reasonably expect that he would stand a better chance of vindication if supported by the resources and expertise of his insurer than if compelled to handle and finance the presentation of his case. He would, moreover, expect to be able to avoid the time, uncertainty and capital outlay in finding and retaining an attorney of his own.’ ‘The insured’s desire to secure the right to call on the insurer’s superior resources for the defense of third party claims is, in all likelihood, typically as significant a motive for the purchase of insurance as is the wish to obtain indemnity for possible liability.’ ” (*Amato v. Mercury Casualty Co. (Amato II)* (1997) 53 Cal.App.4th 825, 831–832 [61 Cal.Rptr.2d 909], internal citations omitted.)
- “An anomalous situation would be created if, on the one hand, an insured can sue for the tort of breach of the implied covenant if the insurer accepts the defense and later refuses a reasonable settlement offer, but, on the other hand, an insured is denied tort recovery if the insurer simply refuses to defend. ... This dichotomy could have the effect of encouraging an insurer to stonewall the insured at the outset by simply refusing to defend.” (*Campbell v. Superior Court* (1996) 44 Cal.App.4th 1308, 1319–1320 [52 Cal.Rptr.2d 385].)
- “[T]he mere existence of a legal dispute does not create a potential for coverage: ‘However, we have made clear that where the third party suit never presented any potential for policy coverage, the duty to defend does not arise in the first instance, and the insurer may properly deny a defense. *Moreover, the law governing the insurer’s duty to defend need not be settled at the time the insurer makes its decision.*’ ” (*Griffin Dewatering Corp. v. Northern Ins. Co. of New York* (2009) 176 Cal.App.4th 172, 209 [97 Cal.Rptr.3d 568], original italics.)
- “The trial court erroneously thought that because the case law was ‘unsettled’ when the insurer first turned down the claim, that unsettledness created a potential for a covered claim. ... [I]f an insurance company’s denial of coverage is reasonable, as shown by substantial case law in favor of its position, there can be no bad faith even though the insurance company’s position is *later* rejected by our state Supreme Court.” (*Griffin Dewatering Corp., supra*, 176 Cal.App.4th at p. 179, original italics.)
- “Unresolved factual disputes impacting insurance coverage do not absolve the insurer of its duty to defend. ‘If coverage depends on an unresolved dispute over a factual question, the very existence of that dispute would establish a possibility of coverage and thus a duty to defend.’ ” (*Howard v. American National Fire Insurance Company* (2010) 187 Cal.App.4th 498, 520 [115 Cal.Rptr.3d 42].)
- ~~“A breach of the duty to defend in itself constitutes only a breach of contract, but it may also violate the covenant of good faith and fair dealing where it involves unreasonable conduct or an action taken without proper cause. On the other hand, ‘[i]f the insurer’s refusal to defend is reasonable, no liability will result.’ ” (*Shade Foods, Inc. v. Innovative Products Sales & Marketing, Inc.* (2000) 78 Cal.App.4th 847, 881 [93 Cal.Rptr.2d 364], internal citations omitted.)~~
- “ ‘If the insurer is obliged to take up the defense of its insured, it must do so as soon as possible, both to protect the interests of the insured, and to limit its own exposure to loss. . . . [T]he duty to defend

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must be assessed at the outset of the case.’ It follows that a belated offer to pay the costs of defense may mitigate damages but will not cure the initial breach of duty.” (*Shade Foods, Inc., supra*, 78 Cal.App.4th at p. 881, internal citations omitted.)

- “No tender of defense is required if the insurer has already denied coverage of the claim. In such cases, notice of suit and tender of the defense are excused because other insurer has already expressed its unwillingness to undertake the defense.” (Croskey et al., [California- Practice Guide: Insurance Litigation](#), ~~(The Rutter Group)~~ ¶ 7:614 ~~(The Rutter Group)~~.)

### *Secondary Sources*

2 Witkin, Summary of California Law (10th ed. 2005) Insurance, § 297

Croskey et al., California Practice Guide: Insurance Litigation, [Ch. 12B-D, Third Party Cases—Refusal To Defend Cases](#), ¶¶ 12:598–12:650.5 (The Rutter Group)

2 California Liability Insurance Practice: Claims and Litigation (Cont.Ed.Bar) Actions for Failure to Defend, §§ 25.1–26.38

2 California Insurance Law and Practice, Ch. 13, *Claims Handling and the Duty of Good Faith*, § 13.08 (Matthew Bender)

6 Levy et al., California Torts, Ch. 82, *Claims and Disputes Under Insurance Policies*, §§ 82.10–82.16 (Matthew Bender)

26 California Forms of Pleading and Practice, Ch. 308, *Insurance*, § 308.24 (Matthew Bender)

2407. **Affirmative Defense**—Employee’s Duty to Mitigate Damages

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[*Name of defendant*] claims that if [*name of plaintiff*] is entitled to any damages, they should be reduced by the amount that [he/she] could have earned from other employment. To succeed, [*name of defendant*] must prove all of the following:

1. That employment substantially similar to [*name of plaintiff*]’s former job was available to [him/her];
2. That [*name of plaintiff*] failed to make reasonable efforts to seek [and retain] this employment; and
3. The amount that [*name of plaintiff*] could have earned from this employment.

In deciding whether the employment was substantially similar, you should consider, among other factors, whether:

- (a) The nature of the work was different from [*name of plaintiff*]’s employment with [*name of defendant*];
- (b) The new position was substantially inferior to [*name of plaintiff*]’s former position;
- (c) The salary, benefits, and hours of the job were similar to [*name of plaintiff*]’s former job;
- (d) The new position required similar skills, background, and experience;
- (e) The job responsibilities were similar; [and]
- (f) The job was in the same locality; [and]
- (g) [*insert other relevant factor(s)*].

[In deciding whether [*name of plaintiff*] failed to make reasonable efforts to retain comparable employment, you should consider whether [*name of plaintiff*] quit or was discharged from that employment for a reason within [his/her] control.]

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**Directions for Use**

This instruction may be given when there is evidence that the employee’s damages could have been mitigated. The bracketed language at the end of the instruction regarding plaintiff’s

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failure to retain a new job is based on the holding in *Stanchfield v. Hamer Toyota, Inc.* (1995) 37 Cal.App.4th 1495, 1502-1503 [44 Cal.Rptr.2d 565].

In deciding whether the plaintiff could have obtained a substantially similar job, the trier of fact may consider several factors, including salary, benefits, hours of work per day, hours of work per year, locality, and availability of a merit-based system. (See *California School Employees Assn. v. Personnel Commission* (1973) 30 Cal.App.3d 241, 250-255 [106 Cal.Rptr. 283].) Read only those factors that have been shown by the evidence.

This instruction should be given in all employment cases, not just in breach of contract cases. See Chin et al., Cal-ifornia Practice Guide: Employment Litigation, ~~(Rutter Group)~~ ¶ 17:492 (Rutter Group).

This instruction should not be used for wrongful demotion cases.

### Sources and Authority

- “The general rule is that the measure of recovery by a wrongfully discharged employee is the amount of salary agreed upon for the period of service, less the amount which the employer affirmatively proves the employee has earned or with reasonable effort might have earned from other employment. However, before projected earnings from other employment opportunities not sought or accepted by the discharged employee can be applied in mitigation, the employer must show that the other employment was comparable, or substantially similar, to that of which the employee has been deprived; the employee’s rejection of or failure to seek other available employment of a different or inferior kind may not be resorted to in order to mitigate damages.” (*Parker v. Twentieth Century-Fox Film Corp.* (1970) 3 Cal.3d 176, 181-182 [89 Cal.Rptr. 737, 474 P.2d 689], internal citations omitted; see also *Rabago-Alvarez v. Dart Industries, Inc.* (1976) 55 Cal.App.3d 91, 98 [127 Cal.Rptr. 222] [“Plaintiff concedes that the trial court was entitled to deduct her actual earnings”]; but see *Villacorta v. Cemex Cement, Inc.* (2013) 221 Cal.App.4th 1425, 1432 [165 Cal.Rptr.3d 441] [wages actually earned from an inferior job may not be used to mitigate damages].)
- “The burden is on the employer to prove that substantially similar employment was available which the wrongfully discharged employee could have obtained with reasonable effort.” (*Chyten v. Lawrence & Howell Investments* (1993) 23 Cal.App.4th 607, 616 [46 Cal.Rptr.2d 459].)
- “[W]e conclude that the trial court should not have deducted from plaintiff’s recovery against defendant the amount that the court found she might have earned in employment which was substantially inferior to her position with defendant.” (*Rabago-Alvarez, supra, v. Dart Industries, Inc.* (1976) 55 Cal.App.3d at p.91, 99 ~~[127 Cal.Rptr. 222]~~.)
- “[I]n those instances where the jury determines the employee was fired from a substantially similar position for cause, any amount the employee with reasonable effort could have earned by retaining that employment should be deducted from the amount of damages

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which otherwise would have been awarded to the employee under the terms of the original employment agreement.” (*Stanchfield, supra*, 37 Cal.App.4th at pp. 1502-1503.)

- “The location of the new job is one of the factors to consider in determining whether the new job is inferior.” (*Villacorta, supra*, 221 Cal.App.4th at p. 1432.)
- “There is some authority for the proposition that whether or not the other employment is comparable or substantially similar or equivalent to the prior position is a question of fact. On the other hand the issue of substantial similarity or inferiority of employment is one that has often been decided as a matter of law in California.”~~In deciding whether a school bus driver could have obtained a substantially similar job in other nearby school districts, the court looked at several factors, including salary, benefits, hours of work per day, hours of work per year, locality, and availability of a merit-based system.~~ (*California School Employees Assn., supra, v. Personnel Commission (1973)* 30 Cal.App.3d at pp. 253–254 241, 250-255 [106 Cal.Rptr. 283], internal citations omitted.)
- “[S]elf-employment is not unreasonable mitigation as long as the discharged employee applies sufficient effort trying to make the business successful, even if those efforts fail.” (*Cordero-Sacks v. Housing Authority of City of Los Angeles* (2011) 200 Cal.App.4th 1267, 1284–1285 [134 Cal.Rptr.3d 883].)

### *Secondary Sources*

Chin et al., California Practice Guide: Employment Litigation, Ch. 17-F, *Mitigation Of Damages (Avoidable Consequences Doctrine)*, ¶¶ 17:490, 17:495, 17:497, 17:499–17:501 (The Rutter Group)

1 Wrongful Employment Termination Practice (Cont.Ed.Bar 2d ed.) Contract Actions, §§ 8.40–8.41

4 Wilcox, California Employment Law, Ch. 60, *Liability for Wrongful Termination and Discipline*, § 60.08[4] (Matthew Bender)

21 California Forms of Pleading and Practice, Ch. 249, *Employment Law: Termination and Discipline*, §§ 249.18, 249.65 (Matthew Bender)

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2431. Constructive Discharge in Violation of Public Policy—Plaintiff Required to Violate Public Policy

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[Name of plaintiff] claims that [he/she] was forced to resign rather than commit a violation of public policy. **It is a violation of public policy** *[specify claim in case, e.g., for an employer to require that an employee engage in price fixing]*. To establish this claim, [name of plaintiff] must prove all of the following:

1. That [name of plaintiff] was employed by [name of defendant];
  2. That, [name of defendant] required [name of plaintiff] to [specify alleged conduct in violation of public policy, e.g., “engage in price fixing”];
  3. That this requirement was so intolerable that a reasonable person in [name of plaintiff]’s position would have had no reasonable alternative except to resign;
  4. That [name of plaintiff] resigned because of this requirement;
  5. That [name of plaintiff] was harmed; and
  6. That the requirement was a substantial factor in causing [name of plaintiff]’s harm.
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New September 2003; Revised June 2014, *December 2014*

**Directions for Use**

This instruction should be given if a plaintiff claims that his or her constructive termination was wrongful because the defendant required the plaintiff to commit an act in violation of public policy. If the plaintiff alleges he or she was subjected to intolerable working conditions that violate public policy, see CACI No. 2432, *Constructive Discharge in Violation of Public Policy—Plaintiff Required to Endure Intolerable Conditions for Improper Purpose That Violates Public Policy*.

This instruction must be supplemented with CACI No. 2433, *Wrongful Discharge in Violation of Public Policy—Damages*. See also CACI No. 2510, “*Constructive Discharge*” Explained.

The judge should determine whether the purported reason for plaintiff’s resignation would amount to a violation of public policy. (*See Gantt v. Sentry Insurance* (1992) 1 Cal.4th 1083, 1092 [4 Cal. Rptr. 2d 874, 824 P.2d 680; overruled on other grounds in *Green v. Ralee Engineering Co.* (1998) 19 Cal. 4th 66, 80 fn. 6 [78 Cal. Rptr. 2d 16, 960 P.2d 1046].) The jury should then be instructed that the alleged conduct would constitute a public-policy violation if proved.

**Sources and Authority**

- “[W]hen an employer’s discharge of an employee violates fundamental principles of public policy,

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the discharged employee may maintain a tort action and recover damages traditionally available in such actions.” (*Tameny v. Atlantic Richfield Co.* (1980) 27 Cal.3d 167, 170 [164 Cal.Rptr. 839, 610 P.2d 1330].)

- “[A]n employer’s authority over its employees does not include the right to demand that the employee commit a criminal act to further its interests, and an employer may not coerce compliance with such unlawful directions by discharging an employee who refuses to follow such an order. An employer engaging in such conduct violates a basic duty imposed by law upon all employers, and thus an employee who has suffered damages as a result of such discharge may maintain a tort action for wrongful discharge against the employer.” (*Tameny, supra*, 27 Cal.3d at p. 178.)
- “[T]his court established a set of requirements that a policy must satisfy to support a tortious discharge claim. First, the policy must be supported by either constitutional or statutory provisions. Second, the policy must be ‘public’ in the sense that it ‘inures to the benefit of the public’ rather than serving merely the interests of the individual. Third, the policy must have been articulated at the time of the discharge. Fourth, the policy must be ‘fundamental’ and ‘substantial.’ ” (*Stevenson v. Superior Court* (1997) 16 Cal.4th 880, 889-890 [66 Cal.Rptr.2d 888, 941 P.2d 1157], footnote omitted.)
- “[T]he cases in which violations of public policy are found generally fall into four categories: (1) refusing to violate a statute; (2) performing a statutory obligation (3) exercising a statutory right or privilege; and (4) reporting an alleged violation of a statute of public importance.” (*Gantt v. Sentry Insurance* (1992) 1 Cal.4th 1083, 1090–1091 [4 Cal.Rptr.2d 874, 824 P.2d 680], internal citations and fn. omitted, overruled on other grounds in *Green v. Ralee Engineering Co.* (1998) 19 Cal.4th 66, 80, fn. 6 [78 Cal.Rptr.2d 16, 960 P.2d 1046]; accord *Stevenson, supra*, 16 Cal.4th at p. 889.)
- “In addition to statutes and constitutional provisions, valid administrative regulations may also serve as a source of fundamental public policy that impacts on an employer’s right to discharge employees when such regulations implement fundamental public policy found in their enabling statutes.” (*D’sa v. Playhut, Inc.* (2000) 85 Cal.App.4th 927, 933 [102 Cal.Rptr.2d 495], internal citation omitted.)
- “Constructive discharge occurs when the employer’s conduct effectively forces an employee to resign. Although the employee may say, ‘I quit,’ the employment relationship is actually severed involuntarily by the employer’s acts, against the employee’s will. As a result, a constructive discharge is legally regarded as a firing rather than a resignation.” (*Turner v. Anheuser-Busch, Inc.* (1994) 7 Cal.4th 1238, 1244-1245 [32 Cal.Rptr.2d 223, 876 P.2d 1022], internal citation omitted.)
- “Although situations may exist where the employee’s decision to resign is unreasonable as a matter of law, ‘[w]hether conditions were so intolerable as to justify a reasonable employee’s decision to resign is normally a question of fact. [Citation.]’ ” (*Vasquez v. Franklin Management Real Estate Fund, Inc.* (2013) 222 Cal.App.4th 819, 827 [166 Cal.Rptr.3d 242].)
- “In order to establish a constructive discharge, an employee must plead and prove ... that the employer either intentionally created or knowingly permitted working conditions that were so intolerable or aggravated at the time of the employee’s resignation that a reasonable employer would realize that a reasonable person in the employee’s position would be compelled to resign.” (*Turner, supra*, 7 Cal.4th at p. 1251.)

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- “The conditions giving rise to the resignation must be sufficiently extraordinary and egregious to overcome the normal motivation of a competent, diligent, and reasonable employee to remain on the job to earn a livelihood and to serve his or her employer. The proper focus is on whether the resignation was coerced, not whether it was simply one rational option for the employee.” (*Turner, supra*, 7 Cal.4th at p. 1246.)
- “In some circumstances, a single intolerable incident, such as a crime of violence against an employee by an employer, or an employer’s ultimatum that an employee commit a crime, may constitute a constructive discharge. Such misconduct potentially could be found ‘aggravated.’ ” (*Turner, supra*, 7 Cal.4th at p. 1247, fn. 3.)
- “The mere existence of illegal conduct in a workplace does not, without more, render employment conditions intolerable to a reasonable employee.” (*Turner, supra*, 7 Cal.4th at p. 1254.)
- “[T]he standard by which a constructive discharge is determined is an objective one—the question is ‘whether a reasonable person faced with the allegedly intolerable employer actions or conditions of employment would have no reasonable alternative except to quit.’ ” (*Turner, supra*, 7 Cal.4th at p. 1248, internal citations omitted.)
- “The length of time the plaintiff remained on the job may be one relevant factor in determining the intolerability of employment conditions from the standpoint of a reasonable person.” (*Turner, supra*, 7 Cal.4th at p. 1254.)

### Secondary Sources

8 Witkin, Summary of California Law (10th ed. 2005) Agency and Employment, § 222

Chin et al., Cal-ifornia Practice Guide: Employment Litigation, [Ch. 4-G, Constructive Discharge](#), ~~(The Rutter Group) ¶¶ 4:405–406, 4:409–410, 4:421–422, 5:2, 5:45–47, 5:50, 5:70, 5:105, 5:115, 5:150–151, 5:170, 5:195, 5:220 (The Rutter Group)~~

[Chin et al., California Practice Guide: Employment Litigation, Ch. 5-A, Wrongful Discharge In Violation Of Public Policy \(Tameny Claims\), ¶¶ 5:2, 5:45–5:47, 5:50, 5:70, 5:105, 5:115, 5:150, 5:151, 5:170, 5:195, 5:220 \(The Rutter Group\)](#)

1 Wrongful Employment Termination Practice (Cont.Ed.Bar 2d ed.) Public Policy Violations, §§ 5.45–5.46

4 Wilcox, California Employment Law, Ch. 60, *Liability for Wrongful Termination and Discipline*, § 60.04 (Matthew Bender)

21 California Forms of Pleading and Practice, Ch. 249, *Employment Law: Termination and Discipline*, §§ 249.12, 249.15 (Matthew Bender)

10 California Points and Authorities, Ch. 100, *Employer and Employee: Wrongful Termination and*

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*Discipline*, §§ 100.31, 100.35–100.38 (Matthew Bender)

| California Civil Practice: Employment Litigation-~~(Thomson West)~~ §§ 6:23–6:25 (Thomson Reuters)

2432. Constructive Discharge in Violation of Public Policy—Plaintiff Required to Endure Intolerable Conditions ~~for Improper Purpose~~ That Violates Public Policy

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[Name of plaintiff] claims that [name of defendant] forced [him/her] to resign for reasons that violate public policy. **It is a violation of public policy** [specify claim in case, e.g., for an employer to require an employee to work more than forty hours a week for less than minimum wage]. To establish this claim, [name of plaintiff] must prove all of the following:

1. That [name of plaintiff] was employed by [name of defendant];
2. That [name of plaintiff] was subjected to working conditions that violated public policy, in that [describe conditions imposed on the employee that constitute the violation, e.g., “[name of plaintiff] was treated ~~intolerably in retaliation for filing a workers’ compensation claim~~ required to work more than forty hours a week for less than minimum wage”];
3. That [name of defendant] intentionally created or knowingly permitted these working conditions;
4. That these working conditions were so intolerable that a reasonable person in [name of plaintiff]’s position would have had no reasonable alternative except to resign;
5. That [name of plaintiff] resigned because of these working conditions;
6. That [name of plaintiff] was harmed; and
7. That the working conditions were a substantial factor in causing [name of plaintiff]’s harm.

To be intolerable, the adverse working conditions must be unusually or repeatedly offensive to a reasonable person in [name of plaintiff]’s position.

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*New September 2003; Revised December 2014*

**Directions for Use**

This instruction should be given if plaintiff claims that his or her constructive termination was wrongful because defendant subjected plaintiff to intolerable working conditions in violation of public policy. The instruction must be supplemented with CACI No. 2433, *Wrongful Discharge in Violation of Public Policy—Damages*. See also CACI No. 2510, “*Constructive Discharge*” Explained.

The judge should determine whether the purported reason for plaintiff’s resignation would amount to a violation of public policy. (See *Gantt v. Sentry Insurance* (1992) 1 Cal.4th 1083, 1092 [4 Cal. Rptr. 2d 874, 824 P.2d 680; overruled on other grounds in *Green v. Ralee Engineering Co.* (1998) 19 Cal. 4th 66,

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80 fn. 6 [78 Cal. Rptr. 2d 16, 960 P.2d 1046].) The jury should then be instructed that the alleged conduct would constitute a public-policy violation if proved.

### Sources and Authority

- “[W]hen an employer’s discharge of an employee violates fundamental principles of public policy, the discharged employee may maintain a tort action and recover damages traditionally available in such actions.” (*Tameny v. Atlantic Richfield Co.* (1980) 27 Cal.3d 167, 170 [164 Cal.Rptr. 839, 610 P.2d 1330].)
- “[T]his court established a set of requirements that a policy must satisfy to support a tortious discharge claim. First, the policy must be supported by either constitutional or statutory provisions. Second, the policy must be ‘public’ in the sense that it ‘inures to the benefit of the public’ rather than serving merely the interests of the individual. Third, the policy must have been articulated at the time of the discharge. Fourth, the policy must be ‘fundamental’ and ‘substantial.’ ” (*Stevenson v. Superior Court* (1997) 16 Cal.4th 880, 889-890 [66 Cal.Rptr.2d 888, 941 P.2d 1157], fn. omitted.)
- “In addition to statutes and constitutional provisions, valid administrative regulations may also serve as a source of fundamental public policy that impacts on an employer’s right to discharge employees when such regulations implement fundamental public policy found in their enabling statutes.” (*D’sa v. Playhut, Inc.* (2000) 85 Cal.App.4th 927, 933 [102 Cal.Rptr.2d 495], internal citation omitted.)
- “Plaintiffs assert, in essence, that they were terminated for refusing to engage in conduct that violated fundamental public policy, to wit, nonconsensual sexual acts. They also assert, in effect, that they were discharged in retaliation for attempting to exercise a fundamental right -- the right to be free from sexual assault and harassment. Under either theory, plaintiffs, in short, should have been granted leave to amend to plead a cause of action for wrongful discharge in violation of public policy.” (~~*Rojo v. Kliger* (1990) 52 Cal.3d 65, 88-91 [276 Cal.Rptr. 130, 801 P.2d 373].), the court held that an employee terminated in retaliation for refusing her employer’s sexual advances may state a wrongful termination cause of action in tort.~~
- “Constructive discharge occurs when the employer’s conduct effectively forces an employee to resign. Although the employee may say, ‘I quit,’ the employment relationship is actually severed involuntarily by the employer’s acts, against the employee’s will. As a result, a constructive discharge is legally regarded as a firing rather than a resignation.” (*Turner v. Anheuser-Busch, Inc.* (1994) 7 Cal.4th 1238, 1244-1245 [32 Cal.Rptr.2d 223, 876 P.2d 1022], internal citation omitted.)
- “Although situations may exist where the employee's decision to resign is unreasonable as a matter of law, ‘[w]hether conditions were so intolerable as to justify a reasonable employee's decision to resign is normally a question of fact. [Citation.]’ ” (*Vasquez v. Franklin Management Real Estate Fund, Inc.* (2013) 222 Cal.App.4th 819, 827 [166 Cal.Rptr.3d 242].)
- “In order to establish a constructive discharge, an employee must plead and prove ... that the employer either intentionally created or knowingly permitted working conditions that were so intolerable or aggravated at the time of the employee’s resignation that a reasonable employer would realize that a reasonable person in the employee’s position would be compelled to resign.” (*Turner,*

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*supra*, 7 Cal.4th at p. 1251.)

- “The conditions giving rise to the resignation must be sufficiently extraordinary and egregious to overcome the normal motivation of a competent, diligent, and reasonable employee to remain on the job to earn a livelihood and to serve his or her employer. The proper focus is on whether the resignation was coerced, not whether it was simply one rational option for the employee.” (*Turner, supra*, 7 Cal.4th at p. 1246.)
- “In some circumstances, a single intolerable incident, such as a crime of violence against an employee by an employer, or an employer’s ultimatum that an employee commit a crime, may constitute a constructive discharge. Such misconduct potentially could be found ‘aggravated.’ ” (*Turner, supra*, 7 Cal.4th at p. 1247, fn. 3.)
- “The mere existence of illegal conduct in a workplace does not, without more, render employment conditions intolerable to a reasonable employee.” (*Turner, supra*, 7 Cal.4th at p. 1254.)
- “[T]he standard by which a constructive discharge is determined is an objective one—the question is ‘whether a reasonable person faced with the allegedly intolerable employer actions or conditions of employment would have no reasonable alternative except to quit.’ ” (*Turner, supra*, 7 Cal.4th at p. 1248, internal citations omitted.)
- “The length of time the plaintiff remained on the job may be one relevant factor in determining the intolerability of employment conditions from the standpoint of a reasonable person.” (*Turner, supra*, 7 Cal.4th at p. 1254.)

### Secondary Sources

8 Witkin, Summary of California Law (10th ed. 2005) Agency and Employment, § 222

Chin et al., Cal-ifornia Practice Guide: Employment Litigation, Ch. 4-G, Constructive Discharge, (The Rutter Group) ¶¶ 4:405–4:406, 4:409–4:411, 4:421–4:422, ~~5:2, 5:45–5:47~~ (The Rutter Group)

Chin et al., California Practice Guide: Employment Litigation, Ch. 5-A, Wrongful Discharge In Violation Of Public Policy (Tameny Claims), ¶¶ 5:2, 5:45–5:47, 5:50, 5:70, 5:105, 5:115, 5:150, 5:151, 5:170, 5:195, 5:220 (The Rutter Group)

1 Wrongful Employment Termination Practice (Cont.Ed.Bar 2d ed.) Public Policy Violations, §§ 5.45–5.46

4 Wilcox, California Employment Law, Ch. 60, *Liability for Wrongful Termination and Discipline*, § 60.04 (Matthew Bender)

21 California Forms of Pleading and Practice, Ch. 249, *Employment Law: Termination and Discipline*, §§ 249.15, 249.50 (Matthew Bender)

10 California Points and Authorities, Ch. 100, *Employer and Employee: Wrongful Termination and*

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*Discipline*, §§ 100.31, 100.32, 100.36–100.38 (Matthew Bender)

| California Civil Practice: Employment Litigation-~~(Thomson West)~~ §§ 6:23–6:25 (Thomson Reuters)

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**2442. Protected Disclosure by State Employee—California Whistleblower Protection Act—Essential Factual Elements (Gov. Code, § 8547.8(c))**

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*[Name of plaintiff]* **claims that [he/she] made a protected disclosure in good faith and that [name of defendant] discharged [him/her] as a result. In order to establish this claim, [name of plaintiff] must prove all of the following:**

1. **That [name of plaintiff] [specify protected disclosure, e.g., reported waste, fraud, abuse of authority, violation of law, threats to public health, bribery, misuse of government property];**
  2. **That [name of plaintiff]’s communication [disclosed/ [or] demonstrated an intention to disclose] evidence of [an improper governmental activity/ [or] a condition that could significantly threaten the health or safety of employees or the public];**
  3. **That [name of plaintiff] made this communication in good faith [for the purpose of remediating the health or safety condition];**
  4. **That [name of defendant] discharged [name of plaintiff];**
  5. **That [name of plaintiff]’s communication was a contributing factor in [name of defendant]’s decision to discharge [name of plaintiff];**
  6. **That [name of plaintiff] was harmed; and**
  7. **That [name of defendant]’s conduct was a substantial factor in causing [name of plaintiff]’s harm.**
- 

*New December 2014*

**Directions for Use**

Under the California Whistleblower Protection Act (Gov. Code, § 8547 et seq.) (the Act), a state employee or applicant for state employment has a right of action against any person who retaliates against him or her for having made a “protected disclosure.” The statute prohibits a “person” from intentionally engaging in acts of reprisal, retaliation, threats, coercion, or similar acts against the employee or applicant. (Gov. Code, § 8547.8(c).) A “person” includes the state and its agencies. (Gov. Code, § 8547.2(d).)

While retaliatory discharge is clearly within the statute, adverse employment actions short of discharge are also prohibited. For adverse actions other than termination, replace “discharged” in the opening paragraph and in element 4, and “discharge” in element 5, with the applicable action. See CACI No. 2509, “*Adverse Employment Action*” Explained, and CACI No. 2510, “*Constructive Discharge*” Explained, for instructions under the Fair Employment and Housing Act that may be adapted for use with this instruction.

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Element 2 alleges a protected disclosure. (See Gov. Code, § 8547.2(e) [“protected disclosure” defined].)

If an “improper governmental activity” is alleged in element 2, it may be necessary to expand the instruction with language from Government Code section 8547.2(c) to define the term. If the court has found that an improper governmental activity is involved as a matter of law, the jury should be instructed that the issue has been resolved.

If a health or safety violation is alleged in element 2, include the bracketed language at the end of element 3.

The statute addresses the possibility of a mixed-motive adverse action. If the plaintiff can establish that a protected disclosure was a “contributing factor” to the adverse action (see element 5), the employer may offer evidence to attempt to prove by clear and convincing evidence that it would have taken the same action for other permitted reasons. (Gov. Code, § 8547.8(e); see CACI No. 2443, *Affirmative Defense—Same Decision*.)

The affirmative defense includes refusing an illegal order as a second protected matter (along with engaging in protected disclosures). (See Gov. Code, § 8547.8(e); see also Gov. Code, § 8547.2(b) [defining “illegal order”].) However, Government Code section 8547.8(c), which creates the plaintiff’s cause of action under the Act, mentions only making a protected disclosure; it does not expressly reference refusing an illegal order. But arguably, there would be no need for an affirmative defense to refusing an illegal order if the refusal itself is not protected. Therefore, whether a plaintiff may state a claim based on refusing an illegal order may be unclear; thus the committee has not included refusing an illegal order as within the elements of this instruction.

### Sources and Authority

- California Whistleblower Protection Act. Government Code section 8547 et seq.
- Civil Action Under California Whistleblower Protection Act. Government Code section 8547.8(c).
- “Improper Governmental Activity” Defined. Government Code section 8547.2(c).
- “Person” Defined. Government Code section 8547.2(d).
- “Protected Disclosure” Defined. Government Code section 8547.2(e).
- Governmental Claims Act Not Applicable. Government Code section 905.2(h).
- “The [Whistleblower Protection Act] prohibits improper governmental activities, which include interference with or retaliation for reporting such activities.” (*Cornejo v. Lightbourne* (2013) 220 Cal.App.4th 932, 939 [163 Cal.Rptr.3d 530].)
- “[Government Code] Section 8547.8 requires a state employee who is a victim of conduct

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prohibited by the [Whistleblower Protection] Act to file a written complaint with the Personnel Board within 12 months of the events at issue and instructs, ‘any action for damages shall not be available to the injured party ...’ unless he or she has filed such a complaint. The Legislature could hardly have used stronger language to indicate its intent that compliance with the administrative procedure of sections 8547.8 and 19683 is to be regarded as a mandatory prerequisite to a suit for damages under the Act than to say a civil action is ‘not ... available’ to persons who have not complied with the procedure.” (*Bjorndal v. Superior Court* (2012) 211 Cal.App.4th 1100, 1112–1113 [150 Cal.Rptr.3d 405], internal citations omitted.)

### *Secondary Sources*

3 Witkin, Summary of California Law (10th ed. 2005), Agency §§ 284 et seq.

Chin et al., California Practice Guide: Employment Litigation, Ch. 5-L, Employment Torts And Related Claims: Other Statutory Claims (WPA), ¶¶ 5:894 et seq. (The Rutter Group)

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**2443. Affirmative Defense—Same Decision (Gov. Code, § 8547.8(e))**

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**If [name of plaintiff] proves that [his/her] [making a protected disclosure/refusing an illegal order] was a contributing factor to [his/her] discharge, [name of defendant] is not liable if [he/she/it] proves by clear and convincing evidence that [he/she/it] would have discharged [name of plaintiff] anyway at that time, for legitimate, independent reasons.**

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*New December 2014*

**Directions for Use**

Give this instruction in a so-called same-decision or mixed-motive case under the California Whistleblower Protection Act. (See Gov. Code, § 8547 et seq.; CACI No. 2442, *Protected Disclosure by State Employee—California Whistleblower Protection Act—Essential Factual Elements*.) A mixed-motive case is one in which there is evidence of both a retaliatory and a legitimate reason for the adverse action. Even if the jury finds that the retaliatory reason was a contributing factor, the employer may avoid liability if it can prove by clear and convincing evidence that it would have made the same decision anyway for a legitimate reason. (Gov. Code, § 8547.8(e).)

Select “refusing an illegal order” if the court has allowed the case to proceed based on that basis. The affirmative defense statute includes refusing an illegal order as protected activity along with making a protected disclosure. The statute that creates the plaintiff’s cause of action does not expressly mention refusing an illegal order (Compare Gov. Code, § 8547.8(e) with Gov. Code, § 8547.2(c).) See the Directions for Use to CACI No. 2442.

**Sources and Authority**

- California Whistleblower Protection Act. Government Code section 8547 et seq.
- Same-Decision Affirmative Defense. Government Code section 8547.8(e).

***Secondary Sources***

3 Witkin, *Summary of California Law* (10th ed. 2005), Agency §§ 284 et seq.

Chin et al., *California Practice Guide: Employment Litigation*, Ch. 5-L, *Employment Torts And Related Claims: Other Statutory Claims (WPA)*, ¶¶ 5:894 et seq. (The Rutter Group)

2540. Disability Discrimination—Disparate Treatment—Essential Factual Elements

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[Name of plaintiff] claims that [name of defendant] wrongfully discriminated against [him/her] based on [his/her] ~~perceived~~ [history of [a]] [select term to describe basis of limitations, e.g., physical condition]. To establish this claim, [name of plaintiff] must prove all of the following:

1. That [name of defendant] was [an employer/[other covered entity]];
2. That [name of plaintiff] [was an employee of [name of defendant]/applied to [name of defendant] for a job/[describe other covered relationship to defendant]];
3. ~~That [name of defendant] knew that [name of plaintiff] had/treated [name of plaintiff] as if he/she had a history of having [a] [e.g., physical condition] [that limited [insert major life activity]]];~~~~or~~

~~That [name of defendant] knew that [name of plaintiff] had/treated [name of plaintiff] as if he/she had a history of having [a] [e.g., physical condition] [that limited [insert major life activity]];~~

4. That [name of plaintiff] was able to perform the essential job duties [with reasonable accommodation for [his/her] [e.g., physical condition]];
5. [That [name of defendant] [discharged/refused to hire/[other adverse employment action]] [name of plaintiff];]

[or]

[That [name of defendant] subjected [name of plaintiff] to an adverse employment action;]

[or]

[That [name of plaintiff] was constructively discharged;]

6. ~~That [name of plaintiff]’s [history of [a]] [e.g., physical condition] was a substantial motivating reason for [name of defendant]’s [decision to [discharge/refuse to hire/[other adverse employment action]] [name of plaintiff]/conduct];~~~~or~~

~~That [name of defendant]’s belief that [name of plaintiff] had [a history of [a]] [e.g., physical condition] was a substantial motivating reason for [name of defendant]’s [decision to [discharge/refuse to hire/[other adverse employment action]] [name of plaintiff]/conduct];~~

7. That [name of plaintiff] was harmed; and
  8. That [name of defendant]’s conduct was a substantial factor in causing [name of plaintiff]’s harm.
-

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*New September 2003; Revised June 2006, December 2007, April 2009, December 2009, June 2010, June 2012, June 2013, December 2014*

### Directions for Use

Select a term to use throughout to describe the source of the plaintiff’s limitations. It may be a statutory term such as “physical disability,” “mental disability,” or “medical condition.” (See Gov. Code, § 12940(a).) Or it may be a general term such as “condition,” “disease,” or “disorder.” Or it may be a specific health condition such as “diabetes.”

In the introductory paragraph and in elements 3 and 6, select the bracketed language on “history” of disability include “perceived” or “history of” if the claim of discrimination is based on a perceived disability or a history of disability rather than a current actual disability.

For element 1, the court may need to instruct the jury on the statutory definition of “employer” under the FEHA. Other covered entities under the FEHA include labor organizations, employment agencies, and apprenticeship training programs. (See Gov. Code, § 12940(a)–(d).)

~~Under element 3, select the claimed basis of discrimination: an actual disability, a history of a disability, a perceived disability, or a perceived history of a disability. For an actual disability, select “knew that [name of plaintiff] had.” For a perceived disability, select “treated [name of plaintiff] as if [he/she] had.” Modify elements 3 and 6 if plaintiff was not actually disabled or had a history of disability, but alleges discrimination because he or she was perceived to be disabled. (See Gov. Code, § 12926(o); see also See Gov. Code, § 12926(j)(4), (~~lm~~)(4) [mental and physical disability include being regarded or treated as disabled by the employer].) This can be done with language in element 3 that the employer “treated [name of plaintiff] as if [he/she] ... ” and with language in element 6 “That [name of employer]’s belief that ... .”~~

If the plaintiff alleges discrimination on the basis of his or her association with someone who was or was perceived to be disabled, give CACI No. 2547, *Disability-Based Associational Discrimination—Essential Factual Elements*. (See *Rope v. Auto-Chlor System of Washington, Inc.* (2013) 220 Cal.App.4th 635, 655–660 [163 Cal.Rptr.3d 392] [claim for “disability based associational discrimination” adequately pled].)

If medical-condition discrimination as defined by statute (see Gov. Code, § 12926(i)) is alleged, omit “that limited [*insert major life activity*]” in element 3. (Compare Gov. Code, § 12926(i) with Gov. Code, § 12926(j), (m) [no requirement that medical condition limit major life activity].)

Regarding element 4, it is now settled that the ability to perform the essential duties of the job is an element of the plaintiff’s burden of proof. (See *Green v. State of California* (2007) 42 Cal.4th 254, 257–258 [64 Cal.Rptr.3d 390, 165 P.3d 118].)

Read the first option for element 5 if there is no dispute as to whether the employer’s acts constituted an adverse employment action. Read the second option and also give CACI No. 2509, “*Adverse Employment Action*” *Explained*, if whether there was an adverse employment action is a question of fact

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for the jury. If constructive discharge is alleged, give the third option for element 5 and also give CACI No. 2510, “*Constructive Discharge*” Explained. Select “conduct” in element 6 if either the second or third option is included for element 5.

Element 6 requires that the disability be a substantial motivating reason for the adverse action. (See *Harris v. City of Santa Monica* (2013) 56 Cal.4th 203, 232 [152 Cal.Rptr.3d 392, 294 P.3d 49]; see also CACI No. 2507, “*Substantial Motivating Reason*” Explained.)

If the existence of a qualifying disability is disputed, additional instructions defining “physical disability,” “mental disability,” and “medical condition” may be required. (See Gov. Code, § 12926(i), (j), (m).)

### Sources and Authority

- Disability Discrimination Prohibited Under Fair Employment and Housing Act. Government Code section 12940(a).
- Inability to Perform Essential Job Duties. Government Code section 12940(a)(1).
- “Medical Condition” Defined. Government Code section 12926(i).
- “Mental Disability” Defined. Government Code section 12926(j).
- “Physical Disability” Defined. Government Code section 12926(m).
- Perception of Disability and Association With Disabled Person Protected. Government Code section 12926(o).
- “Substantial” Limitation Not Required. Government Code section 12926.1(c).
- “[T]he plaintiff initially has the burden to establish a prima facie case of discrimination. The plaintiff can meet this burden by presenting evidence that demonstrates, even circumstantially or by inference, that he or she (1) suffered from a disability, or was regarded as suffering from a disability; (2) could perform the essential duties of the job with or without reasonable accommodations, and (3) was subjected to an adverse employment action because of the disability or perceived disability. To establish a prima facie case, a plaintiff must show ‘ “ “actions taken by the employer from which one can infer, if such actions remain unexplained, that it is more likely than not that such actions were based on a [prohibited] discriminatory criterion ... .” ’ ...’ The prima facie burden is light; the evidence necessary to sustain the burden is minimal. As noted above, while the elements of a plaintiff’s prima facie case can vary considerably, generally an employee need only offer sufficient circumstantial evidence to give rise to a reasonable *inference* of discrimination.” (*Sandell v. Taylor-Listug, Inc.* (2010) 188 Cal.App.4th 297, 310 [115 Cal.Rptr.3d 453], original italics, internal citations omitted.)
- “If the employee meets this [prima facie] burden, it is then incumbent on the employer to show that it had a legitimate, nondiscriminatory reason for its employment decision. When this showing is made,

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the burden shifts back to the employee to produce substantial evidence that employer's given reason was either 'untrue or pretextual,' or that the employer acted with discriminatory animus, in order to raise an inference of discrimination." (*Furtado v. State Personnel Bd.* (2013) 212 Cal.App.4th 729, 744 [151 Cal.Rptr.3d 292], internal citations omitted.)

- “Summary adjudication of the section 12940(a) claim ... turns on ... whether [plaintiff] could perform the essential functions of the relevant job with or without accommodation. [Plaintiff] does not dispute that she was unable to perform the essential functions of her *former* position as a clothes fitter with or without accommodation. Under federal law, however, when an employee seeks accommodation by being reassigned to a vacant position in the company, the employee satisfies the ‘qualified individual with a disability’ requirement by showing he or she can perform the essential functions of the *vacant position* with or without accommodation. The position must exist and be vacant, and the employer need not promote the disabled employee. We apply the same rule here. To prevail on summary adjudication of the section 12940(a) claim, [defendant] must show there is no triable issue of fact about [plaintiff]'s ability, with or without accommodation, to perform the essential functions of an available vacant position that would not be a promotion.” (*Nadaf-Rahrov v. The Neiman Marcus Group, Inc.* (2008) 166 Cal.App.4th 952, 965 [83 Cal.Rptr.3d 190], original italics, internal citations omitted.)
- “At most, [plaintiff] alleges only that he anticipated becoming disabled for some time after the organ donation. This is insufficient. [Plaintiff] cannot pursue a cause of action for discrimination under FEHA on the basis of his ‘actual’ physical disability in the absence of factual allegations that he was in fact, physically disabled.” (*Rope, supra*, 220 Cal.App.4th at p. 659.)
- “[Defendant] asserts the statute's ‘regarded as’ protection is limited to persons who are denied or who lose jobs based on an employer's reliance on the ‘myths, fears or stereotypes’ frequently associated with disabilities. ... However, the statutory language does not expressly restrict FEHA’s protections to the narrow class to whom [defendant] would limit its coverage. To impose such a restriction would exclude from protection a large group of individuals, like [plaintiff], with more mundane long-term medical conditions, the significance of which is exacerbated by an employer’s failure to reasonably accommodate. Both the policy and language of the statute offer protection to a person who is not actually disabled, but is wrongly perceived to be. The statute’s plain language leads to the conclusion that the ‘regarded as’ definition casts a broader net and protects *any* individual ‘regarded’ or ‘treated’ by an employer ‘as having, or having had, any physical condition that makes achievement of a major life activity difficult’ or may do so in the future. We agree most individuals who sue exclusively under this definitional prong likely are and will continue to be victims of an employer’s ‘mistaken’ perception, based on an unfounded fear or stereotypical assumption. Nevertheless, FEHA’s protection is nowhere expressly premised on such a factual showing, and we decline the invitation to import such a requirement.” (*Gelfo v. Lockheed Martin Corp.* (2006) 140 Cal.App.4th 34, 53 [43 Cal.Rptr.3d 874], original italics, internal citations omitted.)
- “[T]he purpose of the ‘regarded-as’ prong is to protect individuals rejected from a job because of the ‘myths, fears and stereotypes’ associated with disabilities. In other words, to find a perceived disability, the perception must stem from a false idea about the existence of or the limiting effect of a disability.” (*Diffey v. Riverside County Sheriff’s Dept.* (2000) 84 Cal.App.4th 1031, 1037 [101 Cal.Rptr.2d 353], internal citation omitted.)

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- “We say on this record that [defendant] took action against [plaintiff] based on concerns or fear about his possible future disability. The relevant FEHA definition of an individual regarded as disabled applies only to those who suffer certain specified physical disabilities or those who have a condition with ‘no present disabling effect’ but which ‘may become a physical disability ... .’ According to the pleadings, [defendant] fired [plaintiff] to avoid accommodating him because of his association with his physically disabled sister. That is not a basis for liability under the ‘regarded as’ disabled standard.” (*Rope, supra, v. Auto-Chlor System of Washington, Inc. (2013)* 220 Cal.App.4th at p.635, 659 [~~163 Cal.Rptr.3d 392~~], internal citations omitted.)
- “ ‘An adverse employment decision cannot be made “because of” a disability, when the disability is not known to the employer. Thus, in order to prove [a discrimination] claim, a plaintiff must prove the employer had knowledge of the employee’s disability when the adverse employment decision was made. ... While knowledge of the disability can be inferred from the circumstances, knowledge will only be imputed to the employer when the fact of disability is the only reasonable interpretation of the known facts. “Vague or conclusory statements revealing an unspecified incapacity are not sufficient to put an employer on notice of its obligations ... .” ... ’ ” (*Scotch v. Art Institute of California (2009)* 173 Cal.App.4th 986, 1008 [93 Cal.Rptr.2d 338].)
- “[W]e interpret FEHA as authorizing an employer to distinguish between disability-caused misconduct and the disability itself in the narrow context of threats or violence against coworkers. If employers are not permitted to make this distinction, they are caught on the horns of a dilemma. They may not discriminate against an employee based on a disability but, at the same time, must provide all employees with a safe work environment free from threats and violence.” (*Wills v. Superior Court (2011)* 195 Cal.App.4th 143, 166 [125 Cal.Rptr.3d 1], internal citations omitted.)
- “Requiring the plaintiff to show that discrimination was a *substantial* motivating factor, rather than simply *a* motivating factor, more effectively ensures that liability will not be imposed based on evidence of mere thoughts or passing statements unrelated to the disputed employment decision. At the same time, ... proof that discrimination was a *substantial* factor in an employment decision triggers the deterrent purpose of the FEHA and thus exposes the employer to liability, even if other factors would have led the employer to make the same decision at the time.” (*Harris, supra*, 56 Cal.4th at p. 232, original italics.)
- “We do not suggest that discrimination must be alone sufficient to bring about an employment decision in order to constitute a substantial motivating factor. But it is important to recognize that discrimination can be serious, consequential, and even by itself determinative of an employment decision without also being a “but for” cause.” (*Harris, supra*, 56 Cal.4th at p. 229.)
- “Being unable to work during pregnancy is a disability for the purposes of section 12940.” (*Sanchez v. Swissport, Inc. (2013)* 213 Cal.App.4th 1331, 1340 [153 Cal.Rptr.3d 367].)

### Secondary Sources

8 Witkin, Summary of California Law (10th ed. 2005) Constitutional Law, §§ 936, 937

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Chin et al., California Practice Guide: Employment Litigation, Ch. 9-C, *California Fair Employment And Housing Act (FEHA)*, ¶¶ 9:2160–9:2241 (The Rutter Group)

1 Wrongful Employment Termination Practice (Cont.Ed.Bar 2d ed.) Discrimination Claims, §§ 2.78–2.80

2 Wilcox, California Employment Law, Ch. 41, *Substantive Requirements Under Equal Employment Opportunity Laws*, § 41.32[2][c] (Matthew Bender)

11 California Forms of Pleading and Practice, Ch. 115, *Civil Rights: Employment Discrimination*, §§ 115.14, 115.23, 115.34, 115.77[3][a] (Matthew Bender)

California Civil Practice: Employment Litigation § 2:46 (Thomson Reuters)

2547. Disability-Based Associational Discrimination—Essential Factual Elements

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*[Name of plaintiff]* claims that *[name of defendant]* wrongfully discriminated against **[him/her]** based on **[his/her]** association with a disabled person. To establish this claim, *[name of plaintiff]* must prove all of the following:

1. That *[name of defendant]* was **[an employer/[other covered entity]]**;
2. That *[name of plaintiff]* **[was an employee of [name of defendant]/applied to [name of defendant] for a job/[describe other covered relationship to defendant]]**;
3. That *[name of plaintiff]* was **[specify basis of association or relationship, e.g., the brother of [name of disabled person]], who had [a] [e.g., physical condition]]**;
4. **[That [name of disabled person]’s [e.g., physical condition] was costly to [name of defendant] because [specify reason, e.g., [name of disabled person] was covered under [plaintiff]’s employer-provided health care plan];]**

**[or]**

**[That [name of defendant] feared [name of plaintiff]’s association with [name of disabled person] because [specify, e.g., [name of disabled person] has a disability with a genetic component and [name of plaintiff] may develop the disability as well];]**

**[or]**

**[That [name of plaintiff] was somewhat inattentive at work because [name of disabled person]’s [e.g., physical condition] requires [name of plaintiff]’s attention, but not so inattentive that to perform to [name of defendant]’s satisfaction [name of plaintiff] would need an accommodation;]**

5. **[That [name of defendant] [discharged/refused to hire/[other adverse employment action]] [name of plaintiff];]**

**[or]**

**[That [name of defendant] subjected [name of plaintiff] to an adverse employment action;]**

**[or]**

**[That [name of plaintiff] was constructively discharged;]**

6. That *[name of plaintiff]’s association with [name of disabled person]* was a substantial motivating reason for *[name of defendant]’s [decision to [discharge/refuse to hire/[other adverse employment action]] [name of plaintiff]/conduct]*;

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7. That [name of plaintiff] was harmed; and
  8. That [name of defendant]’s conduct was a substantial factor in causing [name of plaintiff]’s harm.
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New December 2014

### Directions for Use

Give this instruction if plaintiff claims that he or she was subjected to an adverse employment action because of his or her association with a disabled person. Discrimination based on an employee’s association with a person who is (or is perceived to be) disabled is an unlawful employment practice under the FEHA. (See Gov. Code, § 12926(o).)

Select a term to use throughout to describe the source of the disabled person’s limitations. It may be a statutory term such as “physical disability,” “mental disability,” or “medical condition.” (See Gov. Code, § 12940(a).) Or it may be a general term such as “condition,” “disease,” or “disorder.” Or it may be a specific health condition such as “diabetes.”

Three versions of disability-based associational discrimination have been recognized, called “expense,” “disability by association,” and “distraction.” (See *Rope v. Auto-Chlor System of Washington, Inc.* (2013) 220 Cal.App.4th 635, 655–660 [163 Cal.Rptr.3d 392] [claim for “disability-based associational discrimination” adequately pled].) Element 4 sets forth options for the three versions.

Read the first option for element 5 if there is no dispute as to whether the employer’s acts constituted an adverse employment action. Read the second option and also give CACI No. 2509, “*Adverse Employment Action*” Explained, if whether there was an adverse employment action is a question of fact for the jury. If constructive discharge is alleged, give the third option for element 5 and also give CACI No. 2510, “*Constructive Discharge*” Explained. Select “conduct” in element 6 if either the second or third option is included for element 5.

Element 6 requires that the disability be a substantial motivating reason for the adverse action. (See *Harris v. City of Santa Monica* (2013) 56 Cal.4th 203, 232 [152 Cal.Rptr.3d 392, 294 P.3d 49]; see also CACI No. 2507, “*Substantial Motivating Reason*” Explained.)

If the existence of the associate’s disability is disputed, additional instructions defining “medical condition,” “mental disability,” and “physical disability,” may be required. (See Gov. Code, § 12926(i), (j), (m).)

### Sources and Authority

- Disability Discrimination Prohibited Under Fair Employment and Housing Act. Government Code section 12940(a).

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- “Medical Condition” Defined. Government Code section 12926(i).
- “Mental Disability” Defined. Government Code section 12926(j).
- “Physical Disability” Defined. Government Code section 12926(m).
- Association With Disabled Person Protected. Government Code section 12926(o).
- “Three types of situation are, we believe, within the intended scope of the rarely litigated ... association section. We’ll call them “expense,” “disability by association,” and “distraction.” They can be illustrated as follows: an employee is fired (or suffers some other adverse personnel action) because (1) (“expense”) his spouse has a disability that is costly to the employer because the spouse is covered by the company's health plan; (2a) (“disability by association”) the employee's homosexual companion is infected with HIV and the employer fears that the employee may also have become infected, through sexual contact with the companion; (2b) (another example of disability by association) one of the employee's blood relatives has a disabling ailment that has a genetic component and the employee is likely to develop the disability as well (maybe the relative is an identical twin); (3) (“distraction”) the employee is somewhat inattentive at work because his spouse or child has a disability that requires his attention, yet not so inattentive that to perform to his employer's satisfaction he would need an accommodation, perhaps by being allowed to work shorter hours.’ ” (*Rope, supra*, 220 Cal.App.4th at p. 657.)
- “[A]n employer who discriminates against an employee because of the latter's association with a disabled person is liable even if the motivation is purely monetary. But if the disability plays no role in the employer's decision ... then there is no *disability* discrimination.’ ” (*Rope, supra*, 220 Cal.App.4th at p.658.)
- “Requiring the plaintiff to show that discrimination was a *substantial* motivating factor, rather than simply a motivating factor, more effectively ensures that liability will not be imposed based on evidence of mere thoughts or passing statements unrelated to the disputed employment decision. At the same time, ... proof that discrimination was a *substantial* factor in an employment decision triggers the deterrent purpose of the FEHA and thus exposes the employer to liability, even if other factors would have led the employer to make the same decision at the time.” (*Harris, supra*, 56 Cal.4th at p. 232, original italics.)
- “We do not suggest that discrimination must be alone sufficient to bring about an employment decision in order to constitute a substantial motivating factor. But it is important to recognize that discrimination can be serious, consequential, and even by itself determinative of an employment decision without also being a ‘but for’ cause.” (*Harris, supra*, 56 Cal.4th at p. 229.)

### Secondary Sources

8 Witkin, Summary of California Law (10th ed. 2005), Constitutional Law § 936

Chin et al., California Practice Guide: Employment Litigation, Ch. 9-C, Disability Discrimination—California Fair Employment And Housing Act (FEHA), ¶¶ 9:2213-9:2215 (The Rutter Group)

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2730. Whistleblower Protection—Essential Factual Elements (Lab. Code, § 1102.5)

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[Name of plaintiff] claims that [name of defendant] [discharged/[other adverse employment action]] [him/her] in retaliation for [his/her] [disclosure of information of/refusal to participate in] an unlawful act. In order to establish this claim, [name of plaintiff] must prove all of the following:

1. That [name of defendant] was [name of plaintiff]'s employer;
2. [That [name of defendant] believed that [name of plaintiff] [had disclosed/might disclose] to a [government agency/law enforcement agency/person with authority over [name of plaintiff]]/[or] an employee with authority to investigate, discover, or correct legal [violations/noncompliance]] that [specify information disclosed];]

[or]

[That [name of plaintiff] [provided information to/testified before] a public body that was conducting an investigation, hearing, or inquiry;

[or]

[That [name of plaintiff] refused to [specify activity in which plaintiff refused to participate];]

3. [That [name of plaintiff] had reasonable cause to believe that the information disclosed [a violation of a [state/federal] statute/[a violation of/noncompliance with] a [local/state/federal] rule or regulation];]

[or]

[That [name of plaintiff] had reasonable cause to believe that the [information provided to/testimony before] the public body disclosed [a violation of a [state/federal] statute/[a violation of/noncompliance with] a [local/state/federal] rule or regulation];]

[or]

[That [name of plaintiff]'s participation in [specify activity] would result in [a violation of a [state/federal] statute/[a violation of/noncompliance with] a [local/state/federal] rule or regulation];]

4. That [name of defendant] [discharged/[other adverse employment action]] [name of plaintiff];
5. That [name of plaintiff]'s [disclosure of information/refusal to [specify]] was a contributing factor in [name of defendant]'s decision to [discharge/[other adverse employment action]] [name of plaintiff];
6. That [name of plaintiff] was harmed; and

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7. That [name of defendant]’s conduct was a substantial factor in causing [name of plaintiff]’s harm.

[The disclosure of policies that an employee believes to be merely unwise, wasteful, gross misconduct, or the like, is not protected. Instead, [name of plaintiff] must have reasonably believed that [name of defendant]’s policies violated federal, state, or local statutes, rules, or regulations.]

[It is not [name of plaintiff]’s motivation for [his/her] disclosure, but only the content of that disclosure, that determines whether the disclosure is protected.]

[A disclosure is protected even though disclosing the information may be part of [name of plaintiff]’s job duties.]

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*New December 2012; Revised June 2013, December 2013, Revoked June 2014; Restored and Revised December 2014*

### Directions for Use

The whistle-blower protection statute of the Labor Code prohibits retaliation against an employee who discloses information about, or refuses to participate in, an illegal activity. (Lab. Code, § 1102.5(b), (c).) Liability may be predicated on retaliation by “any person acting on behalf of the employer.” (Lab. Code, § 1102.5(a)–(d).) Modifications to the instruction may be required if liability is predicated on an agency theory and the agent is also a defendant.

Select the first option for elements 2 and 3 for disclosure of information; select the second options for providing information to or testifying before a public body conducting an investigation, hearing, or inquiry. Select the third options for refusal to participate in an unlawful activity. In the first option for element 2, choose “might disclose” if the allegation is that the employer believed that the employee might disclose the information in the future. (Cf. *Rope v. Auto-Chlor System of Washington, Inc.* (2013) 220 Cal.App.4th 635, 648–649 [163 Cal.Rptr.3d 392] [under prior version of statute, no liability for anticipatory or preemptive retaliation based on fear that plaintiff might file a complaint in the future].)

Select any of the optional paragraphs explaining what disclosures are and are not protected as appropriate to the facts of the case. It has been held that a report of publicly known facts is not a protected disclosure. (*Mize-Kurzman v. Marin Community College Dist.* (2012) 202 Cal.App.4th 832, 858 [136 Cal.Rptr.3d 259].)

“Adverse employment action” is viewed the same as it is under the Fair Employment and Housing Act. (*Patten v. Grant Joint Union High School Dist.* (2005) 134 Cal.App.4th 1378, 1387 [37 Cal.Rptr.3d 113]; see CACI No. 2505, *Retaliation—Essential Factual Elements.*) Element 4 may be modified to allege constructive discharge or adverse acts that might not be obviously prejudicial. See CACI No. 2509, “*Adverse Employment Action*” Explained, and CACI No. 2510, “*Constructive Discharge*” Explained, for instructions that may be adapted for use with this instruction.

The employee must demonstrate by a preponderance of evidence that a protected activity was a

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contributing factor in the adverse action against the employee. The employer may then attempt to prove by clear and convincing evidence that the action would have been taken anyway for legitimate, independent reasons even if the employee had not engaged in the protected activities. (See Lab. Code, § 1102.6; CACI No. 2731, *Affirmative Defense—Same Decision*.)

### Sources and Authority

- Retaliation Against Whistleblower Prohibited. Labor Code section 1102.5.
- Affirmative Defense: Same Decision. Labor Code section 1102.6.
- “The elements of a section 1102.5(b) retaliation cause of action require that (1) the plaintiff establish a prima facie case of retaliation, (2) the defendant provide a legitimate, nonretaliatory explanation for its acts, and (3) the plaintiff show this explanation is merely a pretext for the retaliation. [¶] We are concerned here with the first element of a section 1102.5(b) retaliation claim, establishing a prima facie case of retaliation. To do that, a plaintiff must show (1) she engaged in a protected activity, (2) her employer subjected her to an adverse employment action, and (3) there is a causal link between the two.” (*Patten, supra*, 134 Cal.App.4th at p. 1384, internal citations omitted.)
- “In 1984, our Legislature provided ‘whistle-blower’ protection in section 1102.5, subdivision (b), stating that an employer may not retaliate against an employee for disclosing a violation of state or federal regulation to a governmental or law enforcement agency. This provision reflects the broad public policy interest in encouraging workplace whistle-blowers to report unlawful acts without fearing retaliation. Section 1102.5, subdivision (b), concerns employees who report to public agencies. It does not protect plaintiff, who reported his suspicions directly to his employer. Nonetheless, it does show the Legislature's interest in encouraging employees to report workplace activity that may violate important public policies that the Legislature has stated. The state's whistle-blower statute includes administrative regulations as a policy source for reporting an employer's wrongful acts and grants employees protection against retaliatory termination. Thus, our Legislature believes that fundamental public policies embodied in regulations are sufficiently important to justify encouraging employees to challenge employers who ignore those policies.” (*Green v. Ralee Engineering Co.* (1998) 19 Cal.4th 66, 76–77 [78 Cal.Rptr.2d 16, 960 P.2d 1046].)
- “As a general proposition, we conclude the court could properly craft instructions in conformity with law developed in federal cases interpreting the federal whistleblower statute. As the court acknowledged, it was not bound by such federal interpretations. Nevertheless, the court could properly conclude that the jury required guidance as to what did and did not constitute ‘disclosing information’ or a ‘protected disclosure’ under the California statutes.” (*Mize-Kurzman, supra*, 202 Cal.App.4th at p. 847.)
- “The court erred in failing to distinguish between the disclosure of policies that plaintiff believed to be unwise, wasteful, gross misconduct or the like, which are subject to the [debatable differences of opinion concerning policy matters] limitation, and the disclosure of policies that plaintiff reasonably believed violated federal or state statutes, rules, or regulations, which are not

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subject to this limitation, even if these policies were also claimed to be unwise, wasteful or to constitute gross misconduct.” (*Mize-Kurzman, supra*, 202 Cal.App.4th at pp. 852–853.)

- “[I]t is not the *motive* of the asserted whistleblower, but the nature of the communication that determines whether it is covered.” (*Mize-Kurzman, supra*, 202 Cal.App.4th at p. 852, original italics.)
- “[I]f we interpret section 1102.5 to require an employee to go to a different public agency or directly to a law enforcement agency before he or she can be assured of protection from retaliation, we would be encouraging public employees who suspected wrongdoing to do nothing at all. Under the scenario envisioned by the [defendant], if the employee reports his or her suspicions to the agency, . . . , he or she will *have to suffer any retaliatory* conduct with no legal recourse. If the employee reports suspicions to an outside agency or law enforcement personnel, he or she risks subjecting the agency to negative publicity and loss of public support which could ensue without regard to whether the charges prove to be true. At the same time, a serious rift in the employment relationship will have occurred because the employee did not go through official channels within the agency which was prepared to investigate the charges. We see no reason to interpret the statute to create such anomalous results.” (*Gardenhire v. Housing Authority* (2000) 85 Cal.App.4th 236, 243 [101 Cal.Rptr.2d 893].)
- “Labor Code section 1102.5, subdivision (b) protects employee reports of unlawful activity by third parties such as contractors and employees, as well unlawful activity by an employer. In support of our conclusion, we note that an employer may have a financial motive to suppress reports of illegal conduct by employees and contractors that reflect poorly on that employer.” (*McVeigh v. Recology San Francisco* (2013) 213 Cal.App.4th 443, 471 [152 Cal.Rptr.3d 595], internal citation omitted.)
- “We are persuaded that [instructing the jury that reporting publicly known facts is not a protected disclosure] was a proper limitation on what constitutes disclosure protected by California law.” (*Mize-Kurzman, supra*, 202 Cal.App.4th at p. 858.)
- “Matters such as transferring employees, writing up employees, and counseling employees are personnel matters. ‘To exalt these exclusively internal personnel disclosures with whistleblower status would create all sorts of mischief. Most damagingly, it would thrust the judiciary into micromanaging employment practices and create a legion of undeserving protected ‘whistleblowers’ arising from the routine workings and communications of the job site. . . . ’ ” (*Mueller v. County of Los Angeles* (2009) 176 Cal.App.4th 809, 822 [98 Cal.Rptr.3d 281].)

### Secondary Sources

3 Witkin, Summary of California Law (10th ed. 2005) Agency and Employment § 349

Chin et al., California Practice Guide: Employment Litigation, Ch. 5-L, *Employment Torts And Related Claims: Other Statutory Claims*, ¶ 5:894 et seq. (The Rutter Group)

4 Wilcox, California Employment Law, Ch. 60, *Liability for Wrongful Termination and Discipline*, §

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60.03[2][c] (Matthew Bender)

11 California Forms of Pleading and Practice, Ch. 249, *Employment Law: Termination and Discipline*, §§ 250.12, 249.15 (Matthew Bender)

10 California Points and Authorities, Ch. 100, *Public Entities and Officers: False Claims Actions*, § 100.42 et seq. (Matthew Bender)

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2732. Retaliatory Unfair Immigration-Related Practice—Essential Factual Elements (Lab. Code, § 1019)

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*[Name of plaintiff]* **claims that** *[name of defendant]* *[specify unfair immigration-related practice, e.g., threatened to report [him/her] to immigration authorities]* **in retaliation for** *[his/her]* *[specify right, e.g., making a claim for minimum wage]*. **In order to establish this claim, *[name of plaintiff]* must prove all of the following:**

1. **That** *[name of plaintiff]*

**[in good faith filed a complaint or informed someone about** *[name of defendant]***’s alleged** *[specify violation of Labor Code or local ordinance, e.g., failure to pay the minimum wage to its employees][;/.]*

**[or]**

**[sought information regarding whether or not** *[name of defendant]* **was in compliance with** *[specify requirement under Labor Code or local ordinance, e.g., minimum wage requirements][;/.]*

**[or]**

**[informed someone of that person’s potential rights and remedies for** *[name of defendant]***’s alleged** *[specify violation of Labor Code or local ordinance, e.g., failure to pay the minimum wage to its employees]* **and assisted** *[him/her]* **in asserting those rights][;/.]**

2. **That** *[name of defendant]*

**[requested more or different documents than those that are required by federal immigration law, or refused to honor documents that on their face reasonably appeared to be genuine][;/.]**

**[or]**

**[used the federal E-Verify system to check the employment authorization status of** *[name of plaintiff]* **at a time or in a manner not required or authorized by federal immigration law][;/.]**

**[or]**

**[filed or threatened to file a false** *[police report/report or complaint with a state or local agency][;/.]*

**[or]**

**[contacted or threatened to contact immigration authorities.]**

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3. That *[name of defendant]*'s conduct was for the purpose of, or with the intent of, retaliating against *[name of plaintiff]* for exercising *[his/her]* legally protected rights;
4. That *[name of plaintiff]* was harmed; and
5. That *[name of defendant]*'s conduct was a substantial factor in causing *[name of plaintiff]*'s harm.

**[If you find that *[name of defendant]* acted as described in element 2 fewer than 90 days after *[name of plaintiff]* acted as described in element 1, you may but are not required to conclude, without further evidence, that *[name of defendant]* acted with a retaliatory purpose and intent.]**

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*New December 2014*

### Directions for Use

One who is the victim of an “unfair immigration-related practice” as defined, or his or her representative, may bring a civil action for equitable relief and any damages or penalties. (Lab. Code, § 1019(a).) While most commonly this claim would be brought by an employee against an employer, the statute prohibits unfair immigration-related practices by “an employer or any other person” against “an employee or other person.” (Lab. Code, § 1019(d)(1).) Therefore, the statute does not require an employment relationship between the parties.

Engaging in an unfair immigration-related practice against a person within 90 days of the person's exercise of protected rights raises a rebuttable presumption that the defendant did so in retaliation for the plaintiff's exercise of those rights. (Lab. Code, § 1019(c).) The statute does not specify whether the presumption is one affecting only the burden of producing evidence (see Evid. Code, §§ 603, 604) or one affecting the burden of proof. (See Evid. Code, § 605.) If the statute implements a public policy against the use of immigration-related coercion to deter workers from exercising their rights under the Labor Code, its presumption would affect the burden of proof. (See Evid. Code, § 605.) The last optional paragraph of the instruction may then be given if applicable on its facts. If, however, the presumption affects only the burden of producing evidence, it ceases to exist when the defendant produces evidence rebutting the presumption, such as a reason for the action other than retaliation. (Evid. Code, § 604.) In that case, the last paragraph would not be given.

### Sources and Authority

- Retaliatory Use of Immigration-Related Practices. Labor Code section 1019.
- Unlawful Employment of Aliens. 8 United States Code section 1324a.

### *Secondary Sources*

**Draft—Not Approved by Judicial Council**

3 Witkin, Summary of California Law (10th ed. 2005), Agency § 337

Chin, et al., California Practice Guide: Employment Litigation, Ch. 7-E, Employment Discrimination—California Labor Code, ¶¶ 7:1510 et seq. (The Rutter Group)

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3040. Violation of Prisoner’s Federal Civil Rights—Eighth Amendment—~~General Conditions of Confinement Claim~~Substantial Risk of Serious Harm (42 U.S.C. § 1983)

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[Name of plaintiff] claims that [name of defendant] subjected [him/her] to prison conditions that violated [his/her] constitutional rights. To establish this claim, [name of plaintiff] must prove all of the following:

1. That while imprisoned, [name of plaintiff] was ~~imprisoned under conditions that~~ [describe violation that created risk, e.g., ~~deprived [him/her] of out-of-cell exercise~~placed in a cell block with rival gang members];
2. That [name of defendant]’s conduct created a substantial risk of serious harm to [name of plaintiff]’s health or safety;
3. That [name of defendant] knew ~~or it was obvious~~ that [his/her/its] conduct created a substantial risk of serious harm to [name of plaintiff]’s health or safety;
4. That there was no reasonable justification for the conduct;
5. That [name of defendant] was acting or purporting to act in the performance of [his/her] official duties;
6. That [name of plaintiff] was harmed; and
7. That [name of defendant]’s conduct was a substantial factor in causing [name of plaintiff]’s harm.

Whether the risk was obvious is a factor that you may consider in determining whether [name of defendant] knew of the risk.

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New September 2003; Revised December 2010, June 2011; Renumbered from CACI No. 3011 December 2012, Revised December 2014

**Directions for Use**

In prison-conditions cases, the inmate must show that the defendant was deliberately indifferent to his or her health or safety. (*Farmer v. Brennan* (1994) 511 U.S. 825, 834 [114 S.Ct. 1970, 128 L.Ed.2d 811].) “Deliberate indifference” involves a two part inquiry. First, the inmate must show that the prison officials were aware of a “substantial risk of serious harm” to the inmate’s health or safety. Second, the inmate must show that the prison officials had no “reasonable” justification for the deprivation, in spite of that risk. (*Thomas v. Ponder* (9th Cir. 2010) 611 F.3d 1144, 1150.) Elements 3 and 4 express the deliberate-indifference components.

The “official duties” referred to in element 5 must be duties created pursuant to any state, county, or

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municipal law, ordinance, or regulation. This aspect of color of law most likely will not be an issue for the jury, so it has been omitted to shorten the wording of element 5.

### Sources and Authority

- Civil Action for Deprivation of Rights. Title 42 United States Code section 1983.
- “It is undisputed that the treatment a prisoner receives in prison and the conditions under which he is confined are subject to scrutiny under the Eighth Amendment.” (*Helling v. McKinney* (1993) 509 U.S. 25, 31 [113 S.Ct. 2475, 125 L.Ed.2d 22].)
- “Our cases have held that a prison official violates the Eighth Amendment only when two requirements are met. First, the deprivation alleged must be, objectively, ‘sufficiently serious.’ For a claim ... based on a failure to prevent harm, the inmate must show that he is incarcerated under conditions posing a substantial risk of serious harm. The second requirement follows from the principle that ‘only the unnecessary and wanton infliction of pain implicates the Eighth Amendment.’ To violate the Cruel and Unusual Punishments Clause, a prison official must have a ‘sufficiently culpable state of mind.’ In prison-conditions cases that state of mind is one of ‘deliberate indifference’ to inmate health or safety ... .” (*Farmer, supra*, 511 U.S. at p. 834, internal citations omitted.)
- “A deprivation is sufficiently serious when the prison official’s act or omission results ‘in the denial of the minimal civilized measure of life’s necessities.’ ” (*Lemire v. Cal. Dep’t of Corr. & Rehab.* (9th Cir. 2013) 726 F.3d 1062, 1074.)
- “The objective question of whether a prison officer's actions have exposed an inmate to a substantial risk of serious harm is a question of fact, and as such must be decided by a jury if there is any room for doubt.” (*Lemire, supra*, 726 F.3d at pp. 1075–1076.)
- “Whether a prison official had the requisite knowledge of a substantial risk is a question of fact subject to demonstration in the usual ways, including inference from circumstantial evidence, and a factfinder may conclude that a prison official knew of a substantial risk from the very fact that the risk was obvious.” (*Farmer, supra*, 511 U.S. at p. 842, internal citation omitted.)
- “When instructing juries in deliberate indifference cases with such issues of proof, courts should be careful to ensure that the requirement of subjective culpability is not lost. It is not enough merely to find that a reasonable person would have known, or that the defendant should have known, and juries should be instructed accordingly.” (*Farmer, supra*, 511 U.S. at p. 843 fn. 8.)
- “The second step, showing ‘deliberate indifference,’ involves a two part inquiry. First, the inmate must show that the prison officials were aware of a ‘substantial risk of serious harm’ to an inmate’s health or safety. This part of our inquiry may be satisfied if the inmate shows that the risk posed by the deprivation is obvious. Second, the inmate must show that the prison officials had no ‘reasonable’ justification for the deprivation, in spite of that risk.” (*Thomas, supra*, 611 F.3d at p. 1150, footnotes and internal citations omitted.)
- “We hold ... that a prison official cannot be found liable under the Eighth Amendment for denying an

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inmate humane conditions of confinement unless the official knows of and disregards an excessive risk to inmate health or safety; the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference.” (*Farmer, supra*, 511 U.S. at p. 837.)

- “[E]xtreme deprivations are required to make out a conditions-of-confinement claim. Because routine discomfort is ‘part of the penalty that criminal offenders pay for their offenses against society,’ ‘only those deprivations denying “the minimal civilized measure of life’s necessities” are sufficiently grave to form the basis of an Eighth Amendment violation.’ ” (*Hudson v. McMillian* (1992) 503 U.S. 1, 9 [112 S.Ct. 995, 117 L.Ed.2d 156], internal citations omitted.)
- “Prison officials have a duty to ensure that prisoners are provided adequate shelter, food, clothing, sanitation, medical care, and personal safety.” (*Johnson v. Lewis* (9th Cir. 2000) 217 F.3d 726, 731, internal citations omitted.)
- “The precise role of legitimate penological interests is not entirely clear in the context of an Eighth Amendment challenge to conditions of confinement. The Supreme Court has written that the test of *Turner v. Safley*, 482 U.S. 78, 107 S. Ct. 2254, 96 L. Ed. 2d 64 (1987), which requires only a reasonable relationship to a legitimate penological interest to justify prison regulations, does not apply to Eighth Amendment claims. The existence of a legitimate penological justification has, however, been used in considering whether adverse treatment is sufficiently gratuitous to constitute punishment for Eighth Amendment purposes.” (*Greening v. Miller-Stout* (9th Cir. 2014) 739 F.3d 1235, 1240.)
- “The Supreme Court has interpreted the phrase ‘under “color” of law’ to mean ‘under “pretense” of law.’ A police officer’s actions are under pretense of law only if they are ‘in some way “related to the performance of his official duties.”’ By contrast, an officer who is ‘“pursuing his own goals and is not in any way subject to control by [his public employer],” ’ does not act under color of law, unless he ‘purports or pretends’ to do so. Officers who engage in confrontations for personal reasons unrelated to law enforcement, and do not ‘purport[] or pretend[]’ to be officers, do not act under color of law.” (*Huffman v. County of Los Angeles* (9th Cir. 1998) 147 F.3d 1054, 1058, internal citations omitted.)

### Secondary Sources

8 Witkin, Summary of California Law (10th ed. 2005) Constitutional Law § 826

3 Civil Rights Actions, Ch. 11, *Deprivation of Rights Under Color of State Law—Prisons*, ¶¶ 11.02–11.03 (Matthew Bender)

11 California Forms of Pleading and Practice, Ch. 114, *Civil Rights: Prisoners’ Rights*, § 114.28 (Matthew Bender)

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3041. Violation of Prisoner’s Federal Civil Rights—Eighth Amendment—Medical Care (42 U.S.C. § 1983)

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[*Name of plaintiff*] claims that [*name of defendant*] provided [him/her] with inadequate medical care in violation of [his/her] constitutional rights. To establish this claim, [*name of plaintiff*] must prove all of the following:

1. That [*name of plaintiff*] had a serious medical need;
2. That [*name of defendant*] acted with deliberate indifference to this need;
3. That [*name of defendant*] was acting or purporting to act in the performance of [his/her] official duties;
4. That [*name of plaintiff*] was harmed; and
5. That [*name of defendant*]’s deliberate indifference was a substantial factor in causing [*name of plaintiff*]’s harm.

A serious medical need exists if the failure to treat a prisoner’s condition could result in further significant injury or the unnecessary and pointless infliction of pain.

To establish “deliberate indifference,” [*name of plaintiff*] must prove (1) that [*name of defendant*] knew [*name of plaintiff*] faced a substantial risk of serious harm and (2) that [he/she] disregarded that risk by failing to take reasonable measures to correct it. Negligence is not enough to establish deliberate indifference.

[In determining whether [*name of defendant*] was deliberately indifferent, you should consider the personnel, financial, and other resources available to [him/her] or those that [he/she] could reasonably have obtained. [*Name of defendant*] is not responsible for services that [he/she] could not provide or cause to be provided because the necessary personnel, financial, and other resources were not available or could not be reasonably obtained.]

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New September 2003; Revised December 2010; Renumbered from CACI No. 3012 December 2012;  
Revised June 2014, December 2014

**Directions for Use**

The “official duties” referred to in element 3 must be duties created ~~pursuant to any~~ by a state, county, or municipal law, ordinance, or regulation. This aspect of color of law most likely will not be an issue for the jury, so it has been omitted to shorten the wording of element 3.

The Ninth Circuit has held that in considering whether an individual prison medical provider was deliberately indifferent, the jury should be instructed to consider the economic resources made available

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to the prison health care system. (See *Peralta v. Dillard* (9th Cir. 2014) 744 F.3d 1076, 1084 [*en banc*].) Although this holding is not binding on California courts, the last optional paragraph may be given if the defendant has presented evidence of lack of economic resources and the court decides that this defense should be presented to the jury.

### Sources and Authority

- Deprivation of Civil Rights: Title 42 United States Code section 1983.
- “[D]eliberate indifference to serious medical needs of prisoners constitutes the ‘unnecessary and wanton infliction of pain,’ proscribed by the Eighth Amendment. This is true whether the indifference is manifested by prison doctors in their response to the prisoner’s needs or by prison guards in intentionally denying or delaying access to medical care or intentionally interfering with the treatment once prescribed. Regardless of how evidenced, deliberate indifference to a prisoner’s serious illness or injury states a cause of action under section 1983.” (*Estelle v. Gamble* (1976) 429 U.S. 97, 104-105 [97 S.Ct. 285, 50 L.Ed.2d 251], internal citation and footnotes omitted.)
- “Our cases have held that a prison official violates the Eighth Amendment only when two requirements are met. First, the deprivation alleged must be, objectively, ‘sufficiently serious.’ For a claim ... based on a failure to prevent harm, the inmate must show that he is incarcerated under conditions posing a substantial risk of serious harm. The second requirement follows from the principle that ‘only the unnecessary and wanton infliction of pain implicates the Eighth Amendment.’ To violate the Cruel and Unusual Punishments Clause, a prison official must have a ‘sufficiently culpable state of mind.’ In prison-conditions cases that state of mind is one of ‘deliberate indifference’ to inmate health or safety ... .” (*Farmer v. Brennan* (1994) 511 U.S. 825, 834 [114 S.Ct. 1970, 128 L.Ed.2d 811], internal citations omitted.)
- “ ‘To set forth a constitutional claim under the Eighth Amendment predicated upon the failure to provide medical treatment, first the plaintiff must show a serious medical need by demonstrating that failure to treat a prisoner’s condition could result in further significant injury or the unnecessary and wanton infliction of pain. Second, a plaintiff must show the defendant’s response to the need was deliberately indifferent.’ The ‘deliberate indifference’ prong requires ‘(a) a purposeful act or failure to respond to a prisoner’s pain or possible medical need, and (b) harm caused by the indifference.’ ‘Indifference may appear when prison officials deny, delay or intentionally interfere with medical treatment, or it may be shown in the way in which prison [officials] provide medical care.’ ‘[T]he indifference to [a prisoner’s] medical needs must be substantial. Mere “indifference,” “negligence,” or “medical malpractice” will not support this [claim].’ Even gross negligence is insufficient to establish deliberate indifference to serious medical needs.” (*Lemire v. Cal. Dep’t of Corr. & Rehab.* (9th Cir. 2013) 726 F.3d 1062, 1081–1082, internal citations omitted.)
- “We hold ... that a prison official cannot be found liable under the Eighth Amendment for denying an inmate humane conditions of confinement unless the official knows of and disregards an excessive risk to inmate health or safety; the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference.” (*Farmer, supra*, 511 U.S. at p. 837.)

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- “The subjective standard of deliberate indifference requires ‘more than ordinary lack of due care for the prisoner's interests or safety.’ The state of mind for deliberate indifference is subjective recklessness. But the standard is ‘less stringent in cases involving a prisoner's medical needs . . . because “the State's responsibility to provide inmates with medical care ordinarily does not conflict with competing administrative concerns.” ’ ” (*Snow v. McDaniel* (9th Cir. 2012) 681 F.3d 978, 985, internal citations omitted.)
- “[D]eliberate indifference ‘may appear when prison officials deny, delay or intentionally interfere with medical treatment, or it may be shown by the way in which prison physicians provide medical care.’ . . . ‘[A] prisoner need not show his harm was substantial.’ ” (*Wilhelm v. Rotman* (9th Cir. 2012) 680 F.3d 1113, 1122, internal citation omitted.)
- “[A]llegations that a prison official has ignored the instructions of a prisoner’s treating physician are sufficient to state a claim for deliberate indifference.” (*Wakefield v. Thompson* (9th Cir. 1999) 177 F.3d 1160, 1165.)
- “[A] complaint that a physician has been negligent in diagnosing or treating a medical condition does not state a valid claim of medical mistreatment under the Eighth Amendment. Medical malpractice does not become a constitutional violation merely because the victim is a prisoner.” (*Estelle, supra*, 429 U.S. at p. 106.)
- “It has been recognized ... that inadequate medical treatment may, in some instances, constitute a violation of 42 United States Code section 1983. In *Sturts v. City of Philadelphia*, for example, the plaintiff alleged that defendants acted ‘carelessly, recklessly and negligently’ when they failed to remove sutures from his eye, neck and face. The court concluded that although plaintiff was alleging inadequate medical treatment, he had stated a cause of action under section 1983: ‘... where a prisoner has received some medical attention and the dispute is over the adequacy of the treatment, federal courts are generally reluctant to second guess medical judgments. In some cases, however, the medical attention rendered may be so woefully inadequate as to amount to no treatment at all, thereby rising to the level of a § 1983 claim. ...’ ” (*Ochoa v. Superior Court* (1985) 39 Cal.3d 159, 176-177 [216 Cal.Rptr. 661, 703 P.2d 1], internal citations omitted.)
- “Because society does not expect that prisoners will have unqualified access to health care, deliberate indifference to medical needs amounts to an Eighth Amendment violation only if those needs are ‘serious.’ ” (*Hudson v. McMillian* (1992) 503 U.S. 1, 9 [112 S.Ct. 995, 117 L.Ed.2d 156], internal citation omitted.)
- “[T]here is a two-pronged test for evaluating a claim for deliberate indifference to a serious medical need: First, the plaintiff must show a serious medical need by demonstrating that failure to treat a prisoner's condition could result in further significant injury or the unnecessary and wanton infliction of pain. Second, the plaintiff must show the defendant's response to the need was deliberately indifferent. This second prong . . . is satisfied by showing (a) a purposeful act or failure to respond to a prisoner's pain or possible medical need and (b) harm caused by the indifference.” (*Akhtar v. Mesa* (9th Cir. 2012) 698 F.3d 1202, 1213.)
- “A prison medical official who fails to provide needed treatment because he lacks the necessary

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resources can hardly be said to have intended to punish the inmate. The challenged instruction properly advised the jury to consider the resources [defendant] had available in determining whether he was deliberately indifferent.” (Peralta, supra, 744 F.3d at p. 1084.)

- “A ‘serious’ medical need exists if the failure to treat a prisoner’s condition could result in further significant injury or the ‘unnecessary and wanton infliction of pain.’ The ‘routine discomfort’ that results from incarceration and which is ‘part of the penalty that criminal offenders pay for their offenses against society’ does not constitute a ‘serious’ medical need.” (*Doty v. County of Lassen* (9th Cir. 1994) 37 F.3d 540, 546, internal citations and footnote omitted.)
- “The Supreme Court has interpreted the phrase ‘under “color” of law’ to mean ‘under “pretense” of law.’ A police officer’s actions are under pretense of law only if they are ‘in some way “related to the performance of his official duties.”’ By contrast, an officer who is “pursuing his own goals and is not in any way subject to control by [his public employer],” does not act under color of law, unless he ‘purports or pretends’ to do so. Officers who engage in confrontations for personal reasons unrelated to law enforcement, and do not ‘purport[] or pretend[]’ to be officers, do not act under color of law.” (*Huffman v. County of Los Angeles* (9th Cir. 1998) 147 F.3d 1054, 1058, internal citations omitted.)

### Secondary Sources

3 Witkin, Cal. Criminal Law (4th ed. 2012) Punishment, § 244

8 Witkin, Summary of California Law (10th ed. 2005) Constitutional Law, § 826

Schwarzer, et al., California Practice Guide: Federal Civil Procedure Before Trial, Ch. 2E-10, *Special Jurisdictional Limitations--Eleventh Amendment As Limitation On Actions Against States*, ¶ 2:4923 (The Rutter Group)

3 Civil Rights Actions, Ch. 11, *Deprivation of Rights Under Color of State Law-Prisons*, ¶ 11.09 (Matthew Bender)

11 California Forms of Pleading and Practice, Ch. 114, *Civil Rights: Prisoners’ Rights*, § 114.15 (Matthew Bender)

19A California Points and Authorities, Ch. 196, *Public Entities*, § 196.183 (Matthew Bender)

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**3070. Disability Discrimination—Access Barriers to Public Facility—Construction-Related Accessibility Standards Act—Essential Factual Elements (Civ. Code, §§ 54.3, 55.56)**

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**[Name of defendant] is the owner of [a/an] [e.g., restaurant] named [name of business] that is open to the public. [Name of plaintiff] is a disabled person who [specify disability that creates accessibility problems].**

**[Name of plaintiff] claims that [he/she] was denied full and equal access to [name of defendant]’s business on a particular occasion because of physical barriers. To establish this claim, [name of plaintiff] must prove both of the following:**

- 1. That [name of defendant]’s business had barriers that violated construction-related accessibility standards in that [specify barriers]; and [either]**
- 2. [That [name of plaintiff] personally encountered the violation on a particular occasion.]**

**[or]**

**[That [name of plaintiff] was deterred from accessing [name of defendant]’s business on a particular occasion.]**

**[A violation that [name of plaintiff] personally encountered may be sufficient to cause a denial of full and equal access if [he/she] experienced difficulty, discomfort, or embarrassment because of the violation.]**

**[To prove that [name of plaintiff] was deterred from accessing [name of defendant]’s business on a particular occasion, [he/she] must prove both of the following:**

- 1. That [name of plaintiff] had actual knowledge of one or more violations that prevented or reasonably dissuaded [him/her] from accessing [name of defendant]’s business, which [name of plaintiff] intended to patronize on a particular occasion.**
- 2. That the violation(s) would have actually denied [name of plaintiff] full and equal access if [he/she] had tried to patronize [name of defendant]’s business on that particular occasion.]**

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*New December 2014*

**Directions for Use**

Use this instruction if a plaintiff seeks statutory damages based on a construction-related accessibility claim under the Disabled Persons Act (DPA) or the Unruh Civil Rights Act. (See Civ. Code, § 55.56(a).) Do not give this instruction if actual damages are sought. CACI No. 3067, *Unruh Civil Rights Act—Damages*, may be given for claims for actual damages under the Unruh Act and adapted for use

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under the DPA.

The DPA provides disabled persons with rights of access to public facilities. (See Civ. Code, §§ 54, 54.1.) Under the DPA, a disabled person who encounters barriers to access at a public accommodation may recover minimum statutory damages for each particular occasion on which he or she was denied access. (Civ. Code, §§ 54.3, 55.56(e).) However, the Construction Related Accessibility Standard Act (CRASA) requires that before statutory damages may be recovered, the disabled person either have personally encountered the violation on a particular occasion or have been deterred from accessing the facility on a particular occasion. (See Civ. Code, § 55.56.)

Give either or both options for element 2 depending on whether the plaintiff personally encountered the barrier or was deterred from patronizing the business because of awareness of the barrier. The next-to-last paragraph is explanatory of the first option, and the last paragraph is explanatory of the second option.

### Sources and Authority

- Disabled Persons Act: Right of Access to Public Facilities. Civil Code sections 54, 54.1.
- Action for Interference With Admittance to or Enjoyment of Public Facilities. Civil Code section 54.3.
- Construction-Related Accessibility Standard Act. Civil Code section 55.56.
- “Part 2.5 of division 1 of the Civil Code, currently consisting of sections 54 to 55.3, is commonly referred to as the “Disabled Persons Act,” although it has no official title. Sections 54 and 54.1 generally guarantee individuals with disabilities equal access to public places, buildings, facilities and services, as well as common carriers, housing and places of public accommodation, while section 54.3 specifies remedies for violations of these guarantees, including a private action for damages.” (*Munson v. Del Taco, Inc.* (2009) 46 Cal.4th 661, 674 fn. 8 [94 Cal.Rptr.3d 685, 208 P.3d 623].)
- “[L]egislation (applicable to claims filed on or after Jan. 1, 2009 ([Civ. Code,] § 55.57)) restricts the availability of statutory damages under sections 52 and 54.3, permitting their recovery only if an accessibility violation actually denied the plaintiff full and equal access, that is, only if ‘the plaintiff personally encountered the violation on a particular occasion, or the plaintiff was deterred from accessing a place of public accommodation on a particular occasion’ (§ 55.56, subd. (b)). It also limits statutory damages to one assessment per occasion of access denial, rather than being based on the number of accessibility standards violated. (*Id.*, subd. (e).)” (*Munson, supra*, 46 Cal.4th at pp. 677–678.)
- “ “[S]ection 54.3 imposes the standing requirement that the plaintiff have suffered an actual denial of equal access before any suit for damages can be brought. ... [A] plaintiff cannot recover damages under section 54.3 unless the violation actually denied him or her access to some public facility. [¶] Plaintiff's attempt to equate a denial of equal access with the presence of a violation of federal or state regulations would nullify the standing requirement of section 54.3, since any

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disabled person could sue for statutory damages whenever he or she encountered noncompliant facilities, regardless of whether that lack of compliance actually impaired the plaintiff's access to those facilities. Plaintiff's argument would thereby eliminate any distinction between a cause of action for equitable relief under section 55 and a cause of action for damages under section 54.3.' ” (*Reycraft v. Lee* (2009) 177 Cal.App.4th 1211, 1223 [99 Cal.Rptr.3d 746].)

- “Like the Unruh Civil Rights Act, the DPA incorporates the ADA to the extent that ‘A violation of the right of an individual under the Americans with Disabilities Act of 1990 (Public Law 101-336) also constitutes a violation of this section.’ (Civ. Code, § 54, subd. (c).” (*Baughman v. Walt Disney World Co.* (2013) 217 Cal.App.4th 1438, 1446 [159 Cal.Rptr.3d 825].)

### *Secondary Sources*

8 Witkin, Summary of California Law (10th ed. 2005), Constitutional Law § 957 et seq.

4342. Reduced Rent for Breach of Habitability

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**If you find that there has been a substantial breach of habitability, then you must find the reasonable reduced rental value of the property based on the uninhabitable conditions. To find this value, take the amount of monthly rent required by the [lease/rental agreement/sublease] and reduce it by the [dollar amount/ [or] percent] that you consider to reflect the uninhabitable conditions. Apply this reduction for the period of time, up to present, that the conditions were present. [You may make different reductions for different months if the conditions did not affect habitability uniformly over that period of time.]**

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*New December 2014*

**Directions for Use**

Give this instruction if the court decides that the jury should determine the reduced rental value of the premises based on a breach of the warranty of habitability. The court may instruct the jury to find a dollar reduction or a percent reduction, or may leave it up to the jury as to which approach to use. In this latter case, include both bracketed options.

Give the optional last sentence if the condition would not cause uniform hardship throughout the period. For example, the hardship caused by a broken furnace or air conditioner would vary according to the weather.

Code of Civil Procedure section 1174.2(a) provides that *the court* is to determine the reasonable rental value of the premises in its untenable state up to the date of trial. But whether this determination is to be made by the court or the jury is unsettled. Section 1174.2(d) provides that nothing in this section is intended to deny the tenant the right to a trial by jury. Subsection (d) could be interpreted to mean that in a jury trial, wherever the statute says “the court,” it should be read as “the jury.” But the statute also provides that the court may order the landlord to make repairs and correct the conditions of uninhabitability, which would not be a jury function.

**Sources and Authority**

- Breach of Warranty of Habitability. Code of Civil Procedure section 1174.2.
- “The second method suggested by *Green* [*Green v. Superior Court* (1974) 10 Cal.3d 616] is to first recognize the agreed contract rent as something the two parties have agreed to as proper for the premises as impliedly warranted. Then the court should take testimony and find on the percentage reduction of habitability (or usability) by the tenant by reason of the subsequently ascertained defects. Then reduce the agreed rent by this percentage, multiply the difference by the number of months of occupancy and voila!—the tenant's damages.” (*Cazares v. Ortiz* (1980) 109 Cal.App.3d Supp. 23, 29 [168 Cal.Rptr. 108].)

***Secondary Sources***

**Draft—Not Approved by Judicial Council**

Friedman et al., California Practice Guide: Landlord-Tenant, Ch. 3-D, Warranty Of Habitability—  
Measure Of Damages—Adjusting Rental Value, ¶¶ 3:82 et seq. (The Rutter Group)

Friedman et al., California Practice Guide: Landlord-Tenant, Ch. 3-E, Warranty Of Habitability—Tenant  
Remedies, ¶¶ 3:138 et seq. (The Rutter Group)

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**4510. Breach of Implied Covenant to Perform Work in a Good and Competent Manner—  
Essential Factual Elements**

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[Name of plaintiff] claims that [name of defendant] failed to [perform the work for the project/describe construction project, e.g., kitchen remodeling] competently/ [or] use the proper materials for the [project/ e.g., kitchen remodeling]. To establish this claim, [name of plaintiff] must prove all of the following:

1. That [name of defendant] failed to [perform [his/her/its] work competently/ [or] provide the proper materials] by [describe alleged breach, e.g., failing to apply sufficient coats of paint or failing to complete the project in substantial conformity with the plans and specifications]; and
  2. That [name of plaintiff] was harmed by [name of defendant]’s failure.
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| New December 2010; Revised June 2011, December 2014

**Directions for Use**

This instruction is for use if an owner claims that the contractor breached the contract by failing to perform the work on the project competently so that the result did not meet what was expected under the contract. This is sometimes referred to as the implied covenant that the work performed will be fit and proper for its intended use. (See *Kuitems v. Covell* (1951) 104 Cal.App.2d 482, 485 [231 P.2d 552].) The implied covenant encompasses the quality of both the work and materials. (See *Aced v. Hobbs-Sesack Plumbing Co.* (1961) 55 Cal.2d 573, 582–583 [12 Cal.Rptr. 257, 360 P.2d 897].)

Also give CACI No. 303, *Breach of Contract—Essential Factual Elements*.

The word “project” may be used if the meaning will be clear to the jury. Alternatively, describe the project in the first paragraph, and then select a shorter term for use thereafter.

This instruction is based on CACI No. 325, *Breach of Covenant of Good Faith and Fair Dealing—Essential Factual Elements*. It should be given in conjunction with CACI No. 4530, *Owner’s Damages for Breach of Construction Contract—Work Does Not Conform to Contract*, which provides the proper measure of damages recoverable for a breach of the implied covenant to perform work fit for its intended use.

This instruction may be adapted for use with a claim by a homeowner who purchased the property from the developer-owner against the contractor for construction defects. That claim would be based on the homeowner’s status as a third-party beneficiary of the builder-developer contract. (See *Burch v. Superior Court* (2014) 223 Cal.App.4th 1411, 1422–1423 [168 Cal.Rptr.3d 81] ; see also *Gilbert Financial Corp. v. Steelform Contracting Co.* (1978) 82 Cal.App.3d 65, 69-70 [homeowner can be beneficiary of contractor-subcontractor contract].)

**Sources and Authority**

- “[A]lthough [general contractor] ... had a contractual relationship with the City, it also

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had a duty of care to perform in a competent manner.” (*Willdan v. Sialic Contractors Corp.* (2007) 158 Cal.App.4th 47, 57 [69 Cal.Rptr.3d 633].)

- “The defect complained of and the alleged breach of the warranty relate solely to fabrication and workmanship—the seams opened and the edges raveled. The failure of the carpet to last for the period warranted was occasioned by the defective sewing of the seams and binding of the edges, constituting a breach of the warranty as it related to good workmanship in assembling and installing it, but not as to the quality of the carpet itself.” (*Southern California Enterprises, Inc. v. D. N. & E. Walter & Co.* (1947) 78 Cal.App.2d 750, 753–754 [178 P.2d 785], superceded by statute as stated in *Cardinal Health 301, Inc. v. Tyco Electronics Corp.* (2008) 169 Cal.App.4th 116, 132 [87 Cal. Rptr. 3d 5].)
- “[Subcontractor] agreed to perform the waterproofing and drainage work on the retaining walls built by [contractor] and had the duty to perform those tasks in a good and workmanlike manner.” (*Stonegate Homeowners Assn. v. Staben* (2006) 144 Cal.App.4th 740, 749 [50 Cal.Rptr.3d 709].)
- “ ‘Accompanying every contract is a common-law duty to perform with care, skill, reasonable expedience, and faithfulness the thing agreed to be done, and a negligent failure to observe any of these conditions is a tort as well as a breach of the contract.’ The rule which imposes this duty is of universal application as to all persons who by contract undertake professional or other business engagements requiring the exercise of care, skill and knowledge; the obligation is implied by law and need not be stated in the agreement.” (*Kuitems, supra*, 104 Cal.App.2d at p. 485.)
- “Obviously, the statement in the written contract that it contains the entire agreement of the parties cannot furnish the appellants an avenue of escape from the entirely reasonable obligation implied in all contracts to the effect that the work performed ‘shall be fit and proper for its said intended use’ ... .” (*Kuitems, supra*, 104 Cal.App.2d at p. 485.)
- “[N]o warranty other than that of good workmanship can be implied where the contractor faithfully complies with plans and specifications supplied by the owner ... .” (*Sunbeam Constr. Co. v. Fisci* (1969) 2 Cal.App.3d 181, 186 [82 Cal.Rptr. 446], internal citations omitted.)
- “[T]here is implied in a sales contract for newly constructed real property a warranty of quality and fitness. ... [T]he builder or seller of new construction—not unlike the manufacturer or merchandiser of personalty—makes implied representations, ordinarily indispensable to the sale, that the builder has used reasonable skill and judgment in constructing the building.’ ... [W]e conclude builders and sellers of new construction should be held to what is impliedly represented—that the completed structure was designed and constructed in a reasonably workmanlike manner.’ ” (*Burch, supra*, 223 Cal.App.4th at p. 1423, internal citations omitted.)
- “[A] contract to build an entire building is essentially a contract for material and labor, and there is an implied warranty protecting the owner from defective construction.

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Clearly, it would be anomalous to imply a warranty of quality when construction is pursuant to a contract with the owner—but fail to recognize a similar warranty when the sale follows completion of construction.” (*Pollard v. Saxe & Yolles Dev. Co.* (1974) 12 Cal.3d 374, 378–379 [115 Cal.Rptr. 648, 525 P.2d 88], internal citations omitted.)

- “Several cases dealing with construction contracts and other contracts for labor and material show that ordinarily such contracts give rise to an implied warranty that the product will be fit for its intended use both as to workmanship and materials. These cases support the proposition that although the provisions of the Uniform Sales Act with respect to implied warranty (Civ. Code, §§ 1734–1736) apply only to sales, similar warranties may be implied in other contracts not governed by such statutory provisions when the contracts are of such a nature that the implication is justified. ... [¶] The reference in the stipulation to merchantability, a term generally used in connection with sales, does not preclude reliance on breach of warranty although the contract is one for labor and material. With respect to sales, merchantability requires among other things that the substance sold be reasonably suitable for the ordinary uses it was manufactured to meet. The defect of which [plaintiff] complains is that the tubing was not reasonably suitable for its ordinary use, and his cause of action may properly be considered as one for breach of a warranty of merchantability. There is no justification for refusing to imply a warranty of suitability for ordinary uses merely because an article is furnished in connection with a construction contract rather than one of sale. The evidence, if taken in the light most favorable to [plaintiff], would support a determination that there was an implied warranty of merchantability.” (*Aced, supra*, 55 Cal.2d at p. 583, internal citations omitted.)
- “[P]ublic policy imposes on contractors in various circumstances the duty to finish a project with diligence and to avoid injury to the person or property of third parties.” (*Ott v. Alfa-Laval Agri, Inc.* (1995) 31 Cal.App.4th 1439, 1450 [37 Cal.Rptr.2d 790].)

### *Secondary Sources*

2 California Construction Contracts, Defects, and Litigation (Cont.Ed.Bar) Ch. 9, *Handling Disputes During Construction*, § 9.93

2 Stein, Construction Law, Ch. 5B, *Contractor's and Construction Manager's Rights and Duties*, ¶ 5B.01[2][b] (Matthew Bender)

10 California Forms of Pleading and Practice, Ch. 104, *Building Contracts*, § 104.42 (Matthew Bender)

29 California Legal Forms, Ch. 89, *Home Improvement and Specialty Contracts*, § 89.14 (Matthew Bender)

11 Miller & Starr, California Real Estate, ~~(3d ed. 2008)~~ § 29:5 (Ch. 29, *Defective Construction*) ~~Ch. 29, Defective Construction, § 29:5 (3d ed. 2008)~~ (Thomson Reuters–West)

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| Acret, California Construction Law Manual ~~(6th ed. 2005)~~ § 5:39 (Ch. 5, Construction Defects)  
| ~~Ch. 5, Construction Defects, § 5:39 (6th ed. 2005)~~ (Thomson Reuters ~~West~~)

| 3 Bruner & O'Connor on Construction Law, ~~§§ 9:67–9:70 (Ch. 9, Warranties)~~ Ch. 9, Warranties,  
| ~~§§ 9:67–9:70~~ (Thomson Reuters ~~West~~)

Gibbs & Hunt, California Construction Law (Aspen Pub. 16th ed. 1999) Ch. 5, *Breach of Contract by Contractor*, § 5.01

5012. Introduction to Special Verdict Form

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I will give you [a] verdict form[s] with questions you must answer. I have already instructed you on the law that you are to use in answering these questions. You must follow my instructions and the form[s] carefully. You must consider each question separately. Although you may discuss the evidence and the issues to be decided in any order, you must answer the questions on the verdict form[s] in the order they appear. After you answer a question, the form tells you what to do next. ~~All 12 of you must deliberate on and answer each question.~~ At least 9 of you must agree on an answer before ~~all of~~ you can move on to the next question. However, the same 9 or more people do not have to agree on each answer.

All 12 of you must deliberate on and answer each question regardless of how you voted on any earlier question. Unless the verdict form tells all 12 jurors to stop and answer no further questions, every juror must deliberate and vote on all of the remaining questions.

When you have finished filling out the form[s], your presiding juror must write the date and sign it at the bottom [of the last page] and then notify the [bailiff/clerk/court attendant] that you are ready to present your verdict in the courtroom.

---

*New September 2003; Revised April 2004, October 2008, December 2009, December 2014*

**Directions for Use**

~~This instruction should be given if a special verdict form is used. If this instruction is read, do not read the sixth paragraph of CACI No. 5009, *Predeliberation Instructions*.~~

**Sources and Authority**

- ~~General and Special Verdict Forms. Code of Civil Procedure section 624. provides: “The verdict of a jury is either general or special. A general verdict is that by which they pronounce generally upon all or any of the issues, either in favor of the plaintiff or defendant; a special verdict is that by which the jury find the facts only, leaving the judgment to the Court. The special verdict must present the conclusions of fact as established by the evidence, and not the evidence to prove them; and those conclusions of fact must be so presented as that nothing shall remain to the Court but to draw from them conclusions of law.”~~
- ~~Special Verdicts; Requirements for Award of Punitive Damages. Code of Civil Procedure section 625. provides: “In all cases the court may direct the jury to find a special verdict in writing, upon all, or any of the issues, and in all cases may instruct them, if they render a general verdict, to find upon particular questions of fact, to be stated in writing, and may direct a written finding thereon. In all cases in which the issue of punitive damages is presented to the jury the court shall direct the jury to find a special verdict in writing separating punitive damages from compensatory damages. The special verdict or finding must be filed with the clerk and entered upon the minutes. Where a special finding of facts is inconsistent with the general verdict, the former controls the latter, and the court~~

must give judgment accordingly.”

- “A special verdict presents to the jury each ultimate fact in the case, so that ‘nothing shall remain to the Court but to draw from them conclusions of law.’ This procedure presents certain problems: ‘The requirement that the jury must resolve every controverted issue is one of the recognized pitfalls of special verdicts. ‘[T]he possibility of a defective or incomplete special verdict, or possibly no verdict at all, is much greater than with a general verdict that is tested by special findings ... .’ ” With a special verdict, we do not imply findings on all issues in favor of the prevailing party, as with a general verdict. The verdict’s correctness must be analyzed as a matter of law.” (*Trujillo v. North County Transit Dist.* (1998) 63 Cal.App.4th 280, 285 [73 Cal.Rptr.2d 596], internal citations omitted.)
- “When a jury is composed of 12 persons, it is sufficient if *any* nine jurors arrive at each special verdict, regardless of the jurors’ votes on other special verdict questions.” (*Keener v. Jeld-Wen, Inc.* (2009) 46 Cal.4th 247, 255 [92 Cal.Rptr.3d 862, 206 P.3d 403], original italics.)
- “Appellate courts differ concerning the use of special verdicts. In one case the court said, ‘we should utilize opportunities to force counsel into requesting special verdicts.’ In contrast, a more recent decision included the negative view: ‘Toward this end we advise that special findings be requested of juries only when there is a compelling need to do so. Absent strong reason to the contrary their use should be discouraged.’ Obviously, it is easier to tell after the fact, rather than before, whether the special verdict is helpful in disclosing the jury conclusions leading to the end result.” (*All-West Design, Inc. v. Boozer* (1986) 183 Cal.App.3d 1212, 1221 [228 Cal.Rptr. 736], internal citations omitted.)
- “[W]e begin with the requirement that at least nine of twelve jurors agree that each element of a cause of action has been proved by a preponderance of the evidence. The elements of a cause of action constitute the essential or ultimate facts in a civil case comparable to the elements of a single, discrete criminal offense in a criminal case. Analogizing a civil ‘cause of action’ to a single, discrete criminal offense, and applying the criminal law jury agreement principles to civil law, we conclude that jurors need not agree from among a number of alternative acts which act is proved, so long as the jurors agree that each element of the cause of action is proved.” (*Stoner v. Williams* (1996) 46 Cal.App.4th 986, 1002 [54 Cal.Rptr.2d 243, footnote omitted].)
- “In civil cases in which there exist multiple causes of action for which multiple or alternative acts could support elements of more than one cause of action, possible jury confusion could result as to whether a specific cause of action is proved. In those cases, ... we presume that jury instructions may be appropriate to inform the jury that it must agree on specific elements of each specific cause of action. Yet, this still does not require that the jurors agree on exactly how each particular element of a particular cause of action is proved.” (*Stoner, supra*, 46 Cal.App.4th at p. 1002.)
- “[A] juror who dissented from a special verdict finding negligence should not be disqualified from fully participating in the jury’s further deliberations, including the determination of proximate cause. The jury is to determine all questions submitted to it, and when the jury is composed of twelve persons, each should participate as to each verdict submitted to it. To hold that a juror may be disqualified by a special verdict on negligence from participation in the next special verdict would deny the parties of ‘the right to a jury of 12 persons deliberating on all issues.’ Permitting any nine

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jurors to arrive at each special verdict best serves the purpose of less-than-unanimous verdicts, overcoming minor disagreements and avoiding costly mistrials. Once nine jurors have found a party negligent, dissenting jurors can accept the finding and participate in determining proximate cause just as they may participate in apportioning liability, and we may not assume that the dissenting jurors will violate their oaths to deliberate honestly and conscientiously on the proximate cause issue.” (*Resch v. Volkswagen of America, Inc.* (1984) 36 Cal.3d 676, 682 [205 Cal.Rptr. 827, 685 P.2d 1178], internal citations omitted.)

### *Secondary Sources*

7 Witkin, California Procedure (5th ed. 2008) Trial, §§ 342–346

4 California Trial Guide, Unit 91, *Jury Deliberations and Rendition of Verdict*, § 91.21 (Matthew Bender)

27 California Forms of Pleading and Practice, Ch. 318, *Judgments*, § 318.49 (Matthew Bender)

28 California Forms of Pleading and Practice, Ch. 326A, *Jury Verdicts*, § 326A.11 et seq. (Matthew Bender)

1 Matthew Bender Practice Guide: California Trial and Post-Trial Civil Procedure, Ch. 18, *Jury Verdicts*, 18.11 et seq.



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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 11-12, 2014

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Title	Effective Date
Military Service: Notification of Military Status	January 1, 2015
Rules, Forms, Standards, or Statutes Affected	Date of Report
Revise form MIL-100	November 13, 2014
Recommended by	Contact
Collaborative Justice Courts Advisory Committee	Carrie Zoller, Supervising Attorney
Hon. Richard Vlavianos, Chair	415-865-8829
	<a href="mailto:Carrie.Zoller@jud.ca.gov">Carrie.Zoller@jud.ca.gov</a>
Agenda Item Type	Adrienne Toomey, Attorney
Action Required	415-865-7977
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### Executive Summary

The Collaborative Justice Courts Advisory Committee recommends revisions to the optional *Notification of Military Status* form (form MIL-100). These revisions respond to recent legislation directing courts to (1) inform criminal defendants at arraignment that there are provisions of law designed for former or current military service members who have been charged with a crime and (2) that the defendant may request a copy of the Judicial Council military form explaining those rights. The legislation directs the Judicial Council to revise the military form accordingly.

### Recommendation

The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council, effective January 1, 2015, revise the optional *Notification of Military Status* (form MIL-100) as follows:

1. Add a second page (on the back side of the existing form) to include information explaining the rights of individuals who have active duty or veteran military status under Penal Code section 1170.9, as amended effective January 1, 2015; section 1170.91 as enacted effective January 1, 2015; and section 1001.80, as enacted effective January 1, 2015.
2. Add the following language to page 1 of the form: “Consult your attorney before submitting this form. You may decline to submit this form to the court without penalty.” (See section 858(d), enacted effective January 1, 2015, by Senate Bill 1110.)
3. Revise item 1 on page one to change check boxes indicating what type of proceeding the individual is a party to (criminal, family, juvenile, other) to a single check box stating “I am a party in a superior court case.”
4. Renumber item 4 as item 5 and add new item 4 to page one to read “I understand that if I submit this form to the court as a defendant in a criminal case, the court will send copies of the form to the county veterans service officer and the Department of Veterans Affairs.” (*Id.*, § 858(e).)
5. Add language to the “Notice” box on page 1 to read: “**Certain provisions of California law apply to current and former members of the U.S. Military who have been charged with a crime when certain conditions are met. Please see the back of this form for more information. To submit this form as a party in a criminal case, you must file it with the court and serve it on the prosecuting attorney and defense counsel.**” (*Ibid.*)
6. Add text field to page 1 for local court to provide contact information for local County Veterans Services Office. (*Id.*, § 858(c).)
7. Add reference to sections 1170.91 and 1001.80 to the right footer on page 1.
8. Make minor technical and citation revisions to page 1.

The proposed revised form is attached at pages 5–6.

### **Previous Council Action**

The Judicial Council adopted form MIL-100 effective January 1, 2014, at the recommendation of the Collaborative Justice Courts Advisory Committee. The committee recommended adoption of the form to facilitate courts’ ability to address legal issues implicated by a party’s military service status and to comply with alternative criminal sentencing considerations for current and former military service members under Penal Code section 1170.9.<sup>1</sup> This revision is the first since the form was adopted.

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<sup>1</sup> All subsequent references are to the Penal Code.

## **Rationale for Recommendation**

The Legislature has authorized various sentencing considerations and restorative relief provisions for criminally charged current or former members of the U.S. Military who may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of their military service.

Senate Bill 1110 amends section 858, effective January 1, 2015, to direct the Judicial Council to revise the military form to include information explaining the rights of individuals who have active duty or veteran military status under section 1170.9 and related statutes and to include a space for the local court to provide contact information for the County Veterans Service Office. It also directs that courts must inform criminal defendants at arraignment that there are provisions of law designed for former or current military service members who have been charged with a crime and that the defendant may request a copy of the Judicial Council military form that explains those rights.

The court must also inform the defendant that he or she may decline to submit the form without penalty and that if he or she does submit the form, he or she must to file it with the court and serve the prosecution and defense counsel. If the defendant acknowledges their military status and submits the form to the court, the court must transmit submitted forms to the county veterans service officer to verify military status and to the Department of Veterans Affairs.

Penal Code section 1170.9 requires that when a person is convicted of a criminal offense, is eligible for probation, and alleges that he or she committed the offense as a result of sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems stemming from service in the U.S. Military, the court must hold a hearing before sentencing to make determinations regarding the defendant's military service and whether the defendant may suffer from a mental disorder or condition as a result of that service. If the court finds those factors to be present and places the defendant on probation, section 1170.9 authorizes the court to place the defendant into a treatment program. This section also authorizes courts to grant restorative relief broader than that available under section 1203.4 to eligible defendants.

Section 1170.9 was amended, effective January 1, 2015, by Assembly Bill 2098 (Levine; Stats. 2014, ch. 163) to require that if the court makes those factual findings, it shall consider those circumstances as a factor in favor of granting probation.

Section 1170.91, also enacted effective January 1, 2015, by A.B. 2098, requires that if the court makes those findings, it shall consider that as a factor in mitigation when imposing a term under section 1170(b).

Section 1001.80, enacted effective January 1, 2015 by Senate Bill 1227 (Hancock; Stats. 2014, ch. 658), authorizes that when a court makes these findings as to a misdemeanor defendant, the

court may place the defendant in a pretrial diversion program if the defendant consents to and waives his or her speedy trial rights.

### **Comments, Alternatives Considered, and Policy Implications**

The legislation directing the Judicial Council to revise the military form was chaptered on September 27, 2014. To ensure that the form is revised as directed by the Legislature and available to courts by January 1, the committee seeks out-of-cycle adoption of the form without a prior period of public comment. If the form is adopted effective January 1, the committee will circulate the revised form for public comment in the winter 2015 cycle and propose any further revisions based on comments received, to be effective July 1, 2015.

The Criminal Law Advisory Committee reviewed the proposal and provided feedback and input. On November 10, 2015, the committee voted to recommend that the Judicial Council adopt the proposed revisions to form MIL-100.

### **Implementation Requirements, Costs, and Operational Impacts**

The proposal to revise form MIL-100 is unlikely to generate significant cost or operational impacts, beyond the cost for courts to reproduce paper copies of the forms, if provided. The proposal incorporates information about the relevant legal provisions on the back side of existing form MIL-100 and includes a text field that will allow local courts to electronically provide contact information for the County Veterans Service Office. Although courts may experience operational impacts resulting from new legislative arraignment admonition requirements, the present proposal to revise the form will facilitate these court operations.

### **Attachments and Links**

1. Form MIL-100, at pages 5–6

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):   TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR ( <i>Name</i> ): _____	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>CASE NAME:</b>	
<b>DRAFT NOTIFICATION OF MILITARY STATUS</b>	CASE NUMBER:

**Consult your attorney before submitting this form. You may decline to submit this form to the court without penalty.**

I (*name*): \_\_\_\_\_ declare as follows:

1.  I am a party in a superior court case.
2.  I am currently a member of the state or federal armed services or reserves. My entry date is: \_\_\_\_\_, and I
  - a.  am on active duty service.
  - b.  have been called or ordered into active duty service.
  - c.  am not on active duty service.
  - d.  other (*please explain*): \_\_\_\_\_
3.  I used to serve in the state or federal armed services or reserves. I was discharged on (*date*): \_\_\_\_\_
4.  I understand that if I submit this form to the court as a defendant in a criminal case, the court will send copies of the form to the county veterans service officer and the Department of Veterans Affairs.
5.  I am filing this form on behalf of \_\_\_\_\_, a party to the above entitled case, whom I am informed and believe is a  member  veteran of the state or federal armed services. I am the  attorney  other (*specify*): \_\_\_\_\_ of this party. My contact information  is provided at the top of this form  follows: Name: \_\_\_\_\_ Address: \_\_\_\_\_ Telephone number: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
 (TYPE OR PRINT NAME) ▶ \_\_\_\_\_  
 SIGNATURE

Local County Veterans Services Office Information (to be provided by local court):

**NOTICE**

**Certain provisions of California law apply to current and former members of the U.S. Military who have been charged with a crime when certain conditions are met. Please see the back of this form for more information. To submit this form as a party in a criminal case you must file it with the court and serve it on the prosecuting attorney and defense counsel. Filing of this notification form does not substitute for filing of other forms or petitions that are required by your court case.** If you are requesting consideration or restorative relief under Penal Code section 1170.9, this form alone will not meet the requirement that you assert to the court that the crime you were charged with was a result of a condition caused by your military service. If you are filing for relief from financial obligation during military service, a notification of military deployment and request to modify a support order, or other relief under the Service Members' Civil Relief Act (50 App. U.S.C. §§ 501-597(b)), you must complete the appropriate forms, and completion of this form is not required. Please see form MIL-010 (*Notice of Petition and Petition for Relief From Financial Obligations During Military Service*) and form FL-398 (*Notice of Activation of Military Service and Deployment and Request to Modify a Support Order*).

**YOU SHOULD CONSULT WITH YOUR ATTORNEY ABOUT THE FOLLOWING INFORMATION  
AND BEFORE SUBMITTING THIS FORM.**

If you are a current or former member of any branch of the U.S. Military who may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of your military service and charged with a crime, you may be entitled to certain rights under some California laws. Below are brief explanations of some of those laws. You should consult with your attorney to discuss how these and/or other laws may apply to you.

You are not required to have an honorable discharge, to have combat service, or to be accepted into a Veterans Court to be eligible for the rights described in the following statutes.

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**California Penal Code 1170.9:** Consideration for alternative sentencing and restorative relief.

Rights include possibly:

- Receiving treatment instead of prison or jail time for certain crimes
- Having a greater chance of receiving probation
- Having conditions of probation deemed satisfied early, other than any victim restitution ordered, and probation terminated early
- Having some felonies reduced to misdemeanors
- Having the court restore rights, dismiss penalties, and/or set aside conviction for certain crimes

Requirements include:

- For consideration for alternative sentencing:
  - Convicted of certain criminal offenses (some crimes do not qualify)
  - Eligible for probation and court orders probation
- For restorative relief following order of probation:
  - In substantial compliance with conditions of probation
  - A successful participant in and demonstration of significant benefits from treatment and services
  - No danger to the health and safety of others

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**California Penal Code 1001.80:** Diversion in misdemeanor cases.

Rights include:

- *Pretrial* diversion program instead of trial and potential conviction and incarceration
- Dismissal of eligible criminal charges following satisfactory performance in program
- Arrest is deemed to have “never occurred” for most purposes following successful completion of program

Requirements include:

- Application to misdemeanors only, *not* felonies
- Consent to diversion
- Waiver of right to speedy trial
- Satisfactory performance in program

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**California Penal Code 1170.91:** Mitigating factor in felony sentencing.

- The court shall consider these circumstances from which the defendant may be suffering as a result of military service as a factor in mitigation during felony sentencing, which could mean a more lenient sentence.



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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title  
**Criminal Justice Realignment: Imposition of  
Mandatory Supervision**

Rules, Forms, Standards, or Statutes Affected  
Amend Cal. Rules of Court, rules 4.411 and  
4.411.5; adopt rule 4.415

Recommended by  
**Criminal Law Advisory Committee**  
Hon. Tricia A. Bigelow, Chair

Agenda Item Type  
**Action Required**

Effective Date  
**January 1, 2015**

Date of Report  
**November 7, 2014**

Contact  
**Arturo Castro, Supervising Attorney, 415-  
865-7702, [arturo.castro@jud.ca.gov](mailto:arturo.castro@jud.ca.gov)**

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### **Executive Summary**

The Criminal Law Advisory Committee recommends amendments to rules 4.411 and 4.411.5 of the California Rules of Court and adoption of a new rule to govern the imposition of mandatory supervision under Penal Code section 1170(h)(5), including criteria for court consideration and the contents and requirements for related probation reports, as required by recent legislation that mandates adoption of these rules by January 1, 2015.

### **Recommendation**

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2015:

1. Adopt rule 4.415 of the California Rules of Court to govern the imposition of mandatory supervision under Penal Code section 1170(h)(5), including criteria for court consideration when determining the length and conditions of supervision and whether to deny supervision in the interests of justice;

2. Amend rule 4.411 of the California Rules of Court to apply existing requirements for presentence probation reports to cases in which the defendant is eligible for a term of imprisonment in county jail under Penal Code section 1170(h); and
3. Amend rule 4.411.5 of the California Rules of Court to require presentence probation reports to include recommendations regarding the appropriate term of imprisonment in county jail under Penal Code section 1170(h), the denial of mandatory supervision in the interests of justice, and the length and conditions of mandatory supervision.

The text of the new and amended rules is attached at pages 7–12.

### **Previous Council Action**

Rule 4.411 was originally adopted as rule 418, effective July 1, 1977, and rule 4.411.5 was originally adopted as rule 419, effective July 1, 1981. Both rules were most recently amended effective January 1, 2007. This is the first time they are being amended to reflect the advent of criminal justice realignment.

### **Rationale for Recommendation**

Criminal justice realignment implemented broad changes to felony sentencing laws, including replacing prison sentences with county jail sentences for certain felonies and authorizing courts to impose a period of mandatory supervision upon release from county jail. Recent realignment-related legislation<sup>1</sup> amended several statutory provisions that govern the imposition of mandatory supervision and require the Judicial Council to adopt rules of court.

### **New rule 4.415**

Penal Code section 1170(h)(5)(A) was amended, effective January 1, 2015, to require courts to impose mandatory supervision for all felony terms of imprisonment in county jail unless the court finds, in the interests of justice, that mandatory supervision is not appropriate in a particular case. Penal Code section 1170.3(a) was also amended to require the Judicial Council, effective January 1, 2015, to adopt rules of court to prescribe criteria for the court to consider when deciding whether to deny a period of mandatory supervision “in the interests of justice” under Penal Code section 1170(h)(5)(A) and when determining the appropriate period and conditions of mandatory supervision.

In response, the committee recommends adoption of rule 4.415. The new rule is designed to emphasize the new statutory presumption in favor of the imposition of mandatory supervision, prescribe the requisite criteria for court consideration, and require courts to state reasons for a denial of a period of mandatory supervision in the interests of justice. An advisory committee comment is included to explain the statutory bases for specific provisions.

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<sup>1</sup> Assem. Bill 1468 (Comm. on Budget); Stats. 2014, ch. 26.

### **Content of presentence probation reports**

Two existing rules govern the use and contents of presentence probation reports. Rule 4.411 prescribes the purpose and requirements for use and rule 4.411.5 establishes the requisite content and sequential presentation of the information contained in the reports. Penal Code section 1170.3(b) was amended to require the Judicial Council to adopt rules of court to standardize the content and sequential presentation of information regarding the imposition of mandatory supervision in presentence probation reports submitted to the court.

In response, the committee recommends several amendments to rule 4.411 that are designed to apply existing report requirements to cases in which the defendant is eligible for a term of imprisonment under Penal Code section 1170(h). The committee also recommends amendments to rule 4.411.5 to ensure that the reports include recommendations regarding the appropriate term of imprisonment, denials of mandatory supervision in the interests of justice, and the length and conditions of mandatory supervision. To enhance the information and recommendations contained in the reports, the amendments also require reports to include information from any available risk/needs assessments<sup>2</sup> conducted by the probation department.

### **Comments, Alternatives Considered, and Policy Implications**

This proposal circulated for public comment on an expedited basis from August 22, 2014, to September 19, 2014, yielding a total of 14 comments. Of those, 2 agreed with the proposal, including the Superior Court of Los Angeles County; 11 agreed with the proposal if modified, including the American Civil Liberties Union, the California District Attorneys Association, California Public Defenders Association, Chief Probation Officers of California, California Department of Justice (DOJ), and the Superior Courts of Orange and San Diego Counties; and 1 disagreed with the proposal. A chart with all comments received and committee responses is attached at pages 13–58. Attachments to specific comments made by DOJ are also provided after the comment chart.

In addition, the Trial Court Presiding Judges and Court Executives Joint Rule Working Group (JRWG) provided additional feedback on the proposal after the comment period. A discussion of these comments is included in the two sections that immediately follow.

### **Notable changes in response to comments**

The committee revised the proposal in response to the following notable comments:

- ***Order of considerations.*** As originally circulated, the proposal listed factors related to the length and conditions of supervision before the factors related to denials of supervision in the interests of justice. To more accurately reflect the typical order of considerations during sentencing, the committee switched the order of subdivisions (a)(9)(C) and (a)(9)(D) of rule 4.411.5 (related to the content of probation reports) and subdivisions (b)

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<sup>2</sup> The Criminal Law Advisory Committee is separately developing rules of court and standards of judicial administration to provide guidance regarding the use of risk/needs assessments by courts at sentencing.

and (c) of rule 4.415 (related to the factors for courts to consider during sentencing) so that the factors related to the denial of supervision appear *before* those related to the length and conditions of supervision.

- ***Factors for denying supervision were overly broad.*** As originally circulated, the factors related to decisions to deny a period of mandatory supervision in the interests of justice included several broad considerations, including any factor “reasonably related to the court’s determination.” To address concerns that the factors were overly broad and would frustrate the intent of the statutory presumption *against* denials of supervision, the committee amended rule 4.415 to:
  - Emphasize the limited scope of the statutory authority to deny supervision by adding the following sentence to subdivision (a): “Because section 1170(h)(5)(A) establishes a statutory presumption in favor of the imposition of a period of mandatory supervision in all applicable cases, denials of a period of mandatory supervision should be limited”<sup>3</sup>;
  - Narrow the list of criteria in subdivision (b) for denying supervision in the interests of justice by deleting the following two factors: “The likelihood that the defendant will be a danger to others if not imprisoned” and “Any other factor reasonably related to the court’s determination that mandatory supervision is not appropriate in the interests of justice”; and
  - Replace factors related to the nature of the case and the defendant’s suitability for supervision with the following factor under subdivision (b)(4): “Whether the nature, seriousness, or circumstances of the case or the defendant’s past performance on supervision substantially outweigh the benefits of supervision in promoting public safety and the defendant’s successful reentry into the community upon release from custody.” The new factor is designed to underscore the importance of supervision in the successful reintegration of defendants into the community upon release from custody by encouraging courts to limit denials of supervision only to circumstances that substantially outweigh the benefits of supervision.

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<sup>3</sup> The committee initially proposed the following amendment: “Because section 1170(h)(5)(A) establishes a statutory presumption in favor of the imposition of a period of mandatory supervision in all applicable cases, courts should limit the exercise of discretion to deny a period of mandatory supervision.” The JRWG, however, raised concerns that the proposed language could be read to limit the exercise of judicial discretion: “A judge should not limit exercising discretion, but should proceed with caution. The proposed language seems to take away the judge’s power to decide. Instead, the proposed language should make clear that denials should not be routine.” In response, the committee revised the provision as explained above to clarify that the rule is intended to emphasize the limited nature of *denials* of supervision, *not* to limit the exercise of discretion.

- **Additional factors.** In recognition that some defendants may *lack* the need for supervision upon release from custody, the committee added the following factor under rule 4.415(b)(3) for courts to consider when deciding whether to deny supervision: “Specific factors related to the defendant that indicate a lack of need for treatment or supervision upon release from custody.” To encourage courts to consider the full impacts of incarceration when deciding the length and conditions of supervision, the committee also added the following factor to rule 4.415(c)(9): “The likely effect of extended imprisonment on the defendant and any dependents.”

The committee also made several nonsubstantive changes, including amendments to more accurately track the statutory language of Penal Code section 1170(h)(5), add cross-references to other rule provisions, and clarify the purpose of factors related to restitution and custody credits.

### **Notable alternatives declined**

The committee declined to revise the proposal in response to the following notable comments:

- **Waivers of reports.** Current rule 4.411(a) discourages waivers of presentence reports. Although the committee did not originally propose any changes to this provision, some commentators raised concerns about the burdens associated with requiring reports in all cases eligible for terms of imprisonment in county jail under section 1170(h). In response, the committee initially decided to amend rule 4.411(a) as follows to emphasize that court authority to allow waivers would remain unchanged: “~~Waivers of~~ Although courts may waive the presentence report, waivers should not be accepted except in unusual circumstances.”

The JRWG later raised concerns that the proposed amendment would imply that waivers are made by courts, as opposed to the parties, and suggested that the rule should allow waivers in “appropriate circumstances” instead of “unusual circumstances,” as stated in the current rule. Upon reflection, the committee decided *not* to recommend the proposed amendment in favor of preserving the waiver provision as currently stated in the rule. Because the proposal is designed to apply *existing* requirements for presentence probation reports, including longstanding waiver requirements, the committee decided that the proposed amendment is unnecessary and would inadvertently cause confusion.

- **Statement of Reasons.** Although rule 4.412 generally exempts courts from stating reasons for sentencing decisions when the parties have negotiated a plea agreement,<sup>4</sup> rule 4.415(d) would require courts to state reasons for denying mandatory supervision “[n]otwithstanding rule 4.412(a).” A few commentators raised concerns that the

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<sup>4</sup> Rule 4.412(a) states: “It is an adequate reason for a sentence or other disposition that the defendant, personally and by counsel, has expressed agreement that it be imposed and the prosecuting has not expressed an objection to it. The agreement and lack of objection must be recited on the record. This section does not authorize a sentence that is not otherwise authorized by law.”

requirement to state reasons even though the parties have negotiated a plea agreement may result in improper judicial plea bargaining and inadvertently frustrate the plea bargaining process.

The committee considered but declined to delete the requirement. Plea agreements do not divest courts of inherent sentencing discretion. Courts must ensure that all sentences are lawful and all plea agreements are subject to court approval before imposition. Under Penal Code section 1170(h)(5)(A), denials of mandatory supervision are prohibited unless “the court finds that, in the interests of justice, it is not appropriate *in a particular case*.” (Emphasis added.) Accordingly, lawful denials of mandatory supervision require the exercise of judicial discretion on a case-by-case basis, even when the parties have agreed to the sentence. A statement of reasons is necessary to demonstrate the lawfulness of the sentence, memorialize the basis for the exercise of judicial discretion, and aid appellate review.

### **Implementation Requirements, Costs, and Operational Impacts**

No significant costs or operational impacts are expected. Notably, the JRWG raised concerns that the new report requirements, including discussions of additional factors for courts to consider, may cause delays in the preparation of probation reports, resulting in an increase of continuances of sentencing hearings. The new report requirements, however, are required by statute. The committee expects that probation reports will include as much relevant information about the new factors as the probation officer can gather in the allotted time, consistent with reporting practices for the *numerous* existing factors under current law. In addition, as noted above, courts will retain authority to waive probation reports when appropriate. The proposal is designed to enable courts to fold the new requirements into existing report practices, including waiver protocols. As such, court implementation requirements are expected to be limited to judicial and court staff training.

### **Attachments**

1. Cal. Rules of Court, rules 4.411, 4.411.5, and 4.415, at pages 7–12
2. Comment chart, at pages 13–58
3. Attachment A: *Attachment A to Comments on SP14-08*, attached as an exhibit to the comments from DOJ
4. Attachment B: *Attachment B to Comments on SP14-08*, attached as an exhibit to the comments from DOJ

1 Rules 4.411 and 4.411.5 of the California Rules of Court are amended, and rule 4.415 is  
2 adopted, effective January 1, 2015, to read:

3  
4  
5 **Rule 4.411. Presentence investigations and reports**

6  
7 **(a) Eligible defendant**

8  
9 If the defendant is eligible for probation or a term of imprisonment in county jail  
10 under section 1170(h), the court must refer the matter to the probation officer for a  
11 presentence investigation and report. Waivers of the presentence report should not  
12 be accepted except in unusual circumstances.

13  
14 **(b) Ineligible defendant**

15  
16 Even if the defendant is not eligible for probation or a term of imprisonment in  
17 county jail under section 1170(h), the court should refer the matter to the probation  
18 officer for a presentence investigation and report.

19  
20 **(c) Supplemental reports**

21  
22 The court must order a supplemental probation officer's report in preparation for  
23 sentencing proceedings that occur a significant period of time after the original  
24 report was prepared.

25  
26 **(d) Purpose of presentence investigation report**

27  
28 Probation officers' reports are used by judges in determining the appropriate term  
29 of imprisonment in length of a prison or county jail sentence under section 1170(h)  
30 and by the Department of Corrections and Rehabilitation, Division of Adult  
31 Operations in deciding on the type of facility and program in which to place a  
32 defendant. ~~The reports and~~ are also used by courts in deciding whether probation  
33 is appropriate, whether a period of mandatory supervision should be denied in the  
34 interests of justice under section 1170(h)(5)(A), and the appropriate length and  
35 conditions of probation and mandatory supervision. Section 1203c requires a  
36 probation officer's report on every person sentenced to prison; ordering the report  
37 before sentencing in probation-ineligible cases will help ensure a well-prepared  
38 report.

39  
40 **Advisory Committee Comment**

41  
42 Section 1203 requires a presentence report in every felony case in which the defendant is eligible  
43 for probation. Subdivision (a) requires a presentence report in every felony case in which the

1 defendant is eligible for a term of imprisonment in county jail under section 1170(h). Because  
2 such a probation investigation and report are valuable to the judge and to the jail and prison  
3 authorities, waivers of the report and requests for immediate sentencing are discouraged, even  
4 when the defendant and counsel have agreed to a prison sentence or a term of imprisonment in  
5 county jail under section 1170(h).  
6

7 Notwithstanding a defendant's statutory ineligibility for probation or term of imprisonment in  
8 county jail under section 1170(h), a presentence investigation and report should be ordered to  
9 assist the court in deciding the appropriate sentence and to facilitate compliance with section  
10 1203c.

11  
12 This rule does not prohibit pre-conviction, pre-plea reports as authorized by section 1203.7.

13  
14 Subdivision (c) is based on case law that generally requires a supplemental report if the defendant  
15 is to be resentenced a significant time after the original sentencing, as, for example, after a  
16 remand by an appellate court, or after the apprehension of a defendant who failed to appear at  
17 sentencing. The rule is not intended to expand on the requirements of those cases.

18  
19 The rule does not require a new investigation and report if a recent report is available and can be  
20 incorporated by reference and there is no indication of changed circumstances. This is particularly  
21 true if a report is needed only for the Department of Corrections and Rehabilitation because the  
22 defendant has waived a report and agreed to a prison sentence. If a full report was prepared in  
23 another case in the same or another jurisdiction within the ~~preceeding~~preceding six months,  
24 during which time the defendant was in custody, and that report is available to the Department of  
25 Corrections and Rehabilitation, it is unlikely that a new investigation is needed.

#### 26 27 28 **Rule 4.411.5. Probation officer's presentence investigation report**

##### 29 30 **(a) Contents**

31  
32 A probation officer's presentence investigation report in a felony case must include  
33 at least the following:

34  
35 (1)–(7) \* \* \*

36  
37 (8) Any available, reliable risk/needs assessment information.

38  
39 ~~(8)~~(9) An evaluation of factors relating to disposition. This section must include:

40  
41 (A) A reasoned discussion of the defendant's suitability and eligibility for  
42 probation, and, if probation is recommended, a proposed plan including

1 recommendations for the conditions of probation and any special need  
2 for supervision;

3  
4 (B) If a prison sentence or term of imprisonment in county jail under  
5 section 1170(h) is recommended or is likely to be imposed, a reasoned  
6 discussion of aggravating and mitigating factors affecting the sentence  
7 length; and

8  
9 (C) If denial of a period of mandatory supervision in the interests of justice  
10 is recommended, a reasoned discussion of the factors prescribed by rule  
11 4.415(b);

12  
13 (D) If a term of imprisonment in county jail under section 1170(h) is  
14 recommended, a reasoned discussion of the defendant's suitability for  
15 specific terms and length of period of mandatory supervision, including  
16 the factors prescribed by rule 4.415(c); and

17  
18 ~~(C)~~(E) A reasoned discussion of the defendant's ability to make restitution,  
19 pay any fine or penalty that may be recommended, or satisfy any  
20 special conditions of probation that are proposed.

21  
22 Discussions of factors (A) through (D) affecting suitability for probation and  
23 affecting the sentence length must refer to any sentencing rule directly  
24 relevant to the facts of the case, but no rule may be cited without a reasoned  
25 discussion of its relevance and relative importance.

26  
27 ~~(9)~~(10) The probation officer's recommendation. When requested by the  
28 sentencing judge or by standing instructions to the probation department, the  
29 report must include recommendations concerning the length of any prison or  
30 county jail term under section 1170(h) that may be imposed, including the  
31 base term, the imposition of concurrent or consecutive sentences, and the  
32 imposition or striking of the additional terms for enhancements charged and  
33 found.

34  
35 ~~(10)~~(11) Detailed information on presentence time spent by the defendant in  
36 custody, including the beginning and ending dates of the period or periods of  
37 custody; the existence of any other sentences imposed on the defendant  
38 during the period of custody; the amount of good behavior, work, or  
39 participation credit to which the defendant is entitled; and whether the sheriff  
40 or other officer holding custody, the prosecution, or the defense wishes that a  
41 hearing be held for the purposes of denying good behavior, work, or  
42 participation credit.

1           ~~(11)~~(12)    A statement of mandatory and recommended restitution, restitution  
2                    fines, other fines, and costs to be assessed against the defendant, including  
3                    chargeable probation services and attorney fees under section 987.8 when  
4                    appropriate, findings concerning the defendant's ability to pay, and a  
5                    recommendation whether any restitution order should become a judgment  
6                    under section 1203(j) if unpaid.

7  
8   **(b)–(c)**       \* \* \*

9  
10  
11   **Rule 4.415. Criteria affecting the imposition of mandatory supervision**

12  
13   **(a) Presumption**

14  
15           When imposing a term of imprisonment in county jail under section 1170(h), the  
16           court must suspend execution of a concluding portion of the term to be served as a  
17           period of mandatory supervision unless the court finds, in the interests of justice,  
18           that mandatory supervision is not appropriate in a particular case. Because section  
19           1170(h)(5)(A) establishes a statutory presumption in favor of the imposition of a  
20           period of mandatory supervision in all applicable cases, denials of a period of  
21           mandatory supervision should be limited.

22  
23   **(b) Criteria for denying mandatory supervision in the interests of justice**

24  
25           In determining that mandatory supervision is not appropriate in the interests of  
26           justice under section 1170(h)(5)(A), the court's determination must be based on  
27           factors that are specific to a particular case or defendant. Factors the court may  
28           consider include:

- 29  
30           (1) Consideration of the balance of custody exposure available after imposition  
31           of presentence custody credits;  
32  
33           (2) The defendant's present status on probation, mandatory supervision,  
34           postrelease community supervision, or parole;  
35  
36           (3) Specific factors related to the defendant that indicate a lack of need for  
37           treatment or supervision upon release from custody; and  
38  
39           (4) Whether the nature, seriousness, or circumstances of the case or the  
40           defendant's past performance on supervision substantially outweigh the  
41           benefits of supervision in promoting public safety and the defendant's  
42           successful reentry into the community upon release from custody.

1  
2 **(c) Criteria affecting conditions and length of mandatory supervision**

3  
4 In exercising discretion to select the appropriate period and conditions of  
5 mandatory supervision, factors the court may consider include:

- 6  
7 (1) Availability of appropriate community corrections programs;  
8  
9 (2) Victim restitution, including any conditions or period of supervision  
10 necessary to promote the collection of any court-ordered restitution;  
11  
12 (3) Consideration of length and conditions of supervision to promote the  
13 successful reintegration of the defendant into the community upon release  
14 from custody;  
15  
16 (4) Public safety, including protection of any victims and witnesses;  
17  
18 (5) Past performance and present status on probation, mandatory supervision,  
19 postrelease community supervision, and parole;  
20  
21 (6) The balance of custody exposure after imposition of presentence custody  
22 credits;  
23  
24 (7) Consideration of the statutory accrual of post-sentence custody credits for  
25 mandatory supervision under section 1170(h)(5)(B) and sentences served in  
26 county jail under section 4019(a)(6);  
27  
28 (8) The defendant's specific needs and risk factors identified by a validated  
29 risk/needs assessment, if available; and  
30  
31 (9) The likely effect of extended imprisonment on the defendant and any  
32 dependents.

33  
34 **(d) Statement of reasons for denial of mandatory supervision**

35  
36 Notwithstanding rule 4.412(a), when a court denies a period of mandatory  
37 supervision in the interests of justice, the court must state the reasons for the denial  
38 on the record.

39  
40 **Advisory Committee Comment**

41  
42 Penal Code section 1170.3 requires the Judicial Council to adopt rules of court that prescribe  
43 criteria for the consideration of the court at the time of sentencing regarding the court's decision

1 to “[d]eny a period of mandatory supervision in the interests of justice under paragraph (5) of  
2 subdivision (h) of Section 1170 or determine the appropriate period of and conditions of  
3 mandatory supervision.”

4  
5 **Subdivision (a).** Penal Code section 1170(h)(5)(A): “Unless the court finds, in the interests of  
6 justice, that it is not appropriate in a particular case, the court, when imposing a sentence pursuant  
7 to paragraph (1) or (2) of this subdivision, shall suspend execution of a concluding portion of the  
8 term for a period selected at the court’s discretion.”

9  
10 **Subdivisions (b)(3), (b)(4), and (c)(3).** The Legislature has declared that “[s]trategies supporting  
11 reentering offenders through practices and programs, such as standardized risk and needs  
12 assessments, transitional community housing, treatment, medical and mental health services, and  
13 employment, have been demonstrated to significantly reduce recidivism among offenders in other  
14 states.” (Pen. Code, § 17.7(a).)

15  
16 **Subdivision (c)(7).** Under Penal Code section 1170(h)(5)(B), defendants serving a period of  
17 mandatory supervision are entitled to day-for-day credits: “During the period when the defendant  
18 is under such supervision, unless in actual custody related to the sentence imposed by the court,  
19 the defendant shall be entitled to only actual time credit against the term of imprisonment  
20 imposed by the court.” In contrast, defendants serving terms of imprisonment in county jails  
21 under Penal Code section 1170(h) are entitled to conduct credits under Penal Code section  
22 4019(a)(6).

23



## Judicial Council of California

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title

Family Law: Technical Change to Response for Dissolution, Legal Separation and Nullity of Marriage and Domestic Partnership

Agenda Item Type

Action Required

Effective Date

January 1, 2015

Rules, Forms, Standards, or Statutes Affected

Revise form FL-120

Date of Report

November 13, 2014

Recommended by

Family and Juvenile Law Advisory Committee

Hon. Jerilyn L. Borack, Cochair

Hon. Mark A. Juhas, Cochair

Contact

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending *Response – Marriage/Domestic Partnership (Family Law)* (Form FL-120) to correct an error in a notification regarding when automatic restraining orders become effective on the respondent and to reinstate a provision notifying the respondent that a proof of service must be filed with the *Response*. These changes to the existing form were inadvertently made when the form was revised to look more similar to the *Petition–Marriage/Domestic Partnership (Family Law)* (FL-100) and the error was identified after the Judicial Council meeting on October 24, when the revised form was adopted.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revise the *Response – Marriage/Domestic Partnership (Family Law)* (Form FL-120) effective January 1, 2015, to correct an inaccurate reference to when restraining orders are effective on the

respondent and to add information inadvertently removed which alerts the respondent that a proof of service must be filed with the *Response*.

### **Previous Council Action**

The proposed form was circulated as part of item SPR14-09, *Family Law: Petition and Response for Dissolution, Legal Separation and Nullity of Marriage and Domestic Partnership*. Following review of comments received, the Family and Juvenile Law Advisory Committee recommended that the Judicial Council amend the form at its October 28, 2014, meeting.<sup>1</sup> When the form was created in a new forms program before circulating for comment, this language was inadvertently placed on the form.

### **Rationale for Recommendation**

The recommended change is necessary to correct a mistaken statement of law on the recently revised *Response – Marriage/Domestic Partnership (Family Law)* (Form FL-120) effective January 1, 2015. On page 3 of the form, item 12, the *Response* indicates, “I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.” This is legally incorrect. Although the automatic restraining orders on the back of the summons apply to the Petitioner upon filing of the petition and issuance of the summons, they apply to Respondent only after he or she is personally served with the petition and summons. (Fam.C. Section 233). Information about when restraining orders go into effect on the respondent has not previously been included on the *Response* form as the Respondent is served with the *Summons (Family Law)* (Form FL-110) and *Response* at the same time.

This error was not identified in the process of circulation for comment and was only brought to Judicial Council’s staff attention after the form was adopted by the Judicial Council. It appears that in conforming the *Response* form to the redesigned *Petition* format, this information was inadvertently added. This could cause serious problems if there is confusion regarding when respondents are bound to the terms of the automatic restraining orders. These orders include not removing the children from the State of California and not making any withdrawals from bank accounts. (Fam. C. Section 2040) Violation of the restraining orders has significant consequences (Fam. C. Section 233), and thus, it is critical that the information regarding when those orders take effect is accurate.

In reviewing the form, staff realized that the former notice that the Respondent must file a proof of service concurrently with the *Response* was inadvertently omitted. While this may not be a

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<sup>1</sup> See *Family Law: Petition and Response for Dissolution, Legal Separation and Nullity of Marriage and Domestic Partnership* (item A9 on the agenda for the October 28, 2014, Judicial Council meeting), [www.courts.ca.gov/documents/jc-20141028-itemA9.pdf](http://www.courts.ca.gov/documents/jc-20141028-itemA9.pdf).

significant problem, it would improve court effectiveness if litigants were warned about the need to serve the *Response* before filing. Since many litigants in family law matters are unrepresented, they generally do not know the service requirements. If the inaccurate notice regarding restraining orders is removed, there is sufficient space to include that notification.

Unless the council acts as proposed in this report, the form that takes effect on January 1, 2015 will include language that is legally incorrect, and will not provide direction for respondents regarding filing requirements.

### **Comments, Alternatives Considered, and Policy Implications**

This proposal was not circulated for public comment because it recommends a technical amendment. The same form was circulated for comment in spring 2014. No comments were received with respect to the amendments in the current proposal.

### **Implementation Requirements, Costs, and Operational Impacts**

There will be operational impact for courts that provide informational packets which contain *Response* forms. Because the proposed amended form will become effective on the same date as the amendments approved on October 28, 2014, the modified form will be published and take effect at the same time. Information will be provided to publishers and courts regarding this error and a proposed revised form will be provided to them.

### **Attachment**

1. Proposed revised form *Response–Marriage/Domestic Partnership (Family Law)* (Form FL-120) at page 4-6.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
<b>RESPONSE</b> <input type="checkbox"/> <b>AND REQUEST FOR</b> <input type="checkbox"/> <b>AMENDED</b> <input type="checkbox"/> <b>Dissolution (Divorce) of:</b> <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> <b>Legal Separation of:</b> <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> <b>Nullity of:</b> <input type="checkbox"/> Marriage <input type="checkbox"/> Domestic Partnership	CASE NUMBER: _____

1. **LEGAL RELATIONSHIP** (check all that apply):
- a.  We are married.
  - b.  We are domestic partners and our domestic partnership was established in California.
  - c.  We are domestic partners and our domestic partnership was NOT established in California.

2. **RESIDENCE REQUIREMENTS** (check all that apply):
- a.  Petitioner  Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition*. (For a divorce, at least one person in the legal relationship described in items 1a and 1c must comply with this requirement.)
  - b.  We are the same sex and were married in California but are not residents of California. Neither of us lives in a state or nation that will dissolve the marriage. This case is filed in the county in which we married.  
 Petitioner's residence (state or nation): \_\_\_\_\_ Respondent's residence (state or nation): \_\_\_\_\_
  - c.  Our domestic partnership was established in California. Neither of us has to be a resident or have a domicile in California to dissolve our partnership here.

3. **STATISTICAL FACTS**
- a.  (1) Date of marriage (specify): \_\_\_\_\_ (2) Date of separation (specify): \_\_\_\_\_  
 (3) Time from date of marriage to date of separation (specify): \_\_\_\_\_ Years \_\_\_\_\_ Months
  - b.  (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent (specify below): \_\_\_\_\_  
 (2) Date of separation (specify): \_\_\_\_\_  
 (3) Time from date of registration of domestic partnership to date of separation (specify): \_\_\_\_\_ Years \_\_\_\_\_ Months

4. **MINOR CHILDREN** (children born before (or born or adopted during) the marriage or domestic partnership):
- a.  There are no minor children.
  - b.  The minor children are:  

<u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>	<u>Sex</u>
---------------------	------------------	------------	------------

- (1)  continued on [Attachment 4b](#).
- (2)  a child who is not yet born.
- c. If there are minor children of Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form [FL-105](#)) must be attached.
- d.  Petitioner and Respondent signed a voluntary declaration of paternity. A copy  is  is not attached.

PETITIONER: RESPONDENT:	CASE NUMBER:
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**Respondent requests that the court make the following orders:**

**5. LEGAL GROUNDS** (Family Code sections 2200–2210; 2310–2312)

- a.  **Respondent contends** that the parties never legally married or registered a domestic partnership.
- b.  **Respondent denies** the grounds set forth in item 5 of the petition.
- c.  **Respondent requests**
  - (1)  divorce     legal separation    of the marriage or domestic partnership based on
    - (a)  irreconcilable differences.    (b)  permanent legal incapacity to make decisions.
  - (2)  nullity of void marriage or domestic partnership based on
    - (a)  incest.    (b)  bigamy.
  - (3)  nullity of voidable marriage or domestic partnership based on
    - (a)  respondent's age at time of registration of domestic partnership or marriage.    (d)  fraud.
    - (b)  prior existing marriage or domestic partnership.    (e)  force.
    - (c)  unsound mind.    (f)  physical incapacity.

**6. CHILD CUSTODY AND VISITATION (PARENTING TIME)**

- |  | Petitioner               | Respondent               | Joint                    | Other                    |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation (parenting time) be granted to .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| As requested in: <input type="checkbox"/> form <a href="#">FL-311</a> <input type="checkbox"/> form <a href="#">FL-312</a> <input type="checkbox"/> form <a href="#">FL-341(C)</a> |                          |                          |                          |                          |
| <input type="checkbox"/> form <a href="#">FL-341(D)</a> <input type="checkbox"/> form <a href="#">FL-341(E)</a> <input type="checkbox"/> <a href="#">Attachment 6c(1)</a>          |                          |                          |                          |                          |
| d. <input type="checkbox"/> Determine the parentage of children born to Petitioner and Respondent before the marriage or domestic partnership.                                     |                          |                          |                          |                          |

**7. CHILD SUPPORT**

- a. If there are minor children born to or adopted by Petitioner and Respondent before or during this marriage or domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
- b. An earnings assignment may be issued without further notice.
- c. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.
- d.  Other (*specify*):

**8. SPOUSAL OR DOMESTIC PARTNER SUPPORT**

- a.  Spousal or domestic partner support payable to     Petitioner     Respondent
- b.  Terminate (end) the court's ability to award support to     Petitioner     Respondent
- c.  Reserve for future determination the issue of support payable to     Petitioner     Respondent
- d.  Other (*specify*):

**9. SEPARATE PROPERTY**

- a.  There are no such assets or debts that I know of to be confirmed by the court.
- b.  Confirm as separate property the assets and debts in     *Property Declaration* (form [FL-160](#))     [Attachment 9b](#)  
 the following list.    Item    Confirm to

PETITIONER: RESPONDENT:	CASE NUMBER:
----------------------------	--------------

**10. COMMUNITY AND QUASI-COMMUNITY PROPERTY**

- a.  There are no such assets or debts that I know of to be divided by the court.
- b.  Determine rights to community and quasi-community assets and debts. All such assets and debts are listed
  - in *Property Declaration* (form [FL-160](#))       in [Attachment 10b](#).
  - as follows (*specify*):

**11. OTHER REQUESTS**

- a.  Attorney's fees and costs payable by  Petitioner  Respondent
- b.  Respondent's former name be restored to (*specify*):
- c.  Other (*specify*):

Continued on [Attachment 11c](#).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF RESPONDENT)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR RESPONDENT)

**NOTICE:** You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child, spousal or partner support.

**NOTICE—CANCELLATION OF RIGHTS:** Dissolution or legal separation may automatically cancel the rights of a domestic partner or spouse under the other domestic partner's or spouse's will, trust, retirement plan, power of attorney, pay-on-death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner or spouse as beneficiary of the other partner's or spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. Some changes may require the agreement of your partner or spouse or a court order.

**The original response must be filed in the court with proof of service of a copy on Petitioner.**



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

[www.courts.ca.gov](http://www.courts.ca.gov)

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title	Agenda Item Type
Judicial Administration: Rules for Advisory Groups	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Adopt Cal. Rules of Court, rules 10.65, 10.66, and 10.67; amend rules 10.2 and 10.50; and revise Trial Court Facility Modifications Policy	January 1, 2015
Recommended by	Date of Report
Executive and Planning Committee	November 4, 2014
Hon. Douglas P. Miller, Chair	Contact
	Susan R. McMullan, 415-865-7990
	<a href="mailto:susan.mcmullan@jud.ca.gov">susan.mcmullan@jud.ca.gov</a>

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### Executive Summary

The Executive and Planning Committee recommends that the Judicial Council adopt California Rules of Court for three Judicial Council advisory committees and amend two rules: one for an advisory committee and one that addresses concurrent membership on the council and a council advisory committee. At its meeting on April 25, 2013, the Judicial Council approved the *Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Groups*<sup>1</sup> (*Report and Recommendations*) submitted by the Rules and Projects Committee (RUPRO), the Executive and Planning Committee (E&P), and the Technology Committee (JTC). Among the recommendations was the establishment by rule of the Trial Court Facility Modification Advisory Committee (TCFMAC). This proposal would establish a rule for the TCFMAC, the Workload Assessment Advisory Committee, and the Judicial Branch

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<sup>1</sup> The report can be found at [www.courts.ca.gov/documents/jc-20130426-item4.pdf](http://www.courts.ca.gov/documents/jc-20130426-item4.pdf).

Workers' Compensation Advisory Committee, and amend the rule for the Center for Judicial Education and Research (CJER) Governing Committee.<sup>2</sup>

## **Recommendation**

The Executive and Planning Committee recommends that the Judicial Council, effective December 12, 2014:

1. Adopt rules 10.65, 10.66, and 10.67 of the California Rules of Court to establish by rule the Trial Court Facility Modification Advisory Committee, the Workload Assessment Advisory Committee, and the Judicial Branch Workers' Compensation Advisory Committee;
2. Amend rule 10.2 to acknowledge that other rules may provide that a council member may concurrently serve on a council advisory committee;
3. Amend rule 10.50 for the Center for Judicial Education Governing Committee to increase the number of judicial officer members from 8 to 11, and to provide for a member who is a supervisor or manager in a trial or appellate court; and
4. Revise the Trial Court Facility Modifications Policy.

The text of the amended rules is attached at pages 9-12.

## **Previous Council Action**

The council initiative for reviewing the governance, structure, and organization of the council's advisory groups had its genesis in its June 2011 planning meeting. In August 2011, E&P made this recommendation to the council:

The Judicial Council will review the structure and organization of its advisory groups, including its advisory committees and task forces, and their subcommittees and advisory groups.<sup>3</sup>

That review resulted in the *Report and Recommendations* and the adoption, amendment, or repeal of certain advisory committee rules and an internal committee rule. Effective October 25,

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<sup>2</sup> At the time the *Report and Recommendations* was approved, the Workload Assessment Advisory Committee was known as the Senate Bill 56 Working Group. The *Report and Recommendations* did not include recommendations to develop rules for the Workload Assessment Advisory Committee or the Judicial Branch Workers' Compensation Advisory Committee, or to amend the CJER Governing Committee rule; the recommendations for rules for those advisory groups followed.

<sup>3</sup> Judicial Council meeting minutes, August 25–26, 2011, page 7, report from the Chair of the E&P: <http://www.courts.ca.gov/documents/jc-20110826-minutes.pdf>. See also, Minutes, August 12, 2011, E&P meeting: <http://www.courts.ca.gov/documents/jc-121311-comrep.pdf>.

2013, the council adopted rules for the Tribal Court–State Court Forum and the Court Security Advisory Committee. Effective February 20, 2014, the council adopted rules for the Court Facilities Advisory Committee, the Trial Court Budget Advisory Committee, and the Advisory Committee on Financial Accountability and Efficiency, and amended four rules; the council also adopted a rule for the Judicial Council Technology Committee. Effective October 28, 2014, the council amended the Trial Court Budget Advisory Committee rule.

### **Rationale for Recommendation**

Council advisory committees provide policy recommendations and advice to the council on topics the Chief Justice or the council specifies using the individual and collective experience, opinions, and wisdom of their members. (See Cal. Rules of Court, rule 10.30(a).) This proposal would establish by rule of court the Trial Court Facility Modification Advisory Committee, the Workload Assessment Advisory Committee, and the Judicial Branch Workers’ Compensation Advisory Committee and set out their areas of focus, responsibilities, and membership categories. Because existing rules address the nominations process, member selection, and appointment for advisory committees, the proposed new rules do not include such provisions.

Existing rules 10.31–10.34 address, respectively, council advisory bodies, advisory committee membership and terms, nominations and appointments to advisory committees, advisory committee meetings, and duties and responsibilities of advisory committees. Unless otherwise stated—or other provisions addressing these matters appear in proposed rules 10.65, 10.66, and 10.67—these rules apply to the rules establishing the Trial Court Facility Modification Advisory Committee, the Workload Assessment Advisory Committee, and the Judicial Branch Workers’ Compensation Advisory Committee.

In addition, the proposal would amend the rule for the CJER Governing Committee to make changes that affect membership. Rule 10.2 on Judicial Council membership and terms would be amended to provide that the restriction on advisory committee membership in that rule may be modified by other provisions in advisory committee rules.

This proposal will benefit the council and judicial branch by continuing to implement recommendations about specific subject matter advisory groups and their functions, charges, and oversight contained in the *Report and Recommendations*.

### **New Rules**

**Rule 10.65 and policy (Trial Court Facility Modification Advisory Committee).** This rule would address the Trial Court Facility Modification Advisory Committee and provide that its area of focus is to make recommendations to the council on facilities modifications, maintenance, and operations; environmental services; and utility management. The committee's additional duties would be described in subdivision (b) as follows:

The committee:

- (1) Makes recommendations to the council on policy issues, business practices, and budget monitoring and control for all facility-related matters in existing branch facilities.
- (2) Makes recommendations to the council on funding and takes additional action in accordance with council policy, both for facility modifications and for operations and maintenance.
- (3) Collaborates with the Court Facilities Advisory Committee in the development of the capital program, including providing input to design standards, prioritization of capital projects, and methods to reduce construction cost without impacting long-term operations and maintenance cost.
- (4) Provides quarterly and annual reports on the facilities modification program in accordance with the council policy.

The committee has existed as a working group since 2005, functioning within the area of focus and duties that are proposed for rule 10.65. The rule would reference in subdivision (b)(2) and (4) (paragraphs (2) and (4) immediately above)—certain duties performed by the committee in accordance with council policy. That policy, identified in the advisory committee comment to the rule, is the *Trial Court Facility Modifications Policy*, which was approved by the council in July 2012.<sup>4</sup> This proposal would revise the policy to eliminate provisions inconsistent with the new rule, such as the provisions on membership criteria and terms of the former working group, as they are no longer needed.

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<sup>4</sup> The policy replaced and superseded the Judicial Council's *Prioritization Methodology for Modifications to Court Facilities*.

**Rule 10.66 (Workload Assessment Advisory Committee).** The rule governing the Workload Assessment Advisory Committee would provide that the committee's area of focus is to make recommendations to the council on judicial administration standards and measures that provide for the equitable allocation of resources across courts to promote the fair and efficient administration of justice. The rule would set out the following additional duties in subdivision (b):

The committee must recommend:

- (1) Improvements to performance measures and implementation plans and any modifications to the Judicial Workload Assessment and the Resource Assessment Study Model;
- (2) Processes, study design, and methodologies that should be used to measure and report on court administration; and
- (3) Studies and analyses to update and amend case weights through time studies, focus groups, or other methods.

The area of focus and additional duties are drawn from the charge to the predecessor working group to the committee, the Senate Bill (SB) 56 Working Group, which was established in 2009. The rule shifts some responsibilities contained in the charge to the new advisory committee and from staff to the former Administrative Office of the Courts (AOC). For example, the charge provided that the AOC Office of Court Research (OCR) was responsible for developing a comprehensive model for performance measures for court systems and for preparing amendments to the Judicial Workload Assessment and the Resource Assessment Study models, as they relate to standards and measures of court administration. Under the proposed rule, the committee would have these responsibilities. (Proposed rule 10.66(b)(2).)

In addition, the proposal made changes to certain criteria for membership, eliminating the requirement that a member has recently served on the Civil and Small Claims, Collaborative Justice Courts, Family and Juvenile Law, Criminal Law, Probate and Mental Health, or Traffic Advisory committee as it was determined to be unnecessary. The rule would provide that membership is made up of an equal number of superior court judicial officers and court executive officers reflecting diverse aspects of state trial courts.

**Rule 10.67 (Judicial Branch Workers' Compensation Advisory Committee).**

This advisory committee succeeds the Judicial Branch Workers' Compensation Oversight Committee, formerly a subcommittee of the Trial Court Budget Advisory Committee. It was created in 2001 to assist superior courts with the then-newly-established workers' compensation program. The workers' compensation program is no longer limited to the trial courts: it has expanded to include all judicial branch entities except the Superior Court of Los Angeles County. The rule would provide that the committee's area of focus is to make

recommendations to the council for improving the statewide administration of the Judicial Branch Workers' Compensation Program and on allocations to and from the Judicial Branch Workers' Compensation Fund established under Government Code section 68114.10. The rule would include an advisory committee comment that cross-references rule 10.350, which authorizes the Judicial Council staff to administer the workers' compensation program for the trial courts.

### **Amended Rules**

#### ***Rule 10.2 (Judicial Council membership and terms).***

Rule 10.2 would be amended to add the following underlined text:

Unless otherwise provided by these rules or the Chief Justice waives this provision, neither council members nor nonvoting advisory council members may concurrently serve on a council advisory committee.

This amendment would clarify that the chair of the Trial Court Presiding Judges Advisory Committee (TCPJAC), who also serves as an ex officio voting member of the Trial Court Budget Advisory Committee under rule 10.64(c)(3), may also serve on the council. The provision in rule 10.64(c)(3) that the chair of the TCPJAC serves as an ex officio member of the TCBAC fulfills the description of being "otherwise provided by these rules" and therefore clarifies that a presiding judge may simultaneously serve on the council and the Trial Court Budget Advisory Committee.

#### ***Rule 10.50 (CJER Governing Committee).***

Rule 10.50 would be amended to increase the number of judicial officer members from 8 to 11, and to provide for a member who is a supervisor or manager in a trial or appellate court. The Executive and Planning Committee, at its February 11, 2014 meeting, approved a recommendation from Justice Robert L. Dondero, Chair of the CJER Governing Committee, to expand the committee membership by the appointment of an additional three judges, one of which would be an immediate past presiding judge, and by the appointment of a supervisor or manager from the trial or appellate courts. Since the CJER Governing Committee changed its education development model in 2009 to include a comprehensive two-year education plan for the entire judicial branch, its responsibilities have dramatically increased. The CJER Governing Committee must oversee the successful execution of the plan, as well as adapt and revise the plan during its execution. This requires the membership to have a greater level of substantive expertise and a broader representation of the many judicial branch audiences that the education plan serves.

### **Comments, Alternatives Considered, and Policy Implications**

The proposal circulated for public comment from August 21 through October 3, 2014. One comment, from a superior court, was submitted. The court agreed with the proposal without modification or any narrative comment. As a result, E&P made no changes to the proposal.

## **Alternatives**

During the review by three of the council's internal committees—RUPRO, E&P, and JCTC—which resulted in the *Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Groups*, the committees evaluated ways to achieve the following objectives:

1. Create efficiencies by consolidating certain committee activities and reducing overlapping responsibilities;
2. Reduce the costs associated with committee operations, including gaining a better understanding of the resources and staff support reasonably needed by the council's advisory groups;
3. Strengthen Judicial Council oversight of the groups that had not been directly overseen by the council, such as subcommittees and subgroups that had been created by the council's advisory groups; and
4. Create formal standing advisory committees to succeed task forces and working groups when the continued assistance of those groups is needed.

The internal committees concluded in the *Report and Recommendations* and decisions that followed that establishing the Trial Court Facility Modification Advisory Committee, the Workload Assessment Advisory Committee, and the Judicial Branch Workers Compensation Advisory Committee as standing advisory committees would assist in achieving these objectives. In addition, E&P recognized the need for amendments to the rule for the CJER Governing Committee and rule 10.2 on Judicial Council membership and terms.

## **Implementation Requirements, Costs, and Operational Impacts**

Advisory committee costs include the costs of members' travel, meals and lodging (if needed) for in-person meetings, and the cost of telephone and video conferences; other costs include staff time. The council has determined that the subject areas of the three new advisory committees—all of which been in existence for several years as working groups—are ones in which both the council and judicial branch would benefit from policy recommendations and advice. It has also determined that it is appropriate to establish advisory groups of members with diverse experience to provide recommendations and advice in the needed subject areas.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

This proposal supports the policies underlying Goal IV, Quality of Justice and Service to the Public, and Goal VI, Branchwide Infrastructure for Service Excellence.

## **Attachments and Links**

1. California Rules of Court, rules 10.2, 10.50, and 10.65–10.67, at pages 9-12

2. *Trial Court Facility Modifications Policy* (revisions effective December 12, 2014), at pages 13–22
3. Chart of Comments, at page 23

DRAFT

Rules 10.65, 10.66, and 10.67 of the California Rules of Court are adopted and rules 10.2 and 10.50 are amended, effective December 12, 2014, to read:

1 **Rule 10.2. Judicial Council membership and terms**

2  
3 **(a)–(d) \* \* \***

4  
5 **(e) Restrictions on advisory committee membership**

6  
7 Unless otherwise provided by these rules or the Chief Justice waives this provision,  
8 neither council members nor nonvoting advisory council members may  
9 concurrently serve on a council advisory committee. This provision does not apply  
10 to members of the following advisory committees:

11  
12 (1) Administrative Presiding Justices;

13  
14 (2) Trial Court Presiding Judges; and

15  
16 (3) Court Executives.

17  
18 **Rule 10.50. Governing Committee of the Center for Judicial Education and**  
19 **Research**

20  
21 **(a)–(c) \* \* \***

22  
23 **(d) Membership**

24  
25 The committee consists of at least the following members:

26  
27 (1) ~~Eight~~ Eleven sitting judicial officers, including at least one appellate court  
28 justice and one immediate past presiding judge;

29  
30 (2) Three judicial administrators, including a supervisor or manager from a trial  
31 or appellate court;

32  
33 (3) The Administrative Director ~~of the Courts~~ as an advisory member;

34  
35 (4) The president of the California Judges Association or his or her designee as  
36 an advisory member; and

37  
38 (5) Other advisory members as the Chief Justice may appoint.

39  
40 **(e)–(f) \* \* \***

1 **Rule 10.65. Trial Court Facility Modification Advisory Committee**

2  
3 **(a) Area of focus**

4  
5 The committee makes recommendations to the council on facilities modifications,  
6 maintenance, and operations; environmental services; and utility management.

7  
8 **(b) Additional duties**

9  
10 In addition to the duties specified in rule 10.34, the committee:

- 11  
12 (1) Makes recommendations to the council on policy issues, business practices,  
13 and budget monitoring and control for all facility-related matters in existing  
14 branch facilities.
- 15  
16 (2) Makes recommendations to the council on funding and takes additional  
17 action in accordance with council policy, both for facility modifications and  
18 for operations and maintenance.
- 19  
20 (3) Collaborates with the Court Facilities Advisory Committee in the development  
21 of the capital program, including providing input to design standards,  
22 prioritization of capital projects, and methods to reduce construction cost without  
23 impacting long-term operations and maintenance cost.
- 24  
25 (4) Provides quarterly and annual reports on the facilities modification program  
26 in accordance with the council policy.

27  
28 **(c) Membership**

29  
30 The committee consists of members from the following categories:

- 31  
32 (1) Trial court judges; and  
33  
34 (2) Court executive officers.

35  
36 The committee includes the chair and vice-chair of the Court Facilities Advisory  
37 Committee, as non-voting members.

38  
39 Advisory Committee Comment

40  
41 The Judicial Council policy referred to in the rule is contained in the *Trial Court Facility*  
42 *Modifications Policy* adopted by the council.

1 **Rule 10.66. Workload Assessment Advisory Committee**

2  
3 **(a) Area of focus**

4  
5 The committee makes recommendations to the council on judicial administration  
6 standards and measures that provide for the equitable allocation of resources across  
7 courts to promote the fair and efficient administration of justice.  
8

9 **(b) Additional duties**

10  
11 In addition to the duties specified in rule 10.34, the committee must recommend:  
12

- 13 (1) Improvements to performance measures and implementation plans and any  
14 modifications to the Judicial Workload Assessment and the Resource  
15 Assessment Study Model;  
16  
17 (2) Processes, study design, and methodologies that should be used to measure  
18 and report on court administration; and  
19  
20 (3) Studies and analyses to update and amend case weights through time studies,  
21 focus groups, or other methods.  
22

23 **(c) Membership**

- 24  
25 (1) The advisory committee consists of an equal number of superior court  
26 judicial officers and court executive officers reflecting diverse aspects of  
27 state trial courts, including urban, suburban, and rural locales; size and  
28 adequacy of resources; number of authorized judgeships; and for judicial  
29 officers, diversity of case type experience.  
30  
31 (2) A judicial officer and court executive officer may be from the same court.  
32

33 **Rule 10.67. Judicial Branch Workers Compensation Advisory Committee**

34  
35 **(a) Area of focus**

36  
37 The committee makes recommendations to the council for improving the statewide  
38 administration of the Judicial Branch Workers' Compensation Program and on  
39 allocations to and from the Judicial Branch Workers' Compensation Fund  
40 established under Government Code section 68114.10.  
41

42 **(b) Additional duties**

43

1 In addition to the duties specified in rule 10.34, the committee must review:

- 2
- 3 (1) The progress of the Judicial Branch Workers' Compensation Program;
- 4
- 5 (2) The annual actuarial report; and
- 6
- 7 (3) The annual allocation, including any changes to existing methodologies for
- 8 allocating workers' compensation costs.
- 9

10 **(c) Membership**

11

12 The advisory committee consists of persons from trial courts and state judicial

13 branch entities knowledgeable about workers' compensation matters, including

14 court executive officers, appellate court clerk/administrators, and human resources

15 professionals.

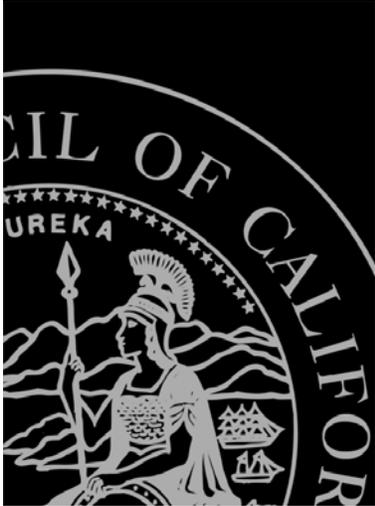
16

17 Advisory Committee Comment

18

19 The Judicial Branch Workers' Compensation Program is administered by the Judicial Council

20 staff under rule 10.350.



# Trial Court Facility Modifications Policy

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ADOPTED AND EFFECTIVE  
JULY 27, 2012  
REVISED DECEMBER 12, 2014

## I. Purpose

Government Code section 70391(h) requires the Judicial Council to allocate appropriated funds for the maintenance and construction of court facilities. Government Code section 70374(c)(1) authorizes the use of funds in the State Court Facilities Construction Fund for projects involving, among other things, rehabilitation, renovation, or replacement of court facilities. This document presents the methodology and process for identifying and prioritizing facility modifications (Facility Modifications) to be made to trial court facilities, the responsibility or title for which rests with the state.

~~This document~~ The Trial Court Facility Modifications Policy, initially approved and effective July 27, 2012, replaced replaces and superseded supersedes the Judicial Council's Prioritization Methodology for Modifications to Court Facilities, last revised April 24, 2009, and if approved, would become effective July 27, 2012. This revised Trial Court Facility Modifications Policy, if approved by the council, will become effective December 12, 2014.

## II. Definitions

### A. Facility Modification

A Facility Modification is a physical modification to a facility or its components that restores or improves the designed level of function of a facility or facility components. A Facility Modification may consist of:

- A modification that alters or increases the designed level of services of a building;
- A "special improvement" meaning a one-time modification to a facility that is not expected to be repeated during the lifetime of the facility;
- An alteration, addition to, or betterment of a facility that changes its function, layout, capacity, or quality;
- A rehabilitation, which restores a facility to its former state or capacity;
- A renovation, which restores a facility to a former or better state, including by repairing or reconstructing facility components;
- A replacement, which puts a new facility component of the same or better quality or function, in the place of an existing facility component;
- The addition of new systems, equipment, or components to a facility that would not otherwise exist;
- A modification to a facility that is required to bring the facility into compliance with law, including but not limited to the Americans with Disabilities Act, title 24 of the California Code of Regulations, and federal and state hazardous materials laws and regulations;
- Any of the foregoing where a facility or its components are damaged, seriously deteriorated, dysfunctional, subject to intermittent service outage,

or otherwise in insufficient operating condition as a result of deferred maintenance, emergency, acts of God, severe wind or weather conditions, vandalism, or criminal activity; and

- A correction of collateral damage arising from an emergency incident or unanticipated finding that is discovered during the performance of Facility Modification work.

A Facility Modification differs from routine maintenance and repair of a court facility, which is the routine, recurring, and generally anticipated work that must be performed periodically throughout the life of a facility to keep the building and its grounds, equipment, and utilities infrastructure in a condition adequate to support their designed level of service. Routine maintenance and repair includes annual or less frequent periodic repairs and replacements of building components and equipment consistent with manufacturers' recommendations or industry-recommended service cycles. While a Facility Modification may either restore or improve a facility's designed level of function, routine maintenance and repair always maintains, without materially improving, the facility and its components at their designed level of function. Routine maintenance and repair is the basic and ongoing work that is needed, as part of ordinary facility operation and management, to keep the facility and its components in a condition adequate to support existing facility operations and to prevent deterioration, break down, and service interruptions.

In some instances, it is difficult to distinguish between a Facility Modification, on the one hand, and routine maintenance and repair, on the other hand. Facility Modifications are distinguished from routine maintenance and repair based on the scope and complexity of the work to be performed, and the anticipated impact of the work on the ongoing operation of the facility. Factors to be considered in evaluating the scope, complexity, and impact of a project include:

- The amount of time and materials needed to complete the work;
- The number of steps involved in completing the project;
- The type and number of tools required to perform the work;
- The extent to which facility structures or equipment must be altered or moved to complete the project;
- Whether the facility component involved is a substantial part of a major facility system;
- Whether one or more facility systems will be disrupted or taken out of service as a result of the project; and
- Whether the project involves critical facility systems such as life safety or security equipment, HVAC equipment, utilities infrastructure, roofs and other structural components, or accessibility features (i.e., elevators, escalators, doors, parking lots and structures).

Projects of greater scope and complexity or with a more critical impact on the ongoing safe and secure operation of the court facility are more likely to be Facility Modifications; however, for projects that are more difficult to distinguish, case-by-case evaluation is required.

A Facility Modification differs from a capital project, which significantly increases the facility's gross area; substantially renovates the majority (more than 50 percent) of the facility; involves the construction of a new facility or a facility acquisition; or changes the use of the facility, as in a conversion from another use to court use.

**B. Judicial Branch Facilities' Customer Service Center (CSC)**

The Judicial Branch Facilities' Customer Service Center, or CSC, is a 24-hour service center established to receive, track, and control all work statewide related to court facilities. The center is managed by the Office of Court Construction Real Estate and Facilities Management staff (OCCM), a division of the Administrative Office of the Courts (AOC) within the Judicial Council's Administrative Division. The CSC is the primary contact point for all Facility Modification requests and all maintenance services. The e-mail address is [csc@jud.ca.gov](mailto:csc@jud.ca.gov).

**C. Facility Modification Budget Allocation Categories**

**1. Statewide Facility Modifications Planning Allocation**

The Statewide Facility Modifications Planning Allocation is the portion of the Facility Modifications budget set aside by the Judicial Council for planning, investigations, and other activities related to the identification, solution analysis or development of Facility Modification requirements, estimates, and plans. This includes studies of issues that may eventually require Facility Modifications as well as full facility assessments used for long-range planning of the Facility Modification program. This budget does not include detailed construction design work, which is incorporated into the cost of each specific Facility Modification.

**2. Priority 1 Facility Modifications Allocation**

The Priority 1 Facility Modifications Allocation is the portion of the Facility Modification budget set aside by the Judicial Council for performance of emergency Facility Modifications. Due to the unpredictable nature of these Facility Modifications funding must be set aside to ensure an adequate reserve to address any emergencies that may arise over the course of the ~~Fiscal Year~~ fiscal year.

**3. Planned Facility Modifications Allocation**

The Planned Facility Modifications Allocation is the portion of the Facility Modification budget set aside by the Judicial Council for Facility Modifications that the ~~TCFMWG~~ Trial Court Facility Modification Advisory Committee

(TCFMAC) has fully vetted and recommended for funding at the beginning of the ~~Fiscal Year~~ fiscal year and that are approved by the Judicial Council. Typically these Facility Modifications are considered to be among the highest priority from those *not* funded in the previous year due to budget constraints. Funds remaining in this allocation after all Planned Facility Modifications have been completed can be reallocated by the ~~TCFMWG~~ TCFMAC among the other Facilities Modification Budget Categories. The Judicial Council will be advised of any such reallocations in the annual information report submitted after the close of each fiscal year. The report also will indicate if any Planned Facility Modifications approved by the council are cancelled.

#### **4. Priority 2–6 Facility Modifications Allocation**

The remainder of the Facility Modifications budget is set aside by the Judicial Council for Priority 2–6 Facility Modifications that were either not received prior to the beginning of the fiscal year or involved lower-priority work not yet fully vetted and estimated but eligible for funding during the current fiscal year depending on funds available and priority of the requested modification.

This budget allocation is spread over the course of the ~~Fiscal Year~~ fiscal year by the ~~TCFMWG~~ TCFMAC to fund requests that are ad hoc or unplanned, but that rank among the highest priority Facility Modifications. The ~~TCFMWG~~ TCFMAC will determine at the beginning of the fiscal year the amount to be used at each of its meetings as part of a plan to stage the work over the course of the year. This will allow for funding decisions at each meeting to ensure funds are spent appropriately and fully for the fiscal year. Based on this funding determination the ~~AOC~~ Judicial Council staff will present a proposed list of Facility Modification at each meeting. The ~~TCFMWG~~ TCFMAC will then approve or disapprove funding for each of the proposed Facility Modifications.

### **III. Priority Categories**

#### **Priority Categories for Facility Modifications**

Projects determined to be Facility Modifications will be assigned one of the six priority categories described below. These priority categories are based on methods commonly used by private sector facility management firms. Facility Modifications will be prioritized based on confirmation that the requested project qualifies as a Facility Modification under the criteria in section IIA above, as well as by priority category, specific justifications, effect on court operations, public and employee safety, risk management and mitigation, funding availability, equity among the courts, implementation feasibility, cost/benefit analysis, planning and design status, contribution to ADA compliance, and status of major capital improvements.

Facility Modifications determined to be Priority 1 will be addressed immediately and regardless of whether the court occupies a shared-use facility. Planned Priority 2–6 Facility Modifications requested for shared-use facilities will be assigned an appropriate priority category; their prioritization and implementation may be dependent, however, on financial participation by the county that shares the building.

Priority categories for Facility Modifications are as follows:

**Priority 1—Immediately or Potentially Critical.** A Priority 1 ranking is appropriate where a condition of the facility requires immediate action to return the facility to normal operations or where a condition exists that will become critical if not corrected expeditiously. Such conditions necessitate a Facility Modification to prevent accelerated deterioration, damage, or dysfunction; to correct a safety hazard that imminently threatens loss of life or serious injury to the public or court employees; or to remedy intermittent function, service interruptions, or potential safety hazards. These conditions may include, but are not limited to, major flooding, substantial damage to roofs or other structural building components, or actual or imminent hazardous material release or exposure. Depending on scope, complexity, and impact, a severe deterioration in life safety or security components may also be considered a condition requiring a Priority 1 Facility Modification.

Owing to their critical nature, Priority 1 Facility Modification requests will be addressed immediately by AOC staff using internal procedures—including a method and a process for setting aside funds to address Priority 1 requests—that ensure timely and effective responses to unplanned damage, deterioration, or dysfunction resulting from an emergency or other potentially critical conditions.

**Priority 2—Necessary, But Not Yet Critical.** A Priority 2 ranking is appropriate where a facility requires a modification to preclude deterioration, potential loss of function or service, or associated damage or higher costs if correction of a condition is further deferred.

**Priority 3—Needed.** A Priority 3 ranking is appropriate where addressing a Facility Modification will reduce long-term maintenance or repair costs or improve the functionality, usability, and accessibility of a court facility. Such a condition is not hindering to the most basic functions of the facility, but its correction will improve court operations.

**Priority 4—Does Not Meet Current Codes or Standards.** A Priority 4 ranking is appropriate where a facility or one or more of its components does not conform to current code requirements, despite having complied with all codes in place at the time of initial construction. Such conditions are considered *legally nonconforming*, and their modification to meet current code requirements is generally not required.

**Priority 5—Beyond Rated Life, But Serviceable.** A Priority 5 ranking is appropriate where a facility is currently adequate to support court operations but, owing to some condition, cannot be expected to fully and properly function as designed for more than one year without the requested Facility Modification.

**Priority 6—Hazardous Materials, Managed But Not Abated.** A Priority 6 ranking is appropriate for a Facility Modification where a facility contains hazardous materials, such as asbestos or lead-based paints, that are managed in place and not yet abated.

#### IV. Process for Requesting and Prioritizing Facility Modifications

##### A. Requesting Facility Modifications

Potential Facility Modifications will be identified by court and Judicial Council personnel through requests made to the CSC. The ~~AOC~~ Judicial Council staff in collaboration with the local court staff will:

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- Confirm that each requested project is a Facility Modification under the criteria set forth above in section II;
- Assign a priority category to each request;
- Resolve any questions and develop a preliminary cost estimate; and
- Finalize the scope of the Facility Modification.

**1. Priority 1 Requests.** Owing to their critical nature, Priority 1 requests will be addressed immediately by Judicial Council staff using internal procedures that ensure timely and effective responses to unplanned damage, deterioration, or dysfunction resulting from an emergency or other potentially critical conditions. Judicial Council staff will report to the ~~TCFMWG~~ TCFMAC on all Priority 1 requests as part of the next scheduled ~~TCFMWG~~ TCFMAC meeting.

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**2. Priority 2–6 Requests.** Requests for Priority 2–6 Facility Modifications will be tracked by the Judicial Council and the courts using the Judicial Council's Computer Aided Facility Management (CAFM) database. Each request will outline the problem to be addressed and state the impact if the problem is not addressed. Requests will be processed by CSC staff and tracked in CAFM.

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##### B. Prioritizing Requests for Priority 2–6 Facility Modifications

The following criteria will be used in ranking of all noncritical Facility Modifications:

- Priority category;
- Specific justifications, effect on court operations;
- Public and employee safety and security, and risk management;
- Funding availability;
- Equity among the courts;

- Implementation feasibility;
- Cost/benefit analysis;
- Design and plan status;
- Contribution to ADA compliance; and
- Planned major capital improvements.

#### ~~V. Trial Court Facility Modifications Working Group~~

##### ~~A. Trial Court Facility Modifications Working Group: Membership and Terms~~

~~The Trial Court Facility Modifications Working Group (TCFMWG) has been established by the Judicial Council to review Facility Modification needs across the state. Judges or court executive officers from any California court who have knowledge of or interest in facilities management or construction are eligible to apply for membership. The TCFMWG consists of five judges selected by the Trial Court Presiding Judges Advisory Committee and three Court Executive Officers selected by the Court Executive Officers Advisory Committee. Members serve a three year term, though terms may be extended at the discretion of the chair of the Court Facilities Working Group (CFWG). The chair and vice chair of the TCFMWG are appointed from among the TCFMWG membership by the Chief Justice, with recommendations from the chair of the CFWG. AOC staff is responsible for notifying the pertinent selection committee when new members need to be appointed.~~

##### ~~C. Trial Court Facility Modifications Working Group Advisory Committee: Duties and Procedures~~

~~The TCFMWG TCFMAC will meet as needed to review the AOC Judicial Council staff-prepared reports, which will include a suggested ranked list of all proposed Facility Modifications with fully developed scopes of work and cost estimates as well as current funding availability. The total cost of all modifications on the draft ranked list may not exceed total available funding for the current fiscal year. Based on a review of the AOC Judicial Council reports and any other available information, the TCFMWG TCFMAC will determine which modifications to recommend for funding in the current fiscal year and which should be deferred for future consideration based on funding availability. The group may also determine that certain items do not qualify as Facility Modifications and remove them from the list of recommended projects.~~

##### ~~D. Trial Court Facility Modifications Working Group Advisory Committee: Annual Recommendation to the Judicial Council~~

- ~~1. The Legislature appropriates funding to the annual Facility Modification budget (annual budget) out of the State Court Facilities Construction Fund and the Immediate and Critical Needs Account.~~
- ~~2. Based on the annual budget, the AOC Judicial Council staff to the TCFMWG TCFMAC will develop a proposed allocation among the four Facility~~

Modification Budget Allocation Categories and a list of potential Planned Facility Modifications.

3. The ~~TCFMWG~~ TCFMAC will consider the ~~AOC~~ Judicial Council staff proposal and develop a recommended allocation among the four Facility Modification Budget Allocation Categories: Priority 1 Facility Modifications, Statewide Facility Modification Planning, Planned Facility Modifications, and Priority 2–6 Facility Modifications.
4. The ~~TCFMWG~~ TCFMAC will also use the ~~AOC~~ Judicial Council staff proposal to determine if there are high priority Facility Modifications that should be funded with the Planned Facility Modification allocation. A list of proposed Planned Facility Modifications, if any, will be developed, and will include the location, a short description, and estimated cost of each Planned Facility Modification. Based on the Annual Budget, the ~~TCFMWG~~ TCFMAC may recommend all funding be preserved for use on the highest priority Facility Modifications throughout the year and not recommend any Planned Facility Modifications.
5. The ~~TCFMWG's~~ TCFMAC's draft recommendations of the proposed funding allocation and the list of Planned Facility Modifications will be made available to the trial courts for comment by posting them on Serranus and e-mailing them to the ~~Presiding Judges~~ presiding judges and the ~~Court Executive Officers~~ court executive officers. The comments and the ~~TCFMWG's~~ TCFMAC's responses will be included with the final recommendations in a report to the Judicial Council.
6. Based upon comments received, the ~~TCFMWG~~ TCFMAC will determine its final recommended funding allocation and list of Planned Facility Modifications, which will be presented to the ~~CFWG~~ council for review and approval. ~~The CFWG may approve the TCFMWG recommendations in whole or it may revise the recommendations.~~

~~The CFWG will forward its recommended funding allocation and list of Planned Facility Modifications to E&P for placing on a Judicial Council business meeting agenda for the council's consideration and approval or revision.~~

7. This policy, and the budget allocations and list of Planned Facility Modifications approved by the Judicial Council will be the basis on which the ~~TCFMWG~~ TCFMAC and the ~~AOC~~ Judicial Council staff, in collaboration with the local courts, will proceed to implement Facility Modifications.

8. During the fiscal year, justifiable reasons may arise for reallocating funds among the four Facility Modification budget allocations—Statewide Facility Modification Planning, Priority 1, Planned, and Priorities 2–6. Under this policy, the Judicial Council delegates to the ~~TCFMWG~~ TCFMAC the authority to redistribute funds among the four budget allocations as necessary to ensure that the funds are used in the fiscal year and are used for the highest priority Facility Modifications, consistent with this policy and the criteria outlined in section IV.B above. All reallocations will be reported to the council as part of the annual report on the activities of the ~~TCFMWG~~ TCFMAC.
9. The Judicial Council also delegates to the ~~TCFMWG~~ TCFMAC the authority to approve Priority 1 and 2 Facility Modifications between the beginning of the fiscal year and the Judicial Council’s approval of the annual budget allocation and list of Planned Facility Modifications. This is necessary to ensure that emergency and necessary Facility Modifications that could impact court operations are not delayed. The ~~TCFMWG~~ TCFMAC will not expend more than 20% of the annual budget prior to the Judicial Council’s approval.

**E. Trial Court Facility Modifications Working Group ~~Advisory Committee:~~  
Annual Informational Report**

The ~~TCFMWG~~ TCFMAC will develop an informational annual report to the council summarizing its activities during the preceding fiscal year. Like the annual budget allocation recommendation, this report will be provided to the courts for comment in the same manner as the recommendations to the Judicial Council outlined above.

This report will be developed in the second quarter of the new fiscal year after all data is available and analyzed for the preceding year. This report will include data on actual expenditures, requests received, any backlog of work based on industry standard major facility systems, funding of modifications by priority, time required to complete each project, cancellation of any council-approved projects, redistribution of funding between categories, and other significant ~~TCFMWG~~ TCFMAC activities.

~~The CFWG will review this report and forward it to E&P for placing on a Judicial Council business meeting agenda as an informational item.~~

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**F. Trial Court Facility Modifications Working Group ~~Advisory Committee:~~  
Quarterly Report ~~to E&P~~**

The ~~TCFMWG~~ TCFMAC will develop a quarterly report to ~~provide to E&P, which will also be provided to the Judicial Council at the next meeting~~ the council. The report will include a list of all Facility Modifications funded during the quarter, as well as any reallocation of funds between the funding categories. ~~The first of these reports will be presented to E&P in October 2012 covering the first quarter of FY 2012-2013.~~

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**SP14-07**

**Judicial Administration: Rules for Advisory Groups** (adopt Cal. Rules of Court, rules 10.65, 10.66, and 10.67; amend rules 10.2 and 10.50; and revise Trial Court Facility Modifications Policy)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Proposed Committee Response</b>
1.	Superior Court of California, County of Los Angeles	A	No narrative comments submitted.	No response required.

DRAFT





## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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**Title**

Access to Visitation: Program Funding  
Allocation for Federal Grant Fiscal Years  
2015–2016 through 2017–2018

**Agenda Item Type**

Action Required

**Effective Date**

December 12, 2014

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

November 5, 2014

**Recommended by**

Family and Juvenile Law Advisory  
Committee  
Hon. Jerilyn L. Borack, Cochair  
Hon. Mark A. Juhas, Cochair

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve Access to Visitation Grant Program funding allocation and distribution of approximately \$755,000 to \$770,000 statewide for federal grant fiscal years 2015–2016 through 2017–2018, which begins on April 1 and ends on March 31. The funding allocations will be directed to 11 superior courts representing 16 counties and involving 21 subcontractor agencies (i.e., local community nonprofit service providers) to support and facilitate noncustodial parents' access to and visitation with their children through supervised visitation and exchange services, parent education, and group counseling services. Family Code section 3204(b)(2) requires the Judicial Council to determine the final number and amount of grants to be awarded to the superior courts.

## **Recommendation**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective December 12, 2014:

1. Approve the funding allocation and distribution of approximately \$755,000 to \$770,000 to the 11 superior courts for federal grant fiscal years 2015–2016 through 2017–2018 (each federal fiscal year), as set forth in Attachment A.
2. Approve the allocation and distribution to the next ranking court if any of the selected courts decline their grant award amount after the Judicial Council allocation approval but before execution of a funding contract with the Judicial Council.

## **Previous Council Action**

Family Code section 3204(a) requires the Judicial Council to apply annually for federal Child Access and Visitation Grant funding from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement, under section 669B of the federal Personal Responsibility and Work Opportunity Recovery Act of 1996 (Pub.L. No. 104-193 (Aug. 22, 1996) 110 Stat. 2105). The federal Child Access and Visitation Grant is a formula grant program based on each state's number of single-parent households.<sup>1</sup> California receives the maximum award, which represents less than 10 percent of the total national funding. The amount of grant funds to be awarded to courts statewide is approximately \$755,000 to \$770,000 for each federal fiscal year (FY) 2015–2016 through 2017–2018. Family Code section 3204(b)(2) authorizes the Judicial Council to determine the final number and amount of grants.<sup>2</sup>

To ensure that the Access to Visitation Grant Program funding is distributed to the courts in the most equitable manner, in December 2012, at the recommendation of the Family and Juvenile Law Advisory Committee, the Judicial Council approved creation of an Access to Visitation Stakeholder Workgroup charged with proposing new funding methodology options for FY 2015–2016. The working group explored ways to streamline the existing grant processes, evaluated the current funding methodology, and considered innovative alternatives that more equitably distribute funding while maintaining program objectives.

At its December 12, 2013 meeting, the Judicial Council approved a one-year continuation funding methodology for allocating FY 2014–2015 Access to Visitation Grant funding to the courts previously approved for grant funding by the Judicial Council for FY 2013–2014. The council also approved a one-year extension for the Access to Visitation Working Group tasked with proposing new funding methodology options for FY 2015–2016 and directed the Family and Juvenile Law Advisory Committee to circulate the proposed funding methodology to the

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<sup>1</sup> The statistical data on the number of single-parent households used to determine the formulaic distribution of funding to the states is based on U.S. Census data.

<sup>2</sup> Fam. Code, § 3204.

courts and key stakeholders for comments before making recommendations to the council at its April 2014 meeting. The proposed funding methodology was circulated through an invitation to comment process from February 14, 2014, through March 4, 2014.

At its April 25, 2014 meeting, the Judicial Council approved, effective FY 2015–2016, the following new funding methodology under the grant program:

1. Conduct an open request for proposals (RFP) process for the superior courts to apply for federal fiscal year funding for 2015–2016, and subject to the availability of federal funding, the superior courts selected by the Judicial Council for grant funding will receive continuation funding for three years (from federal fiscal years 2015–2016 through 2017–2018).
2. The RFP process will open up again in federal FY 2018–2019 for another three-year funding period, with a permanent open RFP process repeating every three years and grant funding provided to the selected courts for a three-year period.
3. Grant funding amounts would be divided into three categories: a maximum of \$45,000, a maximum of \$60,000, and a maximum of \$100,000.
4. Two demographic factors will be used to determine which of the three funding categories would apply to a given court: (1) the number of single-parent households in the county, from the U.S. Census data; and (2) the number of individuals with income below the poverty level in the county, per the U.S. Census data.

### **Rationale for Recommendation**

The federal funding for this program is extremely limited, and no increase is expected in the foreseeable future. The need for access to visitation services is high. The existing funding levels cannot meet the current demand for services. To ensure a fair and unbiased selection process, Judicial Council Access to Visitation Grant Program staff convened the establishment of a Grant Review Group (GRG) that included representatives of the grantee programs (previous funded) from both northern and southern regions and subject matter experts on the grant-related services. The role of the GRG was to read, score, and evaluate each grant application proposal using the scoring evaluation criteria outlined under section 4.2 and section 4.2.1 of the Access to Visitation Request for Proposal and Grant Application. Judicial Council program staff then submitted the ranking results and funding levels based upon the methodology approved by the Judicial Council on April 25, 2014, to the Family and Juvenile Law Advisory Committee for submitting recommendations to the Judicial Council.

### **RFP Grant Application for Fiscal Years 2015–2016 through 2017–2018**

On July 21, 2014, the Judicial Council Center for Families, Children & the Courts (CFCC) released an open, competitive request for proposals (RFP) grant application for fiscal years 2015–2016 through 2017–2018 funding for Access to Visitation–related services: supervised

visitation and exchange services, parent education, and group counseling services for child custody and visitation family law cases. Prior to the release of the RFP grant application, Access to Visitation Grant Program staff participated in several conference call discussions with statewide family court services directors, managers, and supervisors to prepare the courts for the open RFP process that would begin in June or July 2014.

The RFP grant application was released and posted on both the California Courts and Serranus websites on July 21, 2014. Program staff also provided four statewide applicants' teleconferences for superior courts interested in applying for federal grant funding for fiscal years 2015–2016 through 2017–2018. The purpose of the applicants' teleconferences was to provide an opportunity for courts to ask specific questions regarding the RFP grant application, grant program requirements, and terms and conditions for funding. The teleconferences were designed to be consistent with recommendations received through the new funding methodology regarding suggestions for streamlining and improving the RFP grant application processes. Additionally, courts were permitted to submit by e-mail written questions regarding the RFP grant application after closure of the applicant's workshop. Program staff posted questions and responses each week on the California Courts and Serranus websites. The deadline for the RFP grant application for fiscal years 2015–2016 through 2017–2018 was September 12, 2014.

Center for Families, Children & the Courts staff received 20 grant applications from the superior courts, which represented 27 counties and involved 35 subcontractor agencies (i.e., local court community-based service providers that will provide the direct services on behalf of the court to families). See Attachment B for a list of RFP applicant courts. The total funding request from the RFP applicant courts was \$1,449,411, and the total available statewide funds are \$755,000 to \$770,000 (subject to final federal allocation in early 2015) so the total request for funding exceeded available funds by \$679,411 to \$694,411. The anticipated federal funding allocation for the state of California for the Access to Visitation Grant Program for the grant fiscal year is expected to be in the range of \$928,087 to \$958,704, based upon recent funding history.<sup>3</sup>

### **Grant funding criteria and amounts**

The grant funding categories are based upon the new methodology adopted by the Judicial Council at its April 25, 2014 meeting. Grant funding amounts will be divided into three categories: a maximum of \$45,000, a maximum \$60,000, and a maximum of \$100,000. Two demographic factors will be used to determine which of the three funding categories would apply to a given court: (1) the number of single-parent households in the county, from U.S. Census data; and (2) the number of individuals with income below the federal poverty level in the county, per U.S. Census data.

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<sup>3</sup> The difference between the federal funding allocation and the allocation to the courts represents the amount of funds used to provide the funded courts with various statewide services, including technical assistance, education and training, evaluative site visits, and assistance in required program data collection and mandatory attendance at annual grant meetings required by the funder. Funds have been allocated for these statewide services since inception of the grant program in 1997.

### **Review and selection process**

Family Code section 3204(b)(1) requires that the Judicial Council allocate funds through a request for proposal process that complies with all state and federal requirements for receiving Access to Visitation Grant funds. Family Code section 3204(b)(2) provides that the grant funds shall be awarded with the intent of approving as many requests for proposals as possible while ensuring that each approved proposal will provide beneficial services and satisfy the overall goals of the program. This Family Code section also specifies certain required selection criteria:

- Availability of services to a broad population of parties;
- Ability to expand existing services;
- Coordination with other community services;
- Hours of service delivery;
- Number of counties or regions participating;
- Overall cost-effectiveness; and
- Promotion and encouragement of healthy relationships between noncustodial parents and their children, while ensuring the health, safety, and welfare of the children.

A summary with specific details regarding the grant application review and selection process is attached to this report as Attachment C.

### **Comments, Alternatives Considered, and Policy Implications**

This proposal was not circulated for comment. This proposal applies the funding methodology adopted by the Judicial Council at its meeting of April 25, 2014, to the applications received under an open, competitive request for proposal that was also adopted by the council at that meeting. Input was provided including a public comment period and alternatives were considered prior to the council's action at its meeting of April 25, 2014.

### **Implementation Requirements, Costs, and Operational Impacts**

The courts are required to contribute a 20 percent nonfederal match to the allocated funding. This requirement has been fulfilled by an in-kind match that covers the courts' implementation costs, such as procuring service providers, processing and submitting program invoices, and data collection.

The Judicial Council will execute contract agreements with the designated administering courts. The courts will then execute memoranda of understanding with their local service providers. Each court and service provider receiving funds is required to comply with all federal and state grant funding requirements—including all fiscal and administrative requirements—as well as grant terms set forth by the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement.

## **Attachments**

1. Attachment A: List of Superior Courts and Grant Award Amounts for Fiscal Years 2015–2016 through 2017–2018
2. Attachment B: Summary of RFP Grant Applicant Courts for Fiscal Years 2015–2016 through 2017–2018
3. Attachment C: Summary of RFP Grant Application Review Process for Fiscal Years 2015–2016 through 2017–2018
4. Attachment D: Family Code, section 3204

**Judicial Council of California  
Center for Families, Children & the Courts**

**ACCESS TO VISITATION GRANT PROGRAM**

**List of Superior Courts and Grant Award Amounts  
for Fiscal Years 2015–2016, 2016–2017, and 2017–2018**

<b>Superior Courts of California</b>	<b>Proposed Grant Funding Allocation</b>
Superior Court of Butte County	\$60,000
Superior Court of El Dorado County	\$ 45,000
Superior Court of Los Angeles County	\$100,000
Superior Court of Mendocino County	\$60,000
Superior Court of Mono County	\$45,000
Superior Court of Orange County *	\$25,000–\$40,000
Superior Court of San Bernardino County	\$100,000
Superior Court of San Francisco County	\$100,000
Superior Court of Shasta County	\$ 60,000
Superior Court of Tulare County	\$100,000
Superior Court of Yuba County	\$ 60,000
<b>Total</b>	<b>\$755,000 to \$770,000 **</b>

\* The Superior Court of Orange County will not receive the full funding request, ranking 11th out of 11 courts that are eligible for grant funding under the application review. The actual grant funding amount for the Superior Court of Orange County will depend on final federal allocation. The recommendation is that the Superior Court of Orange County be funded at the maximum amount available once the final federal allocation is received.

\*\* The total proposal grant funding allocation range is \$755,000 to \$770,000, which includes allocation for the Superior Court of Orange County.

**Judicial Council of California  
Center for Families, Children & the Courts**

**ATTACHMENT B**

**Summary of RFP Grant Applicant Courts for Fiscal Years 2015–2016, 2016–2017, and 2017–2018**

	Applicant Court	Counties Served	No. of Counties	Region Service Area	Supervised Visitation	Supervised Exchange	Parent Education	Group Counseling	Review Score	Budget Request Amount	Proposed Grant Funding Allocation
1	<b>San Bernardino</b>	San Bernardino	1	SO	X	X			171	100,000	100,000
2	<b>Shasta</b>	Shasta, Trinity	2	NO	X	X	X	X	170	60,000	60,000
3	<b>Yuba</b>	Yuba, Sutter	2	NO	X				169	60,000	60,000
4	<b>El Dorado</b>	El Dorado	1	NO	X	X			167	45,000	45,000
5	<b>Mendocino</b>	Mendocino, Del Norte	2	BA	X	X	X		167	60,000	60,000
6	<b>Los Angeles</b>	Los Angeles	1	SO	X				166	100,000	100,000
7	<b>Butte</b>	Butte, Glenn	2	NO	X				161	60,000	60,000
8	<b>San Francisco</b>	San Francisco	1	BA	X	X	X		161	100,000	100,000
9	<b>Mono</b>	Mono	1	NO	X	X			159	51,642	45,000
10	<b>Tulare</b>	Tulare, Kings	2	NO	X				157	100,000	100,000
11	<b>Orange*</b>	Orange	1	SO	X	X			156	100,000	25,000–40,000
	<b>Subtotal</b>		<b>16</b>							<b>\$836,642</b>	<b>\$755,000 to \$770,000</b>

1	<b>San Mateo</b>	San Mateo	1	BA	X	X	X		155	100,000	0
2	<b>Amador</b>	Amador, Calaveras	2	NO	X				155	75,000	0
3	<b>Contra Costa</b>	Contra Costa, Alameda	2	BA	X	X			148	45,000	0
4	<b>Santa Clara</b>	Santa Clara	1	BA	X				146	100,000	0
5	<b>Napa</b>	Napa	1	BA	X	X			140	100,000	0
6	<b>Sacramento</b>	Sacramento	1	NO	X	X			128	60,000	0
7	<b>San Joaquin</b>	San Joaquin	1	NO	X	X			117	50,000	0
8	<b>Lake</b>	Lake	1	BA	X	X	X		114	100,000	0
9	<b>Merced</b>	Merced	1	BA	X	X	X	X	34	22,768.80	0
	<b>Total</b>		<b>27</b>							<b>\$1,449,411</b>	

\* The Superior Court of Orange County will not receive the full funding request, ranking 11th out of 11 courts that are eligible for grant funding under the application review. The actual grant funding amount for the Superior Court of Orange County will depend on final federal allocation. The recommendation is that the Superior Court of Orange County be funded at the maximum amount available once the final federal allocation is received.

**Judicial Council of California  
Center for Families, Children & the Courts**

**ACCESS TO VISITATION GRANT PROGRAM**

**Summary of Grant Review and Selection Process  
for Fiscal Years 2015–2016, 2016–2017, and 2017–2018**

The Judicial Council’s Center for Families, Children & the Courts Access to Visitation Grant program staff convened the establishment of a Grant Review Group (GRG) of volunteers that included representatives of the grantee programs (previously funded) from both northern and southern regions and subject matter experts on the grant-related services who would participate in the review of the Access to Visitation Grant Program request for proposals (RFP) grant applications for fiscal years 2015–2016, 2016–2017, and 2017–2018. The role of the GRG reviewers was to read, score, and evaluate each grant application using the scoring evaluation criteria outlined under the Request for Proposal at sections 4.2 and 4.2.1. Judicial Council program staff then submitted the ranking results to the Family and Juvenile Law Advisory Committee who made funding allocation recommendations to the Judicial Council. The Judicial Council makes final decisions regarding the number and amounts of grant awards.<sup>4</sup>

The RFP grant application selection criteria were based on evaluation criteria set forth in Family Code sections 3204(b)(1) and (b)(2)(A–G), state and federal grant requirements, and compliance with Standard 5.20 of the California Standards of Judicial Administration (Uniform Standards of Practice for Providers of Supervised Visitation). The RFP grant application and review and selection process also sought to ensure that grant funds be awarded with the intent of approving as many requests for proposals as possible while assuring that each approved proposal would provide beneficial services and satisfy the overall goals of the program.

The Judicial Council staff developed the RFP grant application based on the evaluation criteria set forth in Family Code sections 3204(b)(1) and (2), and state and federal grant reporting requirements. The RFP grant application was posted on the California Courts and Serranus websites. The deadline for the RFP grant application was September 12, 2014. Judicial Council program staff also conducted four applicants’ teleconferences to assist courts with the grant application process.

GRG reviewers were local, state, and national subject matter experts including family court services directors, professional subject matter experts from the CFCC, a former national program

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<sup>4</sup> Fam. Code, § 3204(b)(2).

\* The Superior Court of Orange County will not receive the full funding request, ranking 11th out of 11 courts that are eligible for grant funding under the application review. The actual grant funding amount for the Superior Court of Orange County will depend on final federal allocation. The recommendation is that the Superior Court of Orange County be funded at the maximum amount available once the final federal allocation is received.

director, and community-based service providers with supervised visitation, domestic violence, and child abuse expertise. To assist GRG reviewers with the grant application process, Judicial Council staff conducted a GRG orientation teleconference prior to the review of any grant application proposals.

At least four GRG reviewers read and evaluated each grant proposal. The eight GRG reviewers were divided into two separate assigned groups based on the funding allocation cap (i.e., grant proposals eligible for \$45,000 and \$60,000 were reviewed by one group, and grant proposals eligible for \$100,000 were reviewed by the second group). **GRG reviewers did not read or score any grant application proposals from their own courts or counties.** GRG reviewers were also required to sign a conflict of interest statement and excuse themselves from discussion or voting on any proposal submitted by their own court or county agencies. The Access to Visitation Grant Program manager and program analyst did not score any grant applications.

Each reviewer had to read, evaluate, and score 10 grant application proposals. GRG reviewers were responsible for completing a “draft” score on each proposal. These initial draft scores were to be used as a starting point when reviewers convened at the Judicial Council on September 29, 2014. The primary purpose of the in-person GRG meeting was for individual groups to come together in their assigned subgroups to discuss and generate a “group consensus score” for each grant application proposal. For each proposal, each group was responsible for creating one final application reviewer rating sheet that detailed the group’s consensus score. In the afternoon, all GRG reviewers convened to review, confer, and make final funding recommendations.

The GRG used a three-tier screening system. All grant application proposals were evaluated and scored according to a system of points, with each criterion in the RFP proposal narrative section assigned a maximum point value. GRG reviewers used both a reviewer rating sheet, with clear, quantifiable measures for evaluation and scoring of the proposals, and a rating scale to tabulate the applicant’s response to each question. The grant application proposals were ranked strictly by score. This meant that each court’s application score determined its rank. The RFP grant application proposals were evaluated and scored on a scale of 0–178 points based on the following criteria:

1. Grant application format requirements: applications must follow the required instructions outlined under sections 3.2. (10 points)
2. Grant application proposal narrative section (total of 166 points)
  - A. RFP Grant Application Cover Page (16 points)
  - B. Program Abstract (10 points)
  - C. Program Description (*total of 140 points*)
    - Statement of Need (15 points)
    - Program Service Delivery (75 points)
    - Program Evaluation (10 points)
    - Program Monitoring (10 points)

- Program Sustainability (10 points)
- Budget (20 points)

3. RFP Grant Application Bonus points (2 points)

Additionally, the RFP grant application stated that the GRG would evaluate each proposal based on the following values and principles:

- Overall responsiveness to each question;
- Efficient use of funds;
- Program services that reach the greatest number of families to be served;
- Programs with a demonstrated history of sound fiscal management and administration;
- Evidence of strong court and community support and collaboration; and
- Programs that maximize grant resources for overall cost effectiveness.

While no points were awarded for these evaluative factors, grant decisions sought to ensure that the program goals represent statewide geographical diversity in service delivery, including population and court size.

**Judicial Council of California  
Center for Families, Children & the Courts**

**ACCESS TO VISITATION GRANT PROGRAM**

**California Family Code Section 3204**

3204. (a) The Judicial Council shall annually submit an application to the federal Administration for Children and Families, pursuant to Section 669B of the "1996 Federal Personal Responsibility and Work Opportunity Recovery Act" (PRWORA), for a grant to fund child custody and visitation programs pursuant to this chapter.

The Judicial Council shall be charged with the administration of the grant funds.

(b) (1) It is the intention of the Legislature that, effective October 1, 2000, the grant funds described in subdivision (a) shall be used to fund the following three types of programs: supervised visitation and exchange services, education about protecting children during family disruption, and group counseling for parents and children, as set forth in this chapter. Contracts shall follow a standard request for proposal procedure, that may include multiple year funding. Requests for proposals shall meet all state and federal requirements for receiving access and visitation grant funds.

(2) The grant funds shall be awarded with the intent of approving as many requests for proposals as possible while assuring that each approved proposal would provide beneficial services and satisfy the overall goals of the program under this chapter. The Judicial Council shall determine the final number and amount of grants. Requests for proposals shall be evaluated based on the following criteria:

- (A) Availability of services to a broad population of parties.
- (B) The ability to expand existing services.
- (C) Coordination with other community services.
- (D) The hours of service delivery.
- (E) The number of counties or regions participating.
- (F) Overall cost effectiveness.
- (G) The purpose of the program to promote and encourage healthy parent and child relationships between noncustodial parents and their children, while ensuring the health, safety, and welfare of the children.

(3) Special consideration for grant funds shall be given to proposals that coordinate supervised visitation and exchange services, education, and group counseling with existing court-based programs and services.

(c) The family law division of the superior court in each county shall approve sliding scale fees that are based on the ability to pay for all parties, including low-income families, participating in a supervised visitation and exchange, education, and group counseling programs under this chapter.

(d) The Judicial Council shall, on March 1, 2002, and on the first day of March of each subsequent year, report to the Legislature on the programs funded pursuant to this chapter and whether and to what extent those programs are achieving the goal of promoting and encouraging healthy parent and child relationships between noncustodial or joint custodial parents and their children while ensuring the health, safety, and welfare of children, and the other goals described in this chapter.





## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title	Agenda Item Type
California Reentry Court Evaluation Report	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	December 12, 2014
Recommended by	Date of Report
Curtis L. Child, Chief Operating Officer, Judicial Council of California	November 10, 2014
Shelley Curran, Senior Manager, Criminal Justice Services	Contact
	Francine Byrne, 415-865-8069 <a href="mailto:francine.byrne@jud.ca.gov">francine.byrne@jud.ca.gov</a>
	Arley Lindberg, 415-865-7683 <a href="mailto:arley.lindberg@jud.ca.gov">arley.lindberg@jud.ca.gov</a>

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### Executive Summary

Judicial Council staff recommend that the Judicial Council receive the *California Reentry Court Evaluation Report* and direct the Administrative Director to submit this report to the California Legislature and Governor, as mandated by Penal Code section 3015. Under the statute, the Judicial Council is required to submit a final evaluation report that assesses the pilot reentry court program's effectiveness in reducing recidivism no later than three years after the establishment of a reentry court. The report was developed in consultation with the California Department of Corrections and Rehabilitation (CDCR).

### Recommendation

Judicial Council staff recommend that the Judicial Council:

1. Receive the *California Reentry Court Evaluation Report*, which documents program evaluation findings for the pilot California reentry court program outlined in Penal Code section 3015.
2. Direct the Administrative Director to submit this report to the California Legislature and Governor by December 20, 2014.

The *California Reentry Court Evaluation Report* is included as Attachment A to this report.

### **Previous Council Action**

Although there has been no previous action from the Judicial Council related to this evaluation, on July 25, 2013, the Judicial Council accepted the recommendation by the Collaborative Justice Courts Advisory Committee to enter into an interagency agreement related to reentry courts with the California Department of Corrections and Rehabilitation (CDCR). The interagency agreement effectuated a provision in the Budget Act of 2013 by transferring \$3 million in funding from CDCR to the Judicial Council for the continued support of the parolee reentry courts that were funded pursuant to subdivision (d) of Provision 2 of item 0690-102-0890, Budget Act of 2009 (Ch. 1, 2009-10 3rd Ex. Sess., as revised by Ch.1, 2009-10 4th Ex. Sess.). Of this amount, \$2,925,000 was distributed to the trial courts and \$75,000 was allocated to the Judicial Council for administration of the program. The Judicial Council allocated funding to the Superior Courts of Alameda, San Francisco, San Joaquin, San Diego and Santa Clara Counties for the purpose of expanding or enhancing their reentry court programs with the goal of reducing recidivism among the parolee population.

### **Rationale for Recommendation**

In 2009, in an effort to reduce recidivism, lower state spending on incarceration, and maintain public safety, the California Legislature enacted the Parolee Reentry Accountability Program set forth in Penal Code section 3015, which established the parolee reentry court pilot program. The Legislature allocated \$10 million in American Recovery and Reinvestment Act (ARRA) Byrne Memorial Justice Assistance Grant monies to support parolee reentry courts in the following California Counties: Alameda, Los Angeles, San Diego, San Francisco, San Joaquin, and Santa Clara. A parolee reentry court is a type of collaborative justice court that provides an option to re-incarceration for parole violators with a history of substance abuse or mental health issues. These courts combine intensive judicial supervision and collaboration among justice system partners with rehabilitation services to reduce recidivism and improve outcomes for participants.

The Legislature charged the Judicial Council to work in collaboration with the California Department of Corrections and Rehabilitation (CDCR) to support the implementation and operation of reentry courts, to evaluate the program to assess its effectiveness in reducing recidivism, and to submit this evaluation report to the Legislature and Governor. This evaluation of California's pilot parolee reentry court program is the first multi-site outcome evaluation on reentry courts in the county. It provides important information that can be used to inform reentry policies. The *California Reentry Court Evaluation Report* summarizes the pilot reentry court

program and provides information on program implementation, as well as a review of reentry court research, a description of the evaluation design that includes limitations of the study, and a summary of findings. The report concludes with recommendations for areas of future research.

## **Report findings**

The major findings of the evaluation are listed and summarized below.

- Reentry courts are serving the intended high-risk, high-need target populations.
- Reentry court participants were revoked (for either parole violations or new crimes) less frequently than the comparison group and therefore spent fewer days in prison.
- Reentry court participants were rearrested more often than the comparison group; however, an exploratory analysis of a subsample of conviction data indicates that reentry court participants may be convicted less often.

Additionally, the evaluation identified a potentially promising finding related to parolees with mental health issues. Historically, that population has had poorer outcomes compared to parolees without mental health issues.<sup>i</sup> This was not the case for program participants, as parolees with mental health issues were not incarcerated for longer periods of time, whereas, in the comparison group, parolees with identified mental health issues spent significantly more time incarcerated than those without such issues.

Findings from this evaluation show promising results in many areas. Areas of future research should include the following: identification of program-specific practices that are effective in reentry courts; an analysis of either prosecutorial charge or conviction information to understand the true impact of reentry courts on public safety and to better understand the differences in arrest rates between program participants and the comparison group; a comprehensive study of long term effects of reentry court participation on parolees with mental health issues; analyses of treatment-focused outcomes such as treatment utilization and retention, which research shows is also associated with reduced recidivism<sup>ii</sup>, and; a comprehensive cost –benefit analysis to identify all the costs and savings associated with this program.

## **Comments, Alternatives Considered, and Policy Implications**

Reentry courts are an emerging collaborative justice court program and an increasing number of courts are implementing these programs. The number of reentry courts in the state has increased from the six included in the *California Reentry Court Evaluation Report* to 12 today.

Furthermore, with the passage of public safety realignment, courts are now responsible for most parole violation hearings and referral to a reentry court is a disposition option for supervision violations. The release of this evaluation, which confirms that reentry courts reduce returns to custody for parolees, may influence future policy decisions regarding realignment and programs that reduce recidivism.

## Implementation Requirements, Costs, and Operational Impacts

There are no additional costs to the judicial branch related to the submission of the *California Reentry Court Evaluation Report*. The Judicial Council received funding through the original ARRA grant to support program implementation and training. Additional funding from a grant through the California Endowment was used to design, implement and conduct the evaluation.

## Relevant Strategic Plan Goals and Operational Plan Objectives

The pilot California reentry court program set forth in Penal Code section 3015 focuses on reducing recidivism among parole violators with a history of mental health and substance abuse issues while maintaining public safety. Several judicial branch strategic goals and operational objectives are supported by the pilot reentry court program and the submission of this evaluation report documenting recidivism outcomes to the state Legislature.

- *Goal I: Access, Fairness, and Diversity. Objective 1. Ensure that all court users are treated with dignity, respect, and concern for their rights and cultural backgrounds, without bias or appearance of bias, and are given an opportunity to be heard.* The pilot reentry courts were required to employ a collaborative justice court model<sup>iii</sup> and adhere to the guiding principles of collaborative courts approved by the Judicial Council’s Collaborative Justice Courts Advisory Committee (CJCAC).<sup>iv</sup> These principles support objective 1 listed above.
- *Goal II: Independence and Accountability. Objective 3. Improve communication within the judicial branch, with other branches of government, with members of the bar, and with the public to achieve better understanding of statewide issues that impact the delivery of justice.* Reentry courts require a significant amount of collaboration between local justice system partners.
- *Goal IV: Quality of Justice and Service to the Public. Objective 1. Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes.* The goal of reentry courts is to reduce recidivism and improve outcomes for program participants through intensive judicial supervision and by connecting participants to treatment services in the community. Findings from the evaluation illustrate that reentry courts are successful in reducing revocations and focus group results suggest that reentry courts successfully connect participants with rehabilitative services.

### Attachments and Links

#### 1. *California Reentry Court Evaluation Report*

<sup>i</sup> R. Grattet, J. Petersilia & J. Lin, *Parole Violations and Revocations in California* (Washington, DC: Nat. Inst. of Justice, Oct. 2008), <https://www.ncjrs.gov/pdffiles1/nij/grants/224521.pdf> (accessed Nov. 3, 2014).

<sup>ii</sup> D. K. Shaffer, “Looking Inside the Black Box of Drug Courts: A Meta-Analytic Review” (June 2011) 28(3) *Justice Quarterly* 493–521; D. C. Gottfredson, B. W. Kearley & S. D. Bushway, “Substance Use, Drug Treatment,

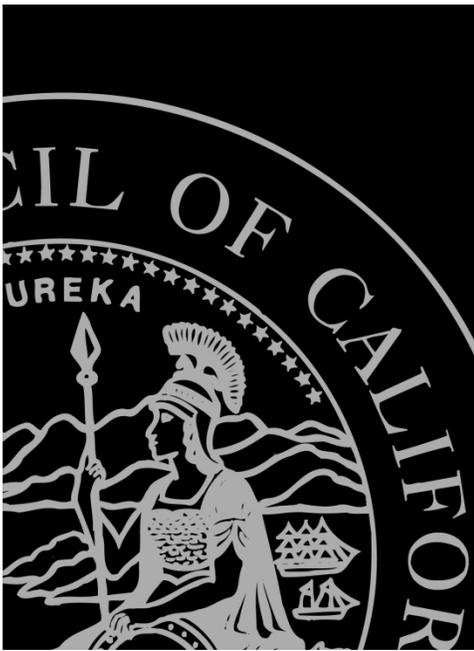
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and Crime: An Examination of Intra-Individual Variation in a Drug Court Population” (2008) 38(2) *Journal of Drug Issues* 601–630.

<sup>iii</sup> Collaborative justice courts, called problem-solving courts outside of California, began in the 1990s and were developed to address underlying issues, such as homelessness, substance abuse, and mental illness that contribute to criminal behavior. For more information on these courts, please see Bureau of Justice Assistance, Center for Program Evaluation and Performance Measurement, “What Are Problem-Solving Courts?,” <https://www.bja.gov/evaluation/program-adjudication/problem-solving-courts.htm>.

<sup>iv</sup> Collaborative court principles identified by the CJCAC are based on the National Association of Drug Court Professionals’ (NADCP) key components described in *Defining Drug Courts: The Key Components* and can be found at <https://www.ncjrs.gov/pdffiles1/bja/205621.pdf> (accessed Sept. 12, 2014).

DRAFT



# Parolee Reentry Court Program Evaluation

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REPORT TO THE STATE LEGISLATURE  
DECEMBER 2014

DRAFT



JUDICIAL COUNCIL  
OF CALIFORNIA

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OPERATIONS AND PROGRAMS DIVISION  
CRIMINAL JUSTICE SERVICES

**JUDICIAL COUNCIL OF CALIFORNIA  
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**Acknowledgements**

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## Executive Summary

In 2009, in an effort to reduce recidivism, lower state spending on incarceration, and maintain public safety, the California Legislature enacted the Parolee Reentry Accountability Program set forth in Penal Code section 3015, which established parolee reentry courts in the following California Counties: Alameda, Los Angeles, San Diego, San Francisco, San Joaquin, and Santa Clara. Parolee reentry courts are a type of collaborative justice court that provide an option to re-incarceration for parole violators with a history of substance abuse or mental health issues. These courts combine intensive judicial supervision and collaboration among justice system partners with rehabilitation services to reduce recidivism and improve outcomes for participants.

The Judicial Council of California (JCC) has been charged by the Legislature to work in collaboration with the California Department of Corrections and Rehabilitation (CDCR) to support the implementation and operation of reentry courts, and to evaluate this pilot program to assess its effectiveness in reducing recidivism. The few reentry court outcome evaluations conducted to date show mixed findings related to recidivism. This evaluation of California's pilot parolee reentry court program is a significant contribution to the literature because it is the first multi-site outcome evaluation on reentry courts, has sufficient sample sizes, and provides important information that can be used to inform reentry policies and improve program practices.

This evaluation was designed to address the following research question:

- How do parolee reentry court participant revocation and recidivism rates compare to the revocation and recidivism rates of parolees on traditional parole supervision?

This evaluation includes two recidivism outcome measures: (1) revocations – defined as returns to jail or prison for a new offense or violation of supervision, and (2) rearrests, which may or may not result in revocation. In addition, a randomly selected subsample was used to analyze the number of reconvictions in order to more accurately understand the differences between the reentry court participant group and the comparison group related to rearrests.

In order to determine whether recidivism outcomes can be attributed to participation in a reentry court program, reentry court participants were compared to a matched sample of individuals who were on traditional parole but were eligible for the reentry court program at the time they violated their conditions of supervision (i.e., comparison group). Recidivism outcomes are reported for the first year following program entry.<sup>1</sup>

A primary goal for reentry court programs is to reduce the number of parole revocations. Statewide, reentry court programs were successful in accomplishing this goal: reentry court participants were revoked less often than members of the comparison group in the year following program entry (0.07 average revocations per reentry court participant vs. 0.43 average revocations per comparison group member).

Similarly, in the year following program entry, reentry court participants spent significantly less time in prison than comparison group members. On average, reentry court participants were incarcerated in state prison for 18 days as compared to 59 days on average for comparison group members. This reduction in incarceration days for reentry court program group results in a savings to the state of \$6 million in the first year of reentry court pilot program operation.

Rearrest findings are mixed. Reentry court participants were more likely to be arrested in the first year following program entry (78% of reentry court participants were re-arrested in the first year compared to 65% of comparison group members). Similarly, reentry court participants had a higher number of arrests on average in the year following program entry, although this finding was only statistically significant in one out of the six reentry courts. Statewide, reentry court participants had 1.7 arrests per person on average in the first year compared to 1.5 for the comparison group.

Reentry courts are designed to closely supervise offenders and hold them accountable through swift and certain sanctions, and this approach may result in an increased rate of arrests. Definitive conclusions cannot be drawn about rearrest outcomes without a comprehensive analyses of conviction information. Our limited analyses showed that reentry court participants may be less likely to be convicted for those subsequent arrests. This information may support the concept of the “supervision effect” which describes the increased likelihood of low-level responses to offender behavior due to the intense scrutiny provided by reentry court teams.

Historically, parolees with mental health issues have been violated and revoked at a higher rate than parolees without such issues. Reentry court programs serve a high percentage of parolees with mental health issues and preliminary findings suggest that these court programs are identifying previously unrecognized and unmet mental health needs and connecting participants to mental health treatment services. Further research is needed to analyze the impact of reentry courts on this sub-population, but preliminary findings suggest that reentry courts may decrease the amount of time that parolees with mental health issues are incarcerated in state prison.

Findings from this evaluation show promising results in many areas. Areas of future research should include the following: identification of program-specific practices that are effective in reentry courts; a comprehensive analysis of conviction information to understand the true impact of reentry courts on public safety and to better understand the differences in arrest rates between program participants and the comparison group; a comprehensive study of the long term effects of reentry court participation on parolees with mental health issues; analyses of treatment-focused outcomes, and; a comprehensive cost –benefit analysis to identify all the costs and savings associated with this program.

## Introduction

In 2009, in an effort to reduce recidivism, lower state spending on incarceration, and maintain public safety, the California Legislature enacted the Parolee Reentry Accountability Program set forth in Penal Code section 3015, which established parolee reentry courts in California. Parolee reentry courts are a type of collaborative justice court that provides an option to re-incarceration for parole violators with a history of substance abuse or mental health issues. These courts combine intensive judicial supervision and collaboration among justice system partners with rehabilitation services to reduce recidivism and improve outcomes for participants. The legislature allocated \$10 million in American Recovery and Reinvestment Act (ARRA) Byrne Memorial Justice Assistance Grant monies to implement a pilot program to support parolee reentry courts in the state.

The Judicial Council of California (JCC) has been charged by the Legislature to work in collaboration with the California Department of Corrections and Rehabilitation (CDCR) to support the implementation and operation of reentry courts, and to evaluate this pilot program to assess its effectiveness in reducing recidivism. Penal Code section 3015 requires a final report of evaluation findings to be submitted to the Legislature and Governor no later than three years after the establishment of a reentry court.<sup>2</sup>

This report provides:

- Background on the pilot reentry court program, including a review of reentry court research;
- Information on program implementation, the impact of public safety realignment on the program, and the role of the Judicial Council in providing technical assistance and conducting the evaluation;
- A description of the evaluation design, including limitations of the study;
- A summary of findings; and
- Recommendations for areas of future research.

## Project Background

When the California Legislature enacted the Parolee Reentry Accountability Program in 2009, California's prison population, corrections spending, and recidivism rates were among the highest in the nation. A 2008 study by Grattet, Petersilia, and Lin for the National Institute of Justice found that at the time of the study California had the largest prison population of any state, with one in seven prisoners in the United States incarcerated in California. The average annual cost of housing a prisoner in fiscal year 2006-2007 was 1.6 times higher than the national average.<sup>3</sup> In 2008-2009 the budget for state corrections in California was 10.3 billion,<sup>4</sup> approximately 7% of the entire State Budget. For parolees released in fiscal year 2005-2006, the three-year return to prison rate (either for a new conviction or for a violation of supervision) was

67.5%.<sup>5</sup> Grattet et al. describe a number of factors that were contributing to California's high recidivism rate including:

- California's mandatory parole release system. In the late 1970s California adopted a determinate sentencing system where all prisoners, except those serving life sentences, are automatically released after their imprisonment term and placed on parole, usually for a period of three years. This change, coupled with California's large prison population, led to a large parolee population and an overburdened system that could provide only limited rehabilitation services for parolees. In fact, the majority of prison admissions were for parole violations—in 2006, parole violators made up 64% of all persons admitted to prison.
- At the time the reentry court program was implemented, the Board of Parole Hearings (BPH) determined whether a parolee would be returned to prison. In hearings on parole violations, BPH used a "preponderance of evidence" standard for determining whether a parolee had violated, a lower standard than the standard of evidence used in a court of law for a new conviction (beyond a reasonable doubt). As reported by Grattet et al., 25% of criminal violation cases heard in court resulted in a return to custody compared to 53% heard by the Board of Parole Hearings. Overall, 72% of all parole violation cases BPH heard resulted in a return to custody (this includes new criminal charges, technical violations, and absconding).
- The maximum amount of time a parolee could serve in state prison for a parole violation was 12 months, with day-for-day credit for time served in state prison or local jail awaiting case disposition. Parole violators often finished their violation term while still in CDCR reception centers waiting to be assessed for their final prison classification with little, if any, rehabilitative programming available. Grattet et al. argued that this rapid in and out through reception centers provided minimal incentive for parolees to avoid future parole violations and insufficient rehabilitative programming to reduce their risk of recidivating.

The Legislature enacted the pilot reentry court program to address California's high return to prison rate and to lower state spending on incarceration, while holding parolees accountable and maintaining public safety. Based on the collaborative justice court model, it was hypothesized that these programs could reduce recidivism and save state money by providing more intensive supervision and rehabilitative services to parolees in the community. The pilot reentry court model is an innovative program that applies evidence-based best practices that have been found to be effective in drug courts to parole violators, a population that previously had been handled almost exclusively by BPH and had minimal interaction with the courts.

## Review of the Research

Because reentry courts are relatively new, most reentry court evaluations have been process evaluations that document the policies, procedures, and practices implemented by reentry courts, but have limited information on the outcomes associated with these programs.<sup>6</sup> The small number of reentry court outcome studies show mixed findings related to recidivism. There is a need for additional evaluations with larger sample sizes, longer periods of follow-up, and analyses of different program practices.

The most comprehensive outcome study on a reentry court to date is the evaluation of the Harlem reentry court in New York. The Harlem reentry court is designed to address the first six months following release from prison, with extended supervision schedules imposed on an as-needed basis. In this evaluation, Harlem reentry court participants ( $n=317$ ) were compared to a matched comparison group of non-participant parolees ( $n=20,750$ ). Harlem reentry court participants were less likely to be rearrested for misdemeanors over the first year and less likely to be rearrested for drug-related charges at two years. Reentry court participants were less likely to be reconvicted over years one, two, and three. However, reentry court participants had higher rates of revocation after two and three years and were more likely to have parole revoked for technical violations at one, two, and three years.<sup>7</sup>

There have been a number of smaller program evaluations of reentry courts at the federal court level. An evaluation of a federal reentry court in Michigan showed that reentry court participants were significantly less likely to be rearrested during a 12-month period when compared to a matched comparison group.<sup>8</sup> An evaluation of a federal reentry court in Pennsylvania found that participants were revoked significantly less than the comparison group; however, there was no difference between the two groups on new arrests during the 18-month period.<sup>9</sup> Another study of a federal reentry court in Massachusetts found that there was no difference in new charges between the participant and comparison groups at 12 months.<sup>10</sup>

Other than the Harlem reentry court evaluation, small sample sizes and relatively short follow-up periods have been notable limitations of existing reentry court studies. The current evaluation of California's pilot parolee reentry court program is a significant contribution to the literature because it is the first multi-site outcome evaluation on reentry courts, has sufficient sample sizes, uses three measures of recidivism, and provides important information that can be used to inform reentry policies and improve program practices.

Reentry courts are modeled on drug courts, and although the research on reentry courts is limited, drug courts have been studied extensively and found to reduce recidivism. Meta-analyses of drug courts show that these court programs significantly reduce rearrest or reconviction rates by an average of approximately 8 to 26%.<sup>11</sup> Drug courts are also associated with cost savings. In 2000, the Judicial Council contracted with NPC Research, Inc., to study the costs and benefits associated with California's drug courts and found that outcome benefits

varied among programs ranging from about \$3,200 to over \$15,000 saved per participant.<sup>12</sup> Additional studies have confirmed that drug courts are cost effective.<sup>13</sup>

## Program Implementation

In January 2010, the California Emergency Management Agency (Cal EMA), the agency responsible for the allocation of all ARRA funding, issued a request for proposal for the pilot reentry court program. Based on the statutory requirements, the pilot courts were required to employ a collaborative justice court model<sup>14</sup> and adhere to the guiding principles of collaborative courts approved by the Judicial Council's Collaborative Justice Courts Advisory Committee (CJCAC).<sup>15</sup>

Initially, superior courts in seven counties were awarded funding: Alameda, Los Angeles, Orange, San Diego, San Francisco, San Joaquin, and Santa Clara. The Superior Court of Orange County was awarded a grant and participated in the initial program summit; however, changes in the law regarding parole supervision criteria impacted their planned target population of lower risk parolees, and the court chose not to continue with program implementation. By January 2011, all six remaining courts had begun accepting participants into their programs.

The following are general program components that all pilot reentry courts share:

- Reentry courts serve parolees who have committed a parole violation and have a history of substance abuse and/or mental health issues.
- Reentry court programs consist of an interdisciplinary team led by a judge. Most teams include a defense attorney, a prosecutor, a parole officer, a probation officer, and treatment staff and/or case managers.
- Reentry court participants are assessed for their risk of reoffending and for their treatment needs. Treatment and community supervision plans are created based on the information obtained from these assessments.
- Participants attend regularly scheduled court sessions, usually one to four times a month, to discuss their adherence to their supervision/treatment plans and other program requirements.
- Graduated sanctions, such as admonishments, increased frequency of court sessions, and jail sanctions, are used to respond to noncompliant behaviors. Incentives, such as verbal praise, reduced frequency of court hearings, and transportation or food vouchers, are used to reward and encourage participants' progress.
- Participants remain in the program and receive case management and other services, including substance abuse and mental health treatment, as needed, for approximately 12-

18 months. Once parolees successfully complete the program, reentry courts often recommend early discharge from parole.

Although all reentry courts are based on collaborative justice principles and share the program components listed above, each court's program has unique components, eligibility criteria, and referral processes. For example, two of the reentry courts (San Diego and Los Angeles) set up their programs to only accept parolees who are convicted of a new felony offense and are referred by either the district attorney or public defender, while the remaining programs take referrals directly from CDCR parole units in their area for all types of parole violations, including misdemeanor offenses, absconding, and technical violations.<sup>16</sup>

The Los Angeles reentry court is a small, treatment-intensive program that only accepts women parolees. The average caseload for the Los Angeles program is 20 participants, all of whom are required to initially live in an intensive residential treatment program that addresses both substance abuse and mental health issues while they participate in the reentry court. San Joaquin and Santa Clara reentry courts are the highest volume programs with average caseloads at any given time of approximately 126 and 155, respectively. Santa Clara reentry court has a mental health practitioner on the reentry court team and serves the highest percentage of parolees with mental health issues.

Alameda reentry court generally does not accept parolees with severe mental health issues. Additionally, in the Alameda program, participants meet individually with the judge and reentry court team during court sessions, rather than in open court, and spend a substantially longer period of time with the team than participants in other reentry courts. The San Diego reentry court has implemented two practices that are unique to their program: (1) in order to graduate, participants are required to have a job or be in school, and (2) a police officer is a member of the reentry court team. The Superior Court of San Francisco County terminated its reentry program after eight months of operation due to funding reductions to the judicial branch that resulted in staffing cuts.

### ***Role of the Judicial Council***

Penal Code section 3015 required the secretary of CDCR to enter into a memorandum of understanding (MOU) with the Judicial Council of California for the establishment and operation of the reentry court pilot program. Judicial Council and CDCR staff developed the MOU in collaboration with the local reentry court teams and parole agents. Because the court system did not have jurisdiction over parolees at the time, this collaboration was a significant step in the implementation of the reentry court pilot program and required substantial negotiation regarding jurisdiction and oversight responsibilities of the various justice system partners. Although each local reentry court created their own procedures and processes, including eligibility criteria, this overarching MOU standardized the general processes and developed procedures to address jurisdiction.

In addition to assisting with the development of the MOU and conducting the program evaluation, the Judicial Council designed the data collection system, provided technical assistance to the courts, provided quarterly progress reports, hosted annual trainings of the reentry court teams, and held regular conference calls with the courts to discuss common issues.

### ***Impact of Public Safety Realignment on Reentry Courts***

Public safety realignment, enacted via the Budget Act of 2011 and various budget trailer bills, shifted the responsibility and funding for supervising and managing specified offenders from the state parole system to the counties and their local probation departments. Realignment has had a significant impact on California's criminal justice system. Its effects on the reentry courts include:

- *Changes to parole population:* Starting October 2011, only inmates whose most current commitment offense was violent or serious, who had been sentenced as a third strike offender under the three-strikes law, who were classified as a high-risk sex offender, or who were required to undergo treatment by the Department of State Hospitals were released on parole. Supervision responsibilities for newly released inmates with less serious offenses were shifted to county probation departments under a new type of supervision, postrelease community supervision (PRCS). Penal Code section 3015 was amended to permit reentry courts to also serve individuals on PRCS, and three of the six courts began accepting PRCS participants at that time. This change had the effect of altering the parole population to a likely higher risk and need population following realignment. Furthermore, since PRCS enrollees are under the authority of county probation departments rather than state parole, in some reentry courts this led to disparities in the programming and services available to these two populations.
- *Revocation procedure modifications:* After realignment, most parolees who violate supervision and have their supervision revoked must serve their revocation term in county jail rather than state prison.<sup>17</sup> Individuals on PRCS status cannot be revoked to prison for a violation of postrelease supervision. As with all offenders, parolees and individuals on PRCS may be sent to prison for a new crime if: (a) they are convicted of a felony offense for which prison is statutorily mandated, (b) they have a prior serious or violent felony conviction and are convicted of a new felony of any type, (c) they are convicted of certain sex offenses and required to register as a sex offender, or (d) they are convicted and certain types of enhancements are imposed as part of the sentence. The maximum term for parolees and individuals on PRCS revoked back to jail is 6 months, half of the 12-month maximum term that could be imposed for those revoked to state prison prior to realignment. According to qualitative data collected for this evaluation, these changes decreased the incentive for participation in an intensive 12-18 month reentry court program.

- *Revisions to parole term length for some parolees:* Following realignment, parolees are eligible for early discharge if they do not commit a parole violation during a six month period, or other specified period of time (depending on criminal history and when they were placed on parole). Because reentry courts are designed to be at least a 12-month program, this change created challenges for reentry courts. After realignment, some courts had difficulty identifying sufficient numbers of eligible parolees (those who had at least 12 months left on their supervision terms) to participate in the program. In addition, parolees whose supervision was terminated while they were enrolled in the reentry court were no longer eligible to participate in the program or receive treatment or other services.
- *Change in responsibility for parole revocation hearings:* Beginning in July 2013, realignment shifted responsibility for parole revocation hearings from CDCR's Board of Parole Hearings to the court system and required far more interaction between parole and the court system in most counties. Reentry courts were specifically identified as a disposition option for parole and PRCS violations, which created another referral source for the reentry courts. Although this change did not impact the evaluation, it had a profound impact on the court system. The relationships created between the courts and CDCR through the implementation of the reentry court program laid a strong foundation for carrying out this shift.

## Evaluation Methods

The California Legislature charged the Judicial Council, in collaboration with CDCR, to design and perform an evaluation of the effectiveness of the reentry court pilot program in reducing recidivism and revocations, and to submit a report to the Legislature three years after program implementation.<sup>18</sup> Although reentry courts focus on identifying mental health and substance abuse treatment needs and providing appropriate services and supervision, this research focuses on recidivism-related outcomes as required by the Legislature, rather than on treatment-related outcomes. Investigation into any treatment focused outcomes, such as measures of treatment utilization, improvements related to mental health or substance abuse issues, or other treatment-related issues is outside the scope of this evaluation.

The evaluation is based on analysis of the recidivism-related outcomes for reentry court program participants and for a comparison group of parolees on traditional parole supervision. The reentry court pilot program legislation did not specify a definition for the measures of recidivism. This evaluation includes two recidivism outcome measures: (1) revocations — defined as returns to jail or prison for a new offense or violation of supervision, and (2) rearrests, which may or may not result in revocation. In addition, in order to more accurately understand the differences between the reentry court participant group and the comparison group related to rearrests, a small, randomly selected subsample was pulled from two of the reentry courts to analyze the number of reconstructions that resulted from the rearrests.

This evaluation was designed to address the following research questions:

- How do parolee reentry court participant revocation and recidivism rates compare to the revocation and recidivism rates of parolees on traditional parole supervision?
  - Are reentry court participants less likely to be revoked compared to parolees on traditional parole? Do reentry court participants have fewer parole revocations?
  - Are reentry court participants less likely to be arrested compared to parolees on traditional parole? Do reentry court participants have fewer arrests?

## ***Evaluation Design***

In March 2011, the Judicial Council received a grant from the California Endowment to enhance the legislatively mandated evaluation that Judicial Council staff had undertaken. The grant enabled the implementation of a quasi-experimental research design with matched comparison groups,<sup>19</sup> and enabled staff to collect qualitative data through interviews with reentry court team members and focus group conversations with program participants.

In order to determine whether recidivism outcomes can be attributed to participation in a reentry court program, reentry court participants (i.e., program group) were compared to a matched sample of individuals who were on traditional parole but were eligible for the reentry court program at the time they violated their conditions of supervision (i.e., comparison group). Recidivism measures were tracked for a period of up to two years following program entry;<sup>20</sup> however, data collected beyond the first 12 months after program entry resulted in a substantially smaller sample size since many participants who entered the program later in the study period did not have a full 24 months of data available at the time of data collection. Therefore, only the outcome results for one year after program entry are presented in this evaluation. It should be noted that none of the 24-month analyses undertaken resulted in significant differences or changes in results or findings. More information on the construction of the program and comparison groups is described below.

## **Sample Selection**

### ***The Reentry Court Participant Group***

The reentry court program sample ( $n=1,013$ ) is the population of individuals who entered any of the pilot reentry courts between October 1, 2010 and December 31, 2012. Although after realignment several of the courts also began to accept individuals on PRCS, the program group consists solely of individuals on parole. PRCS participants made up only 7% of the entire reentry court population at the time data for this evaluation were gathered from CDCR and the California Department of Justice (DOJ), and those individuals were not included in this study.

The San Francisco program is excluded from statewide results because, as mentioned previously, the court terminated this program eight months after implementation and the majority of program participants did not receive the recommended ‘full dosage’ of treatment.<sup>21</sup> However, a number of parolees were involved in the San Francisco reentry court for a substantial period of time

while the program was operational, and therefore the statistics specific to the San Francisco program are included in portions of this report that address individual court programs.

### ***The Comparison Group***

The comparison sample ( $n=1,960$ ) is composed of individuals who were eligible to participate in a reentry court program but did not participate, and who have demographics and criminal history similar to those who did participate in a reentry court program. Using CDCR parole violation data, a separate comparison group was created for each reentry court since eligibility requirements varied across programs.<sup>22</sup> Through a statistical technique called propensity scoring, reentry court program participants were matched with potential comparison group members on a number of characteristics, including age, race, gender, prior criminal history, risk scores (as measured by the most recent California Static Risk Assessment (CSRA) score prior to program entry), and need scores (as measured by the most recent Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) score prior to program entry).

### **Qualitative Data Collection**

Funding from the California Endowment allowed the Judicial Council to incorporate a significant amount of qualitative data collection into its research. These data were collected through focus group conversations with program participants and interviews with reentry court staff members and concentrated on program processes and procedures, as well as the perceived impact of the program. The final report for the California Endowment is expected to be completed in spring 2015; however, some of the data collected through focus groups and staff interviews are presented in this evaluation.

During the spring of 2013 four focus groups were conducted with reentry court program participants to gather participant perspectives on the programs and how the reentry court experience compares with standard parole processes. Focus groups were conducted for the Alameda, Los Angeles, San Diego, and San Joaquin reentry court programs. Each court program was asked to choose participants for their focus group. Reentry courts were encouraged to choose participants with varying experiences in terms of program compliance, criminal history, and length of time in the program. Focus groups ranged in size from 8 to 12 participants and the conversations lasted about 90 minutes. In addition to the focus groups for program participants, 31 separate interviews were conducted with staff from each reentry court team.

### **Quantitative Data Collection**

Judicial Council research staff identified key program data elements and created a data collection system that was designed with feedback from the reentry courts. The Judicial Council contracted with NPC Research (NPC) to create a comparison group for each county, collect recidivism data on both the participant and comparison groups, and conduct analyses on differences in outcomes between the groups. NPC received data from CDCR on parolee characteristics, criminal history, and violation outcomes. In addition, NPC collected data on rearrests from the California Department of Justice (DOJ). Because of limitations related to the collection of reliable

conviction data on a statewide basis, Judicial Council staff collected conviction data on a subsample of program and comparison group members from the Superior Courts of San Diego and San Joaquin Counties. These two courts were chosen because they had the administrative resources to identify and collect the data.

### ***Study Limitations***

Several study limitations should be considered when reviewing the evaluation findings and are described below. In order to mitigate some of the issues related to these quantitative data limitations, additional qualitative data were collected to assist in understanding the implications of the quantitative data findings presented in this report.

- Public safety realignment had a significant impact on the reentry court programs and on the evaluation. The programs had to adjust to the changes brought on by realignment, and the evaluation design was modified accordingly to the extent possible within the resources available. However, some data necessary to measure outcomes after realignment were not available for the evaluation. For example, following realignment, most parolees were revoked to county jail as opposed to state prison. Due to limited time and resources, it was not possible for Judicial Council staff researchers to collect number of days incarcerated in local county jail; therefore, the data on “number of days incarcerated” refer only to time incarcerated in state prison.
- In order to meet the statutory deadline for this evaluation the programs were evaluated in their first year of operation. Program evaluation research guidelines caution against using data gathered in the initial stages of program implementation because there are often policy and procedural changes made at program start-up. It is preferable to measure programs after they have been operational for a period of time and procedures have stabilized.<sup>23</sup> For example, data gathered from interviews in one county indicated that, in the initial stages of program implementation, the court had a policy to briefly incarcerate in county jail every participant who had a positive drug test rather than using a system of graduated sanctions that built up to incarceration if intermediate penalties did not result in behavioral changes. Although this court program reported changing their processes after the first year of program implementation, the data collected for this evaluation reflect the earlier practices.
- Evaluation findings focus on the initial 12 months after a participant’s program entry, a short period of follow-up. This focus was necessary because results beyond the first 12 months after program entry resulted in a substantially smaller sample size, making it difficult to detect statistical significance and to generalize findings. Although findings associated with the 24-month data analyses did not substantially differ from those conducted on the data at 12-month intervals, the validity of the 24-month results cannot be tested on the smaller sample size.

- Conviction data is an important measure of recidivism; however, it was not possible to collect conviction data on all individuals in the program and comparison groups due to limited resources and issues related to the quality and timeliness of conviction information that is collected on the statewide level. The limited conviction data presented in this report were collected solely on the two courts that had the data collection capacity and staff resources to complete the task within a short period of time; therefore, the conviction findings should be viewed as part of an exploratory analyses at this time.

## Findings

Findings from the evaluation are presented below. Several analyses were conducted. The first analysis examines whether reentry courts are serving the intended target population—parolees in violation status with a history of mental health or substance abuse issues. The analyses that follow focus on comparisons between the program and comparison groups on rates of revocation and rearrests.

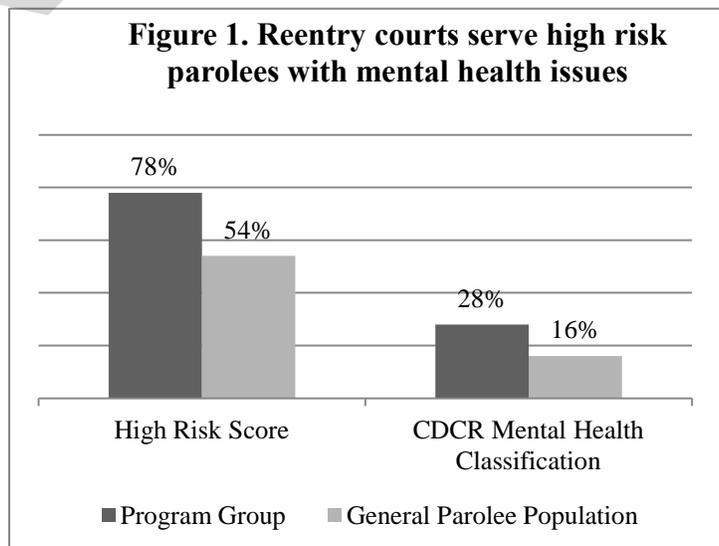
### SUMMARY OF FINDINGS

- Reentry courts are serving the intended target population.
- Reentry court participants were revoked (for either parole violations or new crimes) less frequently than the comparison group and therefore spent fewer days in prison.
- Reentry court participants were rearrested more often than the comparison group; however, an exploratory analysis of a subsample of conviction data indicates that reentry court participants may be convicted less often.

### Reentry Court Participant Demographics

The pilot reentry court program was established to target high risk parolees in violation status with a history of mental health or substance abuse issues. Table 1 below displays demographic information for participants of reentry court programs at the time of program entry and illustrates that reentry court programs are serving the intended target population.

Since reentry courts are statutorily mandated to serve offenders with substance abuse or mental health issues who had already violated the conditions of their parole, the reentry courts in the pilot program tend to serve a higher risk and higher need population than the general parolee population. For example, as Figure 1 shows, 78% of reentry court participants were assessed as



high risk, based on results from the California Static Risk Assessment (CSRA) tool, an actuarial tool used by CDCR to assess risk of felony reconviction. In comparison, 54% of parolees in the general parolee population were assessed as high risk.<sup>24</sup> Similarly, 28% of reentry court participants were given a CDCR mental health classification while in prison compared to 16% of parolees in the general population.<sup>25</sup>

Reentry court treatment staff found that almost all reentry court participants were assessed as having substance abuse issues; more than half of participants had been substance users for more than 20 years. In addition to substance abuse issues, reentry court participants, like the majority of parolees, experience many barriers to successful community reentry including unstable housing, unemployment, and low education levels, as noted below.

<b>Table 1: Characteristics at Program Entry</b>	
	<b>Statewide Reentry Participants</b>
<i>N</i>	1,013
Male	82%
Race	
African American	39%
Hispanic/Latino	25%
White	29%
Other	7%
Mean age at program entry	38 years
Risk of felony reconviction (CSRA)	
Low	5%
Medium	17%
High	78%
High substance abuse (COMPAS) of assessed participants	49%
Substance abuse needs (determined by reentry court staff)	99%
Primary drug	
Crack or cocaine	20%
Heroin	14%
Methamphetamines	47%
Other	19%
Average number of years using	21 years
CDCR mental health classification	28%
Mental health disorder (determined by reentry court staff)	36%
Highest level of education	
Did not complete high school	39%
High school graduate/GED	49%

Some college	12%
Unemployed	86%
Unstable housing	80%
Homeless shelter	20%

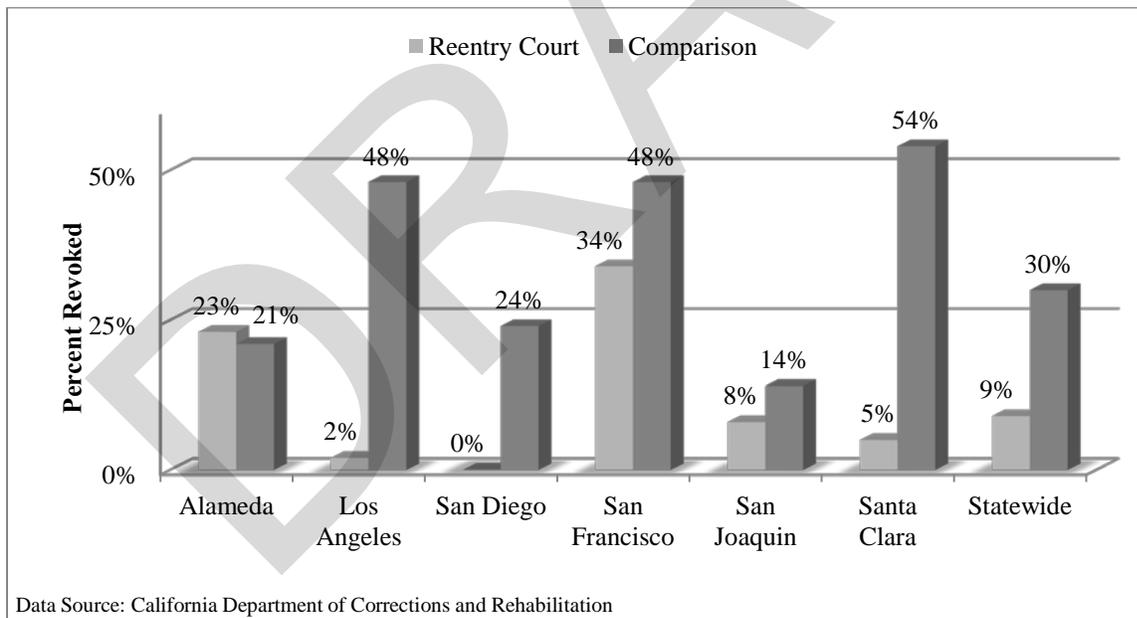
## Parole Revocations (Returns to Custody)

### Likelihood of Revocation

Parole revocation is defined as a violation of parole that resulted in a return to custody (county jail or state prison) for either a new offense or for a violation of supervision. Reentry court participants were substantially less likely to be revoked compared to parolees on traditional parole in the year following program entry. Statewide 9% of reentry court participants were returned to custody in the year following program entry compared to 30% of the comparison group.

Differences between the comparison and participant groups were statistically significant statewide and in each program site, other than Alameda. Figure 2 illustrates the percent of reentry court participants and comparison group members that were revoked at least once in the first year following program entry.<sup>26</sup>

**Figure 2. Reentry Court Participants Were Less Likely to Be Revoked than the Comparison Group**

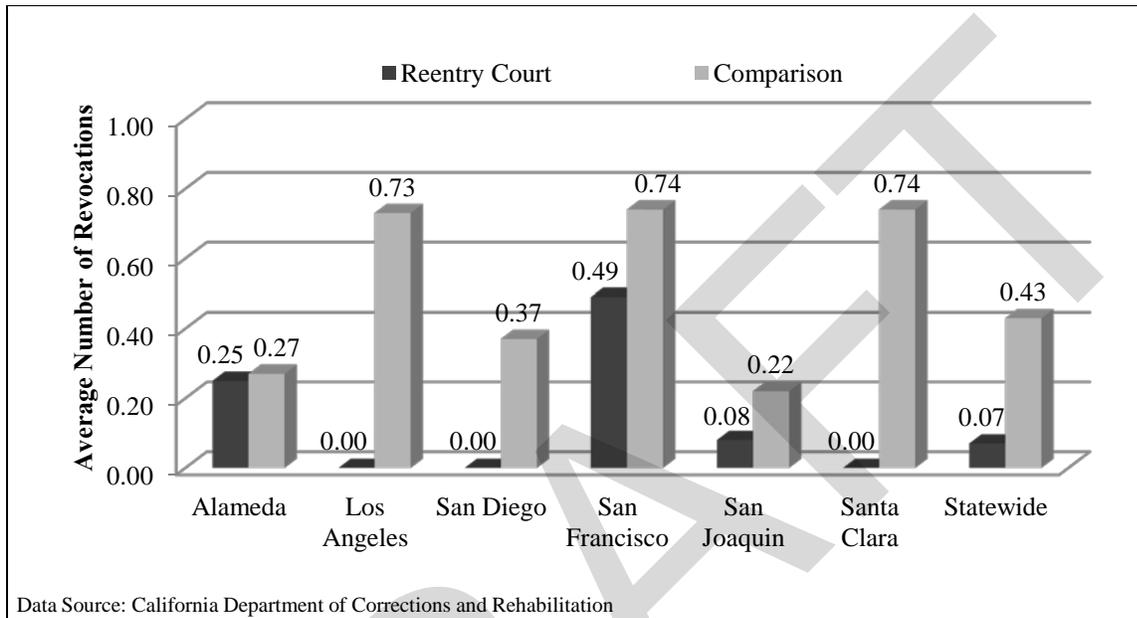


San Francisco ( $p < .05$ ); San Joaquin ( $p < .01$ ); Los Angeles, San Diego, Santa Clara, and Statewide ( $p < .001$ ). Sample sizes by group are as follows (program n, comparison n): Alameda n = 225, 503; Los Angeles n = 41, 86; San Diego n = 117, 232; San Francisco n = 77, 139; San Joaquin n = 247, 575; Santa Clara n = 211, 523; Statewide n = 841, 1919.

### Frequency of Revocation

In addition to a lower likelihood of revocation, reentry court participants were revoked less often than parolees on traditional parole. Statewide reentry court participants were revoked 0.07 times on average in the first year following program entry, compared to 0.43 for the comparison group.<sup>27</sup> Reentry court participants were revoked less often in all sites. Figure 3 illustrates for each site the average number of parole revocations for reentry court participants and comparison groups at one year.

**Figure 3. Reentry Court Participants Were Revoked Less Often than the Comparison Group**



San Joaquin ( $p < .01$ ); Los Angeles, San Diego, Santa Clara, and Statewide ( $p < .001$ ). Sample sizes by group are as follows (program n, comparison n): Alameda n = 138, 264; Los Angeles n = 30, 53; San Diego n = 86, 161; San Francisco n = 53, 75; San Joaquin n = 193, 398; Santa Clara n = 144, 353; Statewide n = 591, 1,229.

### Revocation-Related Savings for the State

Due to the fact that reentry court participants were revoked less often than parolees in the comparison group, the program group spent significantly fewer days in state prison compared to parolees on traditional parole during the 12-month follow-up period.<sup>28</sup> Statewide, the *average* number of days incarcerated in state prison per person for the entire program group was 17 days, compared to 59 days for the comparison group.<sup>29</sup> Applying the state prison incarceration cost of \$143.99 per day<sup>30</sup> to the number of prison days saved due to reduced revocations of reentry court participants results in a savings to the state of approximately \$6 million in the first year of reentry court pilot program operation.

### Rearrests

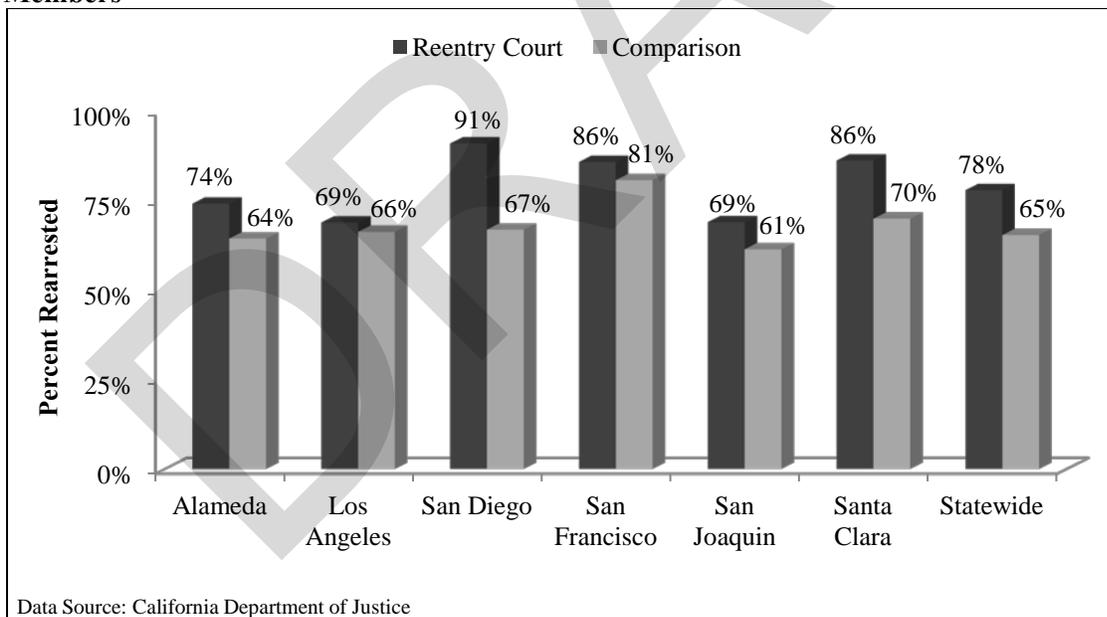
#### Likelihood of Arrest

Reentry court participants were more likely to be arrested compared to parolees on traditional parole in the year following program entry. Arrest was defined as any arrest for misdemeanor and felony charges as well as arrests for supervision violations. Statewide, 78% of reentry court participants were arrested in the year following program entry compared to 65% of the

comparison group. Differences between the comparison and participant groups were statistically significant statewide and in San Joaquin, Alameda, San Diego, and Santa Clara Counties. Figure 4 illustrates the percent of reentry court participants and comparison group members who were arrested at least once in the first year following program entry.

Although this finding may initially appear counterintuitive, it is consistent with reentry court philosophy. Reentry courts are designed to provide more intensive supervision of participants than traditional parole, including regular interaction with the court (typically one to four times per month) and increased communication between agencies that have contact with the participant. Studies of drug and other high supervision court programs have found a ‘supervision effect’ where behavior that is illegal or not in compliance with supervision conditions is identified sooner and more often in collaborative justice court programs than would be the case had the person committed the same behavior while on traditional supervision.<sup>31</sup> The use of graduated sanctions is a central component of reentry courts and may help explain why, statewide, reentry court participants have more arrests but fewer revocations and days spent incarcerated. With intensive supervision, participants’ illegal or noncompliant behavior is responded to immediately using intermediate sanctions, which may result in an arrest; however, typically participants are not returned to custody until a number of intermediate sanctions have been utilized first.

**Figure 4. Reentry Court Participants Were More Likely to Be Rearrested than Comparison Group Members**



San Joaquin ( $p < .05$ ); Alameda ( $p < .01$ ); San Diego, Santa Clara, and Statewide ( $p < .001$ ). Sample sizes by group are as follows (program  $n$ , comparison  $n$ ): Alameda  $n = 244, 526$ ; Los Angeles  $n = 45, 86$ ; San Diego  $n = 121, 245$ ; San Francisco  $n = 84, 139$ ; San Joaquin  $n = 271, 580$ ; Santa Clara  $n = 245, 523$ ; Statewide  $n = 926, 1,960$ .

### Frequency of Arrest

In addition to a higher likelihood of rearrest, reentry court participants had a higher average number of arrests compared to parolees on traditional parole; that is, not only were participants more likely to be rearrested but they were also arrested more frequently than the comparison group.

Statewide, in the first 12 months after program entry, reentry court participants were arrested 1.7 times, on average, compared to 1.5 for parolees in the comparison group.<sup>32</sup> However, in five of the six court programs, there was no statistically significant difference in the average number of arrests between reentry court participants and parolees in the comparison group. The fact that the differences are not statistically significant means that these differences cannot be reliably attributed to the parolees' program participation.

Table 2 breaks down arrests by charge level at 12 months after program entry.<sup>33</sup> Except for Santa Clara, there were no significant differences in the number of felony arrests between the participant and comparison groups in the 12 months following program entry. However, reentry court participants in San Diego, San Francisco, and Santa Clara had a significantly higher average number of arrests for misdemeanor charges than parolees in the comparison group. One factor that may influence these statistics, as noted above, is that participant parolees were more closely supervised and were given swift and immediate sanctions for noncompliant behavior, with a new arrest as a common response.

**Table 2. Average ReArrests by Charge Level in the Year After Program Entry**

	Total Arrests		Misdemeanor Charge		Felony Charge	
	Reentry	Comp	Reentry	Comp	Reentry	Comp
<b>Alameda</b>	1.44	1.33	0.54	0.53	1.20	1.06
<b>Los Angeles</b>	1.17	1.40	0.24	0.40	1.00	1.15
<b>San Diego</b>	2.33	2.26	0.41*	0.80	1.99	1.81
<b>San Francisco</b>	3.18	2.67	1.48*	0.85	2.60	2.47
<b>San Joaquin</b>	1.38	1.49	0.39	0.50	1.23	1.25
<b>Santa Clara</b>	2.15***	1.32	1.42***	0.93	1.56***	0.90
<b>Statewide</b>	1.71**	1.50	0.66	0.67	1.42**	1.17

\* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$

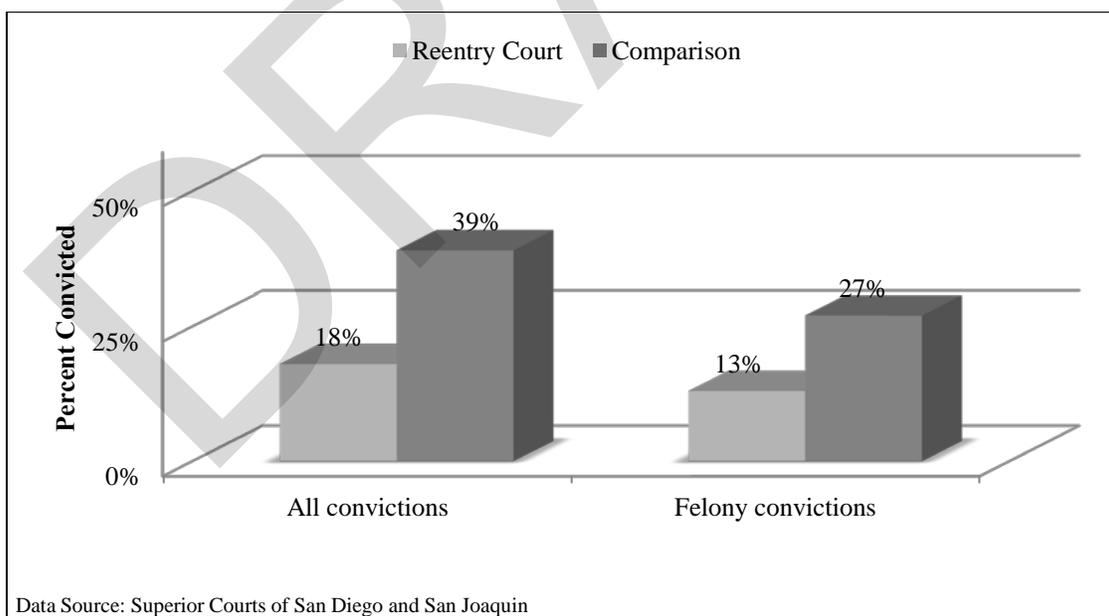
Note. Sample sizes by group are as follows (participant  $n$ , comparison  $n$ ): Alameda  $n = 138, 264$ ; Los Angeles  $n = 30, 53$ ; San Diego  $n = 86, 161$ ; San Francisco  $n = 53, 75$ ; San Joaquin  $n = 193, 398$ ; Santa Clara  $n = 144, 353$ ; Statewide  $n = 591, 1,229$ .

## Convictions

Unlike rearrests, which may be influenced by a supervision effect and often do not lead to significant court action or findings of offender culpability, reconvictions provide definitive information about the recidivist outcomes of the individual offender. Unfortunately, limited resources, issues related to the quality of conviction data collected on the statewide level, and the limited timeframe of the study (it can take often take several months, and occasionally years, for conviction information to be gathered), made it infeasible to collect conviction data on a fully representative sample for this project. Data for a small, randomly selected subsample of program and comparison members from two study sites (San Diego and San Joaquin) were collected to further explore the impact of reentry courts on criminal behavior as measured by convictions.<sup>34</sup> It should be noted that these data were analyzed for exploratory purposes and the conviction results cannot be generalized to all the reentry courts due to the small size of the sub-sample. The results provide important information, however, that is worthy of further investigation.

These preliminary analyses indicate that reentry court participants were substantially less likely to be reconvicted overall as compared to the comparison group during the first 12 months following program entry. Eighteen percent of reentry court participants were convicted of either a felony or misdemeanor offense within the first 12 months compared to 39% of the comparison group. Analyzing just felony convictions, results are similar. Only 13% of reentry court participants had a felony conviction in the first year following program entry compared to 27% in the comparison group. See Figure 5.

**Figure 5. Reentry Court Participants Were Less Likely to be Convicted than the Comparison Group**



All convictions, felony convictions ( $p < .05$ ); Program group  $n=55$ , comparison group  $n=51$ .

## ***Parolees with Identified Mental Health Issues***

The reentry court program was intended to focus on offenders with substance abuse and mental illness. Historically, parolees with mental health issues have had poorer outcomes compared to parolees without such issues. Research conducted in 2008 by Grattet, Petersilia, and Lin show that parolees with a CDCR mental health classification are at higher risk for committing parole violations. The study found that parolees with a prison mental health classification are at 41% higher risk of absconding, 70% higher risk of technical violations, and 52% higher risk of the most serious violent violations. The qualitative field research in the Grattet study indicates that parole agents appear to have less tolerance for violations committed by parolees with mental health issues because this population is perceived to be more unpredictable; in addition, at the time of the study the legal standards for parole revocation are broader for this population.<sup>35</sup>

Several of the reentry courts include licensed mental health practitioners on the reentry court and have developed contracts with county mental health agencies to ensure that participants are assessed and their mental health needs are directly addressed. While only 16% of parolees in the general parole population have a CDCR mental health classification, 28% of reentry court participants had such a classification. Having a CDCR mental health classification means that the inmate accessed some type of mental health treatment while incarcerated; an even higher percentage, 36%, were identified by the mental health practitioners associated with the reentry court programs to have a mental health disorder, as defined by the *Diagnostic and Statistical Manual of Mental Disorders (DSM)*. In other words, reentry court programs identified mental health needs that had not been previously identified or addressed while the participant was incarcerated in state prison or on parole.

Qualitative data collected from focus group conversations with reentry court participants also indicate that mental health treatment is more available in reentry courts than in prison or on traditional parole. Several focus group participants indicated that comprehensive assessments conducted through the reentry court had resulted in mental health diagnoses that had been undetected in the past. Many of these participants also stated that they would mask psychiatric symptoms while incarcerated to avoid segregation in prison and the loss of access to other types of programs and services.

Although research has shown that parolees with mental health issues tend to be less successful on parole supervision,<sup>36</sup> preliminary analyses of reentry court data indicate that reentry courts may positively impact outcomes for this population.

- *Graduation:* Reentry court participants with mental health diagnoses are just as likely as participants without such diagnoses to graduate from the program.
- *Time spent incarcerated:* Within the program group there was no statistically significant difference in the number of days spent incarcerated between participants with mental health classifications and those without. However, in the comparison group, parolees with

identified mental health issues spent significantly more time incarcerated than those without such issues.

## Areas for Future Research

Findings from this evaluation show promising results in many areas and mixed results in others. Additional research on reentry courts is needed to understand their potential impact on reducing recidivism. Recommendations for areas of future study as well as lessons learned from the evaluation are described below.

### *In-Depth Review of Qualitative Data*

The substantial amount of qualitative information gathered through focus group conversations and interviews with reentry court team members and participants is still being analyzed; given the rich data provided by the qualitative research, follow-up interviews and focus groups should be conducted. Preliminary analyses of the qualitative data point to some key areas of concentration that should be explored in greater depth. These include:

- *Understanding the role of the judge in the intensive supervision reentry court.* Drug court research has shown that the judicial officer plays a key role in encouraging program compliance and improving program outcomes.<sup>37</sup> Focus group information gathered from reentry court participants in this study indicates that the involvement of reentry court judges provides a similar impact. Additional research should be conducted on the courts involved in this study as well as other state and national reentry courts to determine whether this finding on the importance of judicial officer involvement can be replicated and what elements of these interactions are critical to greater reentry court success.<sup>38</sup>
- *Focusing on most effective ways to reintegrate participants into society.* Several interview respondents and focus group participants emphasized the need to thoughtfully approach participant reintegration into the community. Some reentry courts developed mentorship opportunities for program participants and worked with potential employers to create employment development programs. Many focus group participants spoke of the impact of the reentry court in helping to reestablish family relationships that had been strained during their periods of incarceration. Additional research on effective practices related to community reintegration is needed.
- *Identifying differences in the reentry court and drug court best practices.* Reentry courts are modeled after drug courts and employ many of the evidence-based practices that have proven to be effective in drug courts. Because reentry courts are still relatively new in the field of collaborative justice courts, it is unclear whether these practices have a similar impact on reentry court participants. Qualitative data gathered for this study indicates that working with reentry court participants is more challenging than working with drug court participants. Some reentry court team members noted that participants are more “sophisticated in their criminal behavior” than drug court participants and indicated that it

may be more effective to use treatment modalities that directly address high level criminogenic needs such as cognitive behavioral therapy to address antisocial thinking. They also suggested that reentry court programs may be more effective if the required period of participation is longer and if the courts incorporate active alumni groups as a more significant component than is generally required in drug courts.

### ***Identification of Effective Reentry Court Program Practices***

Reentry courts are emerging programs that incorporate a variety of techniques and practices. Without a substantial body of reentry court specific research to draw upon, these court programs must rely on evidence-based practices that have been researched in other settings, such as collaborative court principles or postrelease supervision techniques. For example, research indicates that drug court outcomes are improved when peer support groups are utilized.<sup>39</sup> Because reentry courts typically target very high risk individuals that were reported to be more criminally “sophisticated,” several reentry court team members noted in interviews that reevaluating the impact of peer groups for this population may be beneficial. As the number and variety of reentry courts grows, additional research should be conducted to isolate and understand program-specific practices that are effective in reentry courts.

### ***Conviction Analysis***

A comprehensive analysis of prosecutorial charge and conviction information must be conducted in order to understand the true impact of this program and to better understand the differences in arrest rates between program participants and the comparison group. Because it takes a substantial amount of time for cases to move from arrest to conviction, a retrospective analysis should be conducted at least five years after the reentry court programs reach full capacity. Such an analysis should build upon data collected on both the reentry court participants and members of the comparison groups identified in this study, and should measure differences in the number and type of convictions.

### ***Comprehensive Study on Effects of Program for Participants with Mental Health Issues***

Data gathered on successful program completion and on number of days incarcerated suggest that reentry courts may be particularly well suited for addressing the needs of parolees with mental health issues. Anecdotal evidence collected in focus group conversations suggests that reentry courts are more effective than traditional parole supervision in assessing and identifying mental health needs and in providing appropriate mental health treatment services. A comprehensive study should look at the long-term effects of reentry court participation on parolees with mental health issues.

### ***Investigate Impact of the Program on Treatment Outcomes***

As charged by the Legislature, the outcomes presented in this evaluation focused on measures of recidivism and did not address the effect of the program on offender needs. One of the key principles of collaborative justice courts is the integration of treatment with ongoing judicial

supervision. Additional research should be conducted to measure treatment-focused outcomes such as treatment utilization and retention, as well as improvements in mental health or a decrease in substance abuse for reentry court participants, which research shows is also associated with reduced recidivism.<sup>40</sup>

### ***Cost-Benefit Analysis***

Reentry court participants spend less time in prison, on average than the comparison group. This outcome resulted in savings to the state of \$6 million in the first year of the program. This encouraging finding should be explored more deeply with a comprehensive cost–benefit analysis to identify all the costs and savings associated with this program. Limitations on evaluation resources and program changes related to realignment (mainly, the inability to gather information on days spent in jail) did not allow for such an in-depth study at this time. Since reentry courts have now stabilized their practices and adjusted to the impact of realignment, a study of the cost-effectiveness of these programs would be appropriate.

### **Conclusion**

A primary goal for reentry court programs is to reduce the number of parole revocations. Statewide, reentry court programs were successful in accomplishing this goal: reentry court participants were revoked less often than members of the comparison group in the year following program entry and they spent significantly less time in prison than comparison group members. Reentry court participants were more likely to be rearrested; however, preliminary conviction analyses suggest that reentry court participants are less likely to be convicted compared to the comparison group. Additional research is needed to understand the long-term impact of these court programs on the criminal justice system and public safety.

The vast majority of offenders sentenced to prison return to the community at some point.<sup>41</sup> Many of them are at high risk for returning to prison and may have significant substance abuse and mental health issues. Findings from this research suggest that reentry courts may be an effective way to reduce the number of parolees who are revoked to prison. Additional research is needed to examine the impact of that reduced reincarceration on specific communities and on the general public.

The number of reentry courts in California and nationally has increased steadily in the last several years as policymakers and practitioners in the criminal justice system look for alternatives to incarceration to combat the significant problem of offender recidivism. California’s public safety realignment legislation, which shifted responsibility for hearing parole revocation hearings from the Board of Parole Hearings to the courts and specifically authorized referral to reentry courts as an option in revocation hearings, may have also encouraged the expansion of these programs. The number of reentry courts in California has doubled from the 6 included in this study to 12 today.<sup>42</sup>

The field of reentry court research is in its early stages. As with the initial research on drug courts, few definitive statements can be made about the effectiveness of these programs until there has

been time to develop a substantial body of literature. Numerous studies on reentry courts are now being conducted, including a comprehensive national study supported by the National Institute of Justice. Information from this evaluation of California reentry courts, the national study, and the growing body of literature from other local and state studies will enable reentry courts to identify the most successful practices associated with these programs and to develop more effective models to manage parolees and reintegrate them into society.

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<sup>1</sup> A proxy program entry date was calculated for each comparison group member based on the program groups' median number of days from index violation to program entry.

<sup>2</sup> Although reentry court programs began to accept participants in late 2010 and early 2011, they did not reach program capacity until fall of 2011. In order to conduct an evaluation with a sufficient sample size this evaluation is submitted three years after the programs were fully operational and at program capacity.

<sup>3</sup> R. Grattet, J. Petersilia & J. Lin, *Parole Violations and Revocations in California* (Washington, DC: Nat. Inst. of Justice, Oct. 2008), <https://www.ncjrs.gov/pdffiles1/nij/grants/224521.pdf> (accessed Nov. 3, 2014).

<sup>4</sup> Cal. Department of Corrections and Rehabilitation (CDCR), *Corrections: Moving Forward* (Annual Report, Fall 2009), [http://www.cdcr.ca.gov/News/Press\\_Release\\_Archive/2009\\_Press\\_Releases/docs/CDCR\\_Annual\\_Report.pdf](http://www.cdcr.ca.gov/News/Press_Release_Archive/2009_Press_Releases/docs/CDCR_Annual_Report.pdf) (accessed Nov. 3, 2014).

<sup>5</sup> Cal. Department of Corrections and Rehabilitation (CDCR), *2012 Outcome Evaluation Report* (Oct. 2012), [http://www.cdcr.ca.gov/Adult\\_Research\\_Branch/Research\\_Documents/ARB\\_FY\\_0708\\_Recidivism\\_Report\\_10.23.12.pdf](http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/ARB_FY_0708_Recidivism_Report_10.23.12.pdf) (accessed Nov. 3, 2014).

<sup>6</sup> The National Institute of Justice (NIJ) is sponsoring a multi-site, two-phase study being conducted by RTI International, the Center for Court Innovation (CCI), and NPC Research. The first phase was a process evaluation released in March 2013; see <https://www.ncjrs.gov/pdffiles1/nij/grants/241400.pdf> (accessed Oct. 23, 2014). The second phase includes an outcome study and is expected to be released in early 2016.

<sup>7</sup> Z. Hamilton, *Do Reentry Courts Reduce Recidivism?: Results from the Harlem Parole Reentry Court* (New York, NY: Center for Court Innovation, Mar. 2010), available at [http://www.courtinnovation.org/sites/default/files/Reentry\\_Evaluation.pdf](http://www.courtinnovation.org/sites/default/files/Reentry_Evaluation.pdf) (accessed Nov. 3, 2014).

<sup>8</sup> C. T. Lowenkamp & K. A. Bechtel, *An Evaluation of the Accelerated Community Entry (ACE) Program – Preliminary Report* (2010).

<sup>9</sup> C. J. Taylor, “Tolerance of Minor Setbacks in a Challenging Reentry Experience: An Evaluation of a Federal Reentry Court” (Jan. 2013) 24(1) *Criminal Justice Policy Review* 49–70, available at <http://cjp.sagepub.com/content/by/year/2013> (accessed Nov. 3, 2014).

<sup>10</sup> A. Farrell & K. Wunderlich, *Evaluation of the Court Assisted Recovery Effort (C.A.R.E.) Program—United States District Court for the District of Massachusetts* (2009).

<sup>11</sup> D. B. Wilson, O. Mitchell & D. L. Mackenzie, “A Systematic Review of Drug Court Effects on Recidivism” (2006) 2 *Journal of Experimental Criminology* 459–487; J. Latimer, K. Morton-Bourgon & J. Chretien, *A Meta-Analytic Examination of Drug Treatment Courts: Do They Reduce Recidivism?* (Canada Department of Justice, Research & Statistics Division, 2006); D. K. Shaffer, “Reconsidering Drug Court Effectiveness: A Meta-Analytic Review” (doctoral dissertation, University of Nevada, Las Vegas, 2006); C. T. Lowenkamp, A. M. Holsinger & E. J. Latessa, “Are Drug Courts Effective? A Meta-Analytic Review” (Fall 2005) *Journal of Community Corrections* 5–28; S. Aos, M. Miller & E. Drake, *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates* (Olympia, WA: Washington State Institute for Public Policy, 2006).

<sup>12</sup> S. M. Carey, M. Finigan, D. Crumpton & M. Waller, “California Drug Courts: Outcomes, Costs and Promising Practices: An Overview of Phase II in a Statewide Study (2006) 3 *Journal of Psychoactive Drugs, SARC Supplement* 345–356.

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<sup>13</sup> U.S. Government Accountability Office, *Studies Show Courts Reduce Recidivism, but DOJ Could Enhance Future Performance Measure Revision Efforts* (GAO-12-53: Published: Dec. 9, 2011; Publicly Released: Dec. 9, 2011).

<sup>14</sup> Collaborative justice courts, called problem-solving courts outside of California, began in the 1990s and were developed to address underlying issues, such as homelessness, substance abuse, and mental illness, that contribute to criminal behavior. For more information on these courts, please see Bureau of Justice Assistance, Center for Program Evaluation and Performance Measurement, “What Are Problem-Solving Courts?,” <https://www.bja.gov/evaluation/program-adjudication/problem-solving-courts.htm>.

<sup>15</sup> Collaborative court principles identified by the CJCAC are based on the National Association of Drug Court Professionals’ (NADCP) key components described in *Defining Drug Courts: The Key Components* and can be found at <https://www.ncjrs.gov/pdffiles1/bja/205621.pdf> (accessed Sept. 12, 2014).

<sup>16</sup> At the date of this publication, San Diego reentry court also accepts referrals from parole (with no active court case).

<sup>17</sup> Parolees who violate conditions of parole or commit a violation of law and who were originally sentenced to a maximum term of life imprisonment or convicted of certain sex offenses and required to register as a sex offender must be remanded to CDCR and BPH custody.

<sup>18</sup> Pen. Code, § 3015.

<sup>19</sup> Quasi-experimental designs employ statistical techniques, such as propensity scoring, to control for differences between groups that may impact program outcomes.

<sup>20</sup> A proxy program entry date was calculated for each comparison group member based on the program groups’ median number of days from index violation to program entry.

<sup>21</sup> Because San Francisco needed to terminate their program, many of the participants (73%) participated in the program for six months or less.

<sup>22</sup> Los Angeles and San Diego reentry court programs accepted participants only if they were facing a return to custody if they did not participate in the program. Since no other policy alternative was available, comparison group members were restricted to those returning to custody for these two programs.

<sup>23</sup> Beatrice F. Birman, “Education Policy Analysis and Program Evaluation: Shifting Methods, Politics, and Temperament”(Spring 2003) 22(2) *Journal of Policy Analysis and Management* 300–304.

<sup>24</sup> CDCR, *2012 Outcome Evaluation Report*, *supra* note 4.

<sup>25</sup> *Id.*

<sup>26</sup> The term “statistically significant” indicates it is unlikely that the observed effect, in this case that reentry court participants are revoked less often, is due to chance.

<sup>27</sup> The reported average number of parole revocations for participants and comparison groups were adjusted for age, race/ethnicity, gender, risk and need scores, prior arrests, prior revocations, prior prison incarceration, and opportunity to reoffend (cumulative time spent incarcerated in prison during the same period).

<sup>28</sup> Although parolees can be returned to either county jail or state prison depending on the nature of the violation/offense and the type of parole supervision, it was not possible for Judicial Council staff to collect county jail data. All figures and text regarding days incarcerated refer only to days in state prison.

<sup>29</sup> The average number of prison days for reentry court participants and comparison groups were adjusted for age, race/ethnicity, gender, risk and need scores, prior arrests, prior revocations, and prior time incarcerated in prison.

<sup>30</sup> The cost per day of prison in all counties was obtained from CDCR, *Realignment Report: An Examination of Offenders Released from State Prison in the First Year of Public Safety Realignment* (Dec. 2013), [http://www.cdcr.ca.gov/Adult\\_Research\\_Branch/Research\\_Documents/Realignment\\_1\\_Year\\_Report\\_12-23-13.pdf](http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/Realignment_1_Year_Report_12-23-13.pdf) (accessed Nov. 3, 2014) and Legislative Analyst’s Office, *California’s Criminal Justice System: A Primer* (Jan. 2013), <http://www.cdcr.ca.gov/Reports/docs/External-Reports/criminal-justice-primer-011713.pdf> (accessed Nov. 3, 2014), and adjusted with the Consumer Price Index , which resulted in a prison cost of \$143.99 per day.

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<sup>31</sup> Center for Court Innovation, *Reentry Courts: Looking Ahead: A Conversation About Strategies for Offender Reintegration* (2011), [http://www.courtinnovation.org/sites/default/files/documents/Reentry\\_Courts.pdf](http://www.courtinnovation.org/sites/default/files/documents/Reentry_Courts.pdf) (accessed Nov. 3, 2014).

<sup>32</sup> The reported average number of rearrests for all participants and the comparison group were adjusted for age, race/ethnicity, gender, risk and need scores, prior arrests, prior revocations, prior incarceration, and opportunity to reoffend (cumulative time spent incarcerated in prison during the same period).

<sup>33</sup> Average number of arrests includes all charges associated with an arrest. For example, if an individual is arrested on multiple charges (both felony and misdemeanor) all charges are included in the count.

<sup>34</sup> San Diego and San Joaquin were the only two sites that were able to provide the data due to workload issues, time constraints, and limited court data collection capacity at the other study sites.

<sup>35</sup> R. Grattet, J. Petersilia & J. Lin, *supra* note 2.

<sup>36</sup> R. Grattet, J. Petersilia & J. Lin, *supra* note 2.

<sup>37</sup> C. G. Jones & R. I. Kemp, “The Strength of the Participant-Judge Relationship Predicts Better Drug Court Outcomes” (2013) *Psychiatry, Psychology and Law* (online only); D. B. Marlowe, D. S. Festinger, P.A. Lee, K. L. Dugosh & K. M. Benasutti, “Matching Judicial Supervision to Client’s Risk Status in Drug Courts” (2006) 52(1) *Crime & Delinquency* 52–76.

<sup>38</sup> C. J. Taylor, “Balancing Act: The Adaptation of Traditional Judicial Roles in Reentry Court” (2012) 51(6) *Journal of Offender Rehabilitation* 351–369.

<sup>39</sup> J. F. Kelly, R. Stout, W. Zywiak & R. Schneider, “A 3-year Study of Addiction Mutual-Help Group Participation Following Intensive Outpatient Treatment” (2006) 30(8) *Alcoholism: Clinical & Experimental Research* 1381–1392; R. H. Moos, & C. Timko, “Outcome Research on 12-Step and Other Self-Help Programs,” in *Textbook of Substance Abuse Treatment*, ed. M. Galanter & H. D. Kleber (Arlington, VA: American Psychiatric Publishing, 4th ed., 2008), 511–521.

<sup>40</sup> D. K. Shaffer, “Looking Inside the Black Box of Drug Courts: A Meta-Analytic Review” (June 2011) 28(3) *Justice Quarterly* 493–521; D. C. Gottfredson, B. W. Kearley & S. D. Bushway, “Substance Use, Drug Treatment, and Crime: An Examination of Intra-Individual Variation in a Drug Court Population” (2008) 38(2) *Journal of Drug Issues* 601–630.

<sup>41</sup> N. James, “Offender Reentry: Correctional Statistics, Reintegration into the Community, and Recidivism,” *Congressional Research Service* (June 12, 2014).

<sup>42</sup> The Judicial Council of California collects data on the number and type of collaborative justice courts in the state.



## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title	Agenda Item Type
Children's Waiting Rooms: Distribution Request Process and Distribution Request from a Court	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	December 12, 2014
Recommended by	Date of Report
Hon. Laurie M. Earl, Cochair, Trial Court Budget Advisory Committee	November 14, 2014
Zlatko Theodorovic, Cochair, Trial Court Budget Advisory Committee	Contact
	Steven Chang, Manager
	Finance, Judicial Council
	415-865-7195
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### Executive Summary

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the Superior Court of San Francisco County's request for an increase in the court's children's waiting room distribution amount, effective January 1, 2015, and amendments to the process for courts to request children's waiting room distributions or distribution adjustments.

### Recommendations

With input provided by an internal work group, whose members included Hon. Laurie Earl, Superior Court of Sacramento County; Hon. Elizabeth Johnson, Superior Court of Trinity County; as well as Court Executive Officers Kimberly Flener, Superior Court of Butte County; Brian Taylor, Superior Court of Solano County; and David Yamasaki, Superior Court of Santa Clara County), the Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council, effective December 12, 2014, adopt the following recommendations:

1. Approve the Superior Court of San Francisco County's request to increase its children's waiting room (CWR) distribution from \$4 to \$5 per filing effective January 1, 2015.
2. Courts applying for new CWR distributions can request that distributions begin no more than one year in advance of the planned opening date of the CWR, unless there are extenuating circumstances. If a court wants to begin receiving distributions more than one year in advance of the planned opening date of a CWR, the request should include an explanation of the extenuating circumstance(s).
3. Any court's request to decrease its existing CWR distribution is approved by the Judicial Council and the request can be implemented by Judicial Council staff, effective either January 1 or July 1.

### **Previous Council Action**

At its June 27, 2014 business meeting the Judicial Council requested the TCBAC to make a recommendation on how far in advance a court can request a CWR distribution. In addition, pursuant to Government Code Section 70640 (see Attachment 1), the council adopted a process for courts to request CWR distributions, as follows.

- A court's presiding judge or executive officer must submit a request to the director of the Judicial Council Finance Office 45 days prior to the date of the council meeting at which the court is requesting consideration.
- The request must include the following information:
  - Date of the council meeting at which the court is requesting consideration.
  - Requested effective date of the distribution (July 1 or January 1).
  - The scheduled opening date of the CWR(s).
  - Description of the CWR(s).
  - The date when the court intends to make expenditures related to operating its CWR(s).
  - The requested distribution amount between \$2 and \$5. Courts can request the Judicial Council Finance Office to provide an estimate of annual distributions.
  - The amount of unspent distributions (*for reapplications only*).
- Require the TCBAC to make a recommendation to the council on each court's request since a CWR distribution reduces the funding that supports all courts' base allocations.

Further, the Judicial Council required courts to reapply for a distribution if they fall into one of two categories:

- Courts that are currently receiving a distribution but have not operated a CWR since June 27, 2014.
- Courts that received a distribution effective July 1, 2014 or after but have not operated a CWR six months after their planned opening date of the CWR.

Finally, for courts that reapply and whose application is denied by the council, the council reserved the option of directing the courts to return any unspent CWR distributions to the Trial Court Trust Fund (TCTF).

### **Recommendation 1: Approval of Superior Court of San Francisco County's Request**

1. Approve the Superior Court of San Francisco County's request to increase its CWR distribution from \$4 to \$5 per filing effective January 1, 2015.

#### **Rationale for Recommendation 1**

The court's request for an increased CWR distribution meets the information requirements of the council's process (see Attachment 1) and the increased distribution will be used to offset the court's cost of operating at least one CWR. Approval of the court's request would result in an increase of approximately \$32,125 to the court's annual CWR distribution and reduce the funding that supports all courts' base allocations by the same amount.

### **Recommendation 2: Requests for Distributions Up to an Year in Advance Do Not Require Explanation**

2. Courts applying for new CWR distributions can request that distributions begin no more than one year in advance of the planned opening date of the CWR, unless there are extenuating circumstances. If a court wants to begin receiving distributions more than one year in advance of the planned opening date of a CWR, the request should include an explanation of the extenuating circumstance(s).

#### **Rationale for Recommendation 2**

In general, the accumulation of up to one year's worth of CWR distributions should be sufficient to cover allowable costs (e.g., furnishings, toys, and books) that need to be purchased prior to the operating of a CWR. It is, however, possible that a court might need to accumulate more than a year's worth of CWR distributions. In these special situations, a court that is requesting for a CWR distribution more than a year in advance of the opening and operating of a CWR should be required to explain its circumstance in its request to the council.

### **Recommendation 3: Pre-Approval of Requests for Decreased Distributions**

3. Any court's request to decrease its existing CWR distribution is approved by the Judicial Council and the request can be implemented by Judicial Council staff, effective either January 1 or July 1.

#### **Rationale for Recommendation 3**

Decreased distribution amounts remain in the TCTF and can be redirected to support courts' base allocations. Pursuant to Government Code section 70640, new distributions and adjustments subsequent to July 1, 2006 shall be effective either January 1 or July 1. On July 14, 2014, the Superior Court of El Dorado requested by email that its CWR distributions be stopped effective

July 1, 2014 and on October 15, 2014, the Superior Court of Stanislaus requested that its distribution amount be reduced to \$2 from \$5 effective July 1, 2014 (see Attachment 3).

### **Comments, Alternatives Considered, and Policy Implications**

This item was not circulated for public comment. No comments concerning the TCBAC's recommendation were received. The TCBAC did not consider any alternatives to these recommendations.

### **Implementation Requirements, Costs, and Operational Impacts**

If any of the distribution adjustments are approved by the council, the Judicial Council system (Uniform Civil Fee System) that computes courts' CWR distributions from civil first paper filing fees will need to be updated for courts whose distribution adjustment is approved.

### **Attachments**

1. Attachment 1: Government Code section 70640
2. Attachment 2: Superior Court of San Francisco County's CWR distribution adjustment request
3. Attachment 3: Superior Court of Stanislaus County's distribution adjustment request

**Government Code Section 70640**

(a) It is the policy of the state that each court shall endeavor to provide a children's waiting room in each courthouse for children whose parents or guardians are attending a court hearing as a litigant, witness, or for other court purposes as determined by the court. To defray that expense, monthly allocations for children's waiting rooms shall be added to the monthly apportionment under subdivision (a) of Section 68085 for each court where a children's waiting room has been established or where the court has elected to establish that service.

(b) The amount allocated to each court under this section shall be equal to the following: for each first paper filing fee as provided under Section 70611, 70612, 70613, 70614, or 70670, and each first paper or petition filing fee in a probate matter as provided under Section 70650, 70651, 70652, 70653, 70654, 70655, 70656, or 70658, the same amount as was required to be collected as of December 31, 2005, to the Children's Waiting Room Fund under former Section 26826.3 in the county in which the court is located when a fee was collected for the filing of a first paper in a civil action under former Section 26820.4.

(c) Notwithstanding any other provision of law, the court may make expenditures from these allocations in payment of any cost, excluding capital outlay, related to the establishment and maintenance of the children's waiting room, including personnel, heat, light, telephone, security, rental of space, furnishings, toys, books, or any other item in connection with the operation of a children's waiting room.

(d) If, as of January 1, 2006, there is a Children's Waiting Room Fund in the county treasury established under former Section 26826.3, the county immediately shall transfer the moneys in that fund to the court's operations fund as a restricted fund. By February 15, 2006, the county shall provide an accounting of the fund to the Administrative Office of the Courts.

(e) After January 1, 2006, the court may apply to the Judicial Council for an adjustment of the amount distributed to the fund for each uniform filing fee. A court that wishes to establish a children's waiting room, and does not yet have a distribution under this section, may apply to the Judicial Council for a distribution. Applications under this subdivision shall be made according to trial court financial policies and procedures authorized by the Judicial Council under subdivision (a) of Section 77206. Adjustments and new distributions shall be effective January 1 or July 1 of any year beginning January 1, 2006.

(f) The distribution to a court under this section per each filing fee shall be not less than two dollars (\$2) and not more than five dollars (\$5).

(Amended by Stats. 2007, Ch. 130, Sec. 135. Effective January 1, 2008.)

# SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN FRANCISCO

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**T. MICHAEL YUEN**  
COURT EXECUTIVE OFFICER

October 3, 2014

Zlatko Theodorovic  
Finance Director, Judicial Council  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Re: Children's Waiting Room Distribution Increase

Dear Mr. Theodorovic:

The Court respectfully requests an increase of the filing fee for the Children's Waiting Room (CWR) pursuant to Government Code Section 70640(e) for consideration at the December 11, 2014 Judicial Council meeting. Listed below is additional information pertaining to our request.

- Requested effective date of increase to the filing fee: January 1, 2015.
- The current filing fee is \$4 and the Court requests an increase to \$5 per filing.
- It is estimated that the requested distribution may be around \$32,125 annually.
- The CWR is located at the San Francisco Hall of Justice and Civic Center Courthouses and has been operational since 1991 and 1998, respectively.

This distribution increase, if approved, will provide the Court with additional revenue to support the CWR and enable us to maintain our current level of services.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Michael Yuen".

T. Michael Yuen  
Court Executive Officer

Cc: Sue Wong, Chief Financial Officer



# SUPERIOR COURT OF CALIFORNIA COUNTY OF STANISLAUS

**Rebecca J. Fleming**  
Executive Officer  
Jury Commissioner

800 - 11th Street  
Modesto, California 95354  
Telephone (209) 530-3111  
Fax (209) 236-7797  
[www.stanct.org](http://www.stanct.org)

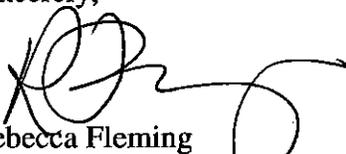
October 15, 2014

Zlatko Theodorovic  
Director and Chief Financial Officer  
Finance/Administrative Division  
Judicial Council of California  
2850 Gateway Oaks Drive, Suite 300  
Sacramento, CA 95833-4353

Re: Children's Waiting Room GC 70640

The Superior Court of California, County of Stanislaus hereby requests a reduction to our current Children's Waiting Room distribution. Please reduce the distribution (currently \$5) to the lowest possible distribution rate (\$2) effective immediately. In addition, please adjust year-to-date payments for Fiscal Year 2014/2015 to the reduced rate; thus making the effective date of the reduction July 1, 2014.

Sincerely,



Rebecca Fleming  
Court Executive Officer





## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

[www.courts.ca.gov](http://www.courts.ca.gov)

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 11–12, 2014

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Title	Agenda Item Type
Court Interpreters: Revised Policy on Use of Unused Savings from Program 45.45	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
N/A	January 1, 2015
Recommended by	Date of Report
Court Interpreters Advisory Panel	November 10, 2014
Hon. Steven K. Austin, Chair	Contact
Donna S. Hershkowitz, Director, Court Operations Services, Judicial Council	Donna Hershkowitz, 818-558-3068 <a href="mailto:donna.hershkowitz@jud.ca.gov">donna.hershkowitz@jud.ca.gov</a>

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### Executive Summary

The Court Interpreters Advisory Panel (CIAP) recommends that the Judicial Council update the action taken on January 23, 2014, on the proper usage of unused interpreter savings in light of the enactment of Assembly Bill (AB) 1657 (Stats. 2014, ch. 721). On January 23, 2014, the Judicial Council authorized the use of unused interpreter savings for civil matters where the parties are indigent. AB 1657, effective January 1, 2015, authorizes courts to provide interpreters to all parties in civil matters, regardless of income, and sets forth a priority and preference order when courts do not have sufficient resources to provide interpreters for all persons. CIAP recommends that the Judicial Council authorize the use of unused interpreter savings consistent with the requirements of the newly enacted statute.

### Recommendation

The Court Interpreters Advisory Panel recommends that the Judicial Council authorize trial courts, effective January 1, 2015, to request reimbursement from the Trial Court Trust Fund Program 45.45 appropriation, and any unused savings from that appropriation, for expenditures

on court interpreters for parties in civil cases, consistent with the priorities and preferences set forth in Evidence Code section 756, as enacted by Assembly Bill 1657 (Stats. 2014, ch. 721)

The text of Evidence Code section 756 is attached at pages 5–6.

### **Previous Council Action**

In May 2013, the Executive and Planning Committee, on behalf of the council, approved the formation of a limited-term Ad Hoc Joint Working Group to Address Court Interpreter Issues made up of representatives from each of the council’s civil law subject matter advisory committees as well as the Trial Court Presiding Judges Advisory Committee, the Court Executives Advisory Committee, the Access and Fairness Advisory Committee,<sup>1</sup> the Court Interpreters Advisory Panel, and the council’s internal Policy Coordination and Liaison Committee. The Ad Hoc Joint Working Group sunset on December 31, 2013.

On January 23, 2014, the Judicial Council adopted the recommendations of the Ad Hoc Joint Working Group to expand the allowable use of the Program 45.45 appropriation (funding for interpreter services) and directed the use of the unused savings related to the Program 45.45 appropriation accumulated since fiscal year 2009–2010 in the following ways:

1. Authorized trial courts to request reimbursement from the Trial Court Trust Fund Program 45.45 appropriation for costs related to court interpreters for all appearances in domestic violence cases, family law cases in which there is a domestic violence issue, and elder or dependent adult abuse cases, thereby eliminating the \$1.73 million cap previously in place for such expenditures. The council further directed that if expenditures in Program 45.45 exceed the \$92 million expenditure authority, any unused savings related to the Program 45.45 appropriation since fiscal year 2009–2010 may also be used for these purposes.
2. Clarified that trial courts can request reimbursement from the Trial Court Trust Fund Program 45.45 appropriation, and any unused savings from that appropriation, for expenditures on court interpreters for indigent parties in civil cases.
3. Directed Judicial Council staff to provide guidance to courts of the changes to what is reimbursable.
4. Directed the Civil and Small Claims Advisory Committee to create a new form for parties requesting interpreters in civil matters.
5. Directed staff of the Center for Judiciary Education and Research to develop training resources, as appropriate, for court staff on how the new form may be used to assist in the calendaring of cases and scheduling of interpreters.
6. Directed the Trial Court Budget Advisory Committee (TCBAC) to provide recommendations to the council at the April 2014 council meeting on the maximum amount each court will be eligible to receive in reimbursement from the unused savings in a manner that will result in complete exhaustion of the unused savings by the end of fiscal year 2014–2015.

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<sup>1</sup> Subsequently the name of this committee was changed to Advisory Committee on Providing Access and Fairness.

7. Directed that trial courts track the usage of interpreters in civil matters and report this information to the Judicial Council staff in the format and timeframe specified by Judicial Council staff.

On January 23, 2014, the council also approved a recommendation from the Policy Coordination and Liaison Committee to sponsor legislation to authorize courts to provide interpreters in civil matters to all parties, regardless of income. The enactment of that legislation is what requires this follow-up action.

On April 24, 2014, the council approved a recommendation of the Trial Court Budget Advisory Committee regarding how the unused savings are to be allocated among the trial courts. Specifically, the council action provided that each interpreter region would be eligible to receive, in reimbursement from the unused savings, a percentage of the unused savings equal to the average percentage of Program 45.45 reimbursements it received over the past five years. The Superior Courts of Solano and Ventura Counties, which are not in interpreter regions, would be eligible for individual earmarked funds based on the same methodology.

### **Rationale for Recommendation**

In the report received for the January 23, 2014, meeting, the Joint Ad Hoc Working Group noted:

The working group was charged with making recommendations for the appropriate expenditure of those unused savings. The working group cannot recommend that the unused savings from Program 45.45 be used to fund interpreters in all civil cases without a statutory clarification giving courts discretion to provide these services in civil matters. While there appears to be a strong legal argument that courts can provide interpreters in civil cases to indigent litigants who have limited English proficiency, existing law is at best ambiguous on whether a court may assign interpreters in *all* civil cases at no cost to the parties. The council will be considering a recommendation today from PCLC and the working group for sponsored legislation to provide that authority. As a result, at the earliest, it will be January 2015 before courts will have the legal authority to provide interpreters in all civil proceedings regardless of the income of the parties. The working group therefore turned its attention to how it could expand access to interpreters in the interim, while waiting for a statutory fix.

(Original italics.)

The courts now have the legal authority that was lacking in January 2014, and the council action must be updated to reflect the current state of the law. This action does not affect in any way the allocation of the surplus to the courts decided at the April 2014 council meeting.

Judicial Council staff have developed and are developing various tools to assist courts in understanding the requirements of Evidence Code section 756 and in implementing them. Briefly stated, AB 1657 provides that “a court may provide an interpreter in any civil action or proceeding at no cost to the parties, regardless of the income of the parties. However, until

sufficient funds are appropriated to provide an interpreter to every party who needs one, interpreters shall initially be provided in accordance with the priorities set forth in Section 756 of the Evidence Code” (Gov. Code, § 68092.1). Evidence Code section 756 provides that if there are not sufficient funds appropriated to provide an interpreter to every party, each court shall allocate court interpreters to cases in the following priority order:

- (1) Domestic violence cases, family law cases in which there is a domestic violence issue, and elder or dependent adult abuse cases (non-financial abuse)
- (2) Unlawful detainer
- (3) Termination of parental rights
- (4) Conservatorships and guardianships
- (5) Proceedings to obtain sole legal or physical custody of a child or rights to visitation
- (6) Civil harassment or elder abuse not addressed in (1).
- (7) All other family law
- (8) All other civil

For items 3 through 8, above, if there are not sufficient resources to provide interpreters for all who need it in those case types, “preference shall be given for parties proceeding in forma pauperis pursuant to Section 68631 of the Government Code.” (Evid. Code, § 756(c).)

### **Comments, Alternatives Considered, and Policy Implications**

This change is necessary to comply with the newly adopted law. The Judicial Council could continue to operate under the direction provided in January 2014, but CIAP believes that would only create confusion in the courts. In the absence of Judicial Council direction, some courts would follow the new law and others might elect not to. Compliance with the new law is not discretionary however, and CIAP believes the council should revise its prior action to meet the dictates of the current law. The fact that the Judicial Council sponsored that law only serves to strengthen CIAP’s belief that the action recommended is the only appropriate action.

### **Implementation Requirements, Costs, and Operational Impacts**

The Judicial Council’s Court Language Access Support Program (CLASP) is preparing various implementation tools, such as FAQs, webinars, and training tools to assist courts in understanding the provisions of AB 1657. For those courts that began providing interpreters in civil matters for indigent parties pursuant to the council’s January action, this new law represents a significant change. However, due to the need to conduct impact bargaining regarding the expansion of interpreter services into civil, most courts had not implemented the council’s policy as of the writing of this report.

### **Attachments and Links**

1. Attachment A: Evidence Code section 756.

**Attachment A: Evidence Code section 756 – Effective January 1, 2015**

756. (a) To the extent required by other state or federal laws, the Judicial Council shall reimburse courts for court interpreter services provided in civil actions and proceedings to any party who is present in court and who does not proficiently speak or understand the English language for the purpose of interpreting the proceedings in a language the party understands, and assisting communications between the party, his or her attorney, and the court.

(b) If sufficient funds are not appropriated to provide an interpreter to every party that meets the standard of eligibility, court interpreter services in civil cases reimbursed by the Judicial Council, pursuant to subdivision (a), shall be prioritized by case type by each court in the following order:

(1) Actions and proceedings under Division 10 (commencing with Section 6200) of the Family Code, actions or proceedings under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12 of the Family Code) in which a protective order has been granted or is being sought pursuant to Section 6221 of the Family Code, and actions and proceedings for dissolution or nullity of marriage or legal separation of the parties in which a protective order has been granted or is being sought pursuant to Section 6221 of the Family Code; actions and proceedings under subdivision (w) of Section 527.6 of the Code of Civil Procedure; and actions and proceedings for physical abuse or neglect under the Elder Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code).

(2) Actions and proceedings relating to unlawful detainer.

(3) Actions and proceedings to terminate parental rights.

(4) Actions and proceedings relating to conservatorship or guardianship, including the appointment or termination of a probate guardian or conservator.

(5) Actions and proceedings by a parent to obtain sole legal or physical custody of a child or rights to visitation.

(6) All other actions and proceedings under Section 527.6 of the Code of Civil Procedure or the Elder Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code).

(7) All other actions and proceedings related to family law.

(8) All other civil actions or proceedings.

(c) (1) If funds are not available to provide an interpreter to every party that meets the standard of eligibility, preference shall be given for parties proceeding in forma pauperis pursuant to Section 68631 of the Government Code in any civil action or proceeding described in paragraph (3), (4), (5), (6), (7), or (8) of subdivision (b).

(2) Courts may provide an interpreter to a party outside the priority order listed in subdivision (b) when a qualified interpreter is present and available at the court location and no higher priority action that meets the standard of eligibility described in subdivision (a) is taking place at that location during the period of time for which the interpreter has already been compensated.

(d) A party shall not be charged a fee for the provision of a court interpreter.

(e) In seeking reimbursement for court interpreter services, the court shall identify to the Judicial Council the case types for which the interpretation to be reimbursed was provided. Courts shall regularly certify that in providing the interpreter services, they have complied with the priorities and preferences set forth in subdivisions (b) and (c), which shall be subject to review by the Judicial Council.

(f) This section shall not be construed to alter, limit, or negate any right to an interpreter in a civil action or proceeding otherwise provided by state or federal law, or the right to an interpreter in criminal, traffic, or other infraction, juvenile, or mental competency actions or proceedings.

(g) This section shall not result in a reduction in staffing or compromise the quality of interpreting services in criminal, juvenile, or other types of matters in which interpreters are provided.

DRAFT



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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**Title**

Judicial Branch Administration: Amendment of the Conflict of Interest Code for the Judicial Council

**Agenda Item Type**

Action Required

**Effective Date**

December 12, 2014

**Rules, Forms, Standards, or Statutes Affected**

N/A

**Date of Report**

November 6, 2014

**Recommended by**

Judicial Council staff  
Human Resources  
Linda Cox, Senior Manager

**Contact**

Linda M. Cox, 415-865-4290  
[linda.cox@jud.ca.gov](mailto:linda.cox@jud.ca.gov)

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### Executive Summary

This proposal would adopt amendments to the Judicial Council Conflict of Interest Code (Code) and bring the Code up to date with the current organizational structure that, after a recent consolidation, now includes the former Administrative Office of the Courts. In accordance with Government Code sections 87303 and 87306, the Code must be updated “when change is necessitated by changed circumstances” (*id.*, § 87306). The council must review proposed amendments and approve the Code as amended or direct that it be further revised and resubmitted for approval.

### Recommendation

Judicial Council staff recommends that the Judicial Council of California, effective December 11, 2014, adopt the proposed Judicial Council Conflict of Interest Code (attached), that amends the current Conflict of Interest Code and reflects the organization’s changes since it combined with the Judicial Council staff (the former Administrative Office of the Courts). Appendix A of the amended Code explains how voting and nonvoting Judicial Council members must disclose their financial interests. Appendix B is a list of designated job classifications and their disclosure

categories. Appendix C explains the disclosure categories, and Appendix D instructs designated incumbents on the parameters of submitting their statements of financial interests.

The proposed amendments to the Judicial Council Conflict of Interest Code (Code) would:

1. Combine the separate codes for Judicial Council members and Judicial Council staff into one consolidated Code;
2. Reference the laws requiring a public agency to adopt a Conflict of Interest Code;
3. Accurately designate Judicial Council members by separating them into voting and nonvoting categories; and subcategorizing the voting members into justices, judges, legislators, and attorneys;
4. Accurately address the number of Judicial Council staff designations required to submit disclosure statements, thereby improving the efficiency of the collection process; and
5. Consolidate and clarify the disclosure categories, streamlining the submittal process for designated employees by having a clarifying statement in the opening paragraph of Appendix C.

### **Previous Council Action**

The Judicial Council periodically reviews and approves amendments to the Judicial Council's and the Judicial Council's staff Conflict of Interest Codes. The last Judicial Council member review and approval was in June 2000. The last Judicial Council staff review and approval was in October 2010.

### **Rationale for Recommendation**

#### **Political Reform Act**

The Political Reform Act of 1974 (Gov. Code, § 81000 et seq.<sup>1</sup>) requires public agencies to adopt conflict of interest codes. (§ 87300.) In 1984, the Legislature amended the Political Reform Act to require agencies and employees of the judicial branch to comply with the act. (Stats. 1984, ch. 717, amending §§ 82011, 82041, 82048, 82049, and 87200 and adding § 87311.5.) Every conflict of interest code, including amended codes, must be submitted to and approved by a "code reviewing body." (§§ 87303, 87306.)

The Judicial Council is the code reviewing body for "any state agency within the judicial branch of government" where no other code reviewing body has been specified (§ 82011(h)), which includes the Judicial Council and its staff. In 1985, the Judicial Council first approved a conflict of interest code for Judicial Council staff. An agency's conflict of interest code must be amended

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<sup>1</sup> All further code references in this report are to the Government Code.

when new positions and duties are created or eliminated. (§ 87306.) Since 1985, the Judicial Council Conflict of Interest Code has been periodically amended.

A conflict of interest code is a document that states the rules and procedures by which designated officers and employees of a public agency must disclose certain personal financial interests. The financial interests required to be disclosed are those that foreseeably could be materially affected by decisions that these officers or employees are authorized to make or influence. In brief, Government Code section 87302 specifies that a conflict of interest code must:

- Designate the classifications of officers or employees who make or influence financial decisions (“designated employees”);
- Identify the categories of interest that foreseeably may be affected by such decisions (“disclosure categories”);
- Require officers and employees to file periodic reports of their financial interests (“disclosure statements”); and
- Require officers and employees to disqualify themselves from decisions affecting matters in which they have financial interest.

A conflict of interest code must designate the officers and employees who make or participate in the making of government decisions that foreseeably can have a material effect on their personal financial interests. (§ 87302(a).) The disclosure categories for each job classification must correspond to those interests that employees foreseeably can affect. (§ 87302 (c).) Thus, disclosure categories reflect the powers and responsibilities assigned to employees within each job classification.

### **Judicial Council name consolidation**

The current Judicial Council Conflict of Interest Code does not designate its staff organization. In the past, the Judicial Council’s staff had a separate conflict of interest code because it was thought to be a separate entity under the name “Administrative Office of the Courts.” However, on July 29, 2014, the Judicial Council acted on a rule amendment to unite the governing body and staff under the same name and retired the use of “Administrative Office of the Courts.” Discontinuing the use of the names “Administrative Office of the Courts” and “AOC” necessitates the consolidation of the Judicial Council’s and former Administrative Office of the Courts’ Conflict of Interest Codes.

### **Conflict of Interest Code for members of the Judicial Council**

The current Judicial Council Conflict of Interest Code requires council members who are justices, judges, legislators, court executive officers, and court clerk/administrators and other nonvoting members as appointed by the voting council membership to disclose their financial interests whether they are voting or nonvoting members, including “[a]ll investments, sources of income, interests in real property, and positions in business entities.” While justices, judges, legislators, court executive officers, and court clerk/administrators perform unique duties in their capacity as council members, they are only required to indicate on the cover sheet of Conflict of

Interest Form 700 that their statements are being filed for both their primary and their Judicial Council positions and must file a copy with the Judicial Council reporting officer. All attorneys, voting or nonvoting, must turn in form FPPC-2 that discloses whether or not they were required to disqualify themselves from making, participating in making, or attempting to influence a decision of the Judicial Council during the reporting period because of a conflict of interest.

### **Conflict of Interest Code for Judicial Council staff**

The current Judicial Council Conflict of Interest Code for staff contains 19 disclosure categories. The broadest category, Category 1, provides for disclosure of “[a]ll investments, sources of income, interests in real property, and positions in business entities.” Those who fall within this category include certain classification designations with foreseeable decision-making authority that could be affected by personal financial interests. Other employees must disclose a narrower range of financial interests that could be affected by their specific job duties.

### **Comments, Alternatives Considered, and Policy Implications**

Judicial Council staff posted the proposed amendments to the Conflict of Interest Code on the Judicial Council’s Intranet, on *Court News Update* (distributed via e-mail and available on the judicial branch’s password-protected Serranus extranet), and on the “Invitations to Comment” page of the California Courts website (<http://www.courts.ca.gov/>) for a period of 30 days for the purpose of receiving comments from the public and Judicial Council staff. A summary of the comments received and responses thereto are attached to this report. The proposed amendments to the Code are required under the Political Reform Act of 1974, which does not provide for any alternative actions other than those presented in this report.

### **Implementation Requirements, Costs, and Operational Impacts**

To implement the amended Code, the reporting officer will need to ensure that Judicial Council members and staff timely submit the Statement of Economic Interests required under the Code and the Political Reform Act.

### **Attachments**

1. Proposed amended Judicial Council Conflict of Interest Code (revised effective December 12, 2014)
2. Current Judicial Council Staff Conflict of Interest Code
3. Current Judicial Council Conflict of Interest Code
4. Summary of comments received from the public and Judicial Council staff, with responses



# ATTACHMENT 1

## ~~Section 2.~~ Appendix A. Judicial Council Members

Under Article VI, section 6, of the California Constitution, Judicial Council voting membership is limited to justices, judges, legislators, and attorneys. Two nonvoting court administrators and such other nonvoting members are determined by the voting membership of the council. Council members, voting or nonvoting, who are justices, judges, state legislators, court executive officers, and court administrator and clerks are required to file disclosure statements at their primary position because they are subject to comprehensive disclosure requirements arising out of their primary offices, pursuant to Government Code sections 87200 and 87300. When filing their annual statement of economic interests, council members, voting or non-voting, should indicate on the cover sheet of the Conflict of Interest-Form 700 that their statements are being filed for both their primary and their Judicial Council positions.

### Designation of Positions

#### 1. Voting Council Members

##### a. Justices, Judges, Legislators

- i. **Disclosure of Financial Interests:** Council members must disclose all investments, sources of income, interests in real property, and positions in business entities.
- ii. **Manner of Reporting:** When filing their annual statement of economic interests, council members should indicate on the cover sheet of Conflict of Interest-Form 700 that their statements are being filed for both their primary and their Judicial Council positions.

##### b. Attorneys

- i. **Disclosure of Financial Interests:** The disclosure requirements under this code for the designated attorney members are limited to those in Business and Professions Code section 6036, subdivision (d). Under this provision, a member required to disqualify himself or herself because of a conflict of interest shall (1) immediately disclose the interest, (2) withdraw from any participation in the matter, (3) refrain from attempting to influence another member, and (4) refrain from voting. Consistent with section 6036, subdivision (d), it is sufficient that the member indicate only that he or she has a disqualifying financial or personal interest, without disclosing the specific interest.
- ii. **Manner of Reporting:** Attorney members of the Judicial Council of California shall file the Statement of Economic Interests (form FPPC-2). This form requires members to (1) disclose whether or not they were required to disqualify themselves from making, participating in making, or attempting to influence a decision of the Judicial Council during the reporting period because of a

ATTACHMENT 1

1 conflict of interest under Business and Professions Code section  
2 6036, and (2) identify each decision requiring disqualification.

3  
4 **2. Nonvoting Council Members**

5 **a. Justices, Judges, Court Executive Officers, Court Administrator and**  
6 **Clerks, and such other nonvoting members as determined by the**  
7 **voting membership of the council.**  
8

9 **i. Disclosure of Financial Interests:** Council members must  
10 disclose all investments, sources of income, interests in real  
11 property, and positions in business entities.

12  
13 **ii. Manner of Reporting:** When filing their annual statement of  
14 economic interests, council members should indicate on the cover  
15 sheet of Conflict of Interest-Form 700 that their statements are  
16 being filed for both their primary and their Judicial Council  
17 positions.  
18

19  
20  
21 **Designated positions**  
22

23 ~~(a) [Voting council members] Under Article VI, section 6, of the California Constitution,~~  
24 ~~Judicial Council voting membership is limited to judges, legislators, and attorneys. The~~  
25 ~~voting members of the Judicial Council who are required to file statements of economic~~  
26 ~~interests under this code are the attorney members appointed by the State Bar of~~  
27 ~~California. Council members who are judges or state legislators are not required to file~~  
28 ~~disclosure statements because they are subject to comprehensive disclosure requirements~~  
29 ~~arising out of their primary offices, pursuant to Government Code section 87200. While~~  
30 ~~judges and legislators perform unique duties in their capacity as council members, these~~  
31 ~~duties do not create the need for any additional disclosure of their financial interests.~~  
32

33 ~~(b) [Nonvoting council members] Under Article VI, section 6, of the California~~  
34 ~~Constitution, two nonvoting court administrators and such other nonvoting members as~~  
35 ~~determined by the voting membership of the council are appointed. Because these~~  
36 ~~nonvoting members participate in the making of council decisions, they must file~~  
37 ~~disclosure statements. However, nonvoting members who file disclosure statements for~~  
38 ~~their primary offices pursuant to Government Code section 87200 are not required to file~~  
39 ~~disclosure statement under this code for the reasons stated in section 2(a).~~  
40

41 **Section 3. Disclosure of financial interests**  
42

43 ~~(a) [Attorney council members] The disclosure requirements under this code for~~  
44 ~~the designated attorney members are limited to those in Business and Professions~~  
45 ~~Code section 6036, subdivision (d). Under this provision, a member required to~~  
46 ~~disqualify himself or herself because of a conflict of interest shall (1) immediately~~  
47 ~~disclose the interest, (2) withdraw from any participation in the matter, (3) refrain~~

## ATTACHMENT 1

1 from attempting to influence another member, and (4) refrain from voting.  
2 Consistent with section 6036, subdivision (d), it is sufficient that the member  
3 indicate only that he or she has a disqualifying financial or personal interest,  
4 without disclosing the specific interest.

5  
6 (b) [Nonvoting council members] Nonvoting council members must disclose all  
7 investments, sources of income, interests in real property, and positions in  
8 business entities.

### 9 10 **Section 4. Manner of reporting**

11  
12 (a) [Attorney members] The designated attorney members shall file the Statement of  
13 Economic Interests for Judicial Council Members form (form FPPC 2). This form  
14 requires members to (1) disclose whether or not they were required to disqualify  
15 themselves from making, participating in making, or attempting to influence a decision of  
16 the Judicial Council during the reporting period because of a conflict of interest under  
17 Business and Professions Code section 6036, and (2) identify each decision requiring  
18 disqualification.

19  
20 (b) [Other voting members] When filing their annual statement of economic interests,  
21 council members who are judges and state legislators should indicate on the cover sheet  
22 that their statements are being filed for both their primary and their Judicial Council  
23 positions.

24  
25 (c) [Nonvoting council members] When filing their annual statement of economic  
26 interests, nonvoting members may indicate on the cover sheet that their statements are  
27 being filed for both their primary and their Judicial Council positions. The statements  
28 must disclose all the information required by section 3(b).

### 29 30 **Section 5. Time of filing statements and reporting period**

31  
32 (a) [Annual statements] Each designated attorney member shall file an annual statement  
33 by October 15. The statement shall disclose the information required in section 3 for the  
34 previous 12-month period.

35  
36 (b) [Statements after leaving office] Each former designated attorney member shall file a  
37 statement within 30 days after leaving office. The statement shall disclose the  
38 information required by section 3 for the period between the closing date of the last  
39 statement required to be filed and the date of leaving office.

### 40 41 **Section 6. Place of filing statements**

42  
43 Designated attorney members shall file the statements required by section 4 with the  
44 Secretary of the Judicial Council (Administrative Director of the Courts) on the  
45 Statement of Economic Interests for Judicial Council Members form (form FPPC 2).  
46

## ATTACHMENT 1

1  
2  
3  
4  
5

### **~~Section 7. Assistance to members~~**

~~A member may request assistance concerning duties under this code from the Fair Political Practices Commission under section 83114 of the Government Code.~~

DRAFT

ATTACHMENT 1

1 **Appendix B. Judicial Council Member and Staff Designations**

2  
3 **List of Designated** **Assigned Disclosure**  
4 **Classifications** **Categories**

5 **1. JUDICIAL COUNCIL MEMBERS**

6 **a. Voting**

- 7 i. Justice 1a
- 8 ii. Judge 1a
- 9 iii. Legislator 1a
- 10 iv. Attorney 2a

11 **b. Nonvoting**

- 12 i. Justice 1a
- 13 ii. Judge 1a
- 14 iii. Court Administrator and Clerk 1a
- 15 iv. Court Executive Officer 1a
- 16 v. Other nonvoting members 1a

17  
18 **2. EXECUTIVE OFFICE**

- 19 i. Administrative Director 1
- 20 ii. Chief Administrative Officer 1
- 21 iii. Chief of Staff 1
- 22 iv. Chief Operating Officer 1
- 23 v. Executive Office Liaison III 3, 4

24 **3. GOVERNMENTAL AFFAIRS**

- 25 i. Assistant Director 1
- 26 ii. Associate Attorney I 4
- 27 iii. Attorney 4

## ATTACHMENT 1

1	iv. <u>Director</u>	1
2	v. <u>Senior Attorney</u>	4
3	vi. <u>Senior Governmental Affairs Analyst</u>	4
4	vii. <u>Supervising Administrative Coordinator</u>	3,4
5	<b>4. <u>LEADERSHIP SERVICES DIVISION</u></b>	
6	<b>a. <u>Audit Services</u></b>	
7	i. <u>Senior Manager</u>	1
8	ii. <u>Supervising Internal Auditor</u>	3,4
9	<b>b. <u>Judicial Council Support</u></b>	
10	i. <u>Supervising Court Services Analyst</u>	4
11	<b>c. <u>Legal Services</u></b>	
12	i. <u>Attorney</u>	2b
13	ii. <u>General Counsel/Division Director</u>	1
14	iii. <u>Managing Attorney</u>	1
15	iv. <u>Senior Attorney</u>	2b
16	v. <u>Supervising Attorney</u>	2b
17	<b>d. <u>Special Projects</u></b>	
18	i. <u>Manager</u>	1
19	<b>e. <u>Trial Court Liaison</u></b>	
20	i. <u>Manager</u>	4
21	ii. <u>Supervising Court Services Analyst</u>	4
22	<b>5. <u>OPERATIONS &amp; PROGRAMS DIVISION</u></b>	
23	<b>a. <u>Center for Families, Children &amp; the Courts</u></b>	
24	i. <u>Assistant Director</u>	1
25	ii. <u>Attorney</u>	2b

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1	iii. <u>Director</u>	1
2	iv. <u>Manager</u>	4
3	v. <u>Managing Attorney</u>	1
4	vi. <u>Senior Attorney</u>	2b
5	vii. <u>Supervising Attorney</u>	2b
6	viii. <u>Supervising Court Services Analyst</u>	4
7	ix. <u>Supervising Research Analyst</u>	4
8	<b>b. <u>Center for Judiciary Education and Research</u></b>	
9	i. <u>Attorney</u>	6
10	ii. <u>Director</u>	1
11	iii. <u>Manager</u>	6
12	iv. <u>Managing Attorney</u>	6
13	v. <u>Senior Attorney</u>	6
14	vi. <u>Senior Manager</u>	6
15	vii. <u>Supervising Media Production Specialist</u>	6
16	<b>c. <u>Court Operations Services</u></b>	
17	i. <u>Assistant Director</u>	1
18	ii. <u>Director</u>	1
19	iii. <u>Manager</u>	4
20	iv. <u>Senior Emergency Response and Planning Manager</u>	3,4
21	v. <u>Supervising Court Services Analyst</u>	4
22	vi. <u>Supervising Research Analyst</u>	4
23	<b>d. <u>Criminal Justice Services</u></b>	
24	i. <u>Attorney</u>	2b
25	ii. <u>Senior Manager</u>	1

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1	iii. <u>Supervising Attorney</u>	2b
2	iv. <u>Supervising Research Analyst</u>	4
3	<b>e. <u>Appellate Court Services</u></b>	
4	i. <u>Director</u>	1
5	ii. <u>Manager</u>	1
6	<b>f. <u>Capital Programs</u></b>	
7	i. <u>Assistant Director</u>	1
8	ii. <u>Design &amp; Construction Project Manager III</u>	7
9	iii. <u>Director</u>	1
10	iv. <u>Manager</u>	7
11	v. <u>Principal Architect</u>	7
12	vi. <u>Supervising AV/Video Technician</u>	3
13	vii. <u>Supervising Facilities Planner</u>	7
14	<b>6. <u>ADMINISTRATIVE DIVISION</u></b>	
15	<b>a. <u>Administrative Support</u></b>	
16	i. <u>Manager</u>	3
17	ii. <u>Production and Mail Services Supervisor</u>	3
18	iii. <u>Supervising Administrative Coordinator</u>	4
19	iv. <u>Supervising AV/Video Technician</u>	3,4
20	<b>b. <u>Finance</u></b>	
21	i. <u>Assistant Director</u>	1
22	ii. <u>Director</u>	1
23	iii. <u>Manager</u>	3
24	iv. <u>Senior Manager</u>	3
25	v. <u>Supervising Accountant</u>	3,4

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1	vi. <u>Supervising Budget Analyst</u>	3,4
2	vii. <u>Supervising Contract Specialist</u>	3,4
3	viii. <u>Supervising Procurement Specialist</u>	3,4
4	<b>c. <u>Human Resources</u></b>	
5	i. <u>Director</u>	1
6	ii. <u>Manager</u>	4
7	iii. <u>Senior Manager</u>	4
8	iv. <u>Supervising Business Applications Analyst</u>	5
9	v. <u>Supervising Human Resources Analyst</u>	4
10	vi. <u>Supervising Pay and Benefits Specialist</u>	4
11	<b>d. <u>Information Technology</u></b>	
12	i. <u>Director</u>	1
13	ii. <u>Information Systems Manager</u>	5
14	iii. <u>Senior Manager</u>	5
15	iv. <u>Supervising Business Applications Analyst</u>	5
16	v. <u>Supervising Information Systems Analyst A, B</u>	5
17	<b>e. <u>Real Estate and Facility Management</u></b>	
18	i. <u>Assistant Director</u>	1
19	ii. <u>Facilities Management Administrator</u>	7
20	iii. <u>Facilities Management Specialist</u>	7
21	iv. <u>Manager</u>	7
22	v. <u>Mechanical, Electrical, Plumbing Engineer</u>	7
23	vi. <u>Regional Manager of Facilities Operations</u>	7
24	vii. <u>Senior Manager</u>	7
25	viii. <u>Supervision Facilities Management Administration</u>	7

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1 ix. Utility Engineer/Analyst 7

2  
3

4 **f. Trial Court Administrative Services**

5 i. Manager 4

6 ii. Supervising Contract Specialist 4

7 iii. Senior Manager 1

8 iv. Supervising Accountant 4

9 v. Supervising Court Services Analyst 4

10 **7. All Divisions\***

11 i. Special Consultant 1

12 ii. Contractor 1

13  
14  
15

16 \*Consultants (contractors) shall be included in the list of designated employees and shall disclose pursuant  
17 to the broadest disclosure category in the code subject to the following limitation:

18 The Administrative Director may determine in writing that a particular consultant, although a “designated  
19 position,” is hired to perform a range of duties that are limited in scope and thus is not required to fully  
20 comply with the disclosure requirements described in this section. Such written determination shall include  
21 a description of the consultant’s duties and, based upon that description, a statement of the extent of  
22 disclosure requirements. The consultant must comply with all other provisions of this code. The  
23 Administrative Director’s determination is a matter of public record and shall be retained for public  
24 inspection in the same manner and location as this Conflict of Interest Code.

25

## ATTACHMENT 1

### 1 Appendix C. Judicial Council Staff Disclosure Categories

2  
3 An employee need only disclose a financial interest in a business entity included in an  
4 assigned category if the employee’s duties involve making recommendations and/or  
5 decisions concerning that type of business entity. In this appendix, “positions” includes  
6 employee, partner, officer, director, trustee, and any other management position.  
7 “Providers” includes business entities and individuals that are manufacturers, distributors,  
8 vendors, sellers, lessors, suppliers, contractors, subcontractors, and other providers of the  
9 supplies, equipment, real property, and services indicated in the category.

#### 10 **1. Executive authority**

11 All investments, sources of income, interests in real property, and positions in  
12 business entities

- 13 a. Council members who are justices, judges, legislators, court executive  
14 officers, court administrator and clerks are required to file disclosure  
15 statements at their primary position because they are subject to comprehensive  
16 disclosure requirements arising out of their primary offices, pursuant to  
17 Government Code section 87200 and 87300. When filing their annual  
18 statement of economic interests, council members, voting or non-voting,  
19 should indicate on the cover sheet of Conflict of Interest-Form 700 that their  
20 statements are being filed for both their primary and their Judicial Council  
21 positions.

#### 22 **2. Attorneys**

23 Attorneys are required to (1) disclose whether or not they were required to disqualify  
24 themselves from making, participating in making, or attempting to influence a  
25 decision of the Judicial Council during the reporting period because of a conflict of  
26 interest under Business and Professions Code section 6036, and (2) identify each  
27 decision requiring disqualification.

- 28 a. Attorneys who are Judicial Council members shall file the Statement of  
29 Economic Interests for the Judicial Council on form FPPC-2.  
30  
31 b. Attorneys who are Judicial Council staff shall file the Statement of Economic  
32 Interest for the Judicial Council on Form FPPC-1.

#### 33 34 **3. Decision-making authority affecting the purchasing of office equipment,** 35 **materials and supplies**

36 Investments, sources of income and business positions in entities that are providers of  
37 office equipment, materials, and supplies including, but not limited to, commercial  
38 and non-commercial furniture, fixtures, publication materials, printing, graphics,  
39 publishing services, audiovisual equipment and/or any other non-IT electronic  
40 devices of the type used by the Judicial Council.

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1 **4. Decision-making authority affecting external consultants and contracts**

2 Investments, sources of income, and business positions in business entities that are  
3 providers of services used by any office in the Judicial Council for the purposes of,  
4 including, but not limited to, personnel and employment services, editing,  
5 publications, data gathering, data management, researching and surveying, policy  
6 analysis, real estate management, fleet management, conference and travel services,  
7 financial services, external legal counsel, and court security.

8  
9 **5. Decision-making authority affecting information technology**

10 Investments, sources of income, and business positions in business entities that are  
11 providers of information technology, data management systems, computer software,  
12 computer equipment and hardware of the type used by the Judicial Council.

13  
14 **6. Decision-making authority affecting judicial education**

15 Investments, sources of income, and business positions in business entities that are  
16 providers of training and educational development services of the type used by the  
17 Judicial Council.

18 **7. Decision-making authority affecting real property and management**

19 Investments, sources of income, and business positions in business entities that are  
20 providers of real estate purchasing, maintenance, construction, and development.  
21

# ATTACHMENT 1

## 1 Appendix D. Reporting Instructions

### 2 3 **1. Time of filing statements and reporting period**

4 **a. Annual Statement:** The statement shall disclose the information required  
5 in section 3 for the previous 12-month period.

6 **i. Each Judicial Council member shall file an annual statement by**  
7 **October 15.**

8  
9 **ii. Designated Judicial Council staff incumbents shall file by April 15.**

10  
11 **b. Statements when assuming office:** As pursuant to codes 87200 and  
12 87300, every Judicial Council member or designated staff incumbent shall  
13 file a statement within 30 days after assuming office.

14  
15 **c. Statements after leaving offices:** As pursuant to codes 87200 and 87300,  
16 each former council member or designated staff incumbent shall file a  
17 statement within 30 days after leaving office. The statement shall disclose  
18 the information required by section 3 for the period between the closing  
19 date of the last statement required to be filed and the date of leaving  
20 office.

### 21 22 **2. Place of filing statements**

23 **a. Judicial Council members and designated staff incumbents shall file the**  
24 **required statements with the Secretary of the Judicial Council**  
25 **(Administrative Director) on the Statement of Economic Interests for**  
26 **Judicial Council Members Conflict of Interest-Form 700, FPPC-1, or**  
27 **FPPC-2.**

### 28 29 **3. Assistance to members**

30 **a. A member may request assistance concerning duties under this code from**  
31 **the Fair Political Practices Commission under section 83114 of the**  
32 **Government Code.**

## ATTACHMENT 2

### **CONFLICT OF INTEREST CODE FOR THE ADMINISTRATIVE OFFICE OF THE COURTS (Revised effective October 29, 2010)**

The Political Reform Act (Gov. Code, § 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (Cal. Code Regs., tit. 2, § 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference into an agency's code. After public notice and hearing, the code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of California Code of Regulations, title 2, section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached appendices designating officials and employees and establishing disclosure categories shall constitute the Conflict of Interest Code of the Administrative Office of the Courts.

Designated employees shall file statements of economic interests with the secretary of the Judicial Council (Administrative Director of the Courts) on forms prescribed by the Fair Political Practices Commission.

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### APPENDIX A: DESIGNATED CLASSIFICATIONS

<b>List of Designated Classifications</b>	<b>Assigned Disclosure Categories</b>
<b>Office of the General Counsel</b>	
General Counsel/Division Director	1
Assistant General Counsel	1
Managing Attorney	2
Supervising Attorney	2
Senior Attorney	2
Attorney	2
Associate Attorney I, II	2
Research Attorney A, B	2
Senior Court Services Analyst	2
<b>Executive Office Programs Division</b>	
Division Director	1
Assistant Division Director	1
Senior Manager	1
Public Information Officer	3
Manager (Office of Communications)	3, 6
Manager (Research and Planning)	5, 6, 15
Supervising Administrative Coordinator	7
Supervising Research Analyst	5, 6, 15
Senior Research Analyst	15
Judicial Administrative Librarian	5
Supervising Communications Specialist	3
Manager (Presiding Judges and Court Executives)	6, 12
Supervising Court Services Analyst	12
Senior Court Services Analyst	12
Supervising Editor	3
Manager (Court Programs Services)	12, 15
Manager (Promising and Effective Programs)	12, 15
Manager (Court Interpreters Program)	12, 15
Senior Attorney	2
Senior Business Applications Analyst	12
Senior Communications Specialist	12
Supervising Business Applications Analyst	12
Senior Editor	3
Editor II	3

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Senior Production Artist	3
Production Artist II	3
Senior Graphic Designer	3
Graphic Designer	3
<b>Administrative Services Unit</b>	
Manager	3, 6, 7, 10
Meeting and Conference Services Supervisor	7
Production and Mail Services Supervisor	3
Senior Administrative Coordinator	7
Administrative Coordinator I, II	7
<b>Finance Division</b>	
Division Director	1
Assistant Division Director	1
Senior Manager	1
Manager	1
Supervising Contract Specialist	1
Senior Contract Specialist	1
Contract Specialist	1
Supervising Procurement Specialist	1
Senior Procurement Specialist	3, 10
Procurement Specialist	3, 10
Facilities Management Specialist	6, 10
Supervising Internal Auditor	18
Senior Internal Auditor	18
Internal Auditor	18
Internal Auditor I	18
Internal Auditor II	18
Telecommunications Specialist	6
<b>Human Resources Division</b>	
Division Director	1
Assistant Division Director	1
Senior Manager	1
Manager	4, 6, 12
Senior Labor and Employee Relations Officer	4
Labor and Employee Relations Officer	4
Supervising Human Resources Analyst	4
Labor Relations Negotiator	4
Senior Labor Relations Negotiator	4
Senior Human Resources Analyst	4
Human Resources Analyst	4

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Management and Program Analyst	4, 6, 12
Supervising Business Applications Analyst	4, 6, 12
Business Applications Analyst	4, 6, 12
Senior Business Applications Analyst	4, 6, 12
Supervising Pay and Benefits Specialist	4, 6, 12

### **Information Services Division**

Division Director	1
Assistant Division Director	1
Senior Manager	1
Manager	1
Information Systems Manager	1
Supervising Information Systems Analyst A, B	6
Senior Business Systems Analyst	6
Senior Web Analyst	6
Senior Application Development Analyst	6
Supervising Research Analyst	6
Senior Research Analyst	6
Administrative Coordinator I, II (procurement)	6
Senior Technical Analyst	6
Senior Administrative Coordinator (procurement)	6
Management and Program Analyst	6
Senior Enterprise Technical Architect	6
Supervising Enterprise Architect	6

### **Center for Families, Children & the Courts**

Division Director	1
Assistant Division Director	1
Manager	1
Managing Attorney	2
Supervising Attorney	2
Senior Attorney	2
Attorney	2
Associate Attorney I, II	2
Research Attorney A, B	2
Supervising Court Services Analyst	12
Senior Court Services Analyst	12
Supervising Research Analyst	12
Senior Research Analyst	12

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### **Executive Office**

Administrative Director of the Courts	1
Chief Deputy Director	1
Regional Administrative Director	1
Manager	6, 11, 19
Senior Security Coordinator	11
Court Security Coordinator	11
Security Coordinator	11
Executive Office Liaison I, II, III	10, 15
Senior Emergency Response and Planning Manager	6, 11, 19

### **Appellate and Trial Court Judicial Services Division**

Division Director	1
Supervising Court Services Analyst	6, 14
Senior Court Services Analyst	14
Management and Program Analyst	14
Lead Management and Program Analyst	14

### **Education Division**

Division Director	1
Assistant Division Director	1
Senior Manager	3, 4, 6, 7, 8
Manager	3, 4, 6, 7, 8
Managing Attorney	3, 4, 7, 8
Supervising Attorney	3, 4, 7, 8
Senior Attorney	3, 4, 7, 8
Attorney	3, 4, 7, 8
Associate Attorney I, II	3, 4, 7, 8
Research Attorney A, B	3, 4, 7, 8
Supervising Administrative Coordinator	7
Senior Administrative Coordinator	7
Administrative Coordinator I, II	7
Support Services Supervisor	4, 8
Supervising Editor	3
Senior Editor	3
Supervising Education Specialist	3, 4, 7, 8
Senior Education Specialist	3, 4, 7, 8
Education Specialist I, II	3, 4, 7, 8
Supervising A/V-Video Technician	8
Supervising Media Production Specialist	8
Senior Media Production Specialist	8
Supervising A/V-Video Systems Technical Analyst	6, 8
Senior A/V-Video Systems Technical Analyst	6, 8

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A/V-Video Systems Technical Analyst	6, 8
Media Production Specialist	8
Special Consultant	3, 4, 6, 7, 8

### **Office of Governmental Affairs**

Division Director	1
Assistant Division Director	1
Manager	6, 13
Supervising Attorney	2
Senior Attorney	2
Attorney	2
Associate Attorney I, II	2
Research Attorney A, B	2
Supervising Governmental Affairs Analyst	13
Senior Governmental Affairs Analyst	13
Governmental Affairs Analyst	13

### **Office of Court Construction and Management**

Division Director	1
Assistant Division Director	1
Manager	19
Design and Construction Project Manager I, II, III	19
Senior Design and Construction Project Manager	19
Supervising Real Estate Analyst	19
Senior Real Estate Analyst	19
Real Estate Analyst	19
Mechanical, Electrical, Plumbing Engineer	19
Environmental Analyst	19
Industrial Hygienist	19
Senior Cost Estimator	19
Cost Estimator	19
Construction Manager	19
Principal Architect	19
Specifications Specialist	19
Inventory Controller	19
Senior Facilities Risk Manager	19
Senior Budget Analyst	19
Budget Analyst	19
Supervising Facilities Planner	19
Senior Facilities Planner	19
O&M Customer Support Representative I	19
O&M Customer Support Representative II	19
O&M Customer Support Supervisor	19

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Facilities Planner	19
Computer-Aided Facilities Management (CAFM) Application Analyst	6, 19
Supervising Construction Inspector	19
Senior Construction Inspector	19
Construction Inspector	19
California Environmental Quality Act (CEQA) Compliance Specialist	19
Accessibility Compliance Officer	19
Utility Engineer/Analyst	19
District Facility Operations & Maintenance (O&M) Supervisor	19
Area Facility Operations & Maintenance (O&M) Supervisor	19
Regional Manager of Facility Operations	19
Senior Manager	19
Staff Analyst I, II	19
Portfolio Administration Analyst	19
Business Applications Analyst	6, 19
Senior Business Applications Analyst	6, 19
Facilities Management Specialist	19
<b>Trial Court Administrative Services Division</b>	
Division Director	1
Assistant Division Director	1
Senior Manager	1
Manager	1
Supervising Pay & Benefits Specialist	4, 6, 12
<b>Regional Offices</b>	
Assistant Division Director	1
Senior Manager	1
Manager	1
Supervising Court Services Analyst	12
Senior Court Services Analyst	12
Senior Business Applications Analyst	6
<b>All Divisions and Bureaus</b>	
Special Consultant*	1

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\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Administrative Director of the Courts may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure

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**Judicial Council Advisory Committees**

Family and Juvenile Law Advisory Committee Members

17

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requirements. The consultant must comply with all other provisions of this code. The Administrative Director's determination is a matter of public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

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### APPENDIX B: DISCLOSURE CATEGORIES

Note: In this appendix, “positions” includes employee, partner, officer, director, trustee, and any other management position. “Providers” includes business entities and individuals that are manufacturers, distributors, vendors, sellers, lessors, suppliers, contractors, subcontractors, and other providers of the supplies, equipment, real property, and services indicated in the category.

- |            |   |
|------------|---|
| Category 1 | All investments, sources of income, interests in real property, and positions in business entities.   |
| Category 2 | Investments, sources of income, interests in real property, and positions in business entities as follows: If during a reporting period a designated employee in this category did not participate in an assignment in which he or she had a financial interest, the employee shall sign a statement to that effect under penalty of perjury. Employees who disqualified themselves from participating in an assignment in which they had a financial interest shall disclose that assignment and that interest in a statement signed under penalty of perjury. This statement shall be filed on form FPPC-1. |
| Category 3 | Investments, sources of income, and business positions in business entities that are providers of printing, graphics hardware and software, duplicating, and publishing services, equipment, and supplies.  |
| Category 4 | Investments, sources of income, and business positions in business entities that are providers of recruitment advertising and media services, personnel and employment services, employee payroll and benefits services, organization development and employee education services, and human resources consulting.  |
| Category 5 | Investments, sources of income, and business positions in business entities that are providers of publications, materials, equipment, and software of the type generally used by law libraries.   |
| Category 6 | Investments, sources of income, and business positions in business entities that are providers of information systems hardware and/or software, telecommunications services, records management equipment, audio, video, and audiovisual presentation equipment,  |

## ATTACHMENT 2

systems, and software, and information system and audiovisual consulting services.

- Category 7 Investments, sources of income, and business positions in business entities that are providers of conference facilities, food services, travel services, hotel services, and audiovisual services and equipment.
- Category 8 Investments, sources of income, and business positions in business entities that are providers of equipment, supplies, and services of the type used by the Education Division in producing judicial education materials and programs, including computer and audio-video equipment.
- Category 9 Investments, sources of income, and business positions in business entities that are providers of supplies, equipment, real property, and services of a type used by the AOC or the appellate courts within the past two years, including, but not limited to, library, building maintenance, and security services, supplies, and equipment.
- Category 10 Investments, sources of income, and business positions in business entities that are providers of office and business equipment, furniture, supplies, and services.
- Category 11 Investments, sources of income, and business positions in business entities that are providers of building and court security services, supplies, and equipment.
- Category 12 Investments, sources of income, and business positions in business entities that are providers of consulting and training services of a type used by the Executive Office Programs Division, the Center for Families, Children & the Courts, or the Human Resources Division.
- Category 13 Investments, sources of income, and business positions in business entities that are providers of equipment, supplies, and services of the type used by the Office of Governmental Affairs.
- Category 14 Investments, sources of income, and business positions in business entities that are providers of equipment, supplies, and services of the type used by the Appellate and Trial Court Judicial Services Division.

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- Category 15 Investments, sources of income, and business positions in business entities that are providers of consulting services that provide data gathering or policy analysis to assist in the enhancement of court administration and judicial branch policy decisions.
- Category 16 All investments and business positions in, and income from, business entities or nonprofit organizations that (1) provide consulting, surveying, or research services on matters relating to trial court budgets or (2) provide services, supplies, materials, machinery, or equipment of a type utilized by the trial courts.
- Category 17 All investments and business positions in, and income from, business entities or nonprofit organizations that (1) provide consulting, surveying, or research services on matters relating to family or juvenile law or (2) receive, or will be likely to receive, Judicial Council grant funding based on a recommendation from the member's advisory committee.
- Category 18 All investments, sources of income, interests in real property, and positions in business entities that are providers of services, materials, or information to the judicial branch and would be subject to review or examination by the Audit Unit.
- Category 19 All investments, sources of income, interests in real property, and positions in business entities that are providers of commercial furniture, fixtures, design services, construction products and services, real estate services, services, equipment, or goods related to the operation and maintenance of facilities, and other services of the type used by the Office of Court Construction and Management.

**CONFLICT OF INTEREST CODE  
FOR THE  
JUDICIAL COUNCIL OF CALIFORNIA**  
(Revised effective June 21, 2000)

**Section 1. Purpose**

This conflict of interest code is adopted in order to comply with the Political Reform Act of 1974 (Gov. Code, § 81000 et seq.).

**Section 2. Designated positions**

(a) [Voting council members] Under Article VI, section 6, of the California Constitution, Judicial Council voting membership is limited to judges, legislators, and attorneys. The voting members of the Judicial Council who are required to file statements of economic interests under this code are the attorney members appointed by the State Bar of California. Council members who are judges or state legislators are not required to file disclosure statements because they are subject to comprehensive disclosure requirements arising out of their primary offices, pursuant to Government Code section 87200. While judges and legislators perform unique duties in their capacity as council members, these duties do not create the need for any additional disclosure of their financial interests.

(b) [Nonvoting council members] Under Article VI, section 6, of the California Constitution, two nonvoting court administrators and such other nonvoting members as determined by the voting membership of the council are appointed. Because these nonvoting members participate in the making of council decisions, they must file disclosure statements. However, nonvoting members who file disclosure statements for their primary offices pursuant to Government Code section 87200 are not required to file disclosure statement under this code for the reasons stated in section 2(a).

**Section 3. Disclosure of financial interests**

(a) [Attorney council members] The disclosure requirements under this code for the designated attorney members are limited to those in Business and Professions Code section 6036, subdivision (d). Under this provision, a member required to disqualify himself or herself because of a conflict of interest shall (1) immediately disclose the interest, (2) withdraw from any participation in the matter, (3) refrain from attempting to influence another member, and (4) refrain from voting. Consistent with section 6036, subdivision (d), it is sufficient that the member

### ATTACHMENT 3

indicate only that he or she has a disqualifying financial or personal interest, without disclosing the specific interest.

(b) [Nonvoting council members] Nonvoting council members must disclose all investments, sources of income, interests in real property, and positions in business entities.

#### **Section 4. Manner of reporting**

(a) [Attorney members] The designated attorney members shall file the Statement of Economic Interests for Judicial Council Members form (form FPPC-2). This form requires members to (1) disclose whether or not they were required to disqualify themselves from making, participating in making, or attempting to influence a decision of the Judicial Council during the reporting period because of a conflict of interest under Business and Professions Code section 6036, and (2) identify each decision requiring disqualification.

(b) [Other voting members] When filing their annual statement of economic interests, council members who are judges and state legislators should indicate on the cover sheet that their statements are being filed for both their primary and their Judicial Council positions.

(c) [Nonvoting council members] When filing their annual statement of economic interests, nonvoting members may indicate on the cover sheet that their statements are being filed for both their primary and their Judicial Council positions. The statements must disclose all the information required by section 3(b).

#### **Section 5. Time of filing statements and reporting period**

(a) [Annual statements] Each designated attorney member shall file an annual statement by October 15. The statement shall disclose the information required in section 3 for the previous 12-month period.

(b) [Statements after leaving office] Each former designated attorney member shall file a statement within 30 days after leaving office. The statement shall disclose the information required by section 3 for the period between the closing date of the last statement required to be filed and the date of leaving office.

#### **Section 6. Place of filing statements**

Designated attorney members shall file the statements required by section 4 with the Secretary of the Judicial Council (Administrative Director of the Courts) on

### ATTACHMENT 3

the Statement of Economic Interests for Judicial Council Members form (form FPPC-2).

#### **Section 7. Assistance to members**

A member may request assistance concerning duties under this code from the Fair Political Practices Commission under section 83114 of the Government Code.

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**ATTACHMENT 4**

**SP14-09**

Judicial Administration: Revision of the Conflict of Interest Code for the Judicial Council

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Wanda Harrison, Advocate for Court Reform 127 Arbor Ct. Lodi Ca, 95240 2097477536 ridendtrainn@gmail.com	A	I think these are good amendments but are difficult for the general public to obtain said information. Why not keep a copy of the documentation in a binder at the court house at an unused counter for litigant review? It certainly would be much fairer if the information was accessible to the litigants with an easier way to obtain it. Also, I believe the conflict of interest code should extend to best friends and their families. It is only fair since most people have friends that they are close with, and also think of them as family. Finally, I believe their friend and familial contacts should also be accessible to the public, it is only fair to allow the public to review for conflict of interests. The court has many times failed to disclose conflicts that they knew were apparent, until caught and this is very unfair to the public, or in family cases to the child at issue. They should have to reveal their contacts, and locations which they are connected to the public as friends or family. A litigant should not need to investigate and disclose what a judge or mediator is required to, however, it is all too often the case. Thank you for allowing me to comment.	The proposed Conflict of Interest Code is for the Judicial Council of California and not any other agency in the Judicial Branch, including trial courts. Each trial court is a separate agency that is responsible for its own Conflict of Interest Code; therefore the Judicial Council does not have the authority to administer a trial court's conflict of interest code.





## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

[www.courts.ca.gov](http://www.courts.ca.gov)

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title	Agenda Item Type
Judicial Branch Report to the Legislature: Receipts and Expenditures From Local Courthouse Construction Funds	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	December 12, 2014
Recommended by	Date of Report
William J. Guerin, Director Gisele Corrie, Senior Manager Judicial Branch Capital Program Office	November 7, 2014
	Contact
	Gisele Corrie, 916-263-1687 <a href="mailto:gisele.corrie@jud.ca.gov">gisele.corrie@jud.ca.gov</a>

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### Executive Summary

The Judicial Branch Capital Program Office recommends approving *Receipts and Expenditures From Local Courthouse Construction Funds: Report to the Budget and Fiscal Committees of the Legislature* for submission to these committees of the Legislature. The report provides information for the reporting period of July 1, 2013, through June 30, 2014, on receipts and expenditures from local courthouse construction funds, as reported by each county. The annual submission of this report is required under Government Code section 70403(d).

### Recommendation

The Judicial Branch Capital Program Office of the Administrative Office of the Courts (AOC) recommends that the Judicial Council, effective December 12, 2014:

1. Approve the attached annual report for the period of July 1, 2013, to June 30, 2014, on receipts and expenditures from local courthouse construction funds, as reported by each county; and

2. Direct the Judicial Council staff to submit the report to the budget and fiscal committees of the California Legislature.

### **Previous Council Action**

The previous eight reports can be found at [www.courts.ca.gov/7466.htm](http://www.courts.ca.gov/7466.htm).

### **Rationale for Recommendation**

The annual submission of this report is required under Government Code section 70403(d). When a county submits its annual report on the condition of the local courthouse construction fund, the Judicial Council staff reviews the report and requests the information necessary to determine compliance, including the beginning and ending fund balances and an explanation of expenditures by project, if the report does not include that information. Each review includes a determination of whether the receipts and expenditures were made in accordance with the provisions of Government Code section 76100, including verification that outstanding debt service still exists. If, based on the information provided, the Judicial Council concludes that a county made an expenditure not permitted by statute, the Judicial will notify the county and the California Department of Finance of the amount due for repayment to the state.

### **Comments, Alternatives Considered, and Policy Implications**

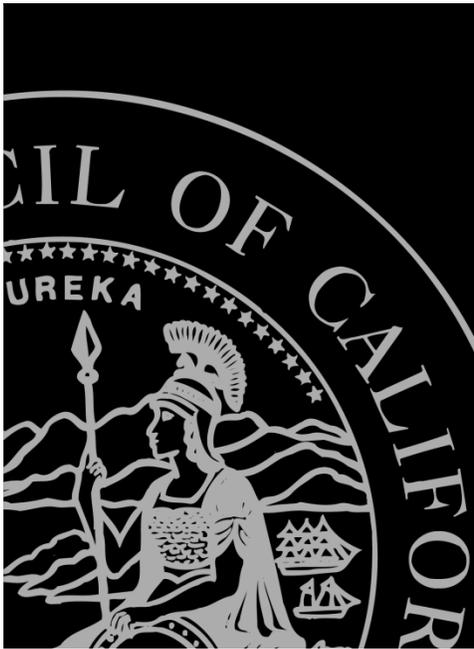
The attached annual report was not circulated for comment because it is factual and does not contain recommendations.

### **Implementation Requirements, Costs, and Operational Impacts**

The attached report is factual, with no recommendations and no consequential costs or impacts determined at this time.

### **Attachments**

1. *Receipts and Expenditures From Local Courthouse Construction Funds: Report to the Budget and Fiscal Committees of the Legislature*



# Receipts and Expenditures From Local Courthouse Construction Funds

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Report to the Budget and Fiscal  
Committees of the Legislature

July 1, 2013, to June 30, 2014  
January 1, 1998, to December 31, 2005 (Update)  
January 1, 2006, to June 30, 2007 (Update)  
July 1, 2007, to June 30, 2008 (Update)  
July 1, 2008, to June 30, 2009 (Update)  
July 1, 2009, to June 30, 2010 (Update)  
July 1, 2010, to June 30, 2011 (Update)  
July 1, 2011, to June 30, 2012 (Update)  
July 1, 2012, to June 30, 2013 (Update)



JUDICIAL COUNCIL  
OF CALIFORNIA

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OPERATIONS AND PROGRAMS DIVISION  
CAPITAL PROGRAM

Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

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## County Reporting on Local Courthouse Construction Funds

The Trial Court Facilities Act of 2002 (Sen. Bill 1732 (Escutia); Stats. 2002, ch. 1082) requires counties to report receipts to and expenditures from local courthouse construction funds. Government Code section 70403 mandates that each county submit a report to the Administrative Director of the Courts of all local courthouse construction fund receipts and expenditures for the period January 1, 1998, to December 31, 2005. Counties retaining funds for the purpose of paying bonded indebtedness must submit to the Judicial Council of California and the California Department of Finance annual updates of all receipts and expenditures within 90 days after the end of each fiscal year. The section further requires the Judicial Council to submit a report to the Legislature on the information received from the counties regarding the status of local courthouse construction funds. This report covers the period from July 1, 2013, to June 30, 2014, and includes updates to prior reports covering the periods of January 1, 1998, to December 31, 2005; January 1, 2006, to June 30, 2007; July 1, 2007, to June 30, 2008; July 1, 2008, to June 30, 2009; July 1, 2009, to June 30, 2010; July 1, 2011, to June 30, 2012; July 1, 2011, to June 30, 2012, and July 1, 2012, to June 30, 2013.

Government Code section 70402(a) requires that any amount in a county's courthouse construction fund established under Government Code section 76100 be transferred to the State Court Facilities Construction Fund following the date of the last transfer of court facilities from the county to the Judicial Council if there is no outstanding bonded indebtedness. All transfers of court facilities were complete as of December 31, 2009.

As of November 4, 2013, six counties that have transferred their court facilities and have no outstanding bonded indebtedness—Colusa, Inyo, Lassen, Modoc, Siskiyou, and Tehama—have yet to transfer their courthouse construction fund balances to the State Court Facilities Construction Fund. Fourteen counties have transferred the fund balances, or partial fund balances in their local courthouse construction funds to the State Court Facilities Construction Fund. This includes El Dorado County that has an outstanding project commitment and will continue to submit annual reports until the project is complete. One county reported zero fund balance to transfer. Four counties—Alpine, Mariposa, Trinity, and Tuolumne—retained their courthouse construction funds consistent with responsibility for 100 percent of court square footage. Two counties—Madera and Sierra—reported zero receipts and expenditures. Two counties retired debt in fiscal year (FY) 2013–2014—Butte and Yuba, and will transfer their courthouse construction fund balances to the State Court Facilities Construction Fund in FY 2014–2015. Thirty counties continue to retain their courthouse construction funds as statutorily permitted because they have bonded indebtedness for which the funds are used. The thirty counties that retain their courthouse construction funds to pay off outstanding debt will continue to submit annual reports on revenues and expenditures until the debt obligation is retired.

County Reporting Under Section 70403(b) for July 1, 2013, to June 30, 2014

As of November 7, 2014, the Judicial Council received reports on the condition of local courthouse construction funds from all 32 of the counties that have outstanding bonded indebtedness as required by statute (see Attachment 1). All reports received are in compliance with section 70403(b), which requires an annual update of all local courthouse construction fund receipts and expenditures from counties with outstanding bonded indebtedness, in this case, for the period from July 1, 2013, to June 30, 2014.

As reported by the 32 counties, the local courthouse construction fund receipts totaled \$44,182,494 during the statutory reporting period. The 32 counties reported a total of \$46,996,759 in local courthouse construction fund expenditures.

### **Status of Reviews**

When a county submits its annual report on the condition of the local courthouse construction fund, the Judicial Council staff reviews the report and requests the information necessary to determine compliance, including the beginning and ending fund balances and an explanation of expenditures by project, if the report does not include that information. Each review includes a determination of whether the receipts and expenditures were made in accordance with the provisions of Government Code section 76100, including verifying that outstanding debt service still exists. If the Judicial Council concludes, based on the information provided, that a county made an expenditure not permitted by statute, the Judicial Council will notify the county and the California Department of Finance of the amount due for repayment to the state.

### **Status of Determination of Repayment Amounts Required Under Section 70403(d)**

As reviews of the reports are completed for the counties with outstanding debt service, repayments to the State Court Facilities Construction Fund, if any, will be finalized and reported in subsequent annual reports from the Judicial Council to the budget and fiscal committees of the Legislature. Reviews of the county reports have not yet been completed; therefore, at this time there are no repayments to report for this reporting period.

Update to Report for January 1, 1998, to December 31, 2005, Reporting Period

The previous report issued under Government Code section 70403(d) reported that all 58 counties had submitted reports on their local courthouse construction fund receipts and expenditures (see Attachment 2). All reports were in compliance with requirements of the statute for the reporting period.

The attached report has been corrected to reflect revenue and expenditure amounts previously reported by Alameda, Amador, El Dorado, Marin, Monterey, Placer, Sonoma, and Tulare Counties. For seven of the eight counties, the reports have been amended to reflect County reported corrections inadvertently excluded from prior legislative reports, For Placer County, the report has been corrected to exclude the beginning fund balance carried forward. With the revised report data, the total of the local courthouse construction fund receipts reported were \$535,548,274 during the statutory reporting period, as compared to the previously reported receipts of \$528,997,401. Expenditures were reported as \$508,961,285 as compared to the previously reported expenditures of \$501,879,065.

#### Update to Report for January 1, 2006, to June 30, 2007, Reporting Period

The previous report issued under Government Code section 70403(d) reported that all 38 counties that had bonded indebtedness at the time submitted reports on their local courthouse construction fund receipts and expenditures (see Attachment 3). All reports were in compliance with requirements of the statute for the reporting period.

The attached report has been corrected to reflect revenue and expenditure amounts previously reported by Marin, Monterey, Orange, and San Francisco Counties. The reports have been amended to reflect County reported corrections inadvertently excluded from prior legislative reports. With the revised report data, the total of the local courthouse construction fund receipts reported were \$104,014,855 during the statutory reporting period, as compared to the previously reported receipts of \$103,767,997. Expenditures were reported as \$109,374,237 as compared to the previously reported expenditures of \$109,054,476.

#### Update to Report for July 1, 2007, to June 30, 2008, Reporting Period

The previous report issued under Government Code section 70403(d) reported that all 37 counties that had bonded indebtedness during the reporting period submitted reports on their local courthouse construction fund receipts and expenditures (see Attachment 4). All reports were in compliance with requirements of the statute for the reporting period.

The attached report has been corrected to reflect revenue and expenditure amounts previously reported by San Francisco and Shasta Counties. The reports have been amended to reflect County reported corrections inadvertently excluded from prior legislative reports. With the revised report data, the total of the local courthouse construction fund receipts reported were \$66,881,239 during the statutory reporting period, as compared to the previously reported receipts of \$66,872,822. Expenditures

were reported as \$73,548,350 as compared to the previously reported expenditures of \$73,610,074.

#### Update to Report for July 1, 2008, to June 30, 2009, Reporting Period

The previous report issued under Government Code section 70403(d) reported that all 37 counties that had bonded indebtedness during the reporting period submitted reports on their local courthouse construction fund receipts and expenditures (see Attachment 5). All reports were in compliance with requirements of the statute for the reporting period.

The attached report has been corrected to reflect a revised revenue amount for Santa Cruz County, per an updated County report. With the revised report data, the total of the local courthouse construction fund receipts reported were \$64,143,529 during the statutory reporting period, as compared to the previously reported receipts of \$64,143,133. Expenditures were unchanged from the \$72,252,129 reported during that period.

#### Update to Report for July 1, 2009, to June 30, 2010, Reporting Period

The previous report issued under Government Code section 70403(d) reported that all 34 counties that had outstanding bonded indebtedness submitted reports on their local courthouse construction fund receipts and expenditures (see Attachment 6). All reports were in compliance with requirements of the statute for the reporting period.

The attached report has been corrected to reflect a revised revenue amount for Humboldt County, per an updated County report. With the revised report data, the total of the local courthouse construction fund receipts reported were \$62,891,096 during the statutory reporting period, as compared to the previously reported receipts of \$62,891,070. Expenditures have also been corrected for Alameda and San Diego Counties due to an error in our previous reporting. For both counties, transfers which are captured in the expenditure column were reflected as a “transfer out”, when the transfers should have been recorded as a “transfer in”. With the revised report data, the total expenditures were reported as \$53,842,524 as compared to the previously reported expenditures of \$79,157,319.

#### Update to Report for July 1, 2010, to June 30, 2011, Reporting Period

The previous report issued under Government Code section 70403(d) reported that all 33 counties that had outstanding bonded indebtedness submitted reports on their local courthouse construction fund receipts and expenditures (see Attachment 7). All reports were in compliance with requirements of the statute for the reporting period.

The attached report has been corrected to reflect a revised expenditure amount for Shasta County, per an updated County report. Expenditures have also been corrected for San Diego County due to an error in our previous reporting. A transfer amount was reflected as a “transfer out” when it should have been reflected as a transfer in”. With the revised report data, the total of the local courthouse construction fund expenditures reported were \$63,887,888 during the statutory reporting period, as compared to the previously reported receipts of \$66,742,550. Receipts were unchanged from the \$56,936,310 reported during that period.

#### Update to Report for July 1, 2011, to June 30, 2012, Reporting Period

The previous report issued under Government Code section 70403(d) reported that all 32 counties that had outstanding bonded indebtedness submitted reports on their local courthouse construction fund receipts and expenditures (see Attachment 8). All reports were in compliance with requirements of the statute for the reporting period.

El Dorado, Los Angeles, and Shasta Counties submitted revised reports for this period. Los Angeles and Shasta corrected reported revenues; and El Dorado and Los Angeles corrected reported expenditures. With the revised report data, the total of the local courthouse construction fund receipts were \$46,792,978 during the statutory reporting period, as compared to the previously reported \$31,918,295. With the revised report data, the total expenditures were reported as \$71,647,913 as compared to the previously reported expenditures of \$43,762,033.

#### Update to Report for July 1, 2012, to June 30, 2013, Reporting Period

The previous report issued under Government Code section 70403(d) reported that all 32 counties that had outstanding bonded indebtedness submitted reports on their local courthouse construction fund receipts and expenditures (see Attachment 9). All reports were in compliance with requirements of the statute for the reporting period.

Contra Costa, San Luis Obispo, and Tulare Counties submitted revised reports for this period. Contra Costa corrected reported revenues and San Luis Obispo and Tulare corrected reported expenditures. With the revised report data, the total of the local courthouse construction fund receipts were \$48,337,542 during the statutory reporting

period, as compared to the previously reported \$48,111,977. With the revised report data, the total expenditures were reported as \$60,244,353 as compared to the previously reported expenditures of \$59,887,704.

As reviews of the reports are completed for these counties, repayments to the State Court Facilities Construction Fund, if any, will be finalized and reported in subsequent annual reports from the Judicial Council to the budget and fiscal committees of the Legislature. To date, no repayments have been identified for this reporting period.

#### Attachments

Attachment 1: County Reporting for Period July 1, 2013, to June 30, 2014

Attachment 2: County Reporting for Period January 1, 1998, to December 31, 2005

Attachment 3: County Reporting for Period January 1, 2006, to June 30, 2007

Attachment 4: County Reporting for Period July 1, 2007, to June 30, 2008

Attachment 5: County Reporting for Period July 1, 2008, to June 30, 2009

Attachment 6: County Reporting for Period July 1, 2009, to June 30, 2010

Attachment 7: County Reporting for Period July 1, 2010, to June 30, 2011

Attachment 8: County Reporting for Period July 1, 2011, to June 30, 2012

Attachment 9: County Reporting for Period July 1, 2012, to June 30, 2013

## July 1, 2013, to June 30, 2014

### Overview of County Reporting on Local Courthouse Construction Funds Under Government Code Section 70403(d) ATTACHMENT 1

County	Review Status (complete/in progress)	Revenues for Period (as reported by county)	Expenditures for Period (as reported by county)	Repayments Due	Bonded Indebtedness (indicated in report)
1 Alameda <sup>1</sup>	In Progress	2,369,762	1,019,287		X
2 Amador	In Progress	31,178	31,055		X
3 Butte <sup>3</sup>	In Progress	49,854	92,977		X
4 Contra Costa	In Progress	1,151,351	1,376,810		X
5 El Dorado <sup>2</sup>	In Progress	20,391	83,104		X
6 Glenn <sup>2</sup>	In Progress	130,092	0		X
7 Humboldt	In Progress	201,410	309,720		X
8 Los Angeles	In Progress	15,456,000	20,228,000		X
9 Marin	In Progress	429,291	450,000		X
10 Merced	In Progress	389,021	391,577		X
11 Monterey	In Progress	498,101	502,886		X
12 Napa	In Progress	393,937	428,146		X
13 Orange	In Progress	2,526,864	3,931,815		X
14 Placer	In Progress	309,068	200,000		X
15 Riverside	In Progress	5,648,816	7,816,740		X
16 Sacramento	In Progress	1,503,029	1,530,000		X
17 San Bernardino	In Progress	1,858,919	1,856,895		X
18 San Diego	In Progress	973,381	925,000		X
19 San Francisco	In Progress	2,764,314	(1,642,048)		X
20 San Joaquin	In Progress	233,078	176,321		X
21 San Luis Obispo	In Progress	379,180	309,434		X
22 San Mateo	In Progress	1,168,417	1,285,003		X
23 Santa Barbara	In Progress	867,708	967,523		X
24 Santa Clara	In Progress	1,344,302	1,209,531		X
25 Santa Cruz	In Progress	110,760	110,760		X
26 Shasta	In Progress	471,040	338,887		X
27 Solano	In Progress	312,423	398,991		X
28 Sonoma	In Progress	522,716	452,158		X
29 Stanislaus	In Progress	579,712	337,780		X
30 Tulare	In Progress	303,176	325,966		X
31 Ventura	In Progress	993,181	1,531,934		X
32 Yuba <sup>3</sup>	In Progress	192,022	20,507		X
<b>TOTALS</b>		<b>\$ 44,182,494</b>	<b>\$ 46,996,759</b>		<b>32</b>

**Notes:**

1. Pending debt for new approved capital project, loan from the Immediate and Critical Needs Account (Fund 3138) authorized in FY 2014-2015.
2. Bonded indebtedness: approved project under way, pending completion for Inyo (report not received), and Siskiyou (report not received)
3. Butte and Yuba Debt Service retired in FY 2013-2014. Final county report: CCF balance to be transferred to State Court Facilities Construction Fund per Gov. Code, § 70402(a)

**January 1, 1998, to December 31, 2005**  
**Overview of County Reporting on**  
**Local Courthouse Construction Funds Under Government Code Section 70403(d)**

**ATTACHMENT 2**

	<b>County</b>	<b>Review Status (complete/in progress)</b>	<b>Revenues for Period (as reported by county)</b>	<b>Expenditures for Period (as reported by county)</b>	<b>Repayments Due</b>	<b>Bonded Indebtedness (indicated in report)</b>
1	Alameda <sup>3</sup>	In Progress	\$ 21,484,121	\$ 20,559,653		X
2	Alpine	In Progress	137,794	57,955		
3	Amador <sup>3</sup>	In Progress	523,222	247,047		X
4	Butte	In Progress	3,694,518	3,934,294		X
5	Calaveras <sup>2</sup>	In Progress	1,406,258	915,924		X
6	Colusa	Complete	463,599	479,021	0	X
7	Contra Costa	In Progress	10,204,719	10,568,957		X
8	Del Norte <sup>2</sup>	Complete	685	0	0	
9	El Dorado <sup>3</sup>	In Progress	1,856,437	537,447		X
10	Fresno <sup>2</sup>	In Progress	1,682,944	1,215,322		X
11	Glenn	In Progress	1,082,644	932,282		X
12	Humboldt	Complete	16,620,537	17,066,091	0	X
13	Imperial	In Progress	1,628,153	2,136,263		X
14	Inyo	In Progress	1,131,564	327,961		
15	Kern <sup>2</sup>	In Progress	517,693	527,625		
16	Kings <sup>2</sup>	In Progress	457,396	430,658		
17	Lake <sup>2</sup>	Complete	22,536	25,077	0	
18	Lassen	In Progress	1,906,284	2,771,540		
19	Los Angeles	In Progress	196,130,000	170,210,000		X
20	Madera	Complete	0	0	0	
21	Marin <sup>3</sup>	In Progress	3,901,196	3,424,565		X
22	Mariposa	In Progress	319,581	77,956		
23	Mendocino <sup>2</sup>	In Progress	115,867	351,454		
24	Merced	Complete	8,822,580	5,695,062	0	X
25	Modoc	In Progress	229,582	229,377		X
26	Mono <sup>2</sup>	Complete	507,544	507,543	0	
27	Monterey <sup>3</sup>	In Progress	5,098,670	8,743,508		X
28	Napa	In Progress	3,578,837	4,371,585		X
29	Nevada	Complete	1,899,407	2,061,522	0	X
30	Orange	In Progress	39,002,259	37,253,412		X
31	Placer <sup>4</sup>	In Progress	3,276,764	3,082,339		X
32	Plumas <sup>2</sup>	Complete	9,564	55,516	0	
33	Riverside	In Progress	26,049,765	24,854,033		X
34	Sacramento	In Progress	15,744,490	14,433,367		X
35	San Benito	Complete	684,673	309,182	0	X
36	San Bernardino	In Progress	17,582,803	18,638,886		X
37	San Diego	In Progress	8,394,261	13,020,630	0	
38	San Francisco <sup>1</sup>	In Progress	41,787,702	55,296,023		X
39	San Joaquin	In Progress	11,766,826	7,836,561		X
40	San Luis Obispo	In Progress	4,873,888	2,175,271		X
41	San Mateo	In Progress	11,678,138	10,801,760		X
42	Santa Barbara	In Progress	9,701,438	9,988,837		X
43	Santa Clara	Complete	16,761,142	16,831,245	0	X
44	Santa Cruz	In Progress	1,559,915	1,444,729		X
45	Shasta	In Progress	4,551,181	3,758,240		X
46	Sierra	Complete	0	0	0	
47	Siskiyou	In Progress	3,706,842	113,234		
48	Solano	In Progress	4,625,213	4,806,996		X
49	Sonoma <sup>3</sup>	In Progress	6,145,733	9,506,933		X
50	Stanislaus	Complete	4,224,471	3,411,085	0	X
51	Sutter <sup>2</sup>	Complete	592,087	288,836	0	
52	Tehama	In Progress	1,396	5,379		
53	Trinity	Complete	319,189	259,736	0	
54	Tulare <sup>3</sup>	In Progress	3,554,263	3,361,812		X
55	Tuolumne	In Progress	1,020,500	1,784,183		
56	Ventura	In Progress	9,488,022	4,699,661		X
57	Yolo <sup>2</sup>	In Progress	1,993,191	1,756,977		
58	Yuba <sup>1</sup>	In Progress	1,028,190	780,733		X
	<b>TOTALS</b>		<b>\$ 535,548,274</b>	<b>\$ 508,961,285</b>		<b>38</b>

**Notes:**

1. Report prepared on a fiscal year basis; includes July to December 1997
2. Final county report: CCF balance transferred to State Court Facilities Construction Fund per Gov. Code, § 70402(a)
3. Report revised to reflect updated county reporting.
4. Report revised to exclude fund balance carried forward.

## January 1, 2006, to June 30, 2007

### Overview of County Reporting on Local Courthouse Construction Funds Under Government Code Section 70403(d) ATTACHMENT 3

	County	Review Status (complete/in progress)	Revenues for Period (as reported by county)	Expenditures for Period (as reported by county)	Repayments Due	Bonded Indebtedness (indicated in report)
1	Alameda <sup>1</sup>	In Progress	4,402,815	4,683,200		X
2	Amador	In Progress	138,964	790,443		X
3	Butte	In Progress	185,715	152,869		X
4	Colusa <sup>3</sup>	In Progress	122,472	(492,877)		X
5	Contra Costa	In Progress	2,200,103	2,065,795		X
6	El Dorado <sup>2</sup>	In Progress	509,264	5,596		X
7	Glenn <sup>2</sup>	In Progress	287,153	0		X
8	Humboldt	In Progress	382,005	621,665		X
9	Imperial	In Progress	376,310	542,730		X
10	Inyo <sup>2</sup>	In Progress	371,140	0		X
11	Los Angeles	In Progress	41,048,000	47,803,000		X
12	Marin <sup>4</sup>	In Progress	874,448	859,446		X
13	Merced	In Progress	1,016,562	2,153,587		X
14	Modoc	In Progress	30,502	24,688		X
15	Monterey <sup>4</sup>	In Progress	1,321,173	1,354,852	Corrected	X
16	Napa	In Progress	748,698	338,550		X
17	Nevada	In Progress	333,999	150,405		X
18	Orange <sup>4</sup>	In Progress	7,363,506	8,598,962	Corrected	X
19	Placer	In Progress	839,793	1,020,599		X
20	Riverside	In Progress	7,910,417	6,484,190		X
21	Sacramento	In Progress	3,317,350	4,510,721		X
22	San Benito	In Progress	241,653	(97,327)		X
23	San Bernardino	In Progress	2,376,405	0		X
24	San Diego	In Progress	1,632,637	3,315,000		X
25	San Francisco <sup>4</sup>	In Progress	6,278,455	6,526,815		X
26	San Joaquin	In Progress	1,756,484	1,417,928		X
27	San Luis Obispo <sup>1</sup>	In Progress	1,121,122	1,145,925		X
28	San Mateo	In Progress	2,203,231	1,013,932		X
29	Santa Barbara	In Progress	1,806,072	2,009,297		X
30	Santa Clara	In Progress	3,538,275	4,316,755		X
31	Santa Cruz	In Progress	333,146	199,842		X
32	Shasta	In Progress	983,873	1,660,572		X
33	Solano	In Progress	960,428	962,708		X
34	Sonoma	In Progress	1,677,328	847,569		X
35	Stanislaus	In Progress	1,438,936	574,934		X
36	Tulare	In Progress	862,887	501,417		X
37	Ventura	In Progress	2,389,106	3,120,449		X
38	Yuba	In Progress	634,427	190,000		X
	<b>TOTALS</b>		<b>\$ 104,014,855</b>	<b>\$ 109,374,237</b>		<b>38</b>

**Notes:**

1. Pending debt for new approved capital project
2. Bonded indebtedness: approved project under way, pending completion for Glenn, El Dorado, Inyo, and Siskiyou (report not received)
3. Pending review of request for use of CCFs, request subsequently cancelled
4. Report revised to reflect updated county reporting.

## July 1, 2007, to June 30, 2008

### Overview of County Reporting on Local Courthouse Construction Funds Under Government Code Section 70403(d) ATTACHMENT 4

	County	Review Status (complete/in progress)	Revenues for Period (as reported by county)	Expenditures for Period (as reported by county)	Repayments Due	Bonded Indebtedness (indicated in report)
1	Alameda <sup>1</sup>	In Progress	2,584,839	669,332		X
2	Amador	In Progress	88,617	70,757		X
3	Butte	In Progress	112,501	120,520		X
4	Contra Costa	In Progress	1,864,761	1,864,761		X
5	El Dorado <sup>2</sup>	In Progress	295,078	33,130		X
6	Glenn <sup>2</sup>	In Progress	256,052	410,432		X
7	Humboldt	In Progress	294,809	309,720		X
8	Imperial	In Progress	225,024	286,636		X
9	Inyo <sup>2</sup>	In Progress	158,669	0		X
10	Los Angeles	In Progress	24,558,000	27,050,000		X
11	Marin	In Progress	532,573	255,157		X
12	Merced	In Progress	609,809	805,559		X
13	Modoc	In Progress	34,124	39,400		X
14	Monterey	In Progress	648,125	648,125		X
15	Napa	In Progress	479,985	226,835		X
16	Nevada	In Progress	229,500	7,318		X
17	Orange	In Progress	4,748,186	4,518,072		X
18	Placer	In Progress	542,358	500,000		X
19	Riverside	In Progress	6,382,244	8,340,240		X
20	Sacramento	In Progress	2,004,667	2,100,000		X
21	San Benito	In Progress	142,778	30,156		X
22	San Bernardino	In Progress	2,787,159	2,052,703		X
23	San Diego	In Progress	1,175,172	2,210,000		X
24	San Francisco <sup>3</sup>	In Progress	4,049,323	4,495,551		X
25	San Joaquin	In Progress	1,635,756	2,891,002		X
26	San Luis Obispo	In Progress	712,987	4,931,326		X
27	San Mateo	In Progress	1,349,001	1,028,248		X
28	Santa Barbara	In Progress	1,154,245	1,168,383		X
29	Santa Clara	In Progress	1,945,344	2,376,202		X
30	Santa Cruz	In Progress	209,166	320,445		X
31	Shasta <sup>3</sup>	In Progress	850,992	973,954		X
32	Solano	In Progress	592,026	408,999		X
33	Sonoma	In Progress	578,945	550,096		X
34	Stanislaus	In Progress	598,497	181,158		X
35	Tulare	In Progress	569,301	0		X
36	Ventura	In Progress	1,464,010	1,563,349		X
37	Yuba	In Progress	416,616	110,784		X
	<b>TOTALS</b>		<b>\$ 66,881,239</b>	<b>\$ 73,548,350</b>		<b>37</b>

**Notes:**

1. Pending debt for new approved capital project
2. Bonded indebtedness: approved project under way, pending completion for Glenn, El Dorado, Inyo, and Siskiyou (report not received)
3. Report revised to reflect updated county reporting.

**July 1, 2008, to June 30, 2009**  
**Overview of County Reporting on**  
**Local Courthouse Construction Funds Under Government Code Section 70403(d)**  
**ATTACHMENT 5**

	County	Review Status (complete/in progress)	Revenues for Period (as reported by county)	Expenditures for Period (as reported by county)	Repayments Due	Bonded Indebtedness (indicated in report)
1	Alameda <sup>1</sup>	In Progress	2,751,481	2,902,462		X
2	Amador	In Progress	79,419	70,560		X
3	Butte	In Progress	87,484	0		X
4	Contra Costa	In Progress	1,268,123	1,267,676		X
5	El Dorado <sup>2</sup>	In Progress	230,427	74,105		X
6	Glenn <sup>2</sup>	In Progress	183,671	0		X
7	Humboldt	In Progress	273,227	309,720		X
8	Imperial	In Progress	218,597	285,333		X
9	Inyo <sup>2</sup>	In Progress	157,849	0		X
10	Los Angeles	In Progress	23,230,000	28,396,000		X
11	Marin	In Progress	474,805	476,753		X
12	Merced	In Progress	558,140	419,449		X
13	Modoc <sup>3</sup>	In Progress	31,162	918		X
14	Monterey	In Progress	628,824	628,824		X
15	Napa	In Progress	452,943	230,079		X
16	Nevada <sup>4</sup>	In Progress	217,835	281,349		X
17	Orange	In Progress	4,950,165	4,519,492		X
18	Placer	In Progress	585,167	500,000		X
19	Riverside	In Progress	7,159,229	6,756,172		X
20	Sacramento	In Progress	1,918,448	2,100,000		X
21	San Benito <sup>4</sup>	In Progress	116,949	22,480		X
22	San Bernardino	In Progress	2,845,683	0		X
23	San Diego	In Progress	774,706	2,200,000		X
24	San Francisco	In Progress	3,818,576	4,670,026		X
25	San Joaquin	In Progress	931,011	5,198,000		X
26	San Luis Obispo	In Progress	520,719	402,745		X
27	San Mateo	In Progress	1,119,734	1,444,211		X
28	Santa Barbara	In Progress	1,142,134	1,199,361		X
29	Santa Clara	In Progress	2,033,816	2,382,519		X
30	Santa Cruz <sup>5</sup>	In Progress	178,215	210,199		X
31	Shasta	In Progress	667,154	691,021		X
32	Solano	In Progress	574,761	403,512		X
33	Sonoma	In Progress	540,554	486,299		X
34	Stanislaus	In Progress	875,803	1,181,356		X
35	Tulare	In Progress	581,978	850,000		X
36	Ventura	In Progress	1,462,308	1,562,167		X
37	Yuba	In Progress	502,432	129,341		X
	<b>TOTALS</b>		<b>\$ 64,143,529</b>	<b>\$ 72,252,129</b>		<b>37</b>

**Notes:**

1. Pending debt for new approved capital project
2. Bonded indebtedness: approved project under way, pending completion for Glenn, El Dorado, and Inyo
3. Debt retired in FY 2008-2009; pending receipt of county report to confirm
4. Final county report: CCF balance transferred to State Court Facilities Construction Fund per Gov. Code, § 70402(a)
5. Report revised to reflect updated county reporting.

**July 1, 2009, to June 30, 2010**  
**Overview of County Reporting on**  
**Local Courthouse Construction Funds Under Government Code Section 70403(d)**  
**ATTACHMENT 6**

	County	Review Status (complete/in progress)	Revenues for Period (as reported by county)	Expenditures for Period (as reported by county)	Repayments Due	Bonded Indebtedness (indicated in report)
1	Alameda <sup>1,5</sup>	In Progress	2,612,121	(2,444,214)		X
2	Amador	In Progress	48,075	48,075		X
3	Butte	In Progress	76,149	0		X
4	Contra Costa	In Progress	1,316,789	1,317,236		X
5	El Dorado <sup>2</sup>	In Progress	193,653	484,855		X
6	Glenn <sup>2</sup>	In Progress	162,380	0		X
7	Humboldt <sup>4</sup>	In Progress	252,781	314,535		X
8	Imperial <sup>3</sup>	In Progress	86,222	285,763		X
9	Inyo <sup>2</sup>	In Progress	168,589	0		X
10	Los Angeles	In Progress	22,144,000	27,810,000		X
11	Marin	In Progress	435,339	507,000		X
12	Merced	In Progress	462,112	1,605,036		X
13	Monterey	In Progress	607,576	607,576		X
14	Napa	In Progress	445,445	220,244		X
15	Orange	In Progress	5,606,919	4,512,691		X
16	Placer	In Progress	531,102	500,000		X
17	Riverside	In Progress	7,751,474	6,968,876		X
18	Sacramento	In Progress	2,011,315	1,977,600		X
19	San Bernardino	In Progress	2,860,071	2,052,703		X
20	San Diego <sup>5</sup>	In Progress	995,110	(7,773,745)		X
21	San Francisco	In Progress	3,588,795	4,635,781		X
22	San Joaquin	In Progress	244,882	187,459		X
23	San Luis Obispo	In Progress	439,924	306,069		X
24	San Mateo	In Progress	1,321,247	1,398,699		X
25	Santa Barbara	In Progress	1,230,460	1,345,019		X
26	Santa Clara	In Progress	1,864,910	1,994,420		X
27	Santa Cruz	In Progress	168,234	211,112		X
28	Shasta	In Progress	572,397	697,373		X
29	Solano	In Progress	568,979	402,768		X
30	Sonoma	In Progress	578,545	735,327		X
31	Stanislaus	In Progress	815,137	388,830		X
32	Tulare	In Progress	689,431	300,000		X
33	Ventura	In Progress	1,338,867	1,555,461		X
34	Yuba	In Progress	702,066	689,975		X
	<b>TOTALS</b>		<b>\$ 62,891,096</b>	<b>\$ 53,842,524</b>		<b>34</b>

**Notes:**

1. Pending debt for new approved capital project
2. Bonded indebtedness: approved project under way, pending completion for Glenn, El Dorado, and Inyo
3. Bonded debt retired in February 2010; this will be the final reporting period; CCF balance transferred to State Court Facilities Construction Fund per Gov. Code, § 70402(a)
4. Report revised to reflect updated county reporting.
5. Corrected expenditure amount erroneously reflected in prior report.

**July 1, 2010, to June 30, 2011**  
**Overview of County Reporting on**  
**Local Courthouse Construction Funds Under Government Code Section 70403(d)**  
**ATTACHMENT 7**

	County	Review Status (complete/in progress)	Revenues for Period (as reported by county)	Expenditures for Period (as reported by county)	Repayments Due	Bonded Indebtedness (indicated in report)
1	Alameda <sup>1</sup>	In Progress	2,530,934	550,729		X
2	Amador	In Progress	37,317	36,525		X
3	Butte	In Progress	85,512	249,860		X
4	Contra Costa	In Progress	1,308,510	1,308,510		X
5	El Dorado <sup>2</sup>	In Progress	97,970	1,032,936		X
6	Glenn <sup>2</sup>	In Progress	146,737	0		X
7	Humboldt	In Progress	250,695	310,935		X
8	Inyo <sup>2</sup>	In Progress	153,131	0		X
9	Los Angeles	In Progress	19,513,000	24,769,000		X
10	Marin	In Progress	512,977	398,681		X
11	Merced	In Progress	494,217	494,217		X
12	Monterey	In Progress	601,061	542,313		X
13	Napa	In Progress	452,511	233,979		X
14	Orange	In Progress	5,241,871	4,532,460		X
15	Placer	In Progress	455,630	500,000		X
16	Riverside	In Progress	7,413,489	7,961,871		X
17	Sacramento	In Progress	1,633,444	1,790,000		X
18	San Bernardino	In Progress	2,438,086	2,244,140		X
19	San Diego <sup>4</sup>	In Progress	775,112	775,112		X
20	San Francisco	In Progress	3,228,950	4,573,121		X
21	San Joaquin	In Progress	157,764	209,573		X
22	San Luis Obispo	In Progress	313,710	307,169		X
23	San Mateo	In Progress	1,526,321	3,856,256		X
24	Santa Barbara	In Progress	1,129,184	578,258		X
25	Santa Clara	In Progress	1,800,171	2,187,964		X
26	Santa Cruz	In Progress	150,443	210,762		X
27	Shasta <sup>3</sup>	In Progress	529,828	679,900		X
28	Solano	In Progress	405,350	408,515		X
29	Sonoma	In Progress	523,842	564,544		X
30	Stanislaus	In Progress	822,537	319,944		X
31	Tulare	In Progress	709,482	522,255		X
32	Ventura	In Progress	1,168,925	1,540,047		X
33	Yuba	In Progress	327,598	198,312		X
	<b>TOTALS</b>		<b>\$ 56,936,310</b>	<b>\$ 63,887,888</b>		<b>33</b>

**Notes:**

1. Pending debt for new approved capital project
2. Bonded indebtedness: approved project under way, pending completion for Glenn, El Dorado, Inyo, and Siskiyou (report not received)
3. Report revised to reflect updated county reporting.
4. Corrected expenditure amount erroneously reflected in prior report.

**July 1, 2011, to June 30, 2012**  
**Overview of County Reporting on**  
**Local Courthouse Construction Funds Under Government Code Section 70403(d)**  
**ATTACHMENT 8**

	County	Review Status (complete/in progress)	Revenues for Period (as reported by county)	Expenditures for Period (as reported by county)	Repayments Due	Bonded Indebtedness (indicated in report)
1	Alameda <sup>1</sup>	In Progress	2,366,638	2,322,747		X
2	Amador	In Progress	40,387	39,854		X
3	Butte	In Progress	101,211	109,853		X
4	Contra Costa	In Progress	1,046,449	1,046,449		X
5	El Dorado <sup>2,3</sup>	In Progress	58,363	1,118,967		X
6	Glenn	In Progress	141,838	636,959		X
7	Humboldt	In Progress	241,573	309,720		X
8	Los Angeles <sup>3</sup>	In Progress	17,906,000	27,351,000		X
9	Marin	In Progress	473,298	450,000		X
10	Merced	In Progress	465,336	1,197,798		X
11	Monterey	In Progress	567,526	590,005		X
12	Napa	In Progress	410,556	233,962		X
13	Orange	In Progress	(324,767)	4,533,653		X
14	Placer	In Progress	357,841	500,000		X
15	Riverside	In Progress	6,379,663	6,302,426		X
16	Sacramento	In Progress	1,709,607	1,594,000		X
17	San Bernardino	In Progress	2,056,446	9,007,338		X
18	San Diego	In Progress	1,074,854	880,000		X
19	San Francisco	In Progress	3,031,247	4,570,627		X
20	San Joaquin	In Progress	182,206	210,804		X
21	San Luis Obispo	In Progress	405,532	308,119		X
22	San Mateo	In Progress	1,233,152	1,320,075		X
23	Santa Barbara	In Progress	992,318	714,908		X
24	Santa Clara	In Progress	1,850,633	2,293,536		X
25	Santa Cruz	In Progress	119,332	184,429		X
26	Shasta <sup>3</sup>	In Progress	473,583	418,546		X
27	Solano	In Progress	393,515	407,204		X
28	Sonoma	In Progress	598,381	734,584		X
29	Stanislaus	In Progress	683,157	329,542		X
30	Tulare	In Progress	332,482	352,000		X
31	Ventura	In Progress	1,105,507	1,536,739		X
32	Yuba	In Progress	319,114	42,069		X
	<b>TOTALS</b>		<b>\$ 46,792,978</b>	<b>\$ 71,647,913</b>		<b>32</b>

**Notes:**

1. Pending debt for new approved capital project
2. Bonded indebtedness: approved project under way, pending completion for Inyo (report not received), and Siskiyou (report not received)
3. Report revised to reflect updated county reporting.

## July 1, 2012, to June 30, 2013

### Overview of County Reporting on Local Courthouse Construction Funds Under Government Code Section 70403(d) ATTACHMENT 9

	County	Review Status <i>(complete/in progress)</i>	Revenues for Period <i>(as reported by county)</i>	Expenditures for Period <i>(as reported by county)</i>	Repayments Due	Bonded Indebtedness <i>(indicated in report)</i>
1	Alameda <sup>1</sup>	In Progress	2,485,671	1,137,754		X
2	Amador	In Progress	45,474	45,117		X
3	Butte	In Progress	84,544	88,515		X
4	Contra Costa <sup>4</sup>	In Progress	1,651,301	1,425,736		X
5	El Dorado <sup>2,3</sup>	In Progress	34,540	151,026		X
6	Glenn	In Progress	135,432	0		X
7	Humboldt	In Progress	223,486	309,720		X
8	Los Angeles	In Progress	16,109,000	25,672,000		X
9	Marin	In Progress	409,862	450,000		X
10	Merced	In Progress	435,065	419,379		X
11	Monterey	In Progress	536,676	523,762		X
12	Napa	In Progress	410,822	232,741		X
13	Orange	In Progress	2,731,944	3,926,135		X
14	Placer	In Progress	335,005	316,000		X
15	Riverside	In Progress	6,261,824	7,499,484		X
16	Sacramento	In Progress	1,583,788	1,710,000		X
17	San Bernardino	In Progress	1,877,838	1,893,238		X
18	San Diego	In Progress	935,586	880,000		X
19	San Francisco	In Progress	2,942,727	4,735,166		X
20	San Joaquin	In Progress	128,326	171,979		X
21	San Luis Obispo <sup>4</sup>	In Progress	373,124	308,768		X
22	San Mateo	In Progress	1,184,153	1,327,071		X
23	Santa Barbara	In Progress	895,428	866,791		X
24	Santa Clara	In Progress	2,224,957	2,224,957		X
25	Santa Cruz	In Progress	113,217	113,217		X
26	Shasta	In Progress	469,811	600,347		X
27	Solano	In Progress	338,527	400,250		X
28	Sonoma	In Progress	422,827	563,549		X
29	Stanislaus	In Progress	594,254	339,428		X
30	Tulare <sup>4</sup>	In Progress	1,033,946	356,000		X
31	Ventura	In Progress	1,039,784	1,528,445		X
32	Yuba	In Progress	288,603	27,778		X
	<b>TOTALS</b>		<b>\$ 48,337,542</b>	<b>\$ 60,244,353</b>		<b>32</b>

**Notes:**

1. Pending debt for new approved capital project
2. Bonded indebtedness: approved project under way, pending completion for Inyo (report not received), and Siskiyou (report not received)
3. Partial CCF balance transferred to State Court Facilities Construction Fund per Gov. Code, § 70402(a)
4. Report revised to reflect updated county reporting.





## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title	Agenda Item Type
Judicial Council Legislative Policy Summary: 2014	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	December 12, 2014
Recommended by	Date of Report
Policy Coordination and Liaison Committee Hon. Kenneth K. So, Chair	October 29, 2014
	Contact
	Laura Speed, 916-323-3121 <a href="mailto:laura.speed@jud.ca.gov">laura.speed@jud.ca.gov</a>

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### **Executive Summary**

The Policy Coordination and Liaison Committee (PCLC) recommends that the Judicial Council adopt the updated Legislative Policy Summary reflecting actions through the 2014 legislative year. Adoption of this updated summary of positions taken on court-related legislation will assist the council in making decisions about future legislation, consistent with strategic plan goals.

### **Recommendation**

The Policy Coordination and Liaison Committee (PCLC) recommends that the Judicial Council adopt the updated Legislative Policy Summary reflecting actions through the 2014 legislative year.

The text of the proposed summary is attached at page 3–70.

## **Previous Council Action**

The Judicial Council most recently adopted the Legislative Policy Summary (reflecting actions through the 2013 legislative year) in December 2013.

## **Rationale for Recommendation**

On behalf of the Judicial Council, the Policy Coordination and Liaison Committee (PCLC) takes positions on more than 50 bills each legislative session and monitors more than 1,000 bills. Governmental Affairs (GA) updates the council's Legislative Policy Summary annually, setting forth the council's historical policies on key legislative issues.

GA monitors legislative activity and represents the council before the Legislature and the Governor's Office. GA provides information and advice to advisory committees and PCLC on pending legislation to assist the council in formulating its positions. The Legislative Policy Summary helps ensure that council members, advisory committee members, and staff have a common understanding of council policy on issues presented in proposed legislation. The updated document reflects the council's most recent positions on legislative issues and identifies how those positions are derived from the Judicial Council's strategic plan. The Legislative Policy Summary also defines the Judicial Council's limited purview when considering pending legislation. The document is not a history of every bill on which the council has taken a position, but rather is a sampling of bills that reflect council positions on various types of legislative proposals.

## **Comments, Alternatives Considered, and Policy Implications**

This document was not circulated for public comment.

## **Implementation Requirements, Costs, and Operational Impacts**

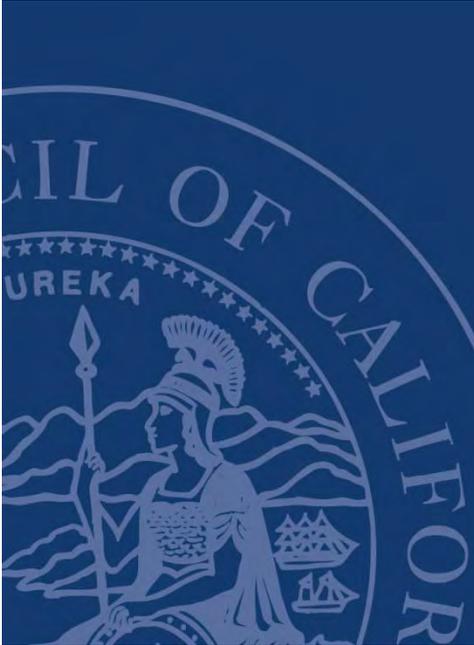
There are no costs, implementation requirements, or operational implications related to the adoption of the summary.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

N/A

## **Attachment**

1. 2014 Legislative Policy Summary at pages 3–70



# 2014 Legislative Policy Summary

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HISTORICAL SUMMARY OF  
LEGISLATIVE ACTIVITY

DRAFT



JUDICIAL COUNCIL  
OF CALIFORNIA

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GOVERNMENTAL AFFAIRS

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DRAFT

# JUDICIAL COUNCIL OF CALIFORNIA GOVERNMENTAL AFFAIRS

## HISTORICAL SUMMARY OF LEGISLATIVE ACTION

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DECEMBER 2014

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Governmental Affairs monitors legislative activity and represents the Judicial Council before the Legislature, the Governor's Office, and executive branch agencies and departments. The following summarizes council action regarding court-related legislative proposals. The summary is organized by policy area and includes how the actions further the objectives of the six goals of *Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012*. The table that follows each policy area shows actions taken on legislation that illustrate the policy. The table does not include every bill on which a council position was taken.

This document is updated annually. The electronic version of this document contains hyperlinks for viewing the text of the bills.

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### GENERAL PRINCIPLES

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The Judicial Council supports the integrity and independence of the judicial branch and seeks to ensure that judicial procedures enhance efficiency and access to the courts. The council generally takes no position on bills involving substantive law. However, it may take a position on an apparent issue of substantive law if issues of procedure and substance are so inextricably intertwined that they directly affect court administration or judicial discretion or negatively affect existing judicial services by imposing unrealistic burdens on the system.

## LEGISLATIVE ACTIVITY

## I. COURT OPERATIONS

## A. COURT STRUCTURE

The council supports a structure of general jurisdiction to improve court efficiency and flexibility in the use of judicial resources. For specialty calendars (e.g., drug courts, dependency drug courts, domestic violence courts, etc.) established in the trial courts, the council supports evaluation and development of best practices.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 515</a>	Dickinson	2013	Oppose, but direct staff to continue discussions with the author to explore possible alternatives that are more workable for the courts	Mandates the creation of new California Environmental Quality Act (CEQA) compliance court divisions of the superior court in specified counties and vests these divisions with original jurisdiction over actions or proceedings brought pursuant to CEQA and joined matters related to land use and environmental laws. Requires a CEQA compliance division judge to issue a preliminary decision in each of these cases before the opportunity for oral argument is granted. Requires the Judicial Council to adopt rules for establishing, among other things, protocols to govern the administration and efficient operation of the divisions, so that those judges assigned to the divisions will be able to hear and quickly resolve those actions or proceedings.	II	
<a href="#">AB 756</a>	Melendez	2013	Oppose, appellate courts are not designed for this process, and it's an inefficient use of judicial resources	Expands the recently-enacted expedited judicial review procedures in AB 900 (Stats. 2011, ch. 354) to public works projects, as defined.	II	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 123</a>	Corbett	2013	Oppose, courts need the flexibility to manage their own calendars. Bill is not necessary due to existing CEQA calendar preference and special judge training requirements.	Requires the Judicial Council to direct the creation of an environmental and land use division “within two or more superior courts within each of the appellate districts of the state” (i.e., a minimum of 12 new divisions) to process all civil proceedings brought pursuant to the California Environmental Quality Act or in specified subject areas, including air quality, biological resources, climate change, hazards and hazardous materials, land use planning, and water quality. Specifies that such an action may be filed at a superior court within the county in which the underlying claim arises, but requires the proceeding to be transferred to the nearest superior court within the same appellate district that has established an environmental and land use division pursuant to the bill’s provisions. Creates new funding scheme utilizing specified fees for environmental license plates to supplement funding for the operation of the new environmental and land use divisions.	II	
<a href="#">SB 848</a>	Emmerson	2011	Oppose	Reorganizes the Court of Appeal into seven districts by removing the counties of Riverside, San Bernardino, and Inyo (currently Division Two) from the Fourth Appellate District and creating a new Seventh Appellate District consisting of those counties.	III	
<a href="#">AB 1925</a>	Salas	2010	No position	Authorizes superior courts to develop and implement veterans courts for eligible veterans of the United States military.	N/A	Outside Judicial Council purview

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 851</a>	Steinberg	2007	Oppose unless amended. Neutral if amended	Authorizes superior courts to establish and implement mental health courts, which may operate a pre-guilty plea program or a deferred entry of judgment program. Authorizes the California Department of Corrections and Rehabilitation to contract with a superior court and county to use mental health courts as a program for parolees with serious mental illnesses who either violate the terms of parole or receive new terms, as an alternative to custody. As proposed to be amended, a parolee's participation in the mental health court program would be voluntary, and the parolee would be required to sign a waiver indicating agreement that participation in the program is in lieu of parole revocation proceedings. Parolees would remain under legal custody of the Department of Corrections and Rehabilitation.	II	Inappropriately creates shared jurisdiction over parolees.
<a href="#">ACA 35</a>	DeVore	2006	Oppose	Provides that the Supreme Court has original jurisdiction, and no other state court has jurisdiction, in any civil action challenging the facial validity of any statewide initiative measure or referendum placed on the ballot by signature petition of the voters and approved by the voters at a statewide election. Requires the Supreme Court to issue its decision within 90 days of the filing of the action, and establishes a 90-day statute of limitations for civil actions challenging the facial validity of this type of initiative measure or referendum.	II	
<a href="#">AB 1453</a>	Daucher	2005	Oppose	Creates new Water Courts to adjudicate cases involving the production of groundwater.	II	Interferes with court administration.
<a href="#">SCA 16</a>	Runner, George	2005	Oppose	Provides that Los Angeles County shall be divided into judicial districts established by three special masters appointed by the Supreme Court within 30 days after the effective date of the measure. Provides that each district must be geographically compact and contiguous to the extent practicable, and consist of no more than 36 superior court judges. The districts must also comply with the federal Voting Rights Act.	I, III, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2472/</a> <a href="#">SB 1424</a>	Wolk/ Burton	2004 2004	Oppose unless amended; neutral if amended	Creates the California Tax Court, which would replace the State Board Equalization (BOE) as the forum that would hear and determine certain tax appeals. Provides that a taxpayer's option to file an appeal with the California Tax Court would be in lieu of filing an appeal in the California Superior Court. The bills provide further that, within 90 days of the date a determination by the California Tax Court becomes final, a taxpayer or the applicable state agency may appeal the determination of the California Tax Court to the Court of Appeal.	II	Amendments sought to eliminate use of terms court and judge and to allow review by extraordinary writ only.

## B. COURT FUNDING

The council supports funding of the courts at a level that will ensure an adequate and stable source of necessary resources. The council generally opposes funding the courts by fees or fines, but departs from this general position in certain circumstances.

### 1. Budget

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 619</a>	Garcia	2013	Sponsor	Revises the formula for assessing interest and penalties for delinquent payments to the State Court Facilities Construction Fund. Makes this provision consistent with statute governing interest and penalties for late payments to the Trial Court Trust Fund. Authorizes the Controller to permit a county, city and county, or court to pay the interest or penalty amounts under a payment schedule if the interest or penalty amount causes a hardship to that entity.	III	This bill contains one of the 6 efficiency proposals approved for Judicial Council-sponsorship in April 2013.  See SB 539.
<a href="#">AB 655</a>	Quirk-Silva	2013	Oppose	Allows trial courts to establish a Reporters' Salary Fund, which shall be a revolving fund, to be used solely to contribute to the salaries and benefits of official court reporters.	II	Places pressure on the trial courts to create a special fund that needlessly treats a particular class of employees differently.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 539</a>	Margett	2007	Support	Establishes a tiered interest and penalty structure for late and underpayments to the Trial Court Trust Fund that reduce the retroactive penalty to the amount that the revenue would have earned had it been receiving the Local Agency Investment Fund (LAIF) rate so long as the court or county remits the revenue within 30 to 45 days, as specified, from the time the error is discovered; establishes that the higher penalty rate applies only from the date 30 days after the date of the issuance by the Controller of the final audit report concerning the failure to pay; and requires the entity found in error to make the payment directly to the state.	III	
<a href="#">SB 93</a>	Florez	2005	Neutral	Allows Tulare County to pay any interest and penalties owed to the Trial Court Trust Fund and the Trial Court Improvement Fund over a period of 10 years.	III	
<a href="#">AB 750</a>	Mullin	2005	Oppose	Authorizes San Mateo County to reduce the amount it is required to remit to the state for funding court operations by 10 percent for 3 years beginning on July, 1 2005.	IV	
<a href="#">SB 324</a>	Florez	2003	Oppose unless amended	Forgives non-remittance of revenues by Tulare County to the Trial Court Trust Fund.	III	Amendment sought to add an appropriation to reimburse the Trial Court Improvement Fund.
<a href="#">SB 1343</a>	Torlakson	2002	Neutral	Forgives retroactive repayment of MOE amounts to the Trial Court Trust Fund.	IV	
<a href="#">SB 1396</a>	Dunn	2002	Support	Clarifies allowable and unallowable costs for court security.	IV	
<a href="#">SB 1153</a>	Johannessen	2001	Oppose	Provides that costs related to court security in counties with a population of less than 103,000 shall be paid by the state.	IV	
<a href="#">AB 2459</a>	Wiggins	2000	No position	Requires the council to adopt rules to provide for public access to budget allocation and expenditure information.	II, IV	

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2. Fees, fines, penalties

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 648</a>	Jones-Sawyer	2013	Sponsor	Specifies that: the \$30 court reporter fee is for proceedings lasting one hour or less; the moving party is responsible for the fee; the court may collect the fee at a time specified by the court, but not later than the conclusion of each day's court session; the fee is refundable only if the court fails to provide a court reporter at the scheduled hearing; the fee will be charged once per case for all proceedings conducted within the same hour; the fee shall be waived for parties that have been granted a fee waiver; and the funds shall be deposited in the Trial Court Trust Fund and then returned to the court in which the funds were collected.	II, III	
<a href="#">AB 1293</a>	Bloom	2013	Sponsor	Adds a probate fee of \$40 for the filing of a request for special notice in decedents' estate, guardianship, conservatorship, or trust proceedings to help courts cover the costs incurred and to ensure proper service of notice and other documents to all persons who have requested special notice. Sunsets on January 1, 2019.	I, IV	
<a href="#">SB 221</a>	Simitian	2011	Support	Increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000. Delays, until January 1, 2015, operation of jurisdictional increase for bodily injury claims resulting from vehicle accidents.	I	
<a href="#">AB 1826</a>	Beall	2008	Sponsor	Clarifies that the filing fee for filing an action seeking return of seized property in connection with controlled substance offenses is the same as the first paper filing fee in unlimited civil actions.	III	
<a href="#">AB 367</a>	De León	2007	Sponsor	Establishes a task force on criminal court-ordered fines and penalties that will make recommendations for simplifying California's criminal fine and penalty assessment, collection, and distribution system. Reduces the minimum fine required by the Franchise Tax Board Court-Ordered Debt Collection Program from \$250 to \$100 and expands the program to include collections for registration, pedestrian, and bicycle violations.	III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1248</a>	Evans	2007	Sponsor	Makes technical and clarifying changes to the Uniform Civil Fees and Standard Fee Schedule Act of 2005, clarifies the fine for production of documents pursuant to demand for production, increases the cap on habeas investigations costs paid by the Supreme Court, allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, and changes the date when the Judicial Council must adjust the amount a parent or guardian may be liable for minors' actions.	III, IV	
<a href="#">AB 145</a>	Committee on Budget	2005	Sponsor	Establishes statewide uniform first-paper and first-response paper fees at three graduated levels: the filing fee for limited civil cases where the demand is less than or equal to \$10,000 is \$180; the filing fee for limited civil cases where the demand is greater than \$10,000 but less than \$25,000 is \$300; and the filing fee for unlimited civil cases is \$320.	II, III, IV	
<a href="#">SB 246</a>	Escutia	2004	Sponsor	Allows courts, in addition to counties, to refer delinquent fines to the Franchise Tax Board.	II, III	
<a href="#">AB 934</a>	Reyes	2003	Oppose	Adds a \$25 filing fee for deposit in the Child Abduction Prevention Fund established in the office of the district attorney in Fresno County.	II	
<a href="#">SB 940</a>	Escutia	2003	Sponsor	Requires the Judicial Council to adopt guidelines for a comprehensive collection program, establish a collaborative court-county working group on collections, and report on the effectiveness of collection programs.	II, III	
<a href="#">AB 1819</a>	Pacheco, Robert	2002	Support	Removes the \$100 minimum requirement to identify and collect delinquent fines and forfeitures with or without a warrant and provides that any county or court may establish a minimum base fine or forfeiture amount for inclusion in the program.	II, III	
<a href="#">AB 2690</a>	Cardoza	2002	Oppose	Requires each court to submit to the Bureau of State Audits an annual financial statement showing outstanding delinquent fines.	II, III	

### C. COURT FACILITIES

The council seeks ways to fund necessary courthouse construction projects on a statewide basis.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 314</a>	Gorell	2012	Oppose	Requires that contracts pertaining to the acquisition and construction of court facilities be subject to the provisions of the Public Contract Code.	II	
<a href="#">AB 2442</a>	Williams	2012	Oppose unless amended	Establishes the California Hope Public Trust and authorizes it to control state-owned real property the Trust determines it should control, including court facilities.	IV	
<a href="#">SBX2 12</a>	Steinberg	2009	Sponsor	Provides for the continuous appropriation of revenue created by SB 1407 (Stats 2008, ch. 311) to support courthouse construction projects. Creates an expedited authority process for trial court construction projects.	I, II, III, VI	
<a href="#">SB 1407</a>	Perata	2008	Sponsor	Authorizes a \$5 billion program for the construction, rehabilitation, renovation, and replacement of court facilities. Increases civil first paper filing fees and criminal and traffic fees and penalties to generate the revenue to fund future revenue bonds.	I, III, VI	
<a href="#">SB 10</a>	Dunn	2006	Co-sponsor	Revises the Trial Court Facilities Act of 2002 to allow buildings with a seismic level V rating to transfer to the state so long as counties remain liable for earthquake-related damage, replacement, injury, and loss to the same extent that they would have been liable if the responsibility for court facilities had not transferred to the state.	I, III	
<a href="#">SB 1375</a>	Lowenthal	2006	Support if amended	Requires the state to become a party to any public-private partnership agreement entered into by a county that involves a capital lease for construction of replacement court facilities and to become the lessee.	II, III	Amendment sought to remove requirement that the state participate in negotiations with counties and private developers regarding the construction of a new court facility
<a href="#">AB 262</a>	Berg	2005	Oppose	Prohibits the Judicial Council from requiring that a structure proposed for transfer from a county to the state for court occupancy meet a building code stricter than the standard adopted for the county buildings in the county proposing the transfer.	II, III	
<a href="#">AB 1435</a>	Evans	2005	Support	Adds expenditures on "court facilities" to the list of allowable uses of local courthouse construction funds.	III	
<a href="#">SB 395</a>	Escutia	2005	Sponsor	States the intent of the Legislature to enact the California Court Facilities Bond Act of 2006 to acquire, construct, and finance court facilities.	I, III, VI	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 688</a>	Nakanishi	2003	Oppose	Requires the Amador County courthouse and hospital transfer to the state on January 1, 2004, and relieves Amador County of its responsibility to provide court facilities pursuant to SB 1732 (Escutia), Stats. 2002, ch. 1082.	II	April 28, 2003 amendments provide that in establishing the recommended priorities for funding of projects under the California Court Facilities Construction and Renovation Bond Act of 2004, the Judicial Council shall consider all relevant factors bearing on the priority of each proposed project, including a proposal for matching funds. Council opposition withdrawn.
<a href="#">SB 655</a>	Escutia	2003	Sponsor	Authorizes the issuance of bonds, the proceeds of which would be deposited in the State Court Facilities Construction Fund.	I, III, VI	
<a href="#">SB 1732</a>	Escutia	2002	Cosponsor	Establishes a process for the transfer of responsibility for court facilities from the counties to the state.	I, II, III, VI	

#### D. COURT MANAGEMENT

1. *Personnel issues* – The council seeks to maintain the ability of the judicial branch to manage relationships between courts and court employees and independent contractors such as court reporters and court interpreters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1699</a>	Hernandez	2010	Oppose unless amended	Provides that the General Fund and other special funds are to be continuously appropriated in an amount necessary for employee compensation and benefits, so that state employees will be fully paid in the absence of a state budget. The contents of this bill are identical to the provisions of AB 790.	II, III	Inappropriately treats judicial branch employees differently than other public employees.
<a href="#">AB 1749</a>	Lowenthal	2010	Support	Extends the existing provisions of the California Whistleblower Protection Act (CWPA) to the judicial branch.	II	Promotes accountability and transparency.
<a href="#">SB 752</a>	Wiggins	2009	Support	Requires that counties in joint Public Employees Retirement System (PERS) contract with a court, prior to issuing a pension obligation bond (POB) (1) identify court employees as of January 1, 2001 (2) require PERS to complete an actuarial analysis, and (3) reach agreement with the court on the financial and legal impact of the POB on the court's employer contribution rate.	II	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 276</a>	Solorio	2007	Oppose	Provides that a limited-term employee is a regular trial court employee if the limited-term employee has completed 180 days of service, and if the assignment, position, or project of the limited-term employee is an integral part of the long-term, regular work of the trial court. This bill would remove the right to bargain with employee organizations over the use of temporary or limited term employees.	II, III	
<a href="#">AB 553</a>	Hernandez	2007	Oppose	Eliminates or delays the courts' ability to seek injunctive relief when court employees or when county employees strike and essential court employees will not cross a picket line. Removes a court's ability to seek injunctive relief in superior court for the return of a limited number of employees instead. Requires all injunctive relief to be sought through Public Employment Relations Board.	II, IV	
<a href="#">AB 582</a>	Evans	2007	Oppose unless amended and funded	Increases the fee for the original and copies of court reporter transcripts for three consecutive years by a specified amount and then annually by the Consumer Price Index.	I, IV	As amended May 23, 2007 council position changed to take no position on amount of transcript rate increase, if funded, support the uniform transcript standards, and oppose unless amended to address increased costs on low income litigants.
<a href="#">AB 1797</a>	Bermudez	2006	Oppose	Prohibits use of limited-term for work that is an integral part of the long-term, regular work of the trial court.	II	
<a href="#">SB 733</a>	Aanestad	2005	Oppose unless amended	Requires the assets and liabilities of the Superior Court of Butte County and the County of Butte to be kept in separate accounts within the Public Employees Retirement System fund.	II, III	Amendment sought to delete the requirement that assets and liabilities be split and instead require the Judicial Council to report to the Legislature by January 1, 2006 on how to fairly resolve the issues raised in Butte and Solano counties.
<a href="#">AB 782</a>	Kehoe	2003	Oppose unless amended	Grants to the Public Employment Relations Board authority to process claims involving violations of statutes or rules relating to employment relations between trial courts and recognized employee organizations.	II, III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 371</a>	Escutia	2002	Support	Establishes the Trial Court Interpreter Employment and Labor Relations Act, providing for the employment and compensation of certified and registered trial court interpreters.	II, III	
<a href="#">SB 2011</a>	Burton	2002	Support	Establishes the Workers' Compensation Fund. Allows the courts to be uninsured for workers' compensation in the same way the state, as an employer, is uninsured.	II, III	
<a href="#">AB 1571</a>	Shelley	2001	Oppose	Eliminates the statutory "at pleasure" status of the Supreme Court and Court of Appeal employees.	II, III	
<a href="#">SB 2140</a>	Burton	2000	Support	Establishes the trial court as the employer of court employees.	III	

2. *Management and administration* – The council closely examines the fiscal and resource implications of any legislative proposal that places additional responsibilities on court administration. When appropriate, the council informs the Legislature of the need for additional resources to carry out new legislatively imposed responsibilities, or seeks to improve the efficiency of the new procedure.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1773</a>	Allen	2014	Support, if funded	Requires the semiannual contracting reports related to the procurement of contracts by the Judicial Council to include a list of all new contracts and the complete history of contracts amended during the reporting period, including the date, amount, and duration of the original contract and all subsequent amendments.	III	
<a href="#">AB 2332</a>	Wieckowski	2014	Oppose, unless amended	Requires trial courts to meet specified standards in order to enter into a contract for any services that are currently or customarily performed by that trial court's employees.	III	
<a href="#">SB 1313</a>	Nielsen	2014	Sponsor	Eliminates the requirement that the enumerated courts use court reporters in non-mandated case types. Eliminating these requirements will allow the enumerated courts the flexibility that all other courts have to determine if their budget circumstances can accommodate court reporting in non-mandated case types.	III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1008</a>	Torres	2013	Oppose	Eliminates the ability of a judge to perform the duties of a clerk during a session of a superior court or within a judge's chambers as is currently permitted under section 167 of the Code of Civil Procedure.	II	Hampers the ability of the trial courts to manage staffing and duties in the courtroom.
<a href="#">AB 1131</a>	Skinner	2013	Support the provision relating to court reporting, if amended.	Among other things, requires that courts notify the Department of Justice (DOJ) in an electronic format, in a manner prescribed by the DOJ about individuals who have been adjudged by a court to be a danger to others as a result of mental disorder or mental illness, or who have been adjudicated to be a mentally disordered sex offender within two court days of the finding.	IV	Allows for more efficient reporting to the Department of Justice.
<a href="#">AB 1352</a>	Levine	2013	Sponsor	Updates and revises court record retention provisions to allow courts to efficiently and effectively manage court records and reduce unnecessary storage costs.	II	
<a href="#">AB 973</a>	Campos	2011	Support if amended; neutral if not amended.	Requires trial courts, prior to adopting a baseline budget plan for the fiscal year, to accept public input by holding a public hearing where testimony may be presented and by receiving written comments. Requires that, during the current 60-day notice period regarding notice of courtroom closures, or closure or reduction in the hours of clerks' offices, the public be given an opportunity to submit written comments on the court's plan.	II	Support contingent on amendments to provide flexibility to the trial courts on how the opportunity for public comment is provided, rather than mandating a public hearing.
<a href="#">SB 326</a>	Yee	2011	Oppose	Requires the Judicial Council to adopt a rule of court requiring courts to make newly filed or lodged court records available for public inspection at the courthouse no later than the end of the same day on which those records are received by the court.	IV	Unworkable burden on courts.
<a href="#">SB 858</a>	Gaines	2011	Oppose	Provides that the Chief Probation Officer of Nevada County shall be appointed by the Nevada County Board of Supervisors.	II	Codifies a one-sided governance structure that ignores the critical role of the court in probation activities.
<a href="#">AB 1697</a>	Hall	2010	Oppose	Takes the authority to allocate funding for court security away from the Judicial Council. Directs that the allocation to each sheriff be determined by the Judicial Council's Working Group on Court Security; makes all persons who provide court security services employees of and under the direction of the county sheriff.	II	Inappropriately interferes with Judicial Council governance; inappropriately takes funding authority away from the Judicial Council.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1926</a>	Evans	2010	Sponsor	Authorizes courts to create, maintain, and preserve records in any form or forms—including paper, optical, electronic, magnetic, micrographic, or photographic media or other technology—that satisfies standards or guidelines established by the Judicial Council.	VI	Promotes efficient management of court records.
<a href="#">AB 273</a>	Anderson	2009	Oppose	Requires the superior courts to submit all unpaid court-ordered debt to the Franchise Tax Board, regardless of the amount, if the debt is at least 90 days delinquent. Allows the Franchise Tax Board to include in the total amount owed by the debtor that is subject to collection, the “actual and reasonable cost of collection.”	II	
<a href="#">AB 1338</a>	Anderson	2009	Oppose unless funded	Authorizes the presiding judge of the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender, to establish and conduct an arraignment court program. Also authorizes the presiding judge of the superior court to establish extended hours for the operation of an arraignment court program.	III	Unnecessary. Interferes with court management.
<a href="#">AB 2357</a>	Duvall	2008	Oppose unless amended	Requires the Judicial Council to develop and implement policies and procedures for the protection of personal information maintained by a superior court and processed or stored by private service providers, consistent with the best interests of the public. Requires the council, as part of the process of developing these policies and procedures, to consider, among other things, the effect and advisability of prohibiting the outsourcing of data entry services outside the United States.	III, IV	Sought amendment to direct the Judicial Council to take a comprehensive look at protecting personal information and to develop policies and procedures that are in the best interests of the public.
<a href="#">AB 112</a>	Wolk	2007	Oppose	Designates a segment of State Highway Route 12 in Solano and San Joaquin Counties as a Safety Enhancement-Double Fine Zone upon approval of specified county resolutions and until January 1, 2012.	III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 117</a>	Beall	2007	Oppose	Provides that, until January 1, 2010, a county may choose to levy an additional assessment for a highway traffic violation in the amount of \$2 for every \$10 or fraction thereof, upon each base fine, excluding other penalty assessments, fees, or additions. Requires that the collected assessment be deposited in a Traffic Safety Committee Network fund, and that the monies be allocated so that, after deducting administrative costs, 85 percent shall be used in traffic safety programs approved by the county board of supervisors, and 15 percent shall be deposited in the county's courthouse construction fund.	III	
<a href="#">SB 57</a>	Alarcon	2005	Oppose	Authorizes a county board of supervisors to levy a \$2 penalty assessment for every \$10 in base fine, for seat belt, speed limit, DUI and domestic violence offenses.	III	Imposed undue burden on court case-management systems.
<a href="#">SB 324</a>	Florez	2004	Oppose unless amended to include an appropriation to the Trial Court Improvement Fund	Validates the incorrect distribution of fines, forfeitures, and penalties made by the County of Tulare to the State Treasurer for deposit in the Trial Court Improvement Fund in the 1996-97 to 1999-2000 fiscal years.	II, IV	
<a href="#">SB 1801</a>	Flores	2004	Oppose	Prohibits any state or local agency or court that accepts a credit card or debit card as a payment from imposing any processing fee or charge for the use of that card that is not also imposed upon persons who pay by cash or check.	II, III	
<a href="#">AB 3036</a>	Corbett	2002	Oppose unless funded	Increases the accountability of guardians by assisting courts in overseeing guardianship cases and helps ensure proper care and treatment for wards.	II, III	
<a href="#">AB 1421</a>	Thomson	2001	Oppose unless funded	Authorizes a new involuntary outpatient treatment scheme for certain mentally ill persons. Sets forth new court duties for implementing this program.	III	

### E. COURT HOURS

The council seeks to maintain adequate access to the courts.

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<a href="#">AB 996</a>	Anderson	2009	Oppose	Authorizes the courts to operate on a continuous and ongoing basis, 24 hours per day, seven days per week.	II, III	
<a href="#">AB 1641</a>	Keene	2003	Sponsor	Improves procedures authorizing the Chief Justice to issue orders during an emergency.	I, II, IV	

## II. THE JUDICIARY

### A. JUDGESHIPS

The council is committed to ensuring adequate judicial resources in the courts. The council advocates creation of additional trial and appellate court judgeships in order of most severe need, and pursuant to an orderly statewide review.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 1190</a>	Jackson	2014	Sponsor	Funds the already authorized second set of 50 judgeships, authorizes the creation of the third set of 50 judgeships, and modifies the way future judgeships are allocated pursuant to the most recent Judicial Needs Assessment.	I, II, III, IV	
<a href="#">AB 159</a>	Jones	2007	Sponsor	Authorizes the creation of the second set of 50 judgeships, to be allocated pursuant to the council's allocated methodology.	I, II, III, IV	
<a href="#">SB 56</a>	Dunn	2005	Sponsor	Authorizes 50 additional judges based upon the uniform criteria and allocation approved by the Judicial Council pursuant to the Judicial Needs Study. Requires the Judicial Council to report to the Legislature biannually on the continuing need for new judgeships and their allocation based on the same uniform criteria.	I, II, III, IV	
<a href="#">SB 1857</a>	Burton and Hertzberg	2000	Support	Authorizes 20 new trial court judgeships and 12 appellate justice positions.	I, II, III, IV	

### B. JUDICIAL SERVICE

To ensure the branch's ability to attract and retain highly qualified judges, the council supports appropriate increases to judicial salaries, and an adequate, fully funded judicial retirement plan. The council also seeks ways to improve the administration of justice in areas related to judicial retention, including (1) benefits, wellness subsidies, professional development allowances, personal leave, and supplemental life, disability, or

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liability insurance; (2) health-care benefits, including services and programs; (3) compensation and retirement; (4) “quality of judicial life” resources and programs; (5) mentorship programs; and (6) special needs of and programs for new and retired judges.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2299</a>	Feuer	2012	Support	Authorizes the board of supervisors of a county to establish a program whereby the names of certain public safety officials, including judges and subordinate judicial officers, may be redacted upon request from any property record of principal residence that is disclosed to the public.	II	Promotes safety and security of judges and their families.
<a href="#">SB 503</a>	Vargas	2011	Cosponsor	Allows JRS II members who previously served as subordinate judicial officers (SJOs) to purchase JRS II service credit for a fraction of their SJO years.	I	
<a href="#">SB 1425/ AB 1987</a>	Simitian/ Ma	2010	Oppose unless amended	Prohibits the practice of “pension spiking” by excluding from the calculation of pension benefits out of the ordinary compensation increases paid for the principal purpose of enhancing individuals’ pension benefits. Prohibits “double dipping” by requiring at least six months separation before any employee may return to service.	II, III	Fails to address the unique circumstances of the judicial branch. By failing to exclude judges from the double dipping provision, interferes with the assigned judges program’s ability to retain newly retired judges, and the ability to hire retired commissioners while a court awaits a judicial appointment to a converted commissioner position.
<a href="#">AB 32</a>	Lieu	2009	Support	Enhances Internet privacy protections for judicial officers.	II, III	
<a href="#">AB 545</a>	Walters	2008	Support	Amends the Judges’ Retirement System II (JRS II) statute to allow a judge who is on leave from the bench because of active duty service in the military to elect to purchase retirement service credit by repaying his or her missed contributions to JRS II.	II, III	
<a href="#">SB 1187</a>	Ackerman	2006	Sponsor	Permits a judge in the Judges’ Retirement System II who leaves judicial office after five or more years of service and is not eligible to retire to elect to receive the amount in his or her retirement account as an annuity.	II, III	
<a href="#">SB 1364</a>	Battin	2006	Support	Protects privacy of judicial officers.	II, III	
<a href="#">AB 1035</a>	Spitzer	2005	Support	Prohibits any state or local agency from hosting or providing service to an Internet web site that posts a public safety official’s home address or telephone number.	II, III	

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<a href="#">AB 1595</a>	Evans	2005	Support	Prohibits selling or trading for value on the Internet the home address or telephone number of any elected or appointed official has made a written demand to not disclose his or her home address or telephone number.	II, III	
<a href="#">SB 506</a>	Poochigian	2005	Support	Extends existing voter registration confidentiality programs to include a public safety official.	II, III	
<a href="#">SB 528</a>	Ackerman and Dunn	2005	Co-sponsor	Declares the Legislature's intent to evaluate the impact of trial court unification on the judges' retirement systems and the resulting increase in the judges' age at the start of their judicial service.	II, III	
<a href="#">AB 2905</a>	Spitzer	2004	Support	Requires that an employing governmental entity reimburse moving and relocation expenses if it is necessary to move because a judge or court commissioner has received a credible threat that a life threatening action may be taken against him or her or his or her immediate family as a result of his or her employment	II, III	Improve quality of judicial service.
<a href="#">AB 2688</a>	Alquist	2002	Support	Establishes a burial benefit in the amount of \$7,500, subject to cost-of-living increases, for all active and retired judges.	III	

### C. SELECTION AND ELECTION OF JUDGES

The council seeks to avoid politicizing the election process, and supports a process that is fair and clear to candidates and informative to voters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 362</a>	Lowenthal	2011	Support	Revises the number of signatures needed for placing an uncontested judicial election on the ballot for a potential write-in contest. Requires that a write-in candidate for the office of superior court judge include on the statement of intent to run his or her compliance with eligibility requirements for a judge of a court of record.	I, II	
<a href="#">ACA 1</a>	Nation	2001	Oppose	Eliminates elections to fill judicial vacancies, providing instead that the governor shall fill vacancies. Provides that all judges appear on the ballot uncontested, with the question presented whether the candidate shall be elected.	II, III	

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**D. COMMISSIONERS, REFEREES, AND TEMPORARY JUDGES**

The council supports clarification of the status, powers, and duties of commissioners, referees, and hearing officers.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2745	Committee on Judiciary	2014	Sponsor SJO conversion provisions; support remaining provisions	Ratifies the authority of the Judicial Council to convert 10 additional subordinate judicial officer positions to judgeships in FY 2014-2015 where the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer.	I, II, IV	
<a href="#">AB 159</a>	Jones	2007	Sponsor	Authorizes the conversion of 162 subordinate Judicial Officer positions to judgeships upon vacancy.	I, II, IV	

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### III. PROCEDURAL LAW

#### A. APPELLATE PROCEDURE

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1932</a>	Jones	2014	Neutral	Requires a judgment of the appellate division of the superior court in an appeal to contain a brief statement of the reasons for the judgment, and provides that a judgment stating only “affirmed” or “reversed” is insufficient for this purpose.	II, IV	Increases public trust and confidence in the court system by making decisions more transparent.

#### B. CIVIL PROCEDURE

The council supports measures that reduce delay and make court operations more efficient. The council seeks to protect the exercise of judicial discretion in matters of civil litigation. The council generally supports judicial arbitration and other alternative dispute resolution (ADR) programs and procedures that are likely to assist in the equitable disposition of cases, but advocates for limits on the use of court-ordered discovery references to exceptional circumstances.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1659</a>	Chau	2014	Support	Requires that the moving, opposing, and reply briefs and accompanying documents in support of or opposition to a motion for judgment notwithstanding the verdict or in support or opposition to a motion to set aside and vacate a judgment be served and filed in accordance with the deadlines applicable to a motion for new trial.	IV	
<a href="#">SB 1398</a>	Cannella	2014	Oppose	Prohibits a court, in an action brought pursuant to the California Environmental Quality Act challenging certain maintenance activities along the Salinas River from staying or enjoining such maintenance activities unless those activities present an imminent threat to public health and safety or would materially, permanently, and adversely affect unforeseen important Native American artifacts, or unforeseen important historical, archaeological, or ecological values.	I, III	Interferes with court administration and access to justice.

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<a href="#">AB 1167</a>	Dickinson	2013	Support	Clarifies the procedures for levying officers to follow in their efforts to enforce judgments where the underlying writ of execution was issued by the court in an electronic form. Among other things, details the specific information that must be included in a judgment creditor's instructions to the levying officer in such cases. Makes clear that the levying officer may generally proceed in the same manner as if in possession of a paper version of the original writ.	III, IV	
<a href="#">AB 1875</a>	Gatto	2012	No position	Specifies that, unless otherwise ordered by the court, a deposition in a civil case would generally be limited to one day of 7 hours of total testimony. Provides that the court shall allow additional time if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination. Exempts specified individuals and cases.	II, III	
<a href="#">AB 2106</a>	Wagner	2012	Support	Clarifies the time for bringing a motion for a new trial and a motion to set aside and vacate a judgment.	IV	
<a href="#">SB 1214</a>	Cannella	2012	Oppose	Expands the types of projects that would be eligible for expedited judicial review by requiring all CEQA challenges to projects located in a "distressed county" (except for high speed rail projects) be filed directly with the Court of Appeal with geographic jurisdiction over the project.	I, III	Interferes with court administration and access to justice.
<a href="#">AB 1403</a>	Committee on Judiciary	2011	No position	Makes various changes to the statute governing voir dire in civil trials. Among other things, provides that a brief opening statement should be allowed for each party prior to the commencement of the oral questioning phase of the voir dire process; prohibits a blanket policy of time limits for voir dire; provides that in cases where a questionnaire is utilized, the parties should be given reasonable time to evaluate the responses before oral questioning commences; and authorizes the court to provide the parties with both the alphabetical list and the list of prospective jurors in the order in which they will be called.	IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 5</a>	Evans	2009	Sponsor	Amends the Civil Discovery Act to expressly authorize the discovery of electronically stored information, and authorizes the “copying, testing or sampling” of such information. Allows a party to specify the form in which electronically stored information is to be produced, and if no form is specified, the responding party must produce the information in the form or forms in which it is ordinarily maintained or in a form that is reasonably usable. Establishes procedures for motions to compel and motions for protective orders relating to the discovery of electronically stored information. Sets forth a procedure for handling disputes over the production of electronically stored information that is subject to claims of privilege or attorney work-product protection.	III, IV	Improves administration of justice.
<a href="#">AB 839</a>	Emmerson	2009	Support	Requires Medi-Cal service providers with a complaint or grievance concerning the processing or payment of money that the provider alleges is payable under the Medi-Cal program to follow specified Department of Health Care Services complaint procedures. In lieu of allowing providers to seek “appropriate judicial remedies” to appeal the department’s decision, instead specifies that the provider who has complied with these procedures may, within the time period prescribed in existing law, file a petition for a writ of mandate pursuant to Section 1085 of the Code of Civil Procedure in the superior court.	III, IV	Improves administration of justice.
<a href="#">SB 259</a>	Benoit	2009	Oppose	Provides that, if a court voids any results of a homeowners’ association election for one or more Common Interest Development (CID) board members, the court shall not invalidate a decision of the board that was reached after the board was seated pursuant to that election unless the court finds that the action of the board was contrary to law or the governing documents.	II	Interferes with court discretion.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 225</a>	Beall	2008	Support	Re-enacts the elder abuse protective orders statute, and expands its scope to allow the court, in its discretion, on a showing of good cause, to extend the protection to include the petitioner's named family or household members, as well as the petitioner's conservator. Provides that a petitioner shall not be required to pay a fee for law enforcement to serve a protective order issued pursuant to the bill's provisions.	III, IV	Enhances court's ability to provide protection to elder abuse victims, and improves access to justice.
<a href="#">AB 2193</a>	Tran	2008	Support	Enacts the Interstate and International Depositions and Discovery Act. Creates a process for the resolution of a dispute regarding discovery conducted in California in connection with an out-of-state proceeding, and provides that a request for relief in this regard would be filed in the superior court in the county in which the discovery is sought, with payment of specified fees. Permits a party to appeal court orders in connection with a dispute by extraordinary writ to the appropriate court of appeal.	IV	Improves administration of justice and enhances court administration.
<a href="#">AB 2379</a>	Evans	2008	Oppose	Provides that an appeal from an order granting or denying a motion to seal or unseal a court record may be made by filing an extraordinary writ petition or notice of appeal. If a party seeks an appeal, requires that the record relating to the matter and the opening brief be filed within 30 days of notice of entry of the trial court's order. Requires the clerk of the reviewing court to set the appeal for a hearing on the first available court date.	II	Interferes with appellate court calendaring authority.
<a href="#">SB 1608</a>	Corbett, Harman, Steinberg, Runner and Calderon	2008	Neutral	Requires a court, in civil actions involving construction-related accessibility claims, to issue an order, upon request, that grants a 90-day stay of the action and schedules a mandatory early evaluation conference (EEC) if the defendant has satisfied certain requirements relating to inspection of the site at issue by a certified access specialist. Provides that the court must schedule an EEC between 21 and 50 days after issuance of the stay order, and requires that EECs be conducted by a superior court judge or commissioner, or a court early evaluation conference officer, as defined	IV	Encourages early resolution of these cases.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 500</a>	Lieu	2007	Support	Specifies generally that a party may appear by telephone in all general civil cases at case management conferences, and other specified conferences, hearings and proceedings. Provides that a court may require a party to appear in person at such hearings, conferences, or proceedings if the court determines, on a hearing-by-hearing basis, that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.	I, IV	Improves access to the courts and conserves resources.
<a href="#">AB 1264</a>	Eng	2007	Neutral	Prohibits delay reduction rules from requiring the severance of unnamed defendants prior to the conclusion of the introduction of evidence at trial, except upon stipulation or motion of the parties.	IV	Improves administration of justice.
<a href="#">AB 2303</a>	Committee on Judiciary	2006	Sponsor (of specified provisions)	Clarifies the procedures governing a change of name; makes service times for elder abuse protective orders consistent with other protective orders; authorizes courts to receive notice to appear citations for non-parking Vehicle Code violations electronically if the court has the ability to receive the information and reproduce it in a printed form; and extends the sunset date on existing statutory authority for courts to impose modest monetary sanctions upon jurors who fail to respond to a jury summons.	IV	Improves administration of justice and enhances court administration.
<a href="#">SB 1116</a>	Scott	2006	Support	Increases court oversight of moves of conservatees and the sale of their homes.	IV	Improves the court's ability to provide oversight of these cases.
<a href="#">SB 1550</a>	Figueroa	2006	Support	Enacts the Professional Fiduciaries Act, which establishes in the Department of Consumer Affairs a new licensure scheme governing professional conservators, guardians, and other fiduciaries.	IV	Improves the court's oversight of these cases.
<a href="#">AB 355</a>	Tran	2005	Oppose	Authorizes the court in any action involving joint and several liability to "instruct the jury on the effect of finding any party, including, but not limited to, the State of California, partially liable."	II, III	Would create confusion; interferes with judicial function.
<a href="#">AB 496</a>	Aghazarian	2005	Support if amended	Requires the clerk to maintain the original summons in the court file.	III	Improves court administration and conserves resources.
<a href="#">AB 1322</a>	Evans	2005	Co-sponsor	Modifies grounds for disqualification to require more than casual discussions regarding prospective employment with providers of alternative dispute resolution services.	II, IV	Avoids unnecessary disqualifications of judges.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1742</a>	Committee on Judiciary	2005	Sponsor	Deletes the sunset on CCP section 128.7, thereby continuing the courts' ability to impose sanctions for the filing of frivolous lawsuits. Clarifies and streamlines small claims court procedures, extends the sunset of the security fee, and requires that acceptance of an offer to compromise a lawsuit must be in writing.	III, IV	Improves administration of justice and enhances court administration.
<a href="#">SB 575</a>	Torlakson	2005	Oppose unless amended	Establishes calendar preference for actions to enforce provisions of the Anti-NIMBY law.	II, III	Interferes with court administration.
<a href="#">AB 3078</a>	Committee on Judiciary	2004	Sponsor	Makes several non-controversial changes to the statute governing the times for service and filing of motion papers, as well as clarifying the cutoff date for discovery in civil cases. Also clarifies standing of emancipated minors in small claims court, and clarifies to whom a clerk must provide notice when a check for filing fees has been returned for non-payment.	III, IV	Improves administration of justice and enhances court administration.
<a href="#">SB 1249</a>	Morrow	2004	Oppose	Provides that the word "hearing," when applied to any demurrer, motion, or order to show cause, signifies oral argument by moving and opposing parties on a record amenable to written transcription which shall be had unless affirmatively waived by the parties.	II, IV	Unnecessary; interferes with judicial function.
<a href="#">AB 2321</a>	Hertzberg	2002	Sponsor	Clarifies the process for tort claims filed against judicial branch entities.	III	Eliminates confusion and streamlines the handling of cases.
<a href="#">AB 3027</a>	Committee on Judiciary	2002	Sponsor	Makes various improvements to civil procedure.	III	Improves administration of justice and enhances court administration.

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1. *Alternative dispute resolution*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 202</a>	Harman	2005	Support	Provides that filing a petition to compel arbitration pursuant to Code of Civil Procedure section 1281.2 is the exclusive means by which a party to an arbitration agreement may seek to compel arbitration of a controversy alleged to be subject to that arbitration agreement.	III, IV	Would conserve judicial resources by eliminating unnecessary side litigation over issue.

2. *Disqualification Motions (170.6)*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1894</a>	Monning	2010	Support	Extends, for civil cases only, the time period for moving to disqualify a judge from 10 to 15 days and requires the moving party to notify all other parties within 5 days of making the motion.	II, IV	Clarifies timeline for bringing motions, which should help avoid confusion.

3. *Miscellaneous*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 406</a>	Evans	2014	Sponsor	Establishes the Tribal Court Civil Money Judgment Act to govern the process by which a party could seek recognition of a tribal court civil money judgment in California state courts.	I, IV	
<a href="#">AB 2073</a>	Silva	2012	Support	Authorizes the Orange County Superior Court, until July 1, 2014, to adopt a local rule of court that would establish a pilot project mandating parties to civil actions identified by the court to electronically file and serve documents. Requires the Judicial Council to adopt uniform rules that would permit trial courts throughout the state to mandate electronic filing and service of documents in civil cases.	III	
<a href="#">AB 2274</a>	Lara	2012	Support	Extends the vexatious litigant statute to pro per parties who had legal representation at the time of filing their lawsuits.	I	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 731</a>	Committee on Judiciary	2012	Sponsor	Clarifies that the vexatious litigant statute applies to matters in the Courts of Appeal, as well as the trial courts, and that a presiding justice or judge may delegate to another justice or judge of the same court the authority to make the pre-filing determination that an individual is a vexatious litigant or is permitted to file an action; and provides procedures for an application to vacate a pre-filing order and remove a litigant's name from the Judicial Council's list of vexatious litigants.	III	
<a href="#">AB 2119</a>	Tran	2010	Support	Provides that when any law governing civil procedure requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, excluding the date of the hearing.	IV	
<a href="#">AB 2284</a>	Evans	2010	Support	Establishes the Expedited Jury Trials Act. Among other things, defines expedited jury trial as a binding jury trial before a reduced jury panel and judicial officer. Requires the Judicial Council, by January 1, 2011, to adopt implementing rules and forms. Makes the Act operative until January 1, 2016	I, III, IV	
<a href="#">SB 1274</a>	Committee on Judiciary	2010	Sponsor	Authorizes service by electronic notification by defining electronic service to include both electronic transmission and electronic notification. Authorizes electronic service of all types of documents and expands the courts ability to serve certain documents electronically.	III, IV	

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4. *Small claims* – The council advocates a small claims court system that provides a speedy, fair, and inexpensive alternative for resolving conflicts of low monetary value. The council supports adequate funding for small claims human resources in all counties.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 221</a>	Simitian	2011	Support	Increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000.	I	Enhances access to the courts.
<a href="#">AB 712</a>	Evans	2009	Support	Specifies that a small claims court has jurisdiction over an action for an injunction or other equitable relief when a statute expressly authorizes a small claims court to award that relief. Expressly provides that this legislation does not expand and is not encouraging the expansion of the jurisdiction of the small claims court.	I, IV	Improves administration of justice.
<a href="#">AB 1873</a>	Lieu	2008	Sponsor	Clarifies that a court is authorized to charge the same fees for post-judgment motions related to the enforcement of a small claims judgment as a court charges for the enforcement of a regular civil judgment. Authorizes a court to charge and collect a nonrefundable postponement fee of \$10 from either party who makes more than one <i>pre-service</i> request to postpone a small claims trial. Provides that this fee would only be assessed after a party has already been granted one prior postponement.	III, IV	Improves administration of justice and enhances court administration.
<a href="#">AB 2846</a>	Feuer	2008	Support	Provides that if a dispute exists between the owner of a separate interest and a homeowners' association regarding any disputed charge or sum levied by the association, and the amount in dispute does not exceed the jurisdictional limits of the small claims court, the owner of the separate interest may pay under protest the disputed amount and all other amounts levied, including certain fees, costs, and other specified amounts, and commence an action in small claims court.	I, IV	Improves access to the courts.
<a href="#">SB 1432</a>	Margett	2008	Support	Increases the jurisdiction of the small claims court from \$4,000 to \$6,500 for any action brought by a natural person against a defendant guarantor that charges a fee for its guarantor or surety services.	I, IV	Improves access to the courts.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2455</a>	Nakanishi	2006	Support	Provides that the small claims court has jurisdiction in an action brought by a natural person against the Registrar of the Contractors State License Board as the defendant guarantor holding a contractor's cash deposit if the amount of the demand does not exceed \$7,500.	I, IV	Enhances access to the courts.
<a href="#">AB 1459/ SB 422</a>	Canciamilla/ Simitian	2005	Oppose unless amended, support if amended	Increases the jurisdiction in small claims court from \$5,000 to \$7,500 for actions brought by <i>natural persons</i> .	I, III, IV	Enhances access to the courts by raising jurisdictional amount to \$7500, opposition to proposal to expand jurisdiction to \$10,000 because too much complexity for small claims.

5. *Summary adjudication / summary judgment*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 384</a>	Evans	2011	Support	Authorizes a motion for summary adjudication of a legal issue or claim of damages, other than punitive damages, that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty. It does this upon stipulation of the parties whose claims or defenses are put at issue by the motion, and a prior determination by the court, that the motion will further the interests of judicial economy by reducing the time required for trial or increasing the ability of the parties to settle. Clarifies the law governing fees in complex civil cases.	III, IV	
<a href="#">AB 2961</a>	Wayne	2002	Oppose	Authorizes a motion for summary adjudication of a legal issue or claim of damages other than punitive damages that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty, if brought upon stipulation of the parties whose claims or defenses are put at issue by the motion.	II	Interferes with court's management of litigation.

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6. *Unlawful detainer* – The council supports efforts to reduce delays and abuses in unlawful detainer actions, and seeks to ensure that processes are not overly burdensome to the courts.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1126</a>	Eng	2007	Support	Provides that in unlawful detainer actions and other specified summary proceedings involving the possession of real property, a discovery motion may be made at any time upon giving five days notice. Requires the Judicial Council to adopt rules prescribing the time for the filing and service of opposition and reply papers relating to specified motions filed in connection with the above summary proceedings.	II, IV	Improves administration of justice.
<a href="#">AB 664</a>	Jones	2005	Support	Allows the court to list legal service providers not funded by the federal Legal Services Corporation on unlawful detainer notices.	I, IV	Ensures best information on legal service providers for UD defendants.
<a href="#">SB 345</a>	Kuehl	2003	Oppose unless amended	Denies access to unlawful detainer records until 60 days following the date final judgment has been entered in favor of the landlord after a trial or summary judgment motion.	III	Administrative record keeping requirements unduly burdensome on the courts.

### C. CRIMINAL PROCEDURE

1. *Criminal and capital case processing* – The council seeks to expedite the resolution of criminal cases at the trial and appellate level. The council seeks to maintain the courts' ability to efficiently and effectively manage the procedures and administration of the court system while improving the delivery of justice to the public, and to protect the exercise of the judicial discretion in criminal cases.

<a href="#">AB 885</a>	Ammiano	2014	Oppose	Allows the court, in any criminal trial or proceeding in which the court determines that the prosecuting attorney has failed to disclose materials and information required under law, to instruct the jury that the intentional failure to disclose the materials and information has occurred and that the jury may consider the failure to disclose as circumstantial evidence to support the presence of reasonable doubt.	II	Interferes with judicial discretion to delivery jury instructions that are appropriate to the unique facts and circumstances of each trial.
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<a href="#">AB 1014</a>	Skinner	2014	Neutral	Creates a new civil process for the issuance of gun violence restraining orders and authorizes a law enforcement officer or immediate family member of a person, to seek, and a court to issue, a gun violence restraining order, as specified, prohibiting a person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition. Defines a gun violence restraining order as an order, in writing, signed by the court, prohibiting and enjoining a named person from having under his or her custody and control, owning, purchasing, possessing, or receiving any firearms or ammunition. Requires the Judicial Council to prescribe the petitions and orders and any other documents or rules of court necessary to implement the gun violence restraining order process.	I	Author took numerous amendments addressing operational concerns for courts.
<a href="#">AB 1591</a>	Achadjian	2014	Support	Requires that courts notify the Department of Justice in an electronic format about individuals who have been adjudged by a court to be incompetent to stand trial, not guilty by reason of insanity, a danger to others as a result of a mental disorder or mental illness, or a mentally disordered sex offender, within one court day instead of two court days of the finding.	IV	
<a href="#">AB 1610</a>	Bonta	2014	Support	Authorizes the defendant or the people to apply for an order that the witness be examined conditionally when the defendant has been charged with human trafficking and there is evidence that the victim or material witness will not attend the trial because he or she is under the direct control of the defendant or another person involved in human trafficking and by virtue of this relationship, the defendant or another person seeks to prevent the witness or victim from testifying.	IV	By granting courts the authority to order that a witness be conditionally examined in cases involving human trafficking, AB 1610 both enhances judicial discretion and enhances the quality of justice.

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<a href="#">AB 1698</a>	Wagner	2014	Support	Requires a court to issue a written order declaring a false or forged instrument to be judged void at its inception when: (a) a defendant is convicted of offering a false or forged instrument for filing; or (b) a defendant enters a plea in which a charge of offering a false or forged instrument is dismissed, but he or she agrees to let the court consider the dismissed charge for purposes of sentencing. Clarifies that the prosecuting agency must record the court order at the appropriate public office.	IV	Increases the efficiency of courts by avoiding costly quiet title actions.
<a href="#">AB 2186</a>	Lowenthal	2014	Support	Among other things, requires the court, if it finds any one of a list of conditions to be true, to issue an order, authorizing involuntary administration of antipsychotic medication to the defendant when and as prescribed by the defendant's treating psychiatrist at a state hospital or other facility. Requires the court to review the order to administer involuntary medication at the time of the review of the initial competency report by the medical director of the treatment facility and at reviews of the six-month progress reports.	IV	
<a href="#">AB 2190</a>	Maienschein	2014	Sponsor	Allows the court, when appropriate, to conditionally release a defendant found incompetent to stand trial to a placement in the community, rather than in a custodial or in-patient setting, to receive mental health treatment until competency is restored. Requires that when a conservatorship investigation results from a criminal court ordering an evaluation of a defendant, the officer must submit a copy of the report to the defendant or defendant's attorney who may authorize distribution to the criminal court. Clarifies the defendant or defendant's counsel must give prior written consent to release of conservatorship investigation to a criminal court.	I, IV	
<a href="#">AB 2397</a>	Frazier	2014	Support	Expands the types of appearances that can be made using two-way video conference technology between a defendant house in a state, county, or local facility within the county, and a courtroom, to include specified non-critical trial appearances, if the defendant and defense counsel consent to the defendant's physical absence from court.	VI	The use of video technology should improve the efficiency of courts and over time the use of that and similar technology will be more frequent.

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<a href="#">AB 2487</a>	Wagner	2014	Sponsor	Requires court reporters to transcribe shorthand notes of preliminary hearings on homicide charges within ten (10) days following the close of examination. In all other felony charges, the reporter would be required to transcribe his/her shorthand notes within 10 days of a request by counsel or the court.	IV	Would have created new efficiencies for the courts.
<a href="#">AB 2499</a>	Bonilla	2014	Support	Among other things, provides that unless otherwise ordered by the court, mandatory supervision commences upon release from physical custody or an alternative custody program, whichever is later. Also provides that this provision becomes effective and operative on January 1, 2015, and shall be applied prospectively to any person sentenced on or after January 1, 2015. The bill further provides that the time spent on a home monitoring program shall be credited toward any term of imprisonment or fine imposed.	VI	Enhances judicial discretion when courts impose sentences involving mandatory supervision and clarifies an ambiguity in the law about when mandatory supervision begins for a defendant.
<a href="#">AB 2625</a>	Achadjian	2014	Support	Requires the court, in cases where the medical director's report concerning the defendant's progress toward mental competency recovery indicates there is no substantial likelihood the defendant will regain mental competence in the foreseeable future to order the defendant to be returned to the court for further proceedings to determine if the defendant is eligible to be placed under a specified conservatorship no later than 10 days following receipt of the medical director's report. Provides that the court shall transmit a copy of its order to the community program director or his/her designee. Requires that a defendant committed to a state hospital for treatment to regain mental competency, but who has not recovered competence, be returned to the committing court no later than 90 days before the expiration of the defendant's term of commitment.	IV	
<a href="#">AB 2645</a>	Dababneh	2014	Sponsor	Provides that where jurisdiction of a case in which the defendant has been placed on mandatory supervision or probation is transferred, the court in the transferring county shall determine the amount of restitution owed to the victim, unless the determination cannot be made in a reasonable time.	III	

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<a href="#">AB 2683</a>	Cooley	2014	Sponsor	Deletes a category of juror misconduct that constitutes misdemeanor contempt—the willful disobedience by a juror of a court admonishment against any communication or research about a pending trial, including electronic or wireless communications.	III	
<a href="#">AB 2724</a>	Bradford	2014	Sponsor	Provides that the ability to post bail or pay the civil assessment imposed by the court for failure to appear for a proceeding, or failure to pay a fine or bail installment, is not a prerequisite to filing a request that the court vacate the assessment. Provides that the imposition or collection of a civil assessment does not preclude a defendant from scheduling a court hearing on the underlying charge. Provides that the court cannot require the payment of bail, fine, or civil assessment before the person requests that the court vacate a civil assessment, imposed as specified. Provides that if an agreement is signed to pay a lawfully-imposed fine in installments or to perform community service in lieu of the fine, as specified, the magistrate or court clerk is required to issue and file with the Department of Motor Vehicles (DMV) a certificate showing that an agreement has been signed to request that the hold on the defendant's driver's license be lifted.	II	
<a href="#">SB 663</a>	Lara	2014	Support provision relating to trial dates	Among other things, requires that, in scheduling a trial date at an arraignment in superior court where the allegation is that the defendant committed a crime against a person with a developmental disability, courts make reasonable efforts to avoid setting that trial, when that case is assigned to a particular prosecuting attorney, on the same day that another case is set for trial involving the same prosecuting attorney.	I, IV	Gives courts flexibility in scheduling arraignments involving allegations that the defendant committed a crime against persons with developmental disabilities by requiring courts to make “reasonable efforts” to avoid setting trials on the same day a case is assigned to a prosecuting attorney who already has another case rather than requiring courts to do so in all instances.

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<a href="#">SB 1110</a>	Jackson	2014	Support, if amended	Requires a magistrate to inquire as to the active duty or veteran status of the defendant and requires specified actions if the defendant acknowledges military service, including filing Judicial Council Form MIL-100 and transmitting the form to the county veterans services officer for confirmation of military service. Provides that a defendant may decline to provide military service information without penalty. Requires, if the defendant is not represented by counsel, that the magistrate not make an inquiry into the defendant's current or past military status and requires that the court advise the defendant that certain current or former members of the United States military who meet certain qualifications are eligible for specific forms of restorative relief.	IV	Should result in better and more timely results for criminal cases involving individuals with military-related service who have not been identified as such by raising the awareness of veterans about their options during criminal proceedings. Thus, it should result in individuals who have military-related being assigned to Veteran's Court in a timely manner in the counties where they are available as well providing defendants easier access to services provided at local, state, and federal level.
<a href="#">SB 1193</a>	Evans	2014	Oppose, unless amended	Reduces the amount of marijuana seized by a law enforcement agency that must be retained for evidence from, at least ten pounds to at least two pounds. Reduces the required representative sample size of seized marijuana from one ten-pound sample to one two-pound sample. Requires counsel for the defendant to have 30 days from the date of seizure to examine the two-pound sample and five representative samples prior to destruction if criminal proceedings are pending, as specified.	II	Language is unclear as to whether it contemplates that a criminal court take the action relating to marijuana and related paraphernalia that is damaged or destroyed or whether the author intends that it be done through the existing public entity claims process.
<a href="#">SB 1222</a>	Block	2014	Sponsor	Requires that the reasons for dismissal in a criminal case be set forth either on the record or in an order entered upon the minutes. Requires the court to set forth the reasons for dismissal in an order entered upon the minutes if requested by either party or if the proceedings are not being recorded electronically or reported by a court reporter.	III	
<a href="#">SB 1412</a>	Nielsen	2014	Support	Applies and adapts the procedures and standards currently governing persons found incompetent to stand trial to cases where a defendant subject to mandatory supervision or post-release community supervision faces revocation of his or her conditional release due to incompetency.	IV	

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<a href="#">AB 492</a>	Quirk	2013	Support	Requires transferring courts to make the determination of the probationer's county of residence for Proposition 36 probation cases.	I	
<a href="#">AB 568</a>	Muratsuchi	2013	Support	For purposes of introducing hearsay statements at a preliminary hearing, provides that allowances for testimony of law enforcement officers extend to nontraditional law enforcement officers.	I	Codifies existing case law.
<a href="#">AB 651</a>	Bradford	2013	Oppose	Authorizes courts, in their discretion and in the interest of justice, to grant dismissals (commonly referred to as "expungements") for eligible petitioners who were convicted of a felony and sentenced to jail upon a petition for a change of plea or setting aside of a verdict. Releases the defendant from all penalties and disabilities resulting from the offense of which he or she has been convicted, except as specified. Authorizes courts to require individuals filing such a petition to reimburse the court for the actual costs of services rendered, whether or not the petition is granted and the records are sealed or expunged, at a rate to be determined by the court not to exceed one hundred fifty dollars (\$150).	II	Interferes with the discretion of courts to provide incentives to individuals convicted of crimes to opt for probation or split-sentences over jail time.
<a href="#">AB 723</a>	Quirk	2013	Oppose	Allows a person on postrelease community supervision (PRCS) who has a revocation petition filed against him or her to file an application for bail or release on his or her own recognizance with the superior court. Provides that it is within the sole discretion of the court to admit a person to bail pending revocation of PRCS. States that a bail application will be governed by the procedures set forth in existing provisions of law governing bail. Specifies that a court is not prohibited from making any order authorized by existing provisions of law governing bail.	I	Greatly increases the number of bail hearings by permitting bail hearings for individuals on PCRS subject to a revocation petition.
<a href="#">AB 805</a>	Jones-Sawyer	2013	Support	Provides that in setting, reducing, or denying bail, a judge may consider "factors such as" a report prepared by investigative staff.	I	

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<a href="#">AB 807</a>	Ammiano	2013	Oppose	Among other things, requires, when law enforcement has adopted procedures for conducting photo and live lineups with eye witnesses, that courts give jury instructions about those procedures that are substantially similar to instructions set forth in the bill.	II	Interferes with judicial discretion by requiring courts to give jury instructions that are substantially similar to those set forth in the bill.
<a href="#">AB 1004</a>	Gray	2013	Sponsor	Streamlines the process for obtaining arrest warrants by permitting them to be submitted by computer servers, and by allowing magistrates to sign arrest warrants digitally or electronically.	IV	This bill contains one of the 17 efficiency proposals approved for Judicial Council sponsorship in December 2012.
<a href="#">AB 1118</a>	Hagman	2013	Oppose	Among other things, requires the Judicial Council to prepare, adopt, and annually revise a statewide bail schedule for all bailable offenses, except Vehicle Code infractions, and to appoint a group of judges who represent counties varying in size from throughout the state to develop and approve the statewide bail schedule.	IV	Requires Judicial Council to adopt a model statewide bail schedule with no ostensible purpose.
<a href="#">SB 366</a>	Wright	2013	Oppose	Implements broad changes to the laws that govern how civil assessments are imposed and processed.	II	Would significantly increase the workload of courts that are already understaffed.
<a href="#">SB 378</a>	Block	2013	Support	Provides that an electronically digitized copy of an official record of conviction that has been certified in accordance with specified requirements is admissible to prove the commission, attempted commission, or solicitation of a criminal offense, prior conviction, service of a prison term, or other act, condition, or event recorded by the record.	IV	This bill contains one of the 6 efficiency proposals approved for Judicial Council sponsorship in April 2013.
<a href="#">SB 513</a>	Hancock	2013	Support	Provides that two years after a person has successfully completed a prefile diversion program, he or she may petition the court for an order sealing the arrest records and related court files and records. Provides that a court is only required to have a hearing on the petition if the prosecution so requests.	IV	

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<a href="#">SB 530</a>	Wright	2013	Oppose	Among other things, eliminates the requirement that a defendant present satisfactory evidence of five years' residence in this state prior to the filing of the petition for a certificate of rehabilitation and a pardon from a conviction of either a felony or misdemeanor violation of a sex offense, the accusatory pleading of which has been dismissed. Permits an individual convicted outside the state of an offense that would be a felony or a misdemeanor sex offense if the conviction had occurred in the state, to file a petition for a certificate of rehabilitation if the petitioner: (a) has not been incarcerated since the dismissal of the accusatory pleading; (b) is not on probation for the commission of any other felony; and (c) presents clear and convincing evidence that he or she has been a resident of the United States, its territories, or a military base for the five consecutive years prior to filing the petition. Requires such petitioners, at least 90 days prior to the date set for a hearing, to give notice of the filing of the petition to the district attorney in each county, or the equivalent jurisdiction, where a felony or misdemeanor offense occurred, and each county where the petitioner has resided for the previous five years.	I	Provisions relating to certificates of rehabilitation, because these raise interstate jurisdictional issues.
<a href="#">SB 569</a>	Lieu	2013	Oppose	Requires a court to provide the jury with an instruction to be developed by the Judicial Council that advises the jury to view the statements made in that custodial interrogation with caution.	II	Interferes with judicial discretion to draft jury instructions.
<a href="#">SB 717</a>	DeSaulnier	2013	Support	Authorizes the issuance of a search warrant to allow law enforcement officers to take a sample of blood or other bodily fluid that may be used as evidence in misdemeanor driving under the influence cases when a person refuses to submit to or complete a blood test as requested by the officer.	IV	Enacted in response to the U.S. Supreme Court ruling in <i>Missouri v. McNally</i> that a search warrant is generally required to conduct a blood test of an individual suspected of driving under the influence.
<a href="#">SB 794</a>	Evans	2014	Support	Reduces the number of peremptory challenges available in all misdemeanor trials from 10 to 5, and reduces the number of "non-joint" peremptory challenges in multiple defendant cases from 4 to 2.	IV	

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<a href="#">AB 1913</a>	Skinner	2012	Oppose	Authorizes persons on postrelease community supervision (PRCS) to apply for bail during the pendency of court revocation proceedings. Specifies that admittance to bail pending revocation of PRCS is within the sole discretion of the court. Provides that a bail application pursuant to the bill's provisions shall be governed by existing statutory procedures for the setting of bail.	I	Creates inconsistent processes for courts based on the type of supervision.
<a href="#">SB 210</a>	Hancock	2012	Oppose	Requires that a judge determine whether a defendant charged with a felony, the sentence for which may be served in county jail, is eligible for release on his or her own recognizance. Sets forth a nonexclusive list of factors a court may, but is not required to, consider in granting OR release.	I, II	Effectively requires courts to consider a host of factors in all cases, and sets up grounds for review if courts fail to do so.
<a href="#">SB 1124</a>	Cannella	2012	Oppose	Requires, rather than allows, the court, following every conviction resulting in commitment to state prison or county jail, to order the defendant to file a statement setting forth his or her assets, liabilities, and income, and requires the court to conduct a hearing and make a determination of the ability of the defendant to pay all or a portion of the reasonable costs of incarceration.	IV	
<a href="#">AB 109</a>	Committee on Budget	2011	No position	Enacts broad changes to the criminal justice system by realigning postrelease supervision of inmates from the state to the county and redefining felony to be punishable, with specified exceptions, in county jail instead of state prison.	IV	The Judicial Council took no position on the policy as outside the council's purview, but due to the magnitude of the realignment and impacts on the courts, the council directed staff to submit a letter to the Governor and Legislature on behalf of the Judicial Council expressing grave concerns about the concept of shifting parole jurisdiction to the judicial branch and the critical need to provide adequate resources.
<a href="#">AB 1284</a>	Hagman	2011	Oppose	Permits the court, in lieu of revoking probation, to allow the defendant to post bond to secure appearance at any future hearing regarding a violation of the court-imposed conditions of probation. Requires the court to notify the defendant, the surety, and the bail agent of the probation revocation hearing.	I, II	

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<a href="#">AB 447</a>	Nestande	2010	Oppose	Makes mandatory on the court and defendant several provisions permissive under current law relating to the court's determination of a defendant's ability to pay for counsel.	II, III	Imposes enormous unnecessary workload; existing law and practices are effective.
<a href="#">AB 2056</a>	Miller	2010	Oppose	Adds cases involving assault with the intent to commit rape to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case.	II	Inappropriately interferes with the court's function to have the court determine whether there is good cause for a continuance on a case-by-case basis.
<a href="#">AB 2505</a>	Strickland	2010	Support	Allows an oath by an affiant seeking a search warrant to be made using a telephone and computer server, in addition to a fax machine or e-mail, and allows the affiant's signature to be in the form of an electronic signature.	III	
<a href="#">SB 1449</a>	Leno	2010	Support	Reclassifies from a misdemeanor to an infraction simple possession and possession while driving of not more than 28.5 grams of marijuana.	III, IV	Increases court efficiency.
<a href="#">SCA 27</a>	Harman	2010	Support	Authorizes the Supreme Court to transfer a case to a Court of Appeal when a judgment of death has been pronounced and requires the Supreme Court to review the resulting decision of the Court of Appeal affirming or reversing that judgment.	IV	
<a href="#">AB 250</a>	Miller	2009	Support	Requires a criminal defendant's withdrawal of a waiver of his or her speedy trial time limits to be done in open court.	III, IV	Improves court efficiency by ensuring all parties have notice of change in case status.
<a href="#">SB 431</a>	Benoit	2009	Support	Improves probation transfer procedures.	III, IV	
<a href="#">SB 678</a>	Leno and Benoit	2009	Support in concept	Creates the California Community Corrections Performance Incentive Act to provide sustainable funding for improved, evidence-based probation supervision practices and capacities to improve public safety outcomes among adult felons who are on probation.	IV	Furtheres Judicial Council goals to improve sentencing practices and outcomes.

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<a href="#">AB 2166</a>	Tran	2008	Support	Clarifies appellate jurisdiction in bail forfeiture proceedings by allocating these cases between the Courts of Appeal and the superior court appellate divisions the same way they were allocated before unification of the municipal and superior courts. Bases jurisdiction of a bail forfeiture appeal on the underlying criminal charge and the stage of the proceeding at which bail was forfeited.	III, IV	
<a href="#">SB 1257</a>	Morrow	2006	Oppose	Revises and regulates the capital appeals process.	II	
<a href="#">SB 330</a>	Cedillo	2005	Support	Requires a criminal action to be dismissed if a defendant in a misdemeanor or infraction case is not brought to trial within 30 days after the date of the reinstatement of criminal proceedings pursuant to the provisions of law governing the mental competency of defendants.	III	Allows for more efficient case management.
<a href="#">AB 2011</a>	Firebaugh	2004	Oppose	When determining whether to allow a defendant who has pleaded guilty or no contest to be admitted to or to remain out on bail, requires a court to consider the same factors that must be considered after a verdict has been rendered against a defendant.	II	Unnecessary; will result in lengthy hearings.
<a href="#">AB 2173</a>	Parra	2004	Oppose unless amended	Provides that the court must require a person convicted of a DUI to sign and date a statement that indicates that the person is aware that individuals who drive under the influence pose a serious threat to the lives of innocent persons. Requires the court to include on the abstract of judgment that the person has signed and dated the statement, or attach the statement to the abstract.	III	Will significantly lengthen court proceedings. Neutral if amended to provide defendant with information more efficiently.
<a href="#">SB 58</a>	Johnson	2004	Support in concept	Directs courts and district attorneys to establish means of protecting confidentiality of information in police reports.	IV	Protects local control; clarifies authority to establish procedures.
<a href="#">SB 977</a>	Johnson	2004	Oppose	Prohibits the live or delayed broadcasting of any criminal action until a verdict is rendered.	II, IV	Unnecessary; interferes with judicial function.
<a href="#">AB 1306</a>	Leno	2003	Sponsor	Provides that if a person is sentenced under Proposition 36, probation jurisdiction shall be transferred to the defendant's county of permanent residence at the discretion of the sentencing judge.	III, IV	
<a href="#">AB 1435</a>	Koretz	2003	No position	Authorizes a court in a criminal case to order a party who has violated discovery disclosure requirements or any lawful court order to pay a monetary sanction.	N/A	Unnecessary; judges currently have this authority.

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<a href="#">AB 1653</a>	Mullin	2003	Oppose	Allows an attorney for a party to a criminal proceeding to appeal a sanction order or finding of contempt against him or her to the court authorized to hear an appeal of the judgment in the main action. Requires the court to stay the execution of the order or imposition of punishment pending appeal.	II	Unnecessary; interferes with judicial function.
<a href="#">SB 761</a>	McPherson	2003	Oppose unless amended	Prohibits accepting an undertaking of bail if any summary judgment entered against an undertaking issued by the bail agent or agency remains unpaid.	II, III	April 30, 2003 amendments eliminate requirement that the court determine solvency of bail agency. Opposition withdrawn.
<a href="#">AB 2159</a>	Cardoza	2002	Oppose unless amended	Requires courts, after arraignment, upon conviction, and when a judgment has been pronounced, to determine if a defendant has custody of any child under the age of 18 years, and inquire as to the proper care of that child if the defendant is in custody or remanded to custody.	II, III	Inefficient; ineffective; significantly lengthens court proceedings.
<a href="#">AB 2211</a>	Horton	2002	Oppose	Provides that a representative of the community affected by a crime may submit a Community Impact Statement.	II, III	Unnecessary; results in lengthy hearings.
<a href="#">AB 2563</a>	Vargas	2002	Oppose	Requires the agency discharging a person who posts bail on charges of domestic violence to serve that person with a protective order, without court involvement but enforceable as a court order.	II	Interferes with judicial functions.
<a href="#">AB 241</a>	Dickerson	2001	Oppose	Prohibits the court from striking prior convictions in DUI cases.	II	Interferes with judicial functions.
<a href="#">AB 299</a>	Pacheco, Rod	2001	Support	Grants a court exercising jurisdiction over multiple offenses involving criminal sexual acts and stalking that occurred in more than one jurisdictional territory jurisdiction over properly joinable offenses.	II	Streamlines court procedures.

2. *Sentencing and other judicial decisionmaking* – The council seeks to preserve judicial discretion and the independence of the judicial function in sentencing matters. The council does not take positions on the length or severity of sentences for crimes, but supports efforts to simplify the criminal sentencing structure.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1585</a>	Alejo	2014	Support, of amended	Provides that a defendant who has been convicted of solicitation or prostitution may petition the court to set aside the conviction if the defendant can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking.	II, III	Proposed amendments would uphold the public policy underlying the bill while ensuring the remedy is not extended in a manner that would duplicate prior criminal proceedings.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2098</a>	Levine	2014	Support, if amended	Requires the court to consider a defendant's status as a combat veteran suffering from sexual trauma, traumatic brain injury, post traumatic stress disorder, substance abuse, or other mental health problems as a result of his or her military service, as a factor in favor of granting probation, and as a factor in mitigation when choosing whether to impose the lower, middle, or upper term of a state prison sentence. Clarifies that consideration of veteran status in sentencing does not preclude the court from considering similar trauma, injury, substance abuse, or mental health problems due to other causes, as evidence or factors in mitigation.	II, III	Amendments would have preserved judicial discretion when considering the impact of military service as a factor in mitigation.
<a href="#">AB 2124</a>	Lowenthal	2014	Support	Authorizes a judge, at his or her discretion, to defer sentencing a defendant who has submitted a plea of guilty or nolo contendere for a period not to exceed 12 months and to order the defendant to comply with terms, conditions, and programs, as specified.	II	Gives courts greater flexibility to fashion remedies that are most appropriate for the facts and circumstances of an individual defendant and has the potential to free up precious judicial resources.
<a href="#">SB 210</a>	Hancock	2014	Support	Provides that a sheriff, probation department or other local government agency may, with the concurrence of the board of supervisors, employ an investigative staff to determine whether or not a defendant may be released on his or her own recognizance. Requires that only one entity shall issue a report. Provides that in setting conditions for pretrial release and in setting, reducing or denying bail, the court shall consider, in addition to the protection of the public, the defendant's criminal record and the seriousness of the charged offense. Also provides that when considering the history and circumstances of the defendant, the court may consider the results of an evidence-based pretrial risk assessment instrument that is predictive of the defendant's risk to public safety and the probability of him or her failing to appear at court hearings.	II	Author took a number of amendments to address previous concerns including amendments that enhance judicial discretion by stating that when deciding to release a defendant on his or her own recognizance, the judge may consider the results of an evidence-based pretrial risk assessment instrument rather than the specific factors previously set forth in the bill.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 1227</a>	Hancock	2014	Support, if amended	Creates a pretrial diversion program when a member or former member of the United States military is accused of a misdemeanor and the defendant is suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse or mental health problems resulting from his or her military service.	II	In general the Judicial Council is supportive of diversion programs because they enhance judicial discretion in fashioning remedies that are most appropriate to the individual facts and circumstance of the defendant and have the potential to free up precious judicial resources. The proposed amendments would enhance judicial discretion by requiring the court to determine whether there was causal connection between the military service and resulting condition and the crime.
<a href="#">AB 560</a>	Ammiano	2013	Oppose unless amended; support if amended	Requires, instead of authorizes, courts to impose a split sentence with a minimum of six months of mandatory supervision in every felony case resulting in a county jail term. Authorizes the court, when a defendant is sentenced to county jail, to, upon its own motion or upon the recommendation of the sheriff, recall the sentence and resentence the defendant, provided the new sentence is no greater than the initial sentence (paralleling the process in current law relating to state prison sentences).	I, II	Interferes with judicial discretion in sentencing by requiring split sentences.
<a href="#">AB 604</a>	Ammiano	2013	Oppose the provision requiring courts to give specified jury instructions. No position on the remaining provisions.	Among other things, requires, when law enforcement has adopted procedures for conducting photo and live lineups with eye witnesses, that courts give jury instructions about those procedures that are substantially similar to instructions set forth in the bill.	II	Interferes with judicial discretion to deliver jury instructions appropriate to the facts and circumstances of each individual case.  Gutted and amended September 6, 2013, to impose state regulation and enforcement of medical cannabis.
<a href="#">AB 651</a>	Bradford	2013	Oppose	Authorizes courts, in their discretion and in the interest of justice, to grant dismissals (commonly referred to as “expungements”) for eligible petitioners who were convicted of a felony and sentenced to jail upon a petition for a change of plea or setting aside of a verdict.	II	Interferes with court’s discretion to provide incentives to individuals convicted of crimes to opt for probation or split sentences.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 765</a>	Ammiano	2013	Oppose	Provides that, effective January 1, 2014, the court may not impose an upper term sentence based on aggravating facts unless those facts were first presented to the factfinder and the factfinder found the facts to be true.	II	Diminishes court's discretion by preventing court's from imposing upper term in the absence of certain findings.
<a href="#">SB 260</a>	Hancock	2013	Oppose	Requires a sentencing court, upon motion by an inmate, after 60 days' notice to the prosecution, to hold a hearing to review the sentence of a person who meets specified criteria. Allows the judge to suspend or stay all or a portion of the sentence, reduce the sentence to any sentence that could lawfully have been ordered at the time of the original judgment, or both reduce and suspend or stay all or a portion of the sentence. Authorizes the court to consider specified evidence relating to the person's rehabilitation and the circumstances at the time of the offense, in conjunction with any other evidence the court considers relevant, in making this determination. Requires the court to state on the record the criteria relied on in reaching its decision and to provide a statement of reasons for reliance on that criteria. Permits each person granted review whose sentence is not suspended, stayed, or reduced, to file a new petition for review 3 or more years after the prior hearing. Requires the court to grant a review hearing if the petition demonstrates, by a preponderance of the evidence, a change in the evidence the court considered in denying the person's prior petition.	IV	Increases burden on courts because petitions will be routinely filed every three years by virtually all eligible individuals, even those without merit.
<a href="#">SB 419</a>	Block	2013	Support	Extends the authority for "flash incarceration" to include persons subject to probation and mandatory supervision.	I	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 569</a>	Lieu	2013	Oppose	Requires, among other things, that a custodial interrogation of a minor 16 years or older who is suspected of committing an offense for which he or she may be tried as an adult be electronically recorded in its entirety. Requires the Judicial Council to develop a jury instruction on the electronic recording that is “substantially similar” to jury instruction language set forth in the bill. Requires a court to provide the jury with an instruction to be developed by the Judicial Council that advises the jury to view the statements made in that custodial interrogation with caution.	II	Interferes with judicial discretion to draft and deliver jury instructions.
<a href="#">AB 520</a>	Ammiano	2011	Oppose	Provides that the court may not impose an upper term based on aggravating facts unless facts were first presented to the fact-finder and the fact-finder found the facts to be true.	II, IV	
<a href="#">AB 1264</a>	Hagman	2011	Oppose	Repeals the requirement that the superior court adopt a uniform countywide schedule of bail and instead establishes a Statewide Bail Commission. Requires the commission to revise annually a statewide bail schedule for all bailable felony, misdemeanor, and infraction offenses except Vehicle Code infractions.	I, II	
<a href="#">AB 908</a>	Berryhill, Tom	2009	Oppose	Requires the court, if probation is granted, to order the payment of the reasonable costs of any probation supervision or conditional sentence as a condition of probation.	II, III	Introduces inappropriate issues into judge’s sentencing decision.
<a href="#">SB 59</a>	Huff	2009	Oppose	Adds cases involving the California Street Terrorism Enforcement and Prevention Act to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case.	II	
<a href="#">AB 2609</a>	Davis	2008	Oppose unless amended	Requires, when appropriate and feasible, that a court order a defendant convicted of vandalism to clean up, repair, and replace the damaged property or keep the damaged property or another property in the community free of graffiti for up to one year.	II	Sought amendment to give the court sufficient flexibility to ensure that the required sanction will be imposed when appropriate and feasible.
<a href="#">AB 1660</a>	La Malfa	2007	Oppose	Deletes the court’s authority to exclude a victim or a designated victim’s representative from a criminal proceeding.	II	Inappropriately interferes with court’s authority.

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<a href="#">AB 1551</a>	Runner, Sharon	2005	Oppose unless amended	Among other things, prohibits a court from striking an allegation, admission, or finding of a prior conviction pursuant to Penal Code section 1385 for defendants who are convicted of certain sex offenses.	II	Sought amendment to strike the provision eliminating the court's authority under Penal Code section 1385 to dismiss an action in the furtherance of justice.
<a href="#">AB 623</a>	Lieber	2003	No position	Requires the judge in a toxics case to consider whether the defendant has expressed remorse for the acts and whether the defendant has made an appropriate public apology that reflects that nature of the violation and the number of potential victims.	N/A	Outside purview.
<a href="#">SB 1497</a>	Polanco	2002	Oppose	Sets up a one-time review of the custody status of life prisoners who have been in prison beyond a date specified in certain regulatory matrices.	II	Impossible to implement.

#### D. TRAFFIC LAW

The council advocates use of simplified procedures in minor traffic cases to guarantee expedited disposition. The council supports development of statewide uniform rules, procedures, and forms to provide efficient handling of traffic cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2085</a>	Fox	2014	Withdrew oppose position; took no position.	Authorizes a court and county, upon agreement by both entities, to establish a one-time amnesty program for fines and bail due on or before January 1, 2012, for certain infraction or misdemeanor violations of the Vehicle code and Penal code, on or after January 1, 2016 until December 31, 2016.	IV	
<a href="#">AB 366</a>	Wright	2013	Oppose	Implements broad changes to the laws that govern how civil assessments are imposed and processed.	II	Significantly increases the workload of courts that are already understaffed.
<a href="#">AB 2499</a>	Portantino	2010	Support	Consolidates all traffic violator school programs under the licensing authority of the Department of Motor Vehicles (DMV). Requires courts to transmit to DMV abstracts of judgment for convictions of traffic violations rather than the court dismissing the case upon completion of the TVS program.	III, IV	Relieves judicial branch of inappropriate regulatory role. Provides DMV better ability to enforce driver safety program.
<a href="#">AB 758</a>	Plescia	2007	Support	Requires the Department of Motor Vehicles, on or before July 1, 2008, to submit a report to the Legislature containing a comprehensive plan with specified components by which the licensing of all driving instruction programs offered to traffic violators may be consolidated under the authority of the department.	III, IV	

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<a href="#">AB 1464</a>	Benoit	2007	Sponsor	Allows the court, after proper notice to the owner/violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the Department of Motor Vehicles for a hold to be placed on the registration of the vehicle involved in the offense.	III, IV	
<a href="#">AB 1932</a>	Benoit	2006	Support	Provides for the licensing and regulation of home study-based traffic violator schools by the Department of Motor Vehicles and declares the intent of the Legislature to have the Department of Motor Vehicles uniformly regulate all traffic violator schools.	II	Appropriately places regulatory function with the Executive Branch.
<a href="#">SB 1697</a>	Torlakson	2004	Support	Consolidates administration of all sanctions related to the driving privilege imposed as a result of a driving-under-the-influence conviction with the Department of Motor Vehicles.	IV	Increases efficiency; provides better service to the public.

#### E. JURY SYSTEM

The council supports efforts to ensure adequate numbers of jurors, achieve full use of jurors once they are summoned, ensure fair representation of the community served by the court, and provide adequate compensation of jurors. The council seeks to maintain plain-English jury instructions that accurately convey the law using language that is understandable to jurors.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1708</a>	Alejo	2014	Oppose	Excludes additional peace officers, including certain parole officers, probation officers, deputy probation officers, board coordinating parole agents, correctional officers, transportation officers of a probation department, and other employees of the Department of Corrections and Rehabilitation, the State Department of Mental Health, and the Board of Parole Hearings, from voir dire in civil and criminal matters.	IV	Courts have a constitutional obligation to ensure that jury pools are representative of the community and that there are enough prospective jurors in the courthouse each day to avoid having to dismiss last-day criminal trials for lack of jurors.
<a href="#">SB 1133</a>	Anderson	2014	Oppose	Exempts designated employees of the Department of Fish and Game, whose primary duty as peace officers is enforcement of the law, from voir dire in both civil and criminal matters.	IV	Courts have a constitutional obligation to ensure that jury pools are representative of the community and that there are enough prospective jurors in the courthouse each day to avoid having to dismiss last-day criminal trials for lack of jurors.

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<a href="#">AB 301</a>	Wagner	2013	Oppose	Requires the clerk of the superior court to include, in statements reporting individuals convicted of a felony to the chief elections official in its respective county, the name, address, and date of birth of each person who has, since the clerk's last statement, declared in response to a jury summons from the superior court, that he or she is not qualified to serve as a juror, because he or she is not a citizen of the United States. Requires the elections official to cancel the affidavit of registration of each person so listed by the clerk.	IV	Places new burdens on courts relating to voters—a matter not within the purview of courts.
<a href="#">SB 794</a>	Evans	2013	Support	Reduces the number of peremptory challenges available in all misdemeanor trials from ten to five, and reduces the number of “non-joint” peremptory challenges in multiple defendant cases from four to two.	IV	
<a href="#">AB 141</a>	Fuentes	2011	Support	Requires the court, when admonishing the jury against conversing about a trial, to clearly explain that the prohibition applies to all forms of communication, research, and dissemination of information, including electronic and wireless devices. Provides that violation of this admonishment constitutes criminal and civil contempt of court.	I	
<a href="#">SB 319</a>	Harman	2009	Sponsor	Eliminates the sunset and reporting requirement on provisions allowing courts to impose monetary sanctions for failure to appear in response to a jury summons. Decreases the amount of time that must elapse before a compliance action may be initiated.	III, IV	
<a href="#">AB 1769</a>	Galgiani	2008	Oppose	Exempts all peace officers from jury duty in civil and criminal matters.	IV	Fundamentally opposed to categorically exempting individuals from jury duty.
<a href="#">AB 1828</a>	Huff	2008	Oppose	Excuses from jury service, upon request, a prospective juror who has served as a precinct officer or precinct board member on a statewide or local election during the previous 12 months.	IV	
<a href="#">AB 1557</a>	Feuer	2007	Support	Reduces peremptory challenges to six per side in all misdemeanor cases, rather than only those misdemeanors resulting in imprisonment for 90 days or less.	IV	

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<a href="#">SB 171</a>	Alquist	2006	Oppose	Requires that any custodial interrogation of an individual relating to a felony offense be electronically recorded, and codifies a jury instruction to be used verbatim if a court finds that a defendant was subjected to an unlawful custodial interrogation.	I, IV	
<a href="#">SB 1281</a>	Romero	2006	Support	Prohibits a state agency from entering into a contract for the acquisition of goods or services with a contractor who does not have and adhere to a written policy providing his or her employees with not less than five days of regular pay for actual jury service.	IV	
<a href="#">AB 1180</a>	Harman	2003	Sponsor	Clarifies that when a person is summoned but fails to appear for jury service the court may impose reasonable monetary sanctions on the prospective juror following an order to show cause hearing.	III, IV	Strengthen courts' ability to enforce orders.
<a href="#">AB 2925</a>	Migden	2002	Support	Eliminates reimbursement for the first day of travel to the court for jury duty; increases reimbursement rate for second and subsequent days from 15 cents to 34 cents per mile, one way.	IV	Part of larger effort to improve jury system.

#### F. INTERPRETERS

To ensure access to justice, the council seeks to attract quality interpreters and meet the courts' caseload demands. The council supports increased compensation and standardized payment practices and procedure for court interpreters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1657</a>	Gomez	2014	Sponsor	Declares the intent of the Legislature to provide interpreters to all parties who need language services in all civil matters, authorizes a court to provide an interpreter to a party in civil matters, regardless of income, and creates a priority order for such services based on the availability of funding.	I, IV	
<a href="#">AB 1127</a>	Chau	2013	Neutral	Allocates \$6 million from the Trial Court Trust fund for a pilot program publicly funding interpreters in civil cases in three counties.	I, IV	
<a href="#">AB 618</a>	Furutani	2011	Oppose	Requires the court to provide separate interpreters for defendants and witnesses, and for codefendants in specified proceedings.	I	Strains court's ability to provide interpreters.

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<a href="#">AB 663</a>	Jones	2009	Sponsor interpreter related provisions; no position on legal aid provision	Requires the Judicial Council to establish a working group to develop best practices to expand the use of interpreters and a pilot project to test the workability of the developed best practices.	I, III, IV	
<a href="#">AB 2227</a>	Chu	2006	Support	Requires the Judicial Council to establish the Blue Ribbon Panel on Language Access in the Courts. Requires the panel to report to the Legislature and the Judicial Council on the existing interpreter certification system.	I, IV	
<a href="#">AB 2302</a>	Committee on Judiciary	2006	Support if funded	Requires that an interpreter be present whenever needed in any civil matter, including family law and probate, or in any court-ordered or court-provided alternative dispute resolution, including mediation and arbitration. Specifies the priority for use of funding and interpreters provided for civil matters.	I, IV	
<a href="#">SB 927</a>	Escutia	2001	Oppose unless funded	Requires that a certified or registered court interpreter be provided at court expense in any family law proceeding that involves allegations of domestic violence.	I, IV	

#### IV. SUBSTANTIVE LAW

##### A. JUVENILE DELINQUENCY

The council supports legislation to ensure that judges have sufficient discretion and placement and treatment options to fulfill their obligations to promote the rehabilitation and reintegration of juvenile offenders, the safety of the community, and accountability to victims.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2195</a>	Achadjian	2014	Support	Amends Welfare and Institutions Code section 256 to allow section 601 truancy violations, at the discretion of the referring probation officer, to be referred to the county juvenile traffic court and be heard by a hearing officer, instead of being referred to the juvenile court.	IV	

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<a href="#">SB 1038</a>	Leno	2014	Support, if amended and funded	Removes the cap of 21 years old by which a court must dismiss a petition against a former ward of the court. Does not require the court to have jurisdiction over the former ward at the time of dismissal of a petition. Further requires a court to automatically seal the records of minors under specified circumstances, and grants limited access to such files without this access constituting “unsealing” of the records.	IV	
<a href="#">AB 1006</a>	Yamada	2013	Support	Requires the Judicial Council to develop a form petition and instructional materials to be used by persons with juvenile offenses seeking to seal their juvenile records. Requires probation and the courts to ensure that juvenile offenders are provided with the petition and informational materials.	I, IV	
<a href="#">AB 1709</a>	Mitchell	2012	Oppose	Provides that any minor whose case is being adjudicated in juvenile court for an offense that could be used as a future felony conviction under the “Three Strikes” law must be provided an opportunity for a jury trial.	IV	Imposes unreasonable burdens on juvenile courts.
<a href="#">AB 2212</a>	Fuentes	2010	Support	Sets forth procedures for adjudicating the competency of a juvenile in a delinquency matter.	I	Clarifies procedures for competency proceeding in juvenile delinquency matters.
<a href="#">AB 1547</a>	Beall	2007	Support	Authorizes the juvenile court to order the probation department to provide a variety of services to a delinquent ward approaching the age of majority.	II, IV	
<a href="#">AB 2496</a>	Steinberg	2002	Oppose unless amended	Requires that the minor, the minor’s counsel, and a probation officer personally appear before the court during each periodic review of the minor’s detention.	II, III	Will significantly increase length of proceedings; neutral if amended to achieve goals in more efficient way.

## B. JUVENILE DEPENDENCY

The council supports timely and expeditious determinations in dependency matters, as well as measures to enhance the available placement options for dependent children. The council supports efforts to clarify the procedures for declaring a child a dependent of the court. The council also supports maintaining judicial discretion to terminate dependency.

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<a href="#">AB 1441</a>	Stone	2014	Support	Requires local school districts to calculate and award full or partial academic credit to foster youth who transition between schools for work done that achieved a grade of D or higher.	IV	Supports foster youth in completing their education.
<a href="#">AB 1618</a>	Chesbro	2014	Sponsor	Provides tribal entities and officials with access to confidential juvenile court files and records for children who are members of the tribe or eligible for membership in the tribe. By explicitly including tribes, tribal officials, and tribal entities within the exception to the confidentiality of juvenile court files, this bill will solve a conflict between federal and state law on one side, and juvenile courts on the other.	I, IV	
<a href="#">AB 2454</a>	Quirk-Silva	2014	Support	Allows an individual who received extended foster care or adoption assistance aid after turning 18 years old to petition for resumption of dependency jurisdiction.	IV	
<a href="#">AB 73</a>	Feuer	2011	Support	States the intent of the Legislature to enact legislation providing that juvenile court hearings in juvenile dependency matters be presumptively open to the public unless the court finds that admitting the public would not be in a child's best interest.	I	Promotes public trust in juvenile court.
<a href="#">AB 743</a>	Portantino	2010	Support	Modifies the standard for sibling visitation to require that if siblings are not placed together the social worker must explain why placement together would be contrary to the safety or well-being of any sibling. Requires a social worker considering a change of placement that will result in sibling separation to notify the attorney for the child being moved as well as the attorney for any affected sibling.	IV	Assists court in keeping siblings together.
<a href="#">AB 1852</a>	Portantino	2010	Support	Requires the county welfare department to document in the reports it provides to the court at the disposition hearing its efforts to locate and contact relative and non-relative extended family members of a dependent child to establish permanent familial connections between the child and his or her family.	IV	Improves ability of court to find permanency for dependent children.

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<a href="#">SB 962</a>	Liu	2010	Support	Allows incarcerated parents to participate in specified court proceedings concerning parental rights via videoconferencing or teleconferencing if the technology is available	I	Reduces need to continue dependency proceedings for an incarcerated parent's absence.
<a href="#">AB 12</a>	Beall	2009	Co-Sponsor	Implements federal foster care reform legislation to provide federally subsidized relative guardianships and extend foster care jurisdiction to age 21.	IV	
<a href="#">AB 131</a>	Evans	2009	Sponsor	Authorizes the Judicial Council to implement a cost recovery program to collect reimbursement from parents for the cost of dependency counsel, and directs that the recovered funds be used to reduce caseloads for attorneys.	I, IV	Promotes fairness outcomes in dependency proceedings.
<a href="#">AB 938</a>	Committee on Judiciary	2009	Sponsor	Requires that social workers immediately investigate the identity and location of all adult grandparents and other relatives of a child after the child is detained, and notify the relatives that the child has been removed from his or her parents, and the means by which the relative might participate in the care of the child.	IV	Engages relatives in dependency court to promote best interests of child.
<a href="#">AB 1405</a>	Maze	2008	Support	Provides that information obtained from a minor during an assessment to determine the appropriate status of a minor who meets the definition of both a dependent and a delinquent ward cannot be used against the minor in other proceedings.	II, IV	Ensures court obtains necessary information.
<a href="#">AB 3051</a>	Jones	2008	Support	Requires the court to determine whether a child age 10 or older who is not present was given an opportunity to attend the hearing. Provides that the court may make any orders reasonably necessary to ensure that the child has an opportunity to attend.	I, IV	Ensures that children can participate in proceedings.
<a href="#">AB 2130</a>	DeVore	2006	Oppose	Requires the court to consider the religious, cultural, moral, and ethnic values of a child or of his or her birth parents, before placing a dependent child for adoption.	I, II	Inappropriately limits judicial discretion.
<a href="#">AB 2480</a>	Evans	2006	Support if funded	Requires the appointment of appellate counsel to represent a dependent child if the child is an appellant, or if the court of appeal determines that the child would benefit from the appointment of separate counsel.	IV	

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<a href="#">SB 1667</a>	Kuehl	2006	Support	Requires that the social worker provide foster parents with a caregiver information form and information on how to submit it to the court. Provides rights for caregivers to receive notice of post-permanency planning hearings.	IV	Ensures that court receives all relevant information regarding dependent children.
<a href="#">AB 519</a>	Leno	2005	Sponsor	Allows the juvenile court to issue ex parte protective orders for parents and caretakers even without regard to the child's need for a protective order.	IV	Allows the juvenile court to protect families in an efficient individualized manner.
<a href="#">AB 129</a>	Pacheco	2004	Sponsor	Authorizes counties to implement dual status (dependency and delinquency) protocol for children in juvenile court.	IV	Ensures adequate oversight for dual need children.
<a href="#">AB 524</a>	Haynes	2003	Oppose	Requires that a child who has been removed from his or her parents' custody be returned within five working days in certain circumstances.	III	March 26, 2003 amendments eliminated provisions related to criminal proceedings. Council opposition withdrawn.
<a href="#">SB 59</a>	Escutia	2003	No position, but seek amendments	Provides expedited appellate review of disputed placement orders in juvenile dependency cases.	N/A	June 11, 2003 amendments conform the writ process to the one established in Welfare and Institutions Code section 366.26(1).
<a href="#">AB 2336</a>	Negrete McLeod	2002	Support	Requires that orders for the temporary removal of a prisoner to attend a hearing pertaining to parental rights must be issued at least 12 days before it is to be executed.	I, IV	Ensures access to proceedings for affected parties.
<a href="#">AB 2160</a>	Schiff	2000	Sponsor	Creates a presumption that children in dependency proceedings would benefit from the appointment of counsel.	I, IV	Improves ability of court to fulfill role in dependency cases.

### C. FAMILY LAW

The council supports legislation consistent with its goal of increasing access to the courts. The council supports efforts to provide adequate assistance to pro per litigants in family law cases, as well as litigants who face language barriers. The council seeks to maintain judicial discretion to make family law decisions based on the best interest of the child. The council also seeks to clarify the process the court should follow and the factors the court can appropriately consider in family law cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1337</a>	Alejo	2012	Support	Specifies who shall be served with notice of a parentage proceeding when one parent is deceased and there is no current or pending custody or guardianship matter before the court.	I	Clarifies procedures in these cases.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2365</a>	Davis	2012	Support	Adds to the matters a court shall consider in determining the best interest of a child in a custody proceeding either parent's habitual or continual abuse of prescribed controlled substances. Eliminates the sunset date on the authority of the family court to order drug testing in custody matters.	II	Provides court with tools to make custody decisions in the best interest of children.
<a href="#">AB 2393</a>	Davis	2012	Support	Increases the net disposable income adjustment for low-income child support obligors from \$1,000 to \$1,500, and directs the Judicial Council to calculate an annual adjustment to that amount each March 1 based upon the change in the California Consumer Price Index.	IV	Will result in more enforceable child support orders.
<a href="#">AB 939</a>	Committee on Judiciary	2010	Support	Makes numerous changes to provisions in the Family Code consistent with the recommendations of the Elkins Family Law Task Force.	I, IV	
<a href="#">AB 1050</a>	Ma	2010	Support	Creates a presumption that a child is of sufficient maturity to provide input to the court on a child custody or visitation issue at age 14 and requires the court to permit the child to address the court unless the court finds that testimony is not in the child's best interests and states its reasons on the record.	IV	Ensures courts can appropriately consider input of child.
<a href="#">AB 2475</a>	Beall	2010	Oppose	Provides that the doctrine of judicial or quasi-judicial immunity shall not apply to any private third party engaged by the court for his or her expertise in family law matters in an advisory capacity.	II	Interferes with ability of court to obtain expert information.
<a href="#">AB 612</a>	Beall	2009	Oppose	Prohibits the consideration of a "nonscientific theory" in a child custody matter, as defined, and disallows the admission into evidence of any child custody evaluation report which includes a nonscientific theory.	II, IV	Creates inconsistent and unworkable evidentiary standard.
<a href="#">AB 1822</a>	Beall	2008	Oppose	Requires the court, in any proceeding to establish or modify spousal support, to deny spousal support to a party convicted of a sexual offense against a minor.	II	Inappropriately limits judicial discretion.

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<a href="#">SB 1255</a>	Harman	2008	Support	Extends until January 1, 2013, the authority of the family court to order a person seeking custody or visitation of a child to undergo testing for drug or alcohol abuse in specified circumstances.	II, IV	Ensures that court has relevant information in custody cases.
<a href="#">SB 1015</a>	Murray	2006	Oppose	Requires the court to redact specified financial information from family law files.	II	Lessens public trust in court and imposes unnecessary administrative burdens.
<a href="#">SB 1482</a>	Romero	2006	Oppose	Provides that a custodial parent has a presumptive right to change the residence of his or her child subject to the power of the court to restrain a change of residence. Requires the non-custodial parent to make a prima facie showing of harm to the child that would result from the relocation, necessitating a change in custody, but would disallow consideration of the normal incident of moving.	II	
<a href="#">AB 1307</a>	Dymally	2005	Oppose	Creates a rebuttable presumption that equal custody share is in the best interest of child.	II	Unduly limits court's ability to make custody orders on a case-by-case basis.
<a href="#">SB 544</a>	Battin	2005	Oppose	Prohibits parents convicted of certain offenses from having unsupervised contact with their children.	II	Overly restricts court's ability to make custody orders in the best interest of child.
<a href="#">AB 2148</a>	Diaz	2004	Oppose	Restricts the court from holding custody or visitation proceedings until after it has ruled on an application for attorney's fees.	II	Limits ability of court to act in best interest of children.
<a href="#">AB 2228</a>	Garcia	2004	Support	Requires information sharing in cases pertaining to custody of children.	III, IV	Ensures well informed court regarding child custody.
<a href="#">SB 730</a>	Burton	2004	Oppose	Establishes presumptive right for a custodial parent to relocate with a child.	II	Unduly limits discretion of court to act in best interest.
<a href="#">SB 1616</a>	Knight	2004	Oppose	Requires the court to state its reasons for making any spousal support order on the record and in writing.	II	Unnecessary and resource intensive.
<a href="#">SB 734</a>	Ortiz	2003	Oppose	Restricts courts discretion to grant visitation.	II	Unduly restricts individual discretion.
<a href="#">SB 174</a>	Kuehl	2002	No position	Requires the Judicial Council to select four non-confidential mediation courts to implement a model with initial confidential mediation, with the allowance for subsequent recommending mediation if performed by a different mediator. Implementation contingent on funding.	N/A	

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<a href="#">SB 1406</a>	Kuehl	2002	Oppose unless amended	Requires that all child custody mediation be confidential, and prohibits the mediator from communicating with the court on any matter.	II, III, IV	Interferes with administration of family cases.
<a href="#">SB 1791</a>	Rainey	2000	Oppose	Shifts responsibility for hearing Title IV-D related child support actions to DSS administrative law judges.	I, II, IV	Inappropriately shifts judicial function to non-judicial officers.

#### D. DOMESTIC VIOLENCE

The council supports efforts to improve court procedures in domestic violence cases and the way courts review allegations of domestic violence in family law proceedings. The council also supports measures that seek to simplify the process for obtaining a restraining order, and the process for making it enforceable.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2089</a>	Quirk	2014	Oppose, unless amended	Amends numerous sections of the Domestic Violence Protection Act including requiring a court to state its reasons for denying a request for a permanent domestic violence restraining order in writing or on the record.	IV	Increases workload on courts without adequately funding staff to meet new requirements.
<a href="#">AB 1596</a>	Hayashi	2010	Sponsor	Contains numerous technical changes to create more consistency in protective order statutes.	IV	Promotes consistent administration of law in protective order matters.
<a href="#">AB 104</a>	Cohn	2005	Oppose	Requires a hearing on a motion to modify or dismiss a DVPA order to be held by the judicial officer that issued the order, if available.	II, III	Undue interference with court calendaring process.
<a href="#">AB 106</a>	Cohn	2005	Oppose	Requires every trial court to establish a one time amnesty program for fines and fees imposed for spousal abuse convictions or as a condition of probation for domestic violence offenses.	II, III	Contrary to the Judicial Council's enhanced collections strategy.
<a href="#">SB 1627</a>	Kuehl	2002	Support	Clarifies procedures for entry of service of process for DVPA orders into DVROS by requiring the court to either enter the information into DVROS directly, or transmit proof of service to law enforcement for entry within one business day.	III, IV	Makes court orders more likely to be enforced.
<a href="#">SB 1780</a>	Escutia	2002	Oppose unless funded	Requires the court to provide interpreters for specified parties in family law proceedings involving allegations of domestic violence at court expense.	I, IV	

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### E. CONSERVATORSHIP AND PROBATE LAW

The council supports clarification of conservators' duties and formulation of guidelines about conservatorships.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2034</a>	Gatto	2014	Oppose	Among other things, allows first degree relative of an elder or dependent adult to file a petition for a protective order to enjoin a person from keeping the elder or dependent adult in isolation from contact with the relative.	III	Interferes with the ability of the courts to resolve these family disputes in an efficient and effective manner.
<a href="#">SB 940</a>	Jackson	2014	Support	Among other things, provides, effective January 1, 2016, provisions for interstate jurisdiction, transfer, and recognition of conservatorships under the California Conservatorship Jurisdiction Act.	I, IV	
<a href="#">AB 1893</a>	Wagner	2012	Support	Clarifies the procedural rules that apply to probate proceedings.	IV	Improves court administration of probate cases.
<a href="#">AB 458</a>	Atkins	2011	Sponsor	Prohibits a court from appointing a minor's parent as a guardian of the person of the minor, except as specified. Establishes requirements for transferring a proceeding to another court in circumstances in which a proceeding that concerns custody or visitation of a minor child is pending in one or more counties at the time the petition for guardianship is filed. Specifies circumstances under which the court in a guardianship proceeding would maintain exclusive jurisdiction to determine issues of custody or visitation.	I, III	
<a href="#">AB 2271</a>	Silva	2010	Support	Adds temporary trustees to the list of persons who may be appointed by the court during an appeal of certain probate orders.	II, IV	
<a href="#">SB 1041</a>	Harman	2010	Support	Among other things, provides that evidence of a statement made by a declarant who is unavailable as a witness that he or she has or has not established or revoked a revocable trust, or that identifies his or her revocable trust, is not made inadmissible by the hearsay rule because the declarant is unavailable as a witness.	II, IV	

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<a href="#">AB 1163</a>	Tran	2009	Support	Clarifies that the attorney-client privilege is held by a deceased client's personal representative appointed for subsequent estate administration after the original personal representative has been discharged. Provides that no attorney-client privilege exists for communications relevant to issues between parties who all claim through a deceased client in a non-probate transfer.	I, IV	Improves administration of justice.
<a href="#">AB 1340</a>	Jones	2008	Support	Requires a guardian or conservator, in a first accounting filed with the court, to provide all account statements showing the account balance as of, rather than through, the closing date of the first court accounting. Requires notice be given 5 court days prior to a hearing on the appointment of a temporary guardian or temporary conservator. Prohibits a court from permitting a person without a valid professional fiduciary's license to continue to carry out the duties of a professional fiduciary.	IV	Improves court's oversight of these cases.
<a href="#">AB 1880</a>	Tran	2008	Oppose	Requires a guardian or conservator to post a separate recovery bond for the benefit of the ward or conservatee and any person interested in the guardianship or conservatorship estate who may bring a surcharge action against the guardian or conservator for breach of duty.	III, IV	Multiple bonds are more difficult to administer, and they would impair the court's ability to provide proper oversight.
<a href="#">AB 2014</a>	Tran	2008	Support	Requires a guardian or conservator to use ordinary care and diligence to determine whether the ward or conservatee owns real property in a foreign jurisdiction and to preserve and protect that property.	IV	Improves court's oversight of these cases.
<a href="#">AB 2247</a>	Spitzer	2008	Oppose unless amended, neutral if amended	Requires a guardian or conservator to file an investment plan with a court not more than six months after the issuance of letters of guardianship or conservatorship. Revises and expands the list of obligations and securities in which a guardian or conservator may invest funds of the estate without court authorization.	IV	Interferes with the ability of the court to protect conservatees' assets.

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<a href="#">SB 1264</a>	Harman	2008	Support	Beginning January 1, 2010, revises, recasts, and clarifies the law governing no contest clauses in wills and trust instruments. Limits the enforceability of no contest clauses to direct contests brought without reasonable cause, transfers of property, or creditor claims as specified. Defines direct contest and probable cause for these purposes. Eliminates provisions regarding the authority of a beneficiary to apply to a court for a determination regarding a no contest clause.	I, IV	Improves access to the courts and enhances court administration.
<a href="#">AB 1727</a>	Committee on Judiciary	2007	Support	Enhances a court investigator's access to confidential medical information. Prohibits a conservatorship of the person or of the estate from being granted unless the court makes an express finding that the granting of the conservatorship is the least restrictive alternative needed for the protection of the conservatee. Creates new requirements on courts when guardianships and conservatorships are transferred from other jurisdictions.	II, IV	Improves court's ability to provide oversight of these cases.
<a href="#">SB 340</a>	Ackerman	2007	Co-sponsor	Broadens list of agencies entitled to receive criminal history reports to include probate court conservatorship and guardianship investigators.	II, IV	Improves the court's ability to provide oversight in guardianship and conservatorship cases.
<a href="#">AB 1363</a>	Jones	2006	Support if funded	Makes a number of reforms to the probate conservatorship system, including enhanced court reviews of conservatorships primarily through increasing the frequency and scope of court investigations.	II, IV	Improves court's ability to provide oversight of these cases.
<a href="#">SB 1116</a>	Scott	2006	Support	Increases court oversight of moves of conservatees and the sale of their homes.	II, IV	Improves the court's ability to provide oversight of these cases.
<a href="#">SB 1550</a>	Figueroa	2006	Support	Enacts the Professional Fiduciaries Act, which establishes in the Department of Consumer Affairs a new licensure scheme governing professional conservators, guardians, and other fiduciaries.	II, IV	Improves the courts oversight in these cases.
<a href="#">SB 1716</a>	Bowen	2006	Support if funded	Authorizes the court to take action in response to ex parte communications regarding a guardian's or conservator's performance of his or her fiduciary duties.	II, IV	Improves the court's oversight of these cases.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 541</a>	Harman	2005	Support	Allows the court to test prospective guardians for drugs or alcohol and exempts guardians of the person only from having to register with the Statewide Registry.	II, IV	Enhances court's discretion and improves court's ability to oversee these cases.
<a href="#">AB 1155</a>	Liu	2004	Support	Requires the Judicial Council to adopt a rule of court that specifies the qualification and educational requirements of private professional conservators and private professional guardians.	II, IV	Improves court's ability to oversee these cases.
<a href="#">AB 1851</a>	Harman	2004	Support	Revises and recasts the law concerning the court's responsibility to approve compromises of claims of minors, and settlements or actions or disposition of judgments in favor of minors or "incompetent persons." Permits the court to establish a special needs trust for a disabled minor that will continue under court supervision after the minor reaches age 18.	IV	Improves the court's ability to administer these cases.
<a href="#">AB 1883</a>	Harman	2004	Support	Prevents routine waivers but allows court discretion in waiving bond requirement where it is warranted.	II, IV	Enhances court's discretion.
<a href="#">AB 1784</a>	Harman	2002	Support	Implements the recommendations of the California Law Revision Commission for clarification of Probate Code provisions regarding the construction of trusts and other instruments.	III, IV	Promotes clarity and consistency in the handling of these cases.

## V. MISCELLANEOUS

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 868</a>	Ammiano	2013	No position	Mandates that existing required training standards for judicial officers who hear family law matters, Court Appointed Special Advocates, and attorneys for children in dependency cases be modified to include training on cultural competency and sensitivity with regard to gay, lesbian, bisexual, and transgender youth.	II, V	Directed staff to articulate the concern of the Judicial Council on the precedent that is being established by enacting statutory training requirements for judges, and to highlight the importance of recognizing judicial independence and oversight over training.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1208</a>	Calderon	2011	Oppose	Significantly lessens the role of the Judicial Council in determining the allocation of funds to trial courts and allocating funds in a manner to support implementation of statewide policies and initiatives. Reduces the council's role in ensuring the stability of trial court operations and providing management or oversight of trial court budgets.	I, II, III, IV	
<a href="#">SB 1417</a>	Cox	2010	Support	Modifies the process for formation of Societies for the Prevention of Cruelty to Animals and for the appointment of humane officers.	III, IV	Provides clear court process.
<a href="#">AB 2301</a>	Committee on Judiciary	2006	Support	Provides the State Bar with the authority to collect voluntary financial support from its membership to support organizations that provide free legal services to those of limited means.	I, IV	
<a href="#">SCA 3</a>	Lowenthal	2006	No position	Shifts redistricting responsibility from the Legislature to an 11-member Independent Redistricting Commission to reapportion legislative and congressional districts. Provides that the California Supreme Court has original and exclusive jurisdiction over all challenges to a redistricting plan adopted by the Commission. Requires the Judicial Council to appoint a panel of 10 retired justices of the state courts of appeal, and for that panel to establish a pool of 50 candidates for the Independent Redistricting Commission.	N/A	
<a href="#">SB 1246</a>	Burton	2004	No position	Requires the Supreme Court and the State Bar to develop standards and rules of professional conduct governing the propriety of an attorney appearing before a court where that individual previously served as a judicial officer.	N/A	Outside purview.

**A. ACCESS TO JUSTICE**

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 597</a>	Lara	2013	Support if amended and funded	Requires the Judicial Council to select up to five courts to participate in a pilot project to provide interpreter services to limited English proficient parties in civil matters.	I	Interpreter pilot project

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 590</a>	Feuer	2009	Support	Creates a pilot project to provide legal representation to indigent litigants in specified civil case types including domestic violence, civil harassment, probate conservatorship, elder abuse, child custody matters in which one parent is seeking sole legal or physical custody, and housing-related cases, beginning July 2011, with the revenue from recently enacted increases to a number of miscellaneous civil court fees.	I, IV	Improves access to justice for unrepresented litigants.
<a href="#">AB 663</a>	Jones	2009	Sponsor interpreter related provisions; no position on legal aid provision	Requires the Judicial Council to establish a working group to identify and develop best practices to expand the use of interpreters in civil proceedings and to implement a three-year pilot project in up to five courts to provide interpreters in civil proceedings. Also requires the Judicial Council to enter into one or more master agreements with telephonic appearance providers to provide uniformity in the fees charged and requires fifteen dollars per appearance to support the cost of the civil interpreter pilot project. Limits the use of the term legal aid.	I	pilot project
<a href="#">AB 2448</a>	Feuer	2008	Sponsor	Revises and redrafts the existing statute governing court fee waivers to ensure that indigent litigants have an opportunity to access the courts in a timely manner, and to provide for recovery of those fees in appropriate cases.	I, III, IV	
<a href="#">AB 3050</a>	Jones	2008	Sponsor	Requires the Judicial Council to establish a working group to identify and develop best practices to expand the use of interpreters in civil proceedings. Requires the Judicial Council to implement a pilot project to provide interpreters in civil proceedings, in up to five courts, to implement the best practices identified by the working group. Requires that the Judicial Council enter into one or more master agreements to provide uniform fees for telephonic appearances in civil cases and provides that funding from this source will support the interpreter pilot project.	I	Interpreter pilot project

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<a href="#">AB 171</a>	Beall	2007	Support	Establishes the Assumption Program for Loans for Law in the Public Interest, to provide up to \$11,000 in loan assumption benefits over a four-year period to public interest attorneys.	I	
<a href="#">AB 1723</a>	Committee on Judiciary	2007	Support	Requires banks that hold interest on lawyer trust accounts (IOLTA) to allow those accounts to participate in higher-paying investment products, or receive an interest rate that is comparable to the rates paid by those investment products (referred to as IOLTA comparability).	I	

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JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

Goal I – Access, Fairness, and Diversity

Goal II – Independence and Accountability

Goal III – Modernization of Management and Administration

Goal IV – Quality of Justice and Service to the Public

Goal V – Education for Branchwide Professional Excellence

Goal VI – Branchwide Infrastructure for Service Excellence



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

[www.courts.ca.gov](http://www.courts.ca.gov)

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title	Agenda Item Type
Judicial Council Report to the Legislature: Statewide Collection of Delinquent Court- Ordered Debt	Action Required
	Effective Date
	November 19, 2014
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	November 5, 2014
Recommended by	Contact
Zlatko Theodorovic, Director Finance	Revenue and Collections Unit, Bob Fleshman, 415-865-7531 <a href="mailto:bob.fleshman@jud.ca.gov">bob.fleshman@jud.ca.gov</a>

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### Executive Summary

The Revenue and Collections Unit, Finance, recommends approving the fiscal year (FY) 2013–2014 annual *Report to the Legislature on the Statewide Collection of Delinquent Court-Ordered Debt*, as required by Penal Code section 1463.010.

### Recommendation

The Finance Office recommends that the Judicial Council approve the annual *Report to the Legislature on the Statewide Collection of Delinquent Court-Ordered Debt*, as required by Penal Code section 1463.010.

A copy of the report is attached.

### Previous Council Action

The *Report to the Legislature on the Statewide Collection of Delinquent Court-Ordered Debt*, as required by Penal Code section 1463.010(c), provides information to the Legislature on the

effectiveness of the statewide cooperative superior court and county programs for the collection of court-ordered debt. This is the sixth report that the Judicial Council has submitted to the Legislature under Penal Code section 1463.010, and it builds on the baseline performance measures submitted in the last six reporting periods. The analysis conducted with this report reviews the extent to which each court or county is following best practices for its collections program, the performance of each collections program, and any changes necessary to improve the performance of collections programs statewide.

### **Rationale for Recommendation**

Penal Code section 1463.010 requires that a report be submitted to the Legislature annually to provide information about the collection of delinquent court-ordered debt. Each court and county collections program is required to submit its data on the Judicial Council–approved *Collections Reporting Template*. Pursuant to Penal Code section 1463.010, court and county collections programs must submit their annual reports to the Revenue and Collections Unit no later than September 1 for the previous fiscal year. The *Report to the Legislature on the Statewide Collection of Delinquent Court-Ordered Debt* is due to the Legislature annually by December 31.

Highlights of the FY 2013–2014 report include the following information:

- Statewide collection programs collected a total of \$670.9 million in delinquent court-ordered debt.
- Since reporting began in FY 2008–2009, a total of \$3.9 billion in delinquent court-ordered debt has been collected by court and county collections programs.
- The outstanding total debt of \$9.1 billion that was reported by the courts and counties represents a 9 percent increase over the \$8.3 billion reported in FY 2012–2013.

### **Comments, Alternatives Considered, and Policy Implications**

Because this report is mandated by law, no alternatives were considered; there are no policy implications related to submitting this report to the Legislature.

### **Implementation Requirements, Costs, and Operational Impacts**

There are no anticipated costs or operational impacts related to the approval of this report.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The *Report to the Legislature on the Statewide Collection of Delinquent Court-Ordered Debt* supports the following Judicial Council strategic goals:

- Goal II, Independence and Accountability: Because this report helps to plan for, direct, monitor, and support the business of the branch and to account to the public for the branch’s performance, specifically in the area of collections.

- Goal III, Modernization of Management and Administration: Justice will be administered by using modern management practices that implement and sustain innovative ideas and effective practices.

### **Attachments**

Attachment A: *Report to the Legislature on the Statewide Collection of Delinquent Court-Ordered Debt*

DRAFT

DRAFT



## JUDICIAL COUNCIL OF CALIFORNIA

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TANI G. CANTIL-SAKAUYE  
Chief Justice of California  
Chair of the Judicial Council

MARTIN HOSHINO  
Administrative Director

December 12, 2014

Ms. Diane F. Boyer-Vine  
Legislative Counsel  
State Capitol, Room 3021  
Sacramento, California 95814

Mr. Danny Alvarez  
Secretary of the Senate  
State Capitol, Room 400  
Sacramento, California 95814

Mr. E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California 95814

Re: *Report to the Legislature on the Statewide Collection of Delinquent Court-Ordered Debt:  
FY 2013–2014*, as required by Penal Code section 1463.010

Dear Ms. Boyer-Vine, Mr. Alvarez, and Mr. Wilson:

Attached is the fiscal year 2013–2014 *Report to the Legislature on the Statewide Collection of Delinquent Court-Ordered Debt*, as required by Penal Code section 1463.010(c). This is the sixth annual report submitted to the Legislature and provides information about court and county collections programs.

Diane F. Boyer-Vine  
Danny Alvarez  
E. Dotson Wilson  
December 12, 2014  
Page 2

If you have any questions related to this report, please contact Zlatko Theodorovic, Director and Chief Financial Officer, Finance, at 916-263-1397, or the Revenue and Collections Unit at [collections@jud.ca.gov](mailto:collections@jud.ca.gov).

Sincerely,

Martin Hoshino  
Administrative Director  
Judicial Council of California

MH/REF/lcc  
Attachment  
cc:

Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Kevin de León  
Fredericka McGee, Special Assistant to Assembly Speaker Toni G. Atkins  
Anita Lee, Senior Fiscal and Policy Analyst, Legislative Analyst's Office  
Tina McGee, Executive Secretary, Legislative Analyst's Office  
Madelynn McClain, Program Budget Analyst, Department of Finance  
Peggy Collins, Principal Consultant, Joint Legislative Budget Committee  
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MR. MARTIN HOSHINO  
*Administrative Director,*  
*Judicial Council*

## Report Summary

Report title: *Report to the Legislature on the Statewide Collection of Delinquent Court-Ordered Debt: FY 2013–2014, as required by Penal Code section 1463.010*

Statutory citation: Penal Code section 1463.010(c)

Date of report: December 2014

The Judicial Council has submitted a report to the Legislature on the collection of delinquent court-ordered debt in California for fiscal year (FY) 2013–2014 in accordance with Penal Code section 1463.010.

The following summary of the report is provided under the requirements of Government Code section 9795.

Penal Code section 1463.010 requires the Judicial Council to report annually to the Legislature on (1) the extent to which each court or county is following best practices for its collections program, (2) the performance of each collections program, and (3) any changes necessary to improve the performance of collections programs statewide.

In FY 2013–2014, statewide collections programs collected a total of \$670.9 million in delinquent court-ordered debt. Since reporting began in FY 2008–2009, a total of \$3.9 billion in delinquent court-ordered debt has been collected by court and county collections programs. Total outstanding delinquent debt at the end of FY 2013–2014 was \$9.1 billion. This figure represents a 9 percent increase over the \$8.3 billion reported for FY 2012–2013. Detailed information about each court or county collections program is included in the full report.

The full report on the collection of court-ordered debt for FY 2013–2014 is available at [www.courts.ca.gov/7466.htm](http://www.courts.ca.gov/7466.htm). A printed copy of the report can be requested by calling 818-558-3221. For more information on this report, please contact Zlatko Theodorovic, Director, Finance, at 916-263-1397, or the Revenue and Collections Unit at [collections@jud.ca.gov](mailto:collections@jud.ca.gov).

**JUDICIAL COUNCIL OF CALIFORNIA**

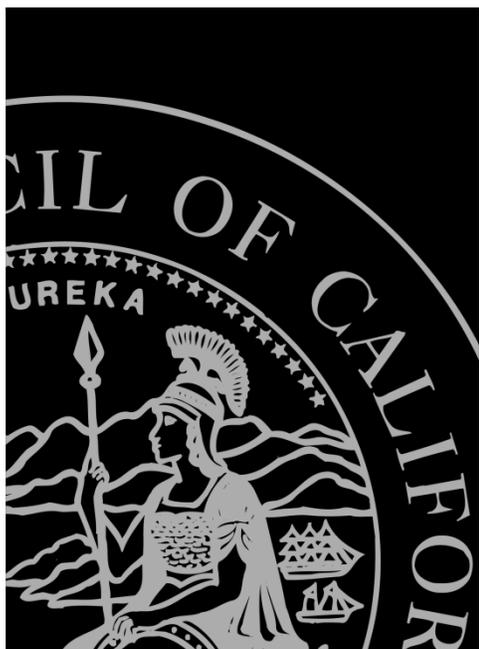
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**FINANCE**  
**Zlatko Theodorovic**  
*Director and Chief Financial Officer*

**Bob Fleshman**  
*Supervisor, Finance,  
Revenue and Collections Unit  
and Primary Author of Report*



# Report to the Legislature on the Statewide Collection of Delinquent Court- Ordered Debt

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AS REQUIRED BY PENAL CODE  
SECTION 1463.010

DECEMBER 2014



JUDICIAL COUNCIL  
OF CALIFORNIA

In 2003, the Legislature amended Penal Code section 1463.010 to require the Judicial Council to develop and adopt guidelines, standards, and tools for collecting court-ordered debt. In 2008, the statute was further amended to require the Judicial Council to develop performance measures and benchmarks to review the effectiveness of programs in the collection of delinquent court-ordered debt and to report annually to the Legislature on the following:

- The extent to which each court or county collections program is following best practices for its collections program;
- The performance of each collections program; and
- Any changes necessary to improve the performance of collections programs statewide.

The first legislative report, covering fiscal year (FY) 2008–2009, established the framework for reporting performance of collections programs statewide and provided a baseline from which to measure future performance.

## Overview

This annual report includes information as reported by the individual court and county collections programs. Court and county collections programs are required to submit their data using the Judicial Council–approved *Collections Reporting Template* (Attachment 2). In addition, a summary is provided for each individual court and county collections program and includes a self-assessment of the program’s performance, progress, and challenges encountered during the reporting period (Attachment 1).

This year’s report also contains information on the entities that provide collections services to the courts and counties. These include the intra-branch collections services program, in which one court provides collection services for another court under a written memorandum of understanding (MOU), as well as private vendors and the Franchise Tax Board.

## Findings

Based on data reported by the 58 court and county collections programs for the FY 2013–2014 reporting period, statewide collections programs collected a total of \$670.9 million in delinquent court-ordered debt. Delinquent accounts are non-forthwith collections and installment payment accounts which have not met the terms and conditions of installment payment agreements. (Forthwith payments generally involve payments on the same day as the court order with no extra cost involved.) Since FY 2008–2009, when the Judicial Council’s Revenue and Collections Unit<sup>1</sup> began tracking statewide performance, a total of \$3.9 billion in delinquent court-ordered debt has been collected by court and county collections programs. The outstanding total debt of

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<sup>1</sup> In 2014, the Judicial Council retired the use of the name “Administrative Office of the Courts.”

\$9.1 billion reported by courts and counties represents a 9 percent increase over the \$8.3 billion reported in FY 2012–2013. The collectability of delinquent debt is primarily determined by the age of the account from the date it becomes delinquent. The likelihood of collecting delinquent court-ordered debt drops as the account ages. Information about the age of accounts included in the \$9.1 billion of outstanding debt is unavailable; therefore, the collectability of that debt is difficult to determine. (Refer to page 9, Discharge from Accountability, for more detailed information. Also, see <http://www.courts.ca.gov/partners/455.htm>.)

Individual collections programs reported a number of factors that adversely affected collections this fiscal year and should be considered in assessing the overall collectability of delinquent court-ordered debt on a statewide basis. These adverse factors include the following:

- Deficient court case management systems and county accounting systems continue to hinder the ability of some court and county programs to separate account types for accurate reporting, resulting in overstated or understated figures; and
- Successive years of statewide budget reductions have led to staff furloughs, layoffs, and other attrition, as well as a reduction in operating hours and the shifting of existing resources to other mission-critical operations.
- Higher unemployment rates in California than the national average, with uneven regional economic recovery, resulting in increased hardships for debtors to pay; thereby decreasing revenues.

Chart 1 depicts the total delinquent revenue collected in FY 2013–2014 and the percentages collected by each of the collecting entities involved in the statewide collection of court-ordered debt.

It should be noted that all revenue from delinquent court-ordered debt (except for civil assessments collected from traffic and criminal cases) is deposited in each respective county treasury and distributed, as mandated, to the various government entities.

**CHART 1**

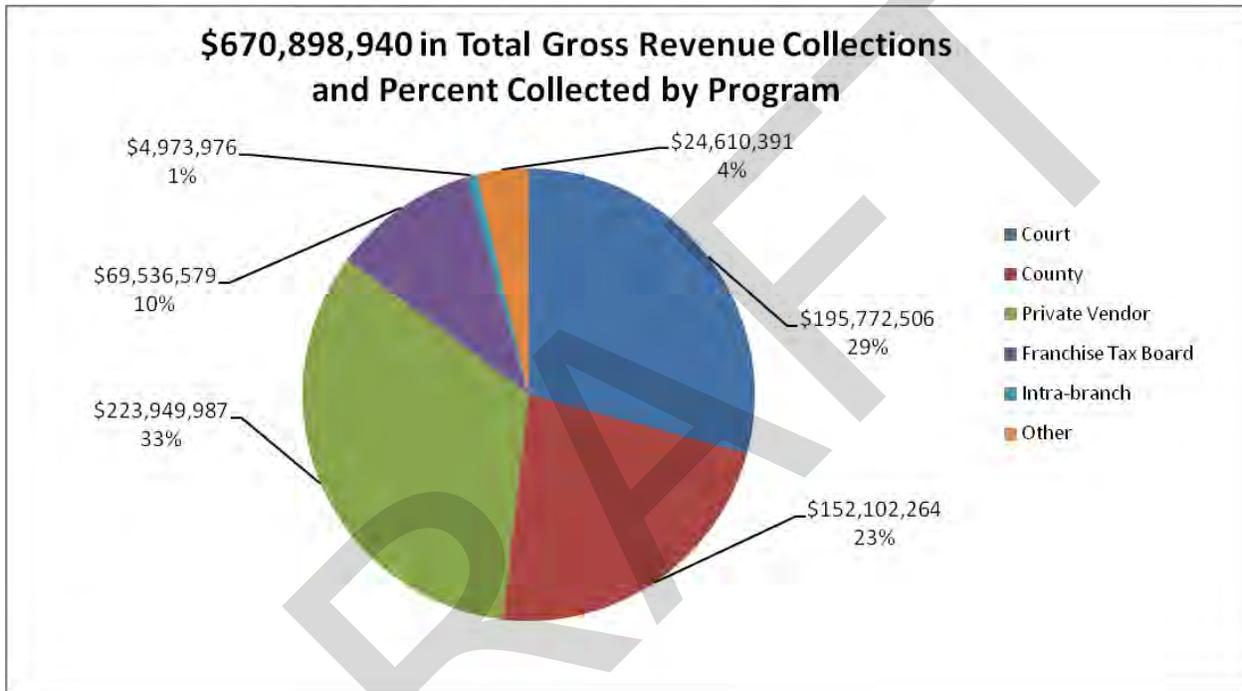


Chart 2 shows revenues collected and program costs for each type of entity involved in the collection of court-ordered debt. The total gross amount collected by each entity is shown in dollars; program costs are shown as percentages. For example, the courts collected a total of \$195,772,506 of which 19 percent was used to offset program operating costs and commission fees charged by each collections entity (private vendor, intra-branch, Franchise Tax Board, etc.). Notable variances in private vendor operating costs in comparison to the intra-branch program represent economies of scale and other program-specific factors.

**CHART 2**

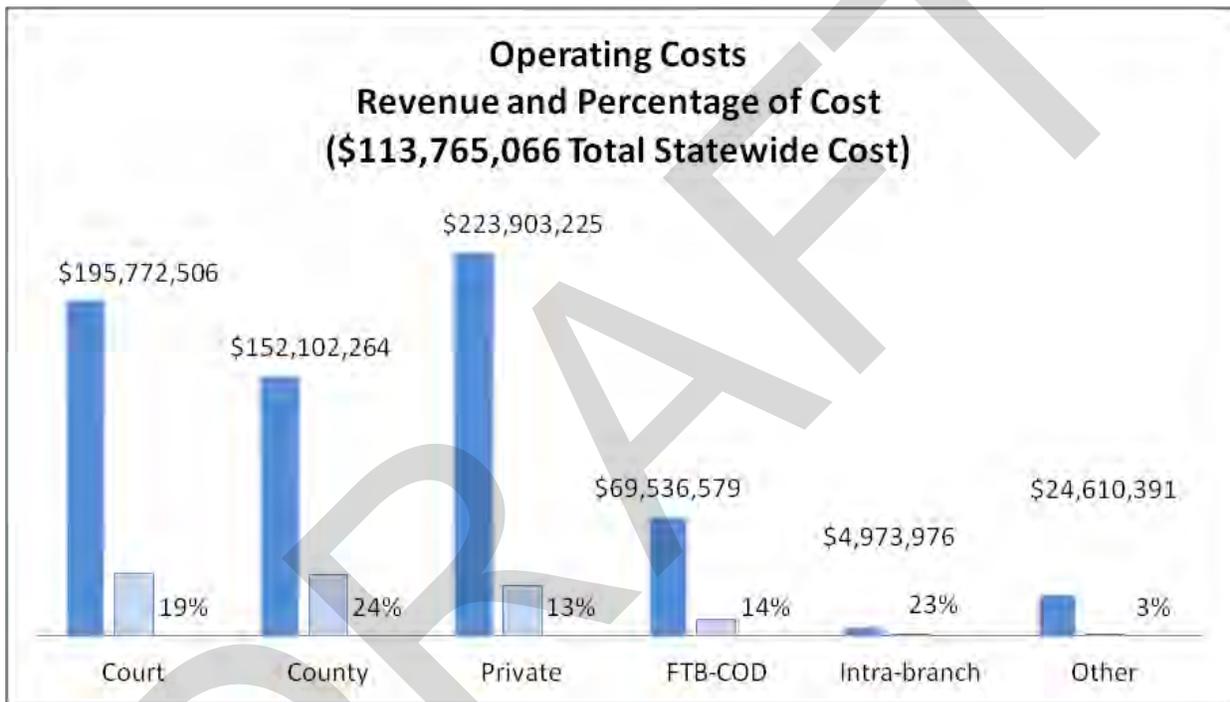
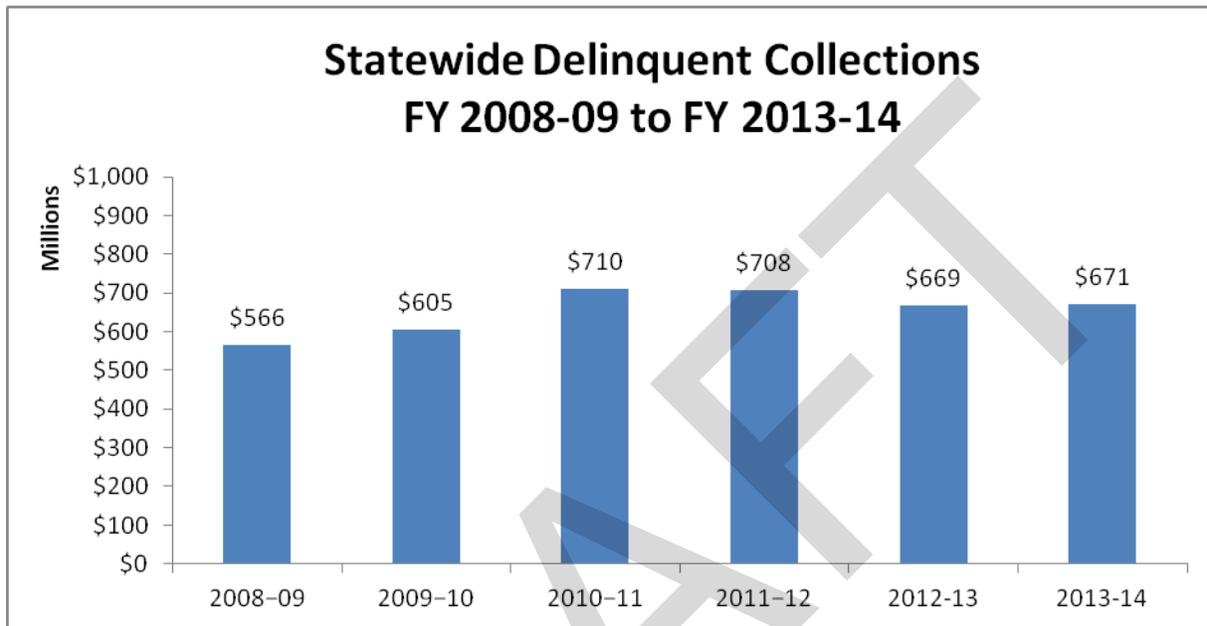


Chart 3 shows statewide collections totals for delinquent court-ordered revenue over a six-year period.

**CHART 3**



Note: The statewide collections trend would have remained flat but for a significant case management system reporting error in FY 2010–2011 that was repeated in FY 2011–2012, resulting in significantly overstated figures.

### Collections Best Practice

The Judicial Council adopted Collections Best Practices in 2008, with subsequent revisions made in 2011 (Attachment 3). The best practices establish a variety of strategies designed to improve the collection of delinquent court-ordered debt, and include enforcement tools such as placing a hold on a driver’s license through the Department of Motor Vehicles and imposing a civil assessment on delinquent debt. Other tools within the best practices include the adjudication of cases where defendants are absent, methods for offsetting operating costs, and contracting the services of third-party collections vendors. Statewide collections programs are encouraged to follow as many best practices as possible in an effort to enhance collections efforts, resolve accounts in a timely manner, and increase revenue collected. (Refer to <http://www.courts.ca.gov/partners/455.htm>.)

In FY 2013–2014, of the 58 statewide programs, 51 programs met 20 or more of the 25 practices, and well over half (37 programs) were in the 90th percentile, meeting 23, 24 or all 25 of the best practices. Collections programs are not required to meet a specified number of best practices, yet courts and counties continue to implement additional practices in efforts to improve revenue collection. This is especially critical in a crippling fiscal environment in which the judicial branch has experienced successive years of cumulative, ongoing budget reductions. For example, in this fiscal year, 12 programs implemented one or more additional best practices than the prior reporting period.

The following table lists the number of best practices used by each court and county collections program, as reported in FY 2013–2014.

Alameda	25	Kings	20	Placer	24	Sierra	25
Alpine	25	Lake	24	Plumas	20	Siskiyou	19
Amador	19	Lassen	24	Riverside	24	Solano	17
Butte	20	Los Angeles	22	Sacramento	25	Sonoma	22
Calaveras	22	Madera	25	San Benito	16	Stanislaus	22
Colusa	24	Marin	23	San Bernardino	19	Sutter	19
Contra Costa	25	Mariposa	22	San Diego	25	Tehama	24
Del Norte	22	Mendocino	24	San Francisco	23	Trinity	20
El Dorado	22	Merced	23	San Joaquin	19	Tulare	25
Fresno	23	Modoc	23	San Luis Obispo	24	Tuolumne	25
Glenn	24	Mono	21	San Mateo	25	Ventura	24
Humboldt	24	Monterey	24	Santa Barbara	22	Yolo	24
Imperial	25	Napa	25	Santa Clara	24	Yuba	25
Inyo	24	Nevada	24	Santa Cruz	23		
Kern	22	Orange	23	Shasta	24		

### Third Party Collections Entities

California court and county collaborative collections programs have the option of contracting the services of one or more third party collections entities to assist in the collection of delinquent court-ordered debt, which is particularly helpful in hard to collect cases. The options available to the programs for third party collections entities include the following:

- **Use of Private Vendors:** Private collections vendors are able to make calls on behalf of the collections programs, set up payment plans, and receive and forward cases to a subsequent vendor for further collections efforts. Private vendors were first awarded statewide master agreements by the Judicial Council in January 2005, starting with four

vendors. Upon expiration of the agreements, 7 vendors were awarded contracts in 2009; and, in 2014, 11 private vendors were awarded contracts. Individual programs negotiate and contract with the vendors, with commission rates that vary from 13.7 percent to 22.4 percent. Fifty-two of the 58 collections programs used a vendor during this reporting period. Programs with a high volume of delinquent accounts may elect to use two or the three vendors. (For a list of statewide master agreements, refer to <http://www.courts.ca.gov/procurementservices.htm>.)

- Use of California Franchise Tax Board services: The Franchise Tax Board (FTB) has two programs available to individual collection programs that choose to contract for its services: Franchise Tax Board's Court-Ordered Debt (FTB-COD) and Interagency Intercept Collection (FTB-IIC) programs. The FTB-COD program offers a variety of collections services that include wage garnishment, bank levies, and seizure of real and personal property or other assets. The FTB-IIC program intercepts California tax returns and applies the amount seized to the outstanding debt. Accounts must be delinquent at least 90 days before they can be sent to either program. FTB commission rates are mandated by code not to exceed 15 percent. (Refer to [https://www.ftb.ca.gov/online/Court\\_Ordered\\_Debt/overview.shtml](https://www.ftb.ca.gov/online/Court_Ordered_Debt/overview.shtml) and [https://www.ftb.ca.gov/individuals/Interagency\\_Intercept\\_Collections/index.shtml](https://www.ftb.ca.gov/individuals/Interagency_Intercept_Collections/index.shtml).)
- Use of another Court or County collections program: Intra-branch collections services are provided by a court-to-court or county-to-county collections program under a written MOU. Currently, the Superior Courts of Shasta and Ventura provide this service to seven other superior courts. Intra-branch collections services provide customized services and tools to meet the contracted program's needs.

Ventura offers a predictive dialer (upgraded February 2014), which increases call volume by 60 percent. The court provides extended evening and weekend hours of operation, and offers kiosks to pay fines so it is not necessary for customers to see a clerk or go inside the court. Ventura has a 20 percent commission rate.

Shasta uses its deputized clerks to impose civil assessments and to place and release holds on driver's licenses through the Department of Motor Vehicles, and offers an extensive payment plan system. Shasta has a 24 percent commission rate.

## Performance Measures

In FY 2008–2009, performance measures and benchmarks were developed to evaluate the effectiveness of collections programs statewide. A benchmark represents the minimum standard of performance that should be achievable by each collections program statewide. The Judicial Council adopted the Gross Recovery Rate (GRR) and Success Rate (SR) to provide a baseline from which to measure and compare each program's progress from year to year, and for

analyzing statewide programs (Attachment 4). (See <http://www.courts.ca.gov/partners/documents/perfbench.pdf>)

- The Gross Recovery Rate measures a program's ability to resolve delinquent court-ordered debt and calculates revenue, adjustments, and discharges against total referrals (newly established debt) for the period. A benchmark of 34 percent was established.
- The Success Rate measures the amount of delinquent revenue collected by a program, and calculates revenue against total referrals (newly established debt) for the period after adjustments and discharges are made. A benchmark of 31 percent was established.

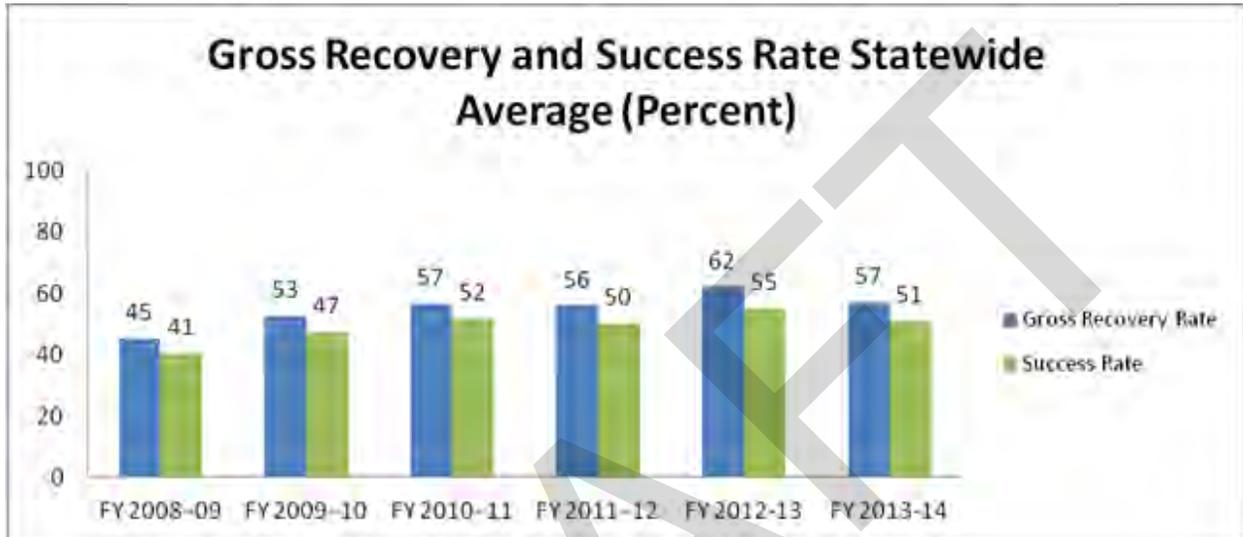
In FY 2013–2014, 56 of the 58 programs exceeded the Gross Recovery Rate benchmark, an improvement of one additional program from the prior year. Fifty-four programs exceeded the Success Rate benchmark, an improvement of one more than the prior year. The increase in the number of programs meeting or exceeding the benchmarks this fiscal year may be the result of various factors including adjustments, discharged debt, changes in operations, and reporting errors; as explained below.

- An adjustment is defined as any change in the total amount of debt due after the initial determination of the amount of the outstanding delinquent debt.
- Debt may be discharged from accountability by the court or county collecting entity, as authorized by statute.
- Operational changes include the methods and timeframe used to refer and transfer cases between the collecting entities, the implementation of new practices such as trials by written declaration, and additional payment options.
- Reporting errors may be caused by limitations with some case management and accounting systems, which have been an issue for programs statewide for the past several reporting periods.

The performance of each individual collections program from the FY 2008–2009 base year to the current FY 2013–2014 reporting period is detailed in Attachment 5 and at <http://www.courts.ca.gov/partners/455.htm>. Comments on the increase or decrease from the previous year's Gross Recovery Rate and Success Rate, provided by the program, are located in the individual program reports in Attachment 1.

Chart 4 shows statewide averages for Gross Recovery Rates and Success Rates and represents 55 programs. Three programs with rates over 100 percent this fiscal year were excluded from the calculation to avoid skewing the data. These programs reported unusually high adjustments and discharged debt, which affected their Gross Recovery Rate and Success Rate.

**CHART 4**



#### Discharge from Accountability

It is important to distinguish court-ordered debt that is past due from delinquent court-ordered debt that is uncollectible and meets the recommended eligibility criteria to be discharged from accountability by the collecting entity. Court and county collections programs are authorized, under Government Code sections 25257–25259.95, to discharge outstanding debt from accountability if the outstanding amount is too small to justify the cost of collections or the likelihood of collection does not warrant the expense involved. Additional criteria for determining when debt may be considered uncollectible include:

- All the required reasonable collection efforts, including Penal Code section 1463.007, have been performed;
- The debtor is deceased, has no assets, and a copy of the death certificate has been submitted; and
- At least 5 years for infractions or 10 years for misdemeanors and felonies has elapsed from the date the debt became delinquent.

In FY 2013–2014, \$50,532,281 was discharged by the collections programs, which represents a 39 percent drop from the \$83,030,464 discharged in FY 2013–2014. The \$137 million discharged in the past two fiscal years represents a small amount compared to the balance of \$5.2 billion in outstanding debt reported at the beginning of FY2008–2009, the base year established

for measuring statewide performance. Limitations reported in case management and accounting systems continue to prevent programs from having the ability to identify uncollectible accounts. Also, it takes dedication and time to exhaust all collection efforts before a hard-to-collect case can be discharged from accountability, which is prohibitive for some programs with limited staff and resources. The Revenue and Collections Unit continues to encourage programs to implement a “discharge from accountability” process that would help reduce statewide outstanding debt. However, the counties and courts lack sufficient systems to accurately determine what amount of the current outstanding court-ordered debt is truly collectable and what amount is eligible to be discharged.

### Improving Statewide Collections

In 2009, the Judicial Council’s Revenue and Collections Unit, in collaboration with the California State Association of Counties, convened an informal group of court and county subject-matter experts to make recommendations to improve the performance of collections programs statewide. Since 2009, a range of changes have been identified across the full spectrum of collections efforts, from providing new enforcement tools to focusing efforts on collectible debt. The group meets as needed throughout the year to address statewide collections issues, provide expertise on operational issues, and serve as a forum to share ideas and discuss issues affecting court and county collections.

Other efforts and accomplishments to improve statewide collections in this reporting period include:

- Dissemination of a request for proposal to third party collections vendors for a new statewide master agreement to provide services to courts and counties in the collection of delinquent court-ordered debt. A total of 11 vendors were selected, resulting in a 42 percent increase in options available to collections programs.
- Collaboration with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collection (FTB-IIC) programs to improve inter-agency communications and collection services to court and county programs.
- Continued outreach and collaboration with court and county collections programs to address a variety of current issues and collections questions, including providing tools and options for improving collections programs, collections training and legislative updates, and the need for collections procedures relating to inter-jurisdictional probation transfers. A comprehensive collections reference manual is being developed with an expected publication date in 2015.
- Increased efforts to enhance existing services provided by the Judicial Council’s Revenue and Collections Unit to court and county collections programs. New services include providing revenue distribution support and training in conjunction with collections responsibilities. The unit now serves as an important source of expertise in California on collections and revenue distribution issues to benefit trial courts and counties.

- Reached the milestone that all statewide collections programs are now comprehensive and eligible to recover costs. The one outstanding program that had not been able to meet at least 10 of the 16 collection activity components required to be comprehensive has now accomplished the transition.
- Collection program enhancements, such as the installation by several programs of payment kiosks, allowing customers to pay without needing to speak with a clerk. Others have implemented online payments systems to accept debit/credit card payments. Additionally, a handful of programs have initiated steps to transfer the responsibility of collections from the county to the local court.
- Maintaining and strengthening key relationships and partnerships with collections stakeholders, such as the California State Association of Counties, California Revenue Officers Association, Probation Business Managers Association, and the State Controller's Office.

## Conclusion

In FY 2013–2014, a total of \$ 670.9 million in delinquent court-ordered debt was collected by court and county collections programs. Over the past six years of reporting statewide delinquent debt collection, a total of \$3.9 billion has been collected. It should be noted that the current outstanding balance of \$9.1 billion in statewide delinquent debt includes a beginning balance of \$5.2 billion, as reported in FY 2008–2009, which dates back to 2003. It is impossible to determine how much of the total outstanding debt is truly collectible.

Although revenues in FY 2013–2014 are slightly higher than the prior year, individual collections programs continue to deal with the difficult challenges of limitations in case management systems that inhibit accurate reporting, ongoing budget reductions which limit the availability of staff to perform collections duties, and varied regional economic conditions that affect debtors' ability to pay. Despite these factors, the collections programs continue to meet these challenges by stepping up efforts to enhance their programs, implementing best practices to improve their performance, adding new collections activities and tools, and streamlining court and county operations.

For more information about this report, please contact Zlatko Theodorovic, Director, Finance, at 916-263-1397, or the Revenue and Collections Unit at [collections@jud.ca.gov](mailto:collections@jud.ca.gov).

## Enclosures

1. Court and County Collections Program Reports
2. *Collections Reporting Template*
3. Collections Best Practices
4. Performance Measures and Benchmarks
5. Gross Recovery Rate and Success Rate Fiscal Year Tables

County of Alameda and Superior Court of Alameda Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 1,573,254**

**Authorized Judges/Commissioners: 75/10**

**Total Revenue Collected: \$25,667,928**

**Gross Recovery Rate: 67%**

**Success Rate: 62%**

**Ending Balance:<sup>1</sup> \$261,911,880**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Alameda County and the County of Alameda. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes all 16 of the collection activity components;
- Internet and credit and debit card payment options; and
- Meets all 25 of the recommended collections best practices (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$25,667,928 from 850,197 total delinquent cases, with collection costs of \$4,408,274. The Ending Balance of \$261,911,880 in delinquent court-ordered debt represents 641,383 delinquent cases, of which 141,925 were established in the reporting period.

For FY 2013–2014, the program has a 67 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 4 percentage points more than the prior year. The program has a Success Rate of 62 percent, which exceeds the recommended 31 percent benchmark, and is 15 percentage points more than the prior year.

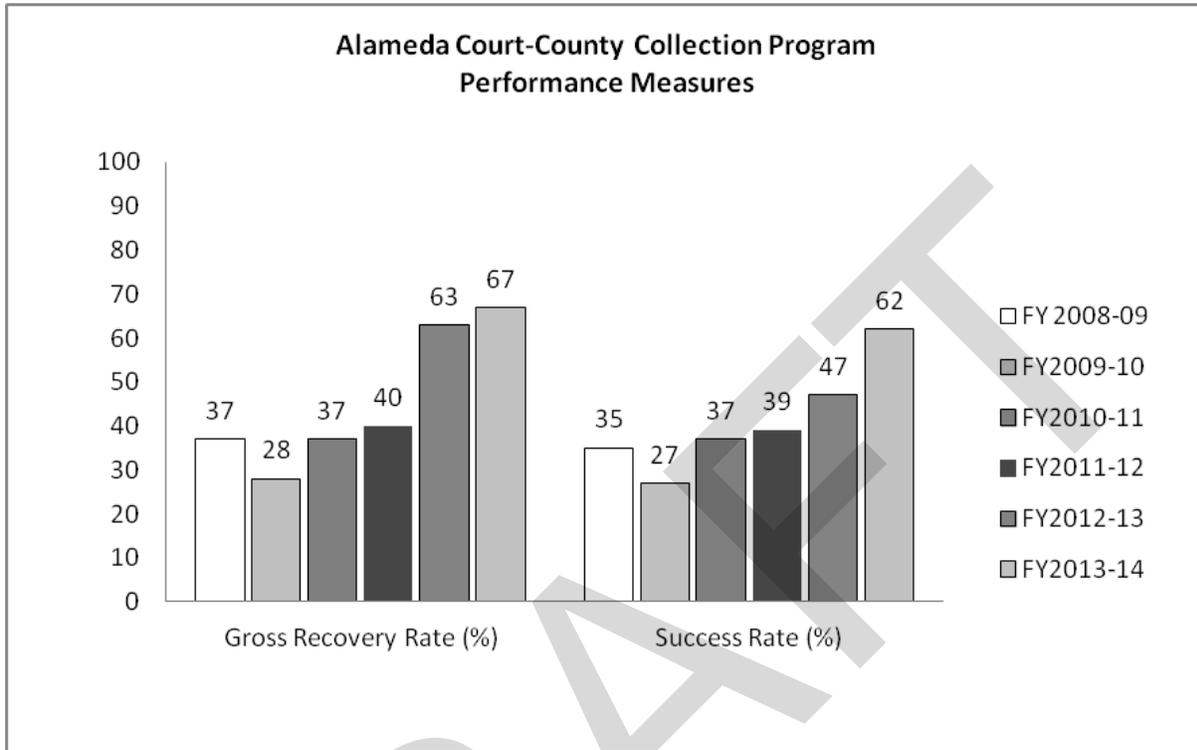
According to the Alameda collections program, the increases in the Gross Recovery Rate and Success Rate are attributable to the increased use of the Department of Motor Vehicles driver’s license holds, delinquent accounts being reported to credit reporting agencies, and the private vendor’s collections efforts.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Alameda and Superior Court of Alameda Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2013 and 2014.

County of Alpine and Superior Court of Alpine County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 1,079**

**Authorized Judges/Commissioners: 2/0.3**

**Total Revenue Collected: \$29,715**

**Gross Recovery Rate: 46%**

**Success Rate: 45%**

**Ending Balance:<sup>1</sup> 340,841**

**Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Alpine County and the County of Alpine. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- A contract with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) program;
- A contract with a private debt collector;
- A comprehensive collections program that includes all of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets all 25 of the recommended collections best practices (see Attachment 3).

**Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$29,715 from 759 total delinquent cases, with collection costs of \$6,600. The Ending Balance of \$340,841 in delinquent court-ordered debt represents 718 delinquent cases, of which 66 were established in the reporting period.

For FY 2013–2014, the program has a 46 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 15 percentage points less than the prior year. The program’s Success Rate of 45 percent exceeds the recommended 31 percent benchmark, and is 16 percentage points less than the prior year.

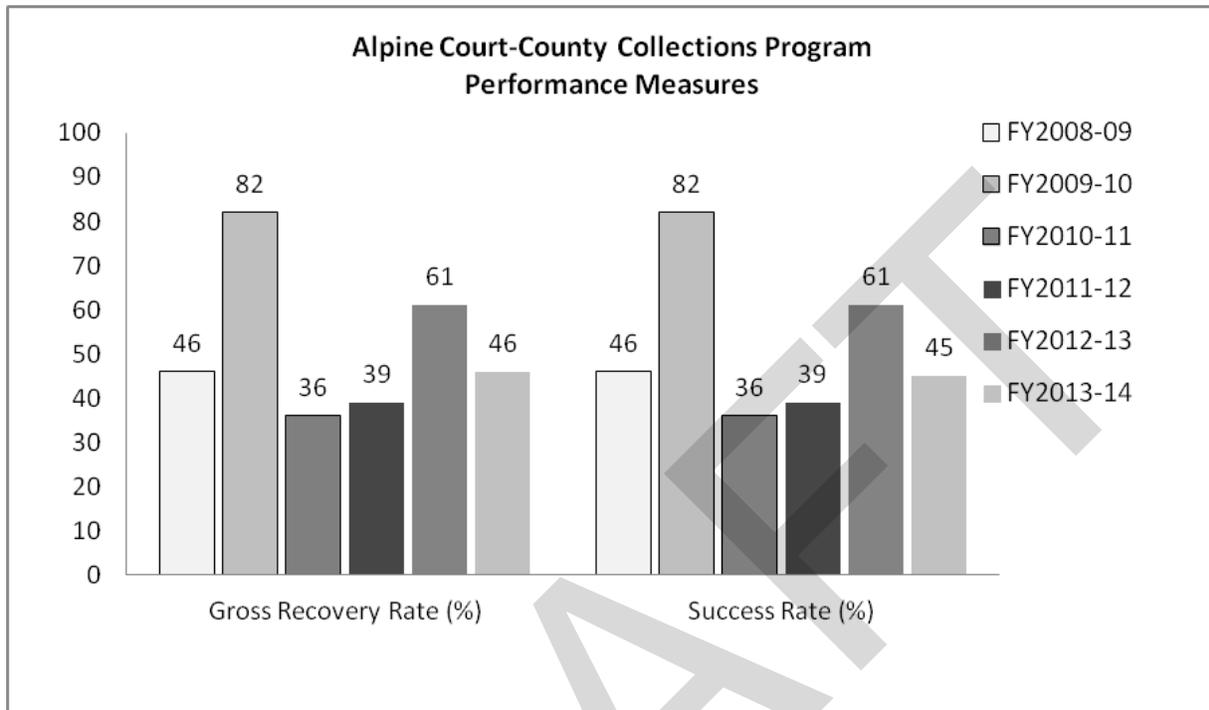
According to the Alpine collections program, the decreases in the Gross Recovery Rate and Success Rate are possibly attributable to the “re-organization” of the private vendor. For the last year or two, the court’s private vendor has been in the process of re-adjusting the company. Many new staff has been hired, which could lead to more aggressive and precise collection efforts.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Alpine and Superior Court of Alpine County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Amador and Superior Court of Amador Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 36,151**  
**Authorized Judges / Commissioners: 2/3**  
**Total Revenue Collected: \$149,983**

**Gross Recovery Rate: 71%**  
**Success Rate: 71%**  
**Ending Balance:<sup>1</sup> \$5,183,601**

**Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Amador County and the County of Amador. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 14 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 22 of the 25 recommended collections best practices; numbers, 18, 19, and 21 are currently not being met (see Attachment 3).

Based on the financial data reported for FY 2013–2014, the program collected a total of \$149,983 from 7,493 delinquent cases, with collection costs of \$105,974. The Ending Balance of \$5,183,601 in delinquent court-ordered debt represents 7,107 delinquent cases (the number of cases established in the reporting period cannot be determined due to case management system limitations.)

For FY 2013–2014, the program has a 71 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark; and is 56 percentage points more than the prior year. The Program’s Success Rate of 71 percent exceeds the recommended 31 percent benchmark and is 56 percentage points more than the prior year.

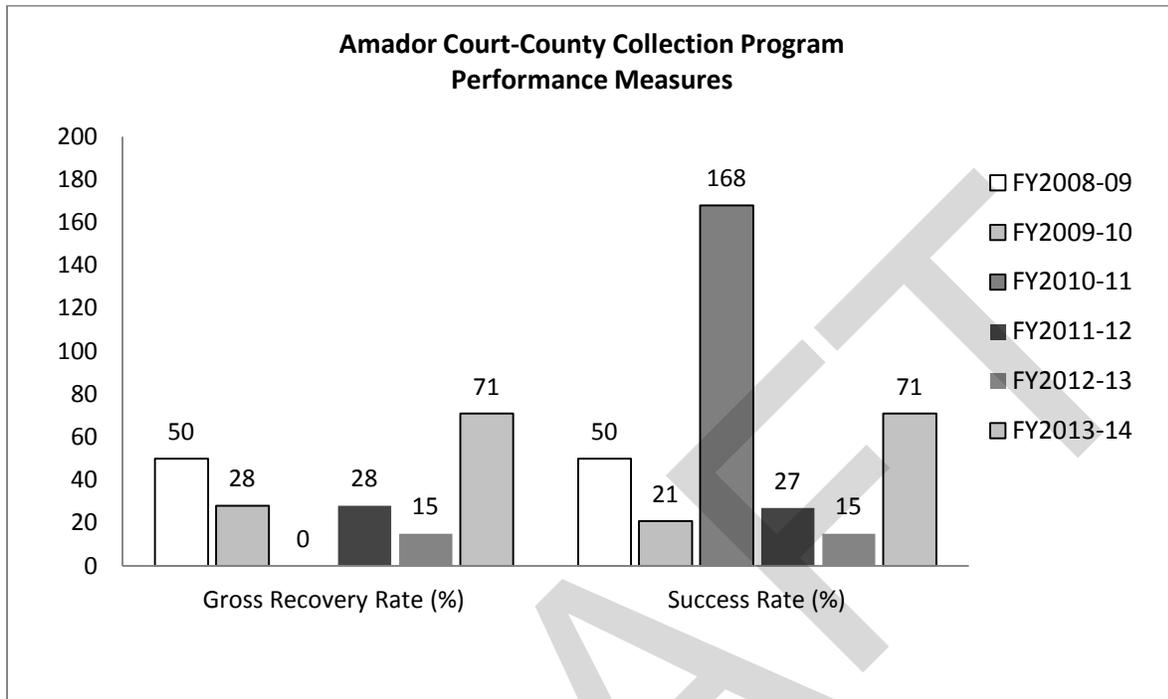
The Amador collections program is unable to provide an explanation of the increases in the Gross Recovery Rate and Success Rate due to issues with the court case management system. Also, all Franchise Tax Board data was lost due to a computer virus.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Amador and Superior Court of Amador Collections Program  
 Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



Note: In FY 2009–2010, the 0 percent Gross Recovery Rate and 168 percent Success Rate was due to a reporting error.

*This report contains information jointly reported by the court and county in the Judicial Council’s Collections Reporting Template, FY 2013–2013, under Penal Code section 1463.010.*

Data Source:

Population data from State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2013 and 2014.

County of Butte and Superior Court of Butte County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 222,316**

**Authorized Judges/Commissioners: 11/2**

**Total Revenue Collected: \$8,210,472**

**Gross Recovery Rate: 53%**

**Success Rate: 38%**

**Ending Balance:<sup>1</sup> \$96,615,096**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Butte County and the County of Butte. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) program;
- A comprehensive collections program that includes 14 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 20 of the 25 recommended collections best practices; numbers 10, 19, 22, 23, and 25 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$8,210,472 from 110,937 total delinquent cases, with collection costs of \$1,020,000. The Ending Balance of \$96,615,096 in delinquent court-ordered debt represents 86,566 delinquent cases, of which 19,127 were established in the reporting period.

For FY 2013–2014, the program has a 53 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 22 percentage points less than the prior year. The program’s Success Rate of 38 percent exceeds the recommended 31 percent benchmark and is 23 percentage points less than the prior year.

According to the Butte collections program, the decreases in the Gross Recovery Rate and Success Rate are due in part to the performance of the court’s portfolio. The court has seen its overall account receivables increase this year, not only from the number of new cases established (up 5.8 percent), but also increased activity from penalty assessments (for past due accounts) placed on existing accounts. The court has not seen an appreciable increase in the dollar amount of work program fine conversions or fine/fee amounts set aside, so considering this along with the increase in value of penalty assessments is an indicator that defendants are increasingly unwilling/unable to address the debt they owe. In addition, it should be noted that the court’s

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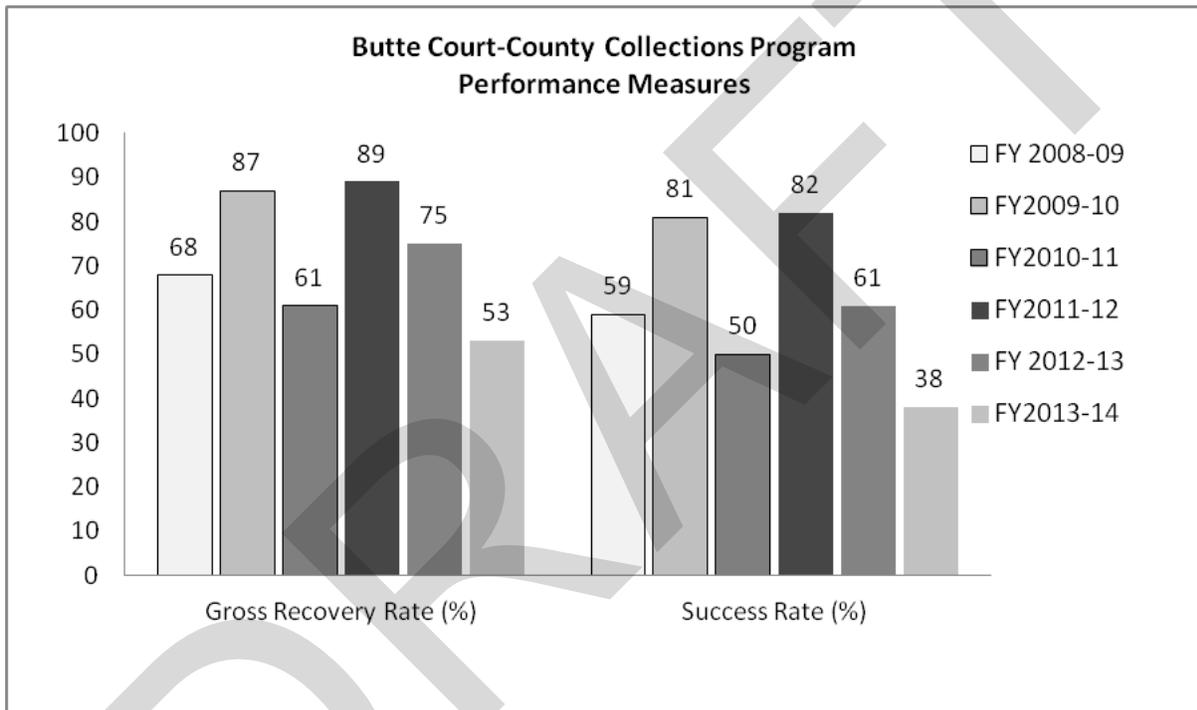
<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Butte and Superior Court of Butte County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

financial numbers are not broken out as requested due to limitations with retrieving information from the court’s case management system.

On the County’s side of the equation, 4,966 accounts with a value of \$5.7 million were prepped for discharge, but resources were diverted to a victim restitution pilot program and the discharge process was postponed. If the uncollectible debt had been discharged during the reporting period, the Gross Recovery Rate would have been 73 percent (as opposed to 53 percent) and the Success Rate would have been 52 percent (as opposed to 38 percent).

The chart below shows the program’s performance measures for the past six fiscal years:



**This report contains information jointly reported by the court and county in the Judicial Council’s Collections Reporting Template, FY 2013–2014, under Penal Code section 1463.010.**

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Calaveras and Superior Court of Calaveras County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 44,650**

**Authorized Judges/Commissioners: 2/0.3**

**Total Revenue Collected: \$470,046**

**Gross Recovery Rate: 67%**

**Success Rate: 65%**

**Ending Balance:<sup>1</sup> \$9,910,019**

**Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Calaveras County and the County of Calaveras. The court and county have not entered a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 14 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 22 of the 25 recommended collections best practices; numbers 1, 2, and 18 are currently not being met (see Attachment 3).

**Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$470,046 from 6,303 total delinquent cases, with collection costs of \$145,103. The Ending Balance of \$9,910,019 in delinquent court-ordered debt represents 4,695 delinquent cases, of which 801 were established in the reporting period.

For FY 2013–2014, the program has a 67 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 9 percentage points more than the prior year. The program’s Success Rate of 65 percent exceeds the recommended 31 percent benchmark, and is 10 percentage points more than the prior year.

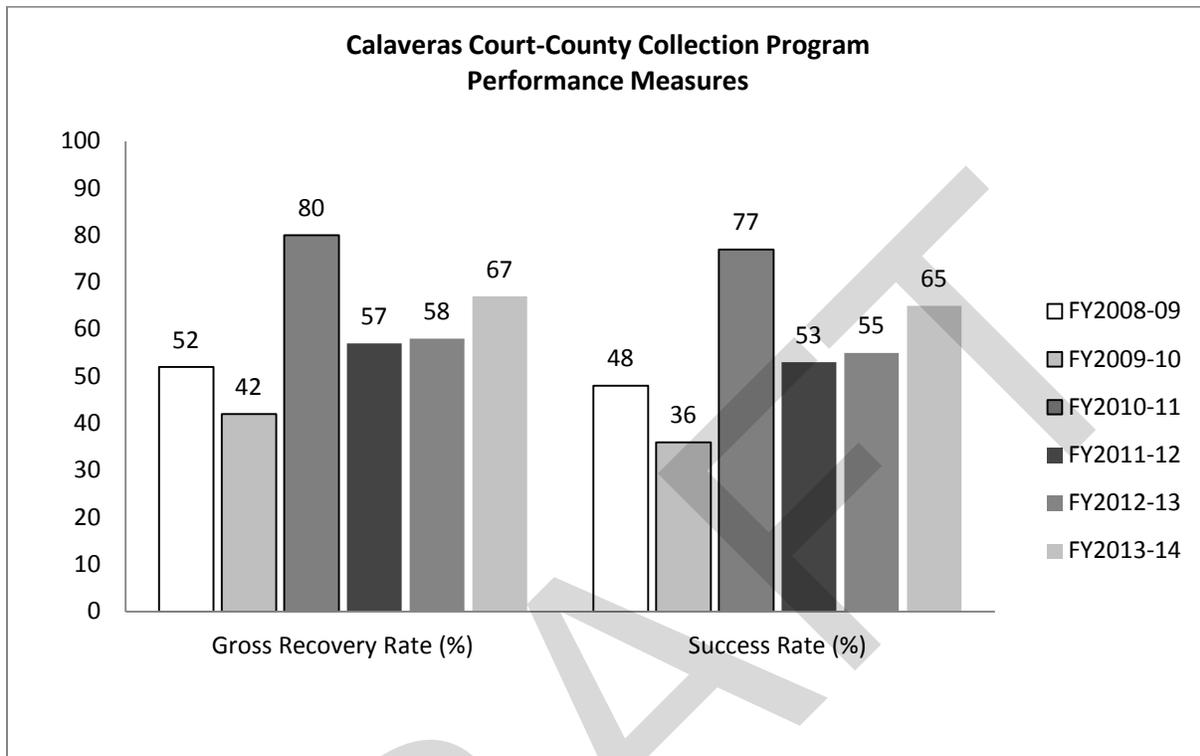
According to the Calaveras collections program, the increases in the Gross Recovery Rate and Success Rate are primarily attributable to the increase in the amount of overall delinquent revenue collected by the private vendor. The increased revenue was offset by decreases in the number of established delinquent cases and decreases in collections by the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) program.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Calaveras and Superior Court of Calaveras County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Colusa and Superior Court of Colusa County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 21,660**

**Authorized Judges/Commissioners: 2/0.3**

**Total Revenue Collected: \$837,324**

**Gross Recovery Rate: 74%**

**Success Rate: 73%**

**Ending Balance:<sup>1</sup> \$8,692,573**

**Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Colusa County and the County of Colusa. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- An MOU with the Superior Court of Shasta County to provide collections services as part of an Intra-branch Collections Services Program;
- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes all of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 24 of the 25 recommended collections best practices; number 4 is currently not being met (see Attachment 3).

**Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$837,324 from 9,037 total delinquent cases, with collection costs of \$200,957. The Ending Balance of \$8,692,573 in delinquent court-ordered debt represents 7,902 delinquent cases, of which 1,026 were established in the reporting period.

For FY 2013–2014, the program has a 74 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 15 percentage points more than the prior year. The program’s Success Rate of 73 percent exceeds the recommended 31 percent benchmark and is 14 percentage points more than the prior year.

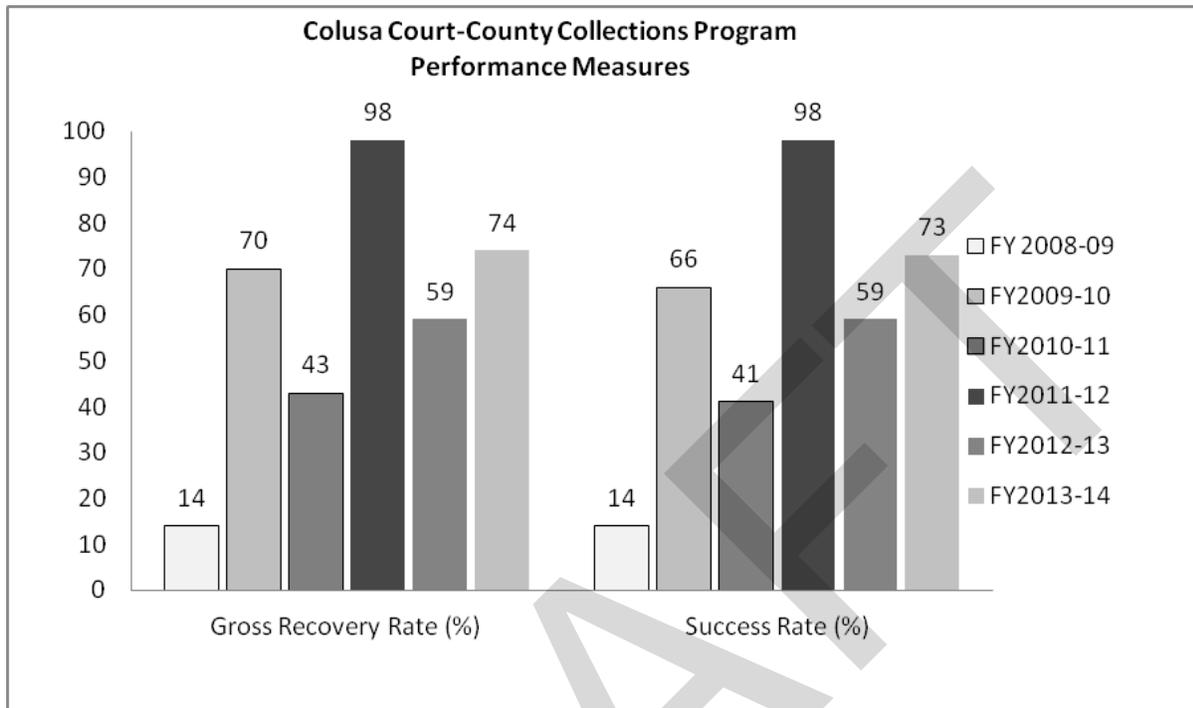
According to the Colusa collections program, the increases in the Gross Recovery Rate and Success Rate are attributable to the practice of Shasta’s Intra-branch Collections Services Program of doing due diligence to use all avenues available in pursuing the collection of each case, as well as the reduction in the number of cases transferred to the Intra-branch program.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Colusa and Superior Court of Colusa County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Contra Costa and Superior Court of Contra Costa Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 1,087,008**

**Authorized Judges/Commissioners: 39/8**

**Total Revenue Collected: \$24,128,249**

**Gross Recovery Rate: 62%**

**Success Rate: 62%**

**Ending Balance:<sup>1</sup> \$287,350,115**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Contra Costa County and the County of Contra Costa. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes all 16 collection activity components;
- Internet and credit and debit card payment options; and
- Compliance with all 25 of the recommended collections best practices (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$24,128,249 from 517,190 total delinquent cases, with collection costs of \$3,653,368. The Ending Balance of \$287,350,115 in delinquent court-ordered debt represents 331,020 delinquent cases, of which 104,105 were established in the reporting period.

For FY 2013–2014, the program has a 62 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 9 percentage points less than the prior year. The program’s Success Rate of 62 percent exceeds the recommended 31 percent benchmark and is 9 percentage points less than the prior year.

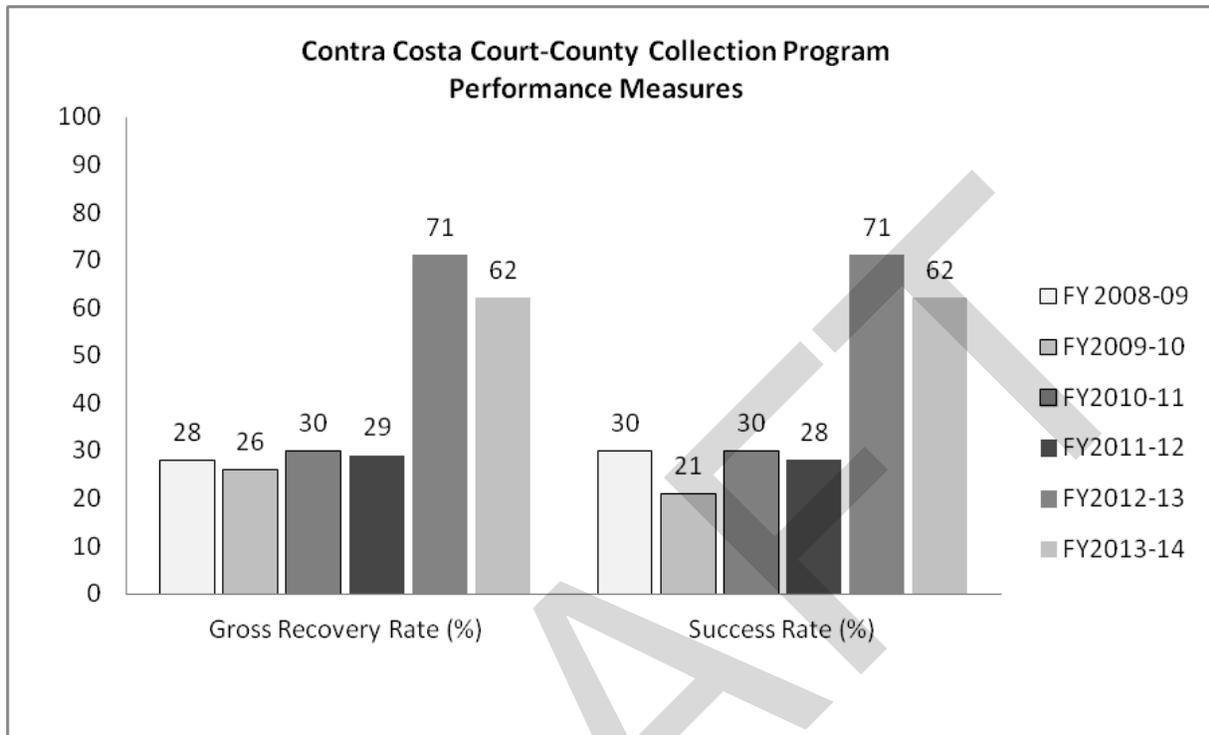
According to the Contra Costa collections program, a lower volume of cases was referred for collection in FY 2013–2014 as compared to the prior year. The value of FY 2013–14 collections declined slightly more than the value of referred cases, resulting in a small decrease in the Gross Recovery Rate and Success Rate from the prior year.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Contra Costa and Superior Court of Contra Costa Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



*This report contains information jointly reported by the court and county in the Judicial Council’s Collections Reporting Template, FY 2013–2014, under Penal Code section 1463.010.*

Data Source:

Population data from State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2013 and 2014.

County of Del Norte and Superior Court of Del Norte County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 28,131**  
**Authorized Judges/Commissioners: 3/0.8**  
**Total Revenue Collected: \$424,529**

**Gross Recovery Rate: 26%**  
**Success Rate: 25%**  
**Ending Balance: <sup>1</sup>\$13,205,155**

**Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Del Norte County and the County of Del Norte. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- A contract with a private debt collector;
- A comprehensive collections program that includes 11 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 22 of the 25 recommended collections best practices; numbers 9, 11, and 21 are currently not being met (see Attachment 3).

**Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$424,529 from 17,045 total delinquent cases, with collection costs of \$83,512. The Ending Balance of \$13,205,155 in delinquent court-ordered debt represents 16,432 delinquent cases, of which 1,467 were established in the reporting period.

For FY 2013–2014, the program has a 26 percent Gross Recovery Rate, which does not meet the recommended 34 percent benchmark, and is 10 percentage points less than the prior year. The program's Success Rate of 25 percent does not meet the recommended 31 percent benchmark, and is 9 percentage points less than the prior year.

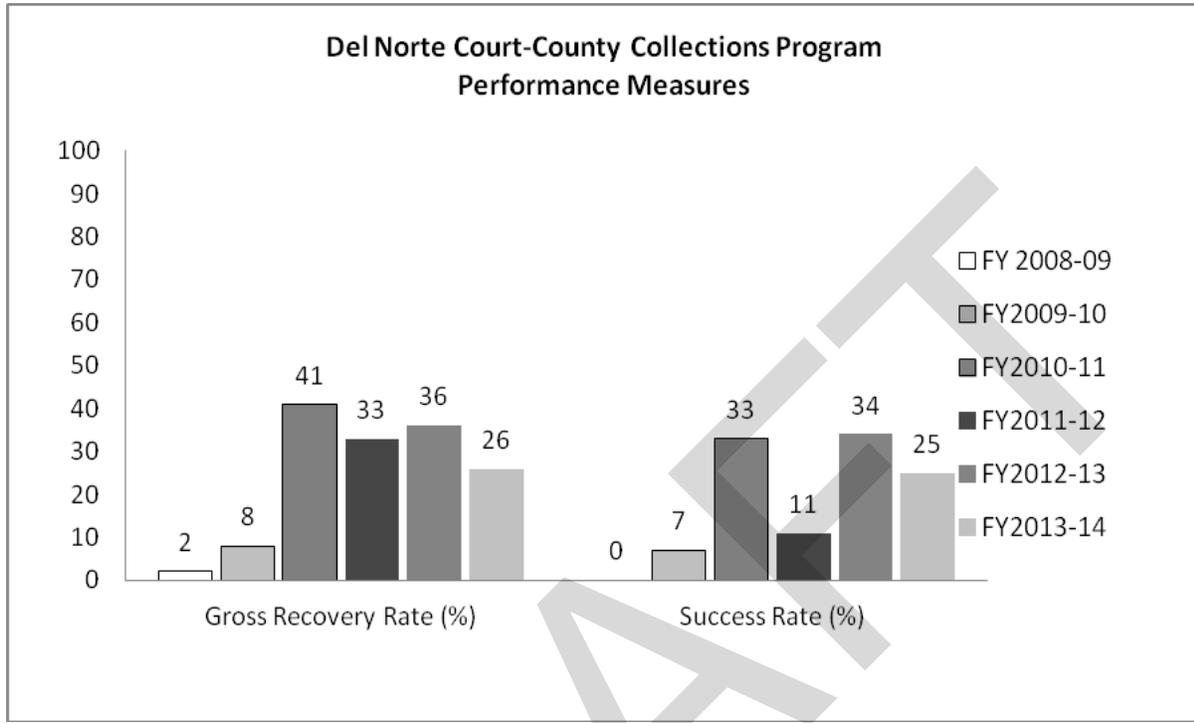
The program declined the opportunity to comment on the decreases in the Gross Recovery Revenue and Success Rate and did not speculate as to the possible reasons for the decrease in revenues collected from the prior fiscal year.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Del Norte and Superior Court of Del Norte County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of El Dorado and Superior Court of El Dorado Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 182,404**

**Authorized Judges/Commissioners: 8/1**

**Total Revenue Collected: \$2,880,604**

**Gross Recovery Rate: 65%**

**Success Rate: 56%**

**Ending Balance:<sup>1</sup> \$29,385,442**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of El Dorado County and the County of El Dorado. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes all 16 of the collection activity components;
- Internet and credit and debit card payment options; and
- Compliance with 22 of the 25 recommended collections best practices; numbers 21, 22, and 25 are currently not being met.

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$2,880,604 from 34,436 total delinquent cases, with collection costs of \$972,443. The Ending Balance of \$29,385,442 in delinquent court-ordered debt represents 26,366 delinquent cases, of which 9,742 were established in the reporting period.

For FY 2013–2014, the program has a 65 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 16 percentage points less than the prior year. The program’s Success Rate of 56 percent exceeds the recommended 31 percent benchmark, and is 14 percentage points less than the prior year.

According to the El Dorado collections program, the decreases in the Gross Recovery Rate and Success Rate are attributable to \$2,434,903 less being discharged in FY 2013–2014 than the previous year. Also, collections staff had to devote time and effort to the conversion process related to Revenue Recovery’s new, updated software system in the spring of 2014, which will improve efficiency.

Also, Revenue Recovery management and a number of staff attended the 2013 CROA Conference in Sacramento as well as collections and legislative training sessions and events that took time

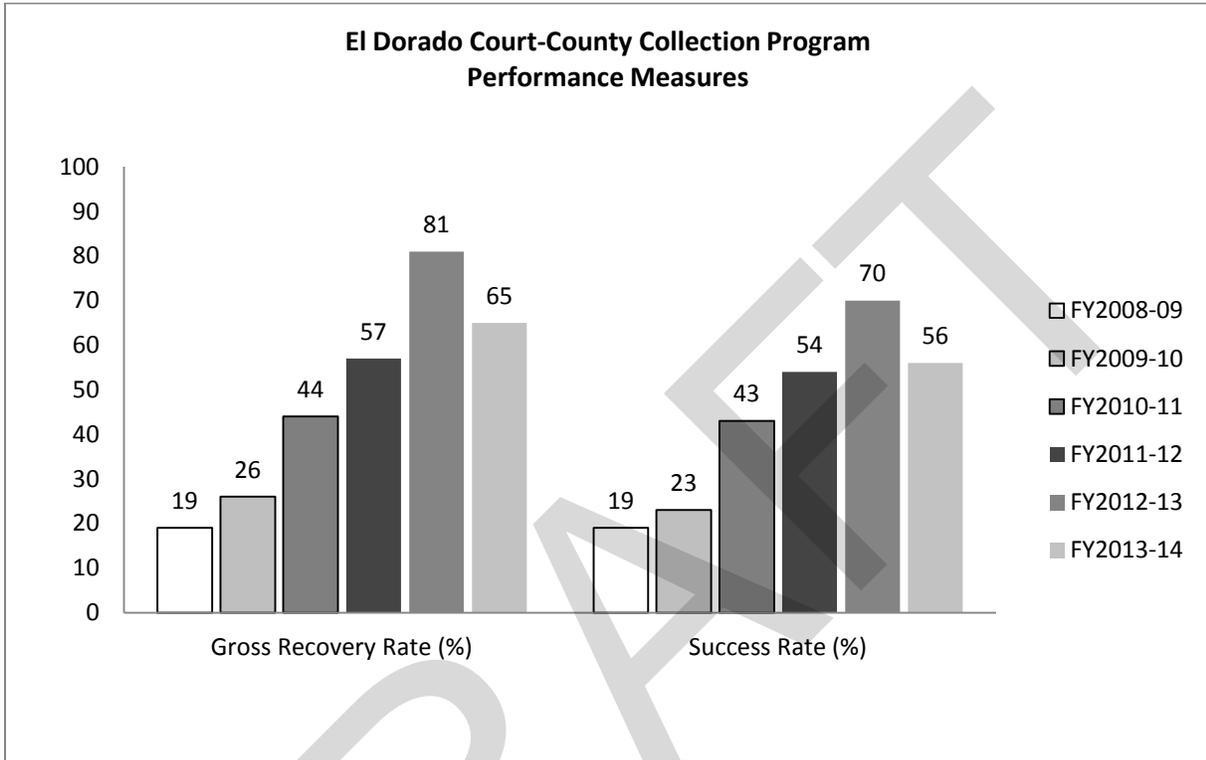
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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of El Dorado and Superior Court of El Dorado Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

away from current collection efforts, with the goal of focusing on improving the overall collaborative collections process to enhance future efforts and performance.

The chart below shows the program’s performance measures for the past six fiscal years:



**This report contains information jointly reported by the court and county in the Judicial Council’s Collections Reporting Template, FY 2013–2014, under Penal Code section 1463.010.**

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Fresno and Superior Court of Fresno Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 964,040**

**Authorized Judges/Commissioners: 46/7**

**Total Revenue Collected: \$17,715,448**

**Gross Recovery Rate: 46%**

**Success Rate: 45%**

**Ending Balance<sup>1</sup>: \$372,609,215**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Fresno County and the County of Fresno. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with two private debt collectors;
- A comprehensive collections program that includes 15 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 23 of the 25 recommended collections best practices; numbers 10 and 18 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$17,715,448 from 648,588 total delinquent cases, with collection costs of \$1,906,825. The Ending Balance of \$372,609,215 in delinquent court-ordered debt represents 625,304 delinquent cases, of which 50,929 were established in the reporting period.

For FY 2013–2014, the program has a 46 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 1 percentage point more than the prior year. The program’s Success Rate of 45 percent exceeds the recommended 31 percent benchmark and is 4 percentage points more than the prior year.

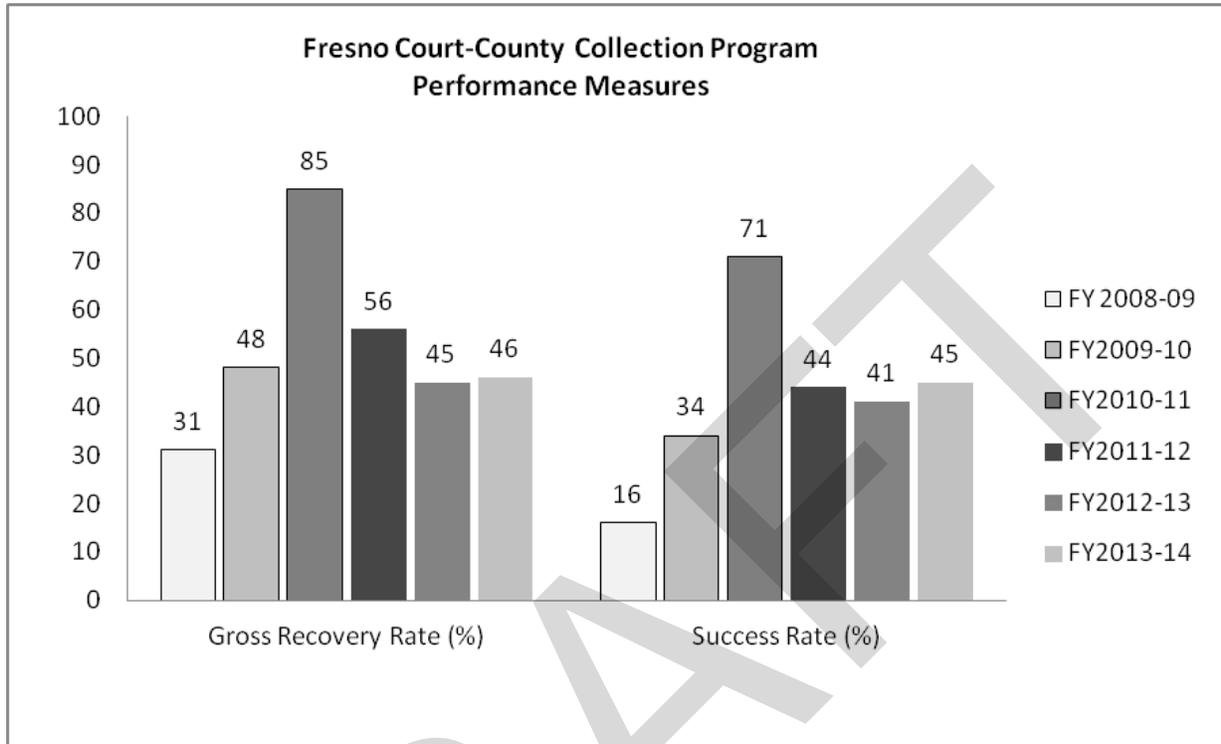
According to the Fresno collections program, the increases in the Gross Recovery Rate and the Success Rate are attributable to constant review and improvement to operational processes, such as the implementation of a program that allows defendants to demonstrate good cause to waive the civil assessment while requiring they first post the original bail amount and file for a trial by written declaration to contest the underlying charges. Also, the rate increases are due to increased collections activity through the Department of Motor Vehicle, the Franchise Tax Board’s collections programs, and the addition of a second private vendor that has successfully collected on cases that are ten years and older.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Fresno and Superior Court of Fresno Collections Program  
 Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



Note: The high FY 2010–2011 Gross Recovery and Success Rates were due to an adjustment reported by the county in FY 2011–2012. The adjusted rates were 53 percent and 44 percent, respectively.

This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2013 and 2014.

County of Glenn and Superior Court of Glenn County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 28,353**

**Authorized Judges/Commissioners: 2/0.3**

**Total Revenue Collected: \$2,197,103**

**Gross Recovery Rate: 59%**

**Success Rate: 64%**

**Ending Balance:<sup>1</sup> \$17,487,475**

**Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Glenn County and the County of Glenn. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- An MOU with the Superior Court of Shasta County for collection services under the Intra-branch Collections Services Program;
- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A comprehensive collections program that includes 14 of the 16 collection activity components;
- Credit and debit card payment options; and
- Meets 24 of the 25 recommended collections best practices; number 16 is currently not being met (see Attachment 3).

**Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$2,197,103 from 24,674 total delinquent cases, with collection costs of \$638,964. The Ending Balance of \$17,487,475 in delinquent court-ordered debt represents 17,891 delinquent cases, of which 6,965 were established in the reporting period.

For FY 2013–2014, the program has a 59 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 3 percentage points less than the prior year. The program’s Success Rate of 64 percent exceeds the recommended 31 percent benchmark, and is 2 percentage points more than the prior year.

According to the Glenn Superior Court, the program underwent a series of policy changes during FY2013–2014 that limited incoming caseload and required additional mailings of notices, thereby reducing total collections and increasing costs. This, in addition to a reduction in staffing levels, prevented the program from operating to full capacity during the reporting period. These

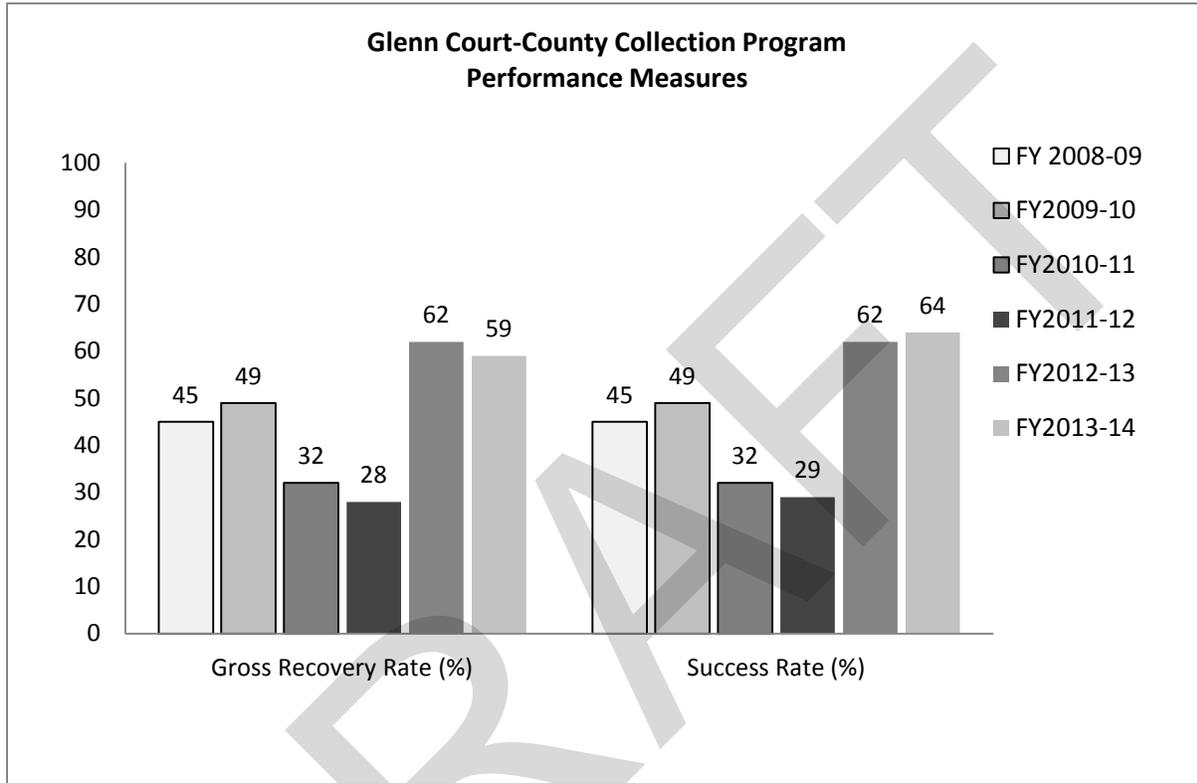
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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Glenn and Superior Court of Glenn County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

policies have since been re-evaluated and should result in a stronger program and a higher level of efficiency moving forward.

The chart below shows the program’s performance measures for the past six fiscal years:



**This report contains information jointly reported by the court and county in the Judicial Council’s Collections Reporting Template, FY 2013–2014, under Penal Code section 1463.010.**

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Humboldt and Superior Court of Humboldt County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 134,648**  
**Authorized Judges/Commissioners: 7/1**  
**Total Revenue Collected: \$5,504,630**

**Gross Recovery Rate: 77%**  
**Success Rate: 49%**  
**Ending Balance:<sup>1</sup> \$96,481,524**

**Program Overview**

The Superior Court of Humboldt County and the County of Humboldt do not have a written memorandum of understanding (MOU) for their collections program; however, the collection of delinquent court-ordered debt is a cooperative effort between the court and county. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs
- A contract with a private debt collector possessing a Statewide Master Agreement
- A comprehensive collections program that includes 15 of the 16 collection activity components. The remaining component not currently being met is an automated dialer or automated call distribution system to manage telephone calls.
- Internet and credit and debit card payment options; and
- Meets 24 of the 25 Judicial Council approved best practices. The one best practice not currently being met is having a current written MOU. The Court and County do operate a cooperative collection program for court-ordered debt collections.

**Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$5,504,630 from 159,784 total delinquent cases, with collection costs of \$810,904. The Ending Balance of \$96,481,524 in delinquent court-ordered debt represents 152,382 delinquent cases, of which 27,575 were established in the reporting period.

For FY 2013–2014, the program has a 77 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 12 percentage points more than prior year. The program’s Success Rate of 49 percent exceeds the recommended 31 percent benchmark, and is 18 percentage points more than the prior year.

According to the Humboldt collections program, the Court and County attribute the increases in the Gross Recovery Rate and Success Rate to the following:

COURT

- 1) Adjustments and discharges (\$14,220,194) are almost three times the amount of delinquent debt collected (\$5,504,630). This is the third consecutive year where adjustments and discharges have been more than double the amount of actual delinquent collections.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

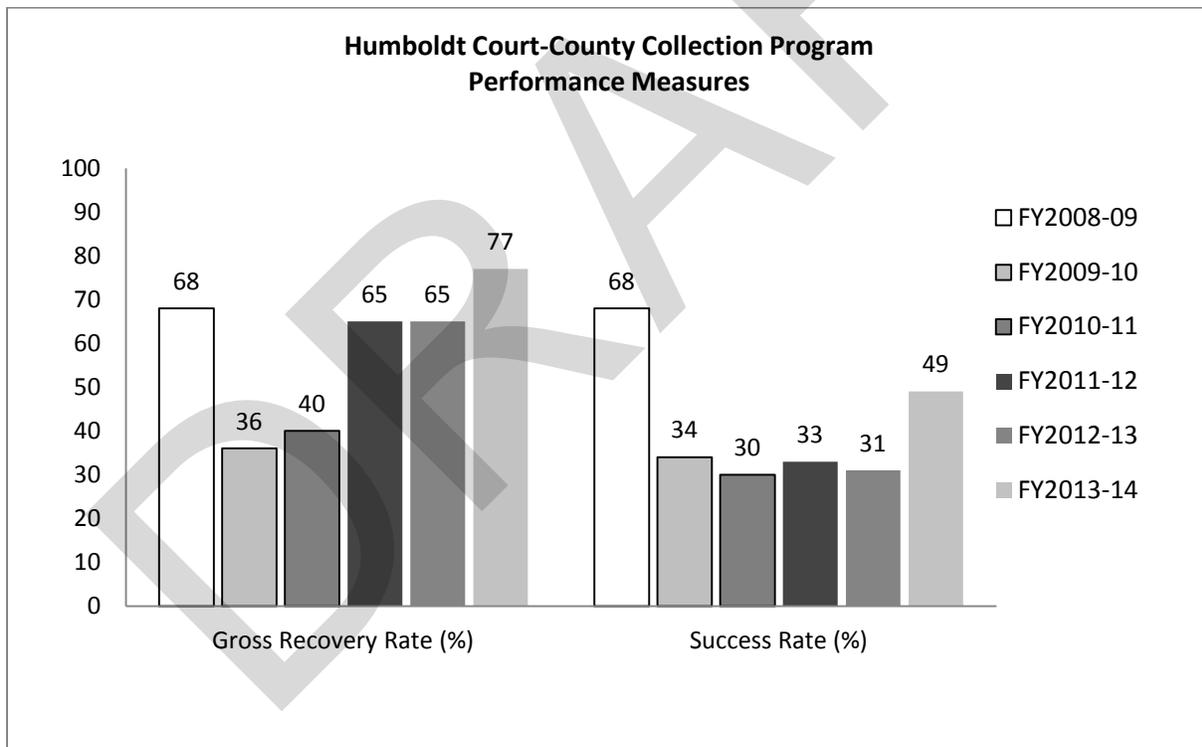
County of Humboldt and Superior Court of Humboldt County Collections Program  
 Summary of Fiscal Year 2013–2014 Collections Reporting Template

- 2) Franchise Tax Board collections increased by 7 percent, even though referrals to the Franchise Tax Board decreased by 79 percent. This is the most significant factor driving the performance rate changes from last year.

COUNTY

- 1) The County ended a long-term contract with its third party collections vendor and began a new contract with a new third party collections vendor. This has made a positive change in terms of collection success.
- 2) Figures included in the County Collection Program section were excluded from the private agency and FTB reporting sections to avoid duplicate reporting. This change only pertains to the number and value of cases established/referred in the reporting period and has no impact on gross revenue reporting.
- 3) The County focused on the discharge of old and uncollectable debt and account balances not cost effective to pursue.

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template, FY 2013–2014*, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Imperial and Superior Court of Imperial Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 180,672**

**Authorized Judges/Commissioners: 10/1.4**

**Total Revenue Collected: \$4,590,164**

**Gross Recovery Rate: 75%**

**Success Rate: 75%**

**Ending Balance:<sup>1</sup> \$51,872,824**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Imperial County and the County of Imperial. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- MOU with the Superior Court of Ventura County for collection services under the Intra-branch Collections Services Program;
- Contracts with the Franchise Tax Board's Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 15 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets all 25 of the recommended collections best practices (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$4,590,164 from 92,346 total delinquent cases, with collection costs of \$1,097,332. The Ending Balance of \$51,872,824 in delinquent court-ordered debt represents 57,324 delinquent cases, of which 37,929 were established in the reporting period.

For FY 2013–2014, the program has a 75 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 13 percentage points more than the prior year. The program's Success Rate of 75 percent exceeds the recommended 31 percent benchmark, and is 13 percentage points more than the prior year.

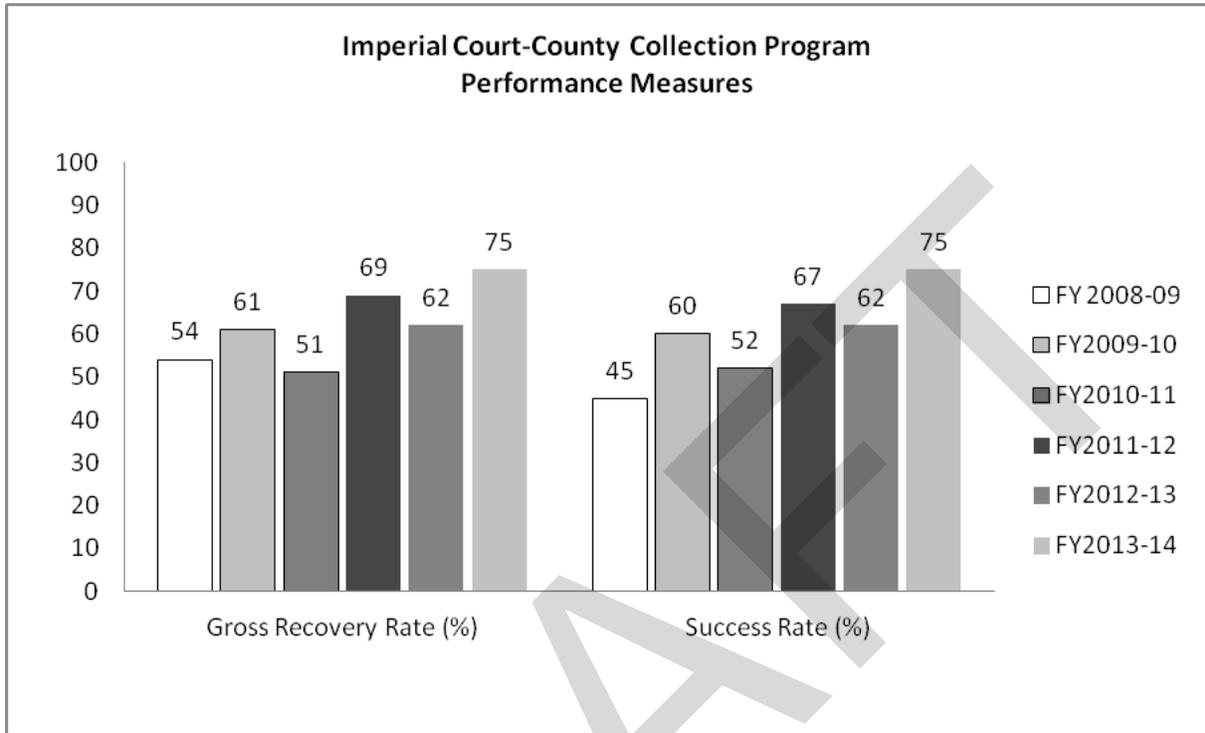
According to the Imperial collections program, the increases in the Gross Recovery Rate and Success Rate are attributable to the continued effectiveness of operational processes that include a failure to pay process, the mailing of delinquent notices, placing holds on drivers' licenses, and consistent and continual outsourcing of past due cases.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Imperial and Superior Court of Imperial Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



*This report contains information jointly reported by the court and county in the Judicial Council’s Collections Reporting Template, FY 2013–2014, under Penal Code section 1463.010.*

Data Source:

Population data from State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2013 and 2014.

County of Inyo and Superior Court of Inyo Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 18,590**  
**Authorized Judges/Commissioners: 2/0.3**  
**Total Revenue Collected: \$ 603,024**

**Gross Recovery Rate: 68%**  
**Success Rate: 61%**  
**Ending Balance:<sup>1</sup> \$7,384,684**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Inyo County and the County of Inyo. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- A contract with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) program;
- A contract with a private debt collector;
- A comprehensive collections program that includes 14 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 24 of the 25 recommended collections best practices; number 9 is currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$603,024 from 9,204 total delinquent cases, with collection costs of \$104,963. The Ending Balance of \$7,384,684 in delinquent court-ordered debt represents 8,319 delinquent cases, of which 2,174 were established in the reporting period.

For FY 2013–2014, the program has a 68 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 26 percentage points less than the prior year. The program’s Success Rate of 61 percent exceeds the recommended 31 percent benchmark, and is 30 percentage points less than the prior year.

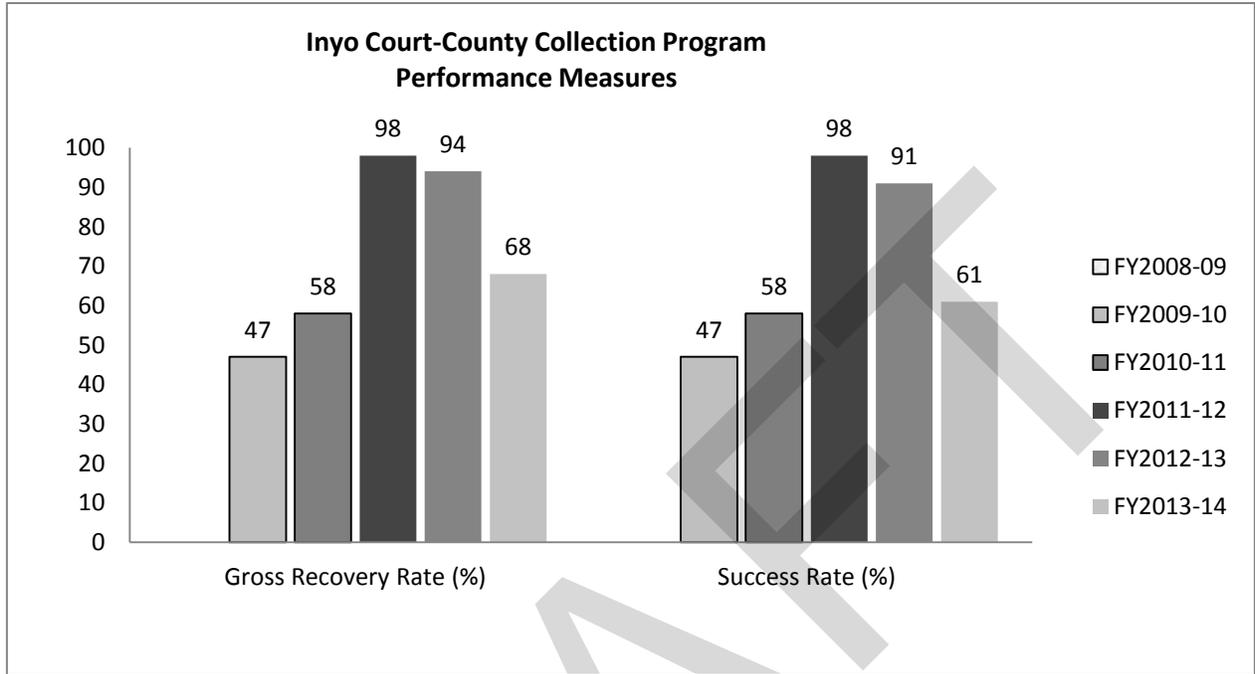
According to the Inyo collections program, the decreases in the Gross Recovery Rate and Success Rate are primarily attributable to the collection program collecting less in delinquent debt, with lesser amounts being collected by both the private vendor and FTB-COD than the previous fiscal year. Also, the discharge amount of the previous year was double in comparison to this reporting period, resulting in a noticeable impact on performance rates.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Inyo and Superior Court of Inyo Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



Note: In FY 2008–09, the Gross Recovery Rate and Success Rate were less than 1 percent due to limitations in the program’s case management system.

This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Kern and Superior Court of Kern Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 873,092**

**Authorized Judges/Commissioners: 39/7**

**Total Revenue Collected: \$22,769,311**

**Gross Recovery Rate: 62%**

**Success Rate: 62%**

**Ending Balance:<sup>1</sup> \$109,522,159**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Kern County and the County of Kern. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collection (IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes all 16 of the collection activity components;
- Internet and credit and debit card payment options; and
- Meets 22 of the 25 recommended collections best practices; numbers 2, 10, and 12 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$22,769,311 from 207,945 delinquent cases, with collection costs of \$3,551,101. The Ending Balance of \$109,522,159 in delinquent court-ordered debt represents 160,798 delinquent cases, of which 48,881 were established in the reporting period.

For FY 2013–2014, the program has a 62 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 5 percentage points less than the prior year. The program’s Success Rate of 62 percent exceeds the recommended 31 percent benchmark, and is 4 percentage points less than the prior year.

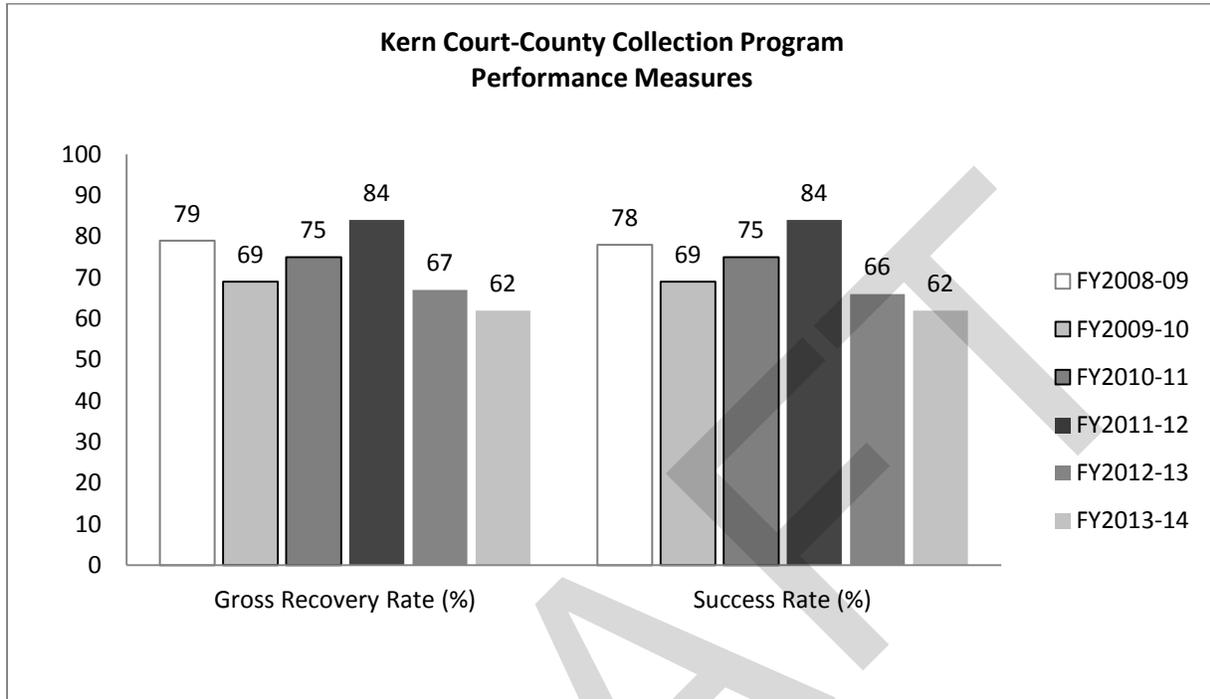
According to the Kern collections program, the decreases in the Gross Recovery Rate and Success Rate are attributable to the increased value of referred cases. Although the rates decreased, the program collected \$289,969 more in delinquent revenue this fiscal year.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Kern and Superior Court of Kern Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Kings and Superior Court of Kings County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 150,181**  
**Authorized Judges/Commissioners: 8/1.5**  
**Total Revenue Collected: \$3,884,185**

**Gross Recovery Rate: 40%**  
**Success Rate: 35%**  
**Ending Balance:<sup>1</sup> \$62,307,584**

**Program Overview**

The Superior Court of Kings County and the County of Kings do not have a written memorandum of understanding (MOU) for their collections program; however, the collection of delinquent court-ordered debt is a cooperative effort between the court and county. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- A contract with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) program;
- A contract with a private debt collector;
- A comprehensive collections program that includes 13 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 20 of the 25 recommended collections best practices; numbers 1, 2, 4, 9, and 15 are currently not being met (see Attachment 3).

**Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$3,884,185 from 78,696 total delinquent cases, with collection costs of \$438,203. The Ending Balance of \$62,307,584 in delinquent court-ordered debt represents 72,432 delinquent cases, of which 10,740 were established in the reporting period.

For FY 2013–2014, the program has a 40 percent Gross Recovery Rate, which meets the recommended 34 percent benchmark, and is 8 percentage points more than the prior year. The program’s Success Rate of 35 percent, which meets the recommended 31 percent benchmark and is 9 percentage points more than the prior year.

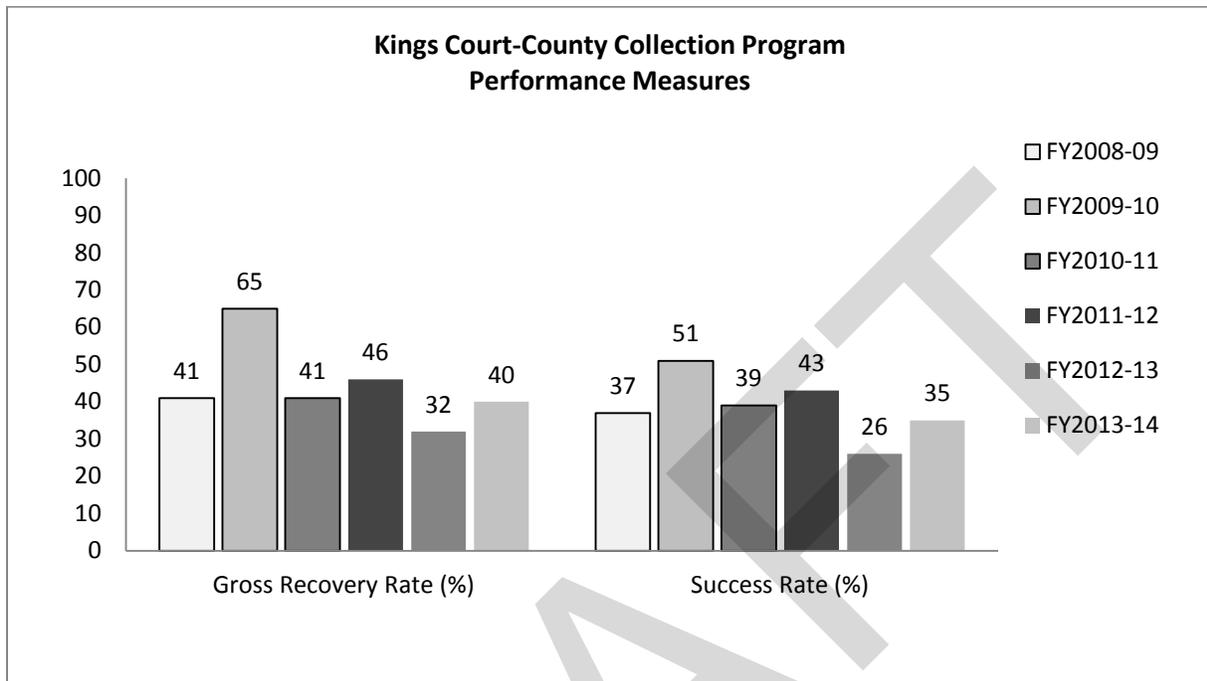
The program declined the opportunity to comment on the increases in the Gross Recovery Rate and Success Rate and did not speculate as to the possible reasons for the increase in revenues collected over the prior fiscal year.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Kings and Superior Court of Kings County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Lake and Superior Court of Lake Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 64,699**

**Authorized Judges/Commissioners: 4/8**

**Total Revenue Collected: \$1,422,301**

**Gross Recovery Rate: 41%**

**Success Rate: 42%**

**Ending Balance:<sup>1</sup> \$34,119,518**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Lake County and the County of Lake. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 15 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 24 of the 25 recommended collections best practices; number 10 is currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$1,422,301 from 39,509 total delinquent cases, with collection costs of \$188,413. The Ending Balance of \$34,119,518 in delinquent court-ordered debt represents 37,457 delinquent cases, of which 3,621 were established in the reporting period.

For FY 2013–2014, the program has a 41 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 14 percentage points less than the prior year. The program’s Success Rate of 42 percent exceeds the recommended 31 percent benchmark and is 17 percentage points less than the prior year.

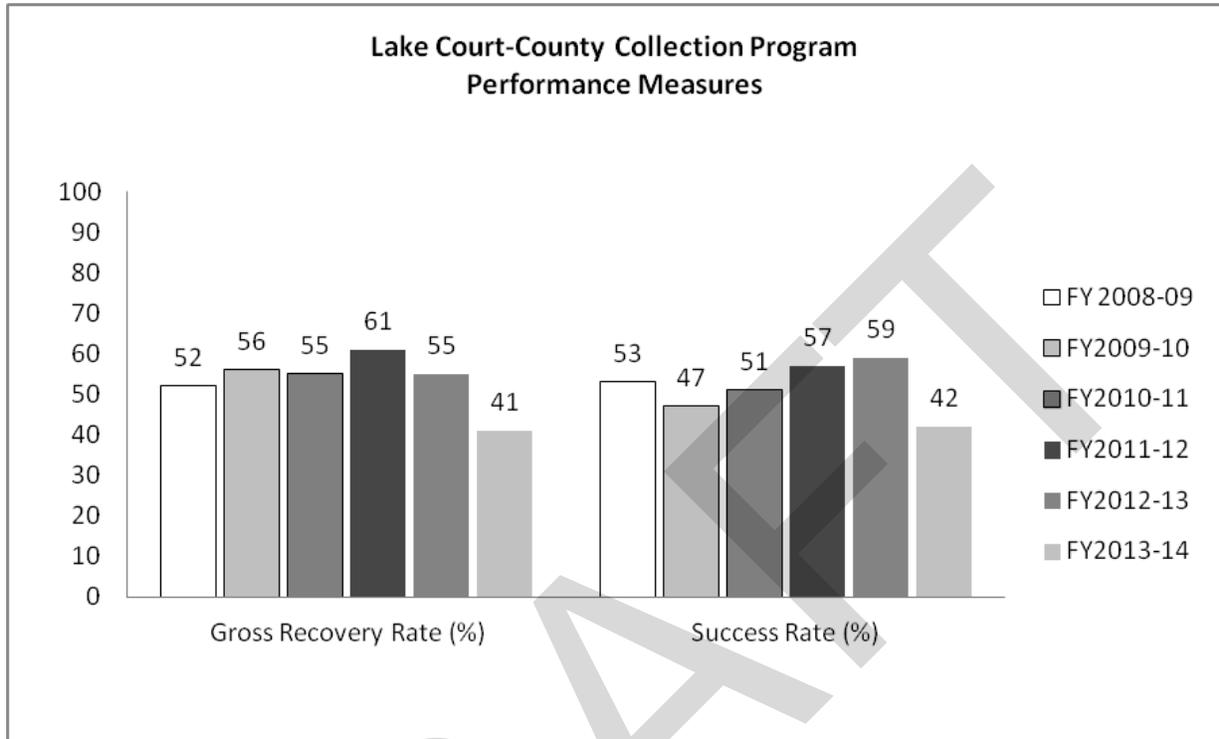
According to the Lake collections program, the decreases in the Gross Recovery Rate and the Success Rate are attributable to the increases in the value of debt established and a slight drop in collections. Returned cases from the Franchise Tax Board increased the value of case inventory of the private vendor. There was also an increase in value from the probation department of about 35 percent and an increase in court transfers to the county of about 14.5 percent.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Lake and Superior Court of Lake Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2013 and 2014.

County of Lassen and Superior Court of Lassen County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 33,581**  
**Authorized Judges/Commissioners: 2/0.3**  
**Total Revenue Collected: \$952,078**

**Gross Recovery Rate: 42%**  
**Success Rate: 42%**  
**Ending Balance:<sup>1</sup> \$17,663,379**

**Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Lassen County and the County of Lassen. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- An MOU with the Superior Court of Shasta County to provide collection services as part of an Intra-branch Collections Services Program;
- A contract with a private debt collector;
- A comprehensive collections program that includes 15 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 24 of the 25 recommended collections best practices; number 16 currently is not being met (see Attachment 3).

**Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$952,078 from 20,712 total delinquent cases, with collection costs of \$249,148. The Ending Balance of \$17,663,379 in delinquent court-ordered debt represents 18,722 delinquent cases, of which 3,280 were established in the reporting period

For FY 2013–2014, the program has a 42 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 13 percentage points less than the prior year. The program's Success Rate of 42 percent exceeds the recommended 31 percent benchmark and is 13 percentage points less than the prior year.

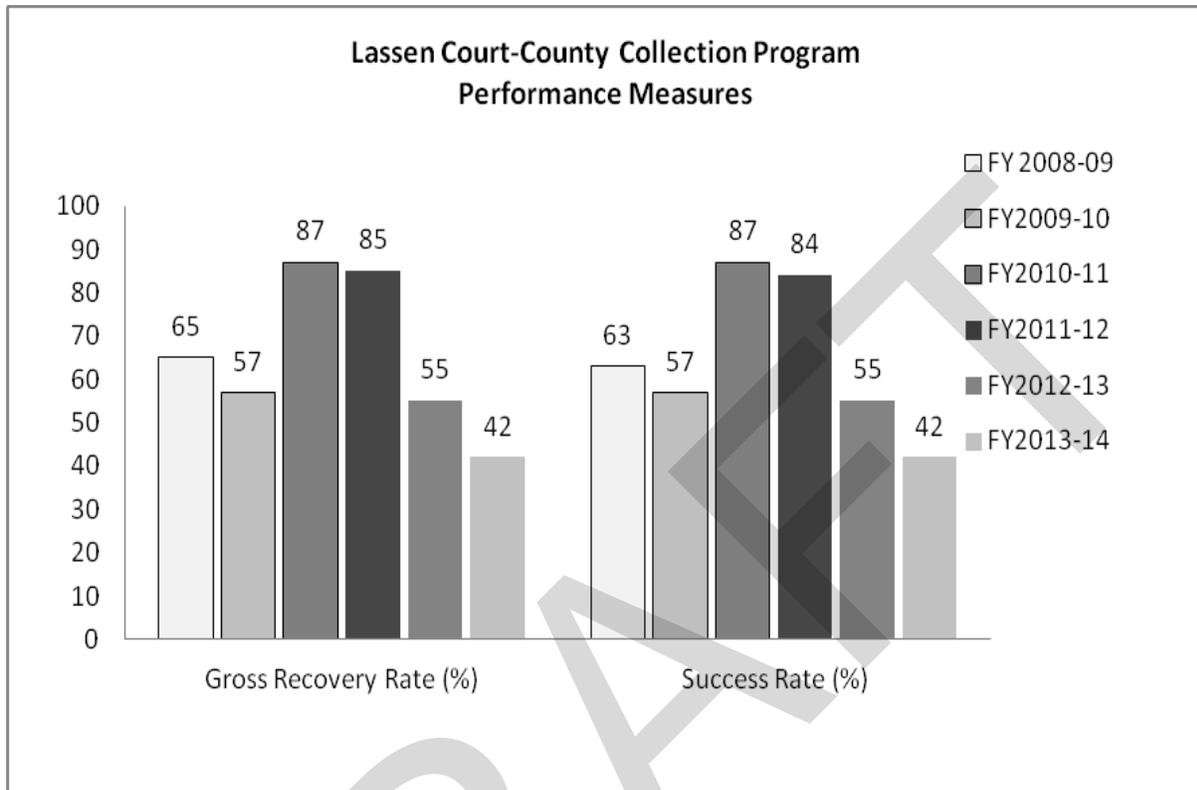
According to the Lassen collections program, the decreases in the Gross Recovery Rate and Success Rate are attributable to the large volume of hard to collect delinquent accounts being transferred to Shasta's Intra Branch program. Shasta has a philosophy of doing due diligence to explore all collection options prior to discharging uncollectable accounts.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Lassen and Superior Court of Lassen County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Los Angeles and Superior Court of Los Angeles Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 10,041,797**

**Authorized Judges/Commissioners: 475/81**

**Total Revenue Collected: \$110,802,306**

**Gross Recovery Rate: 64%**

**Success Rate: 37%**

**Ending Balance:<sup>1</sup> \$2,552,134,605**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Los Angeles County and the County of Los Angeles. The Los Angeles County Probation Department operates a separate, stand alone collections program not associated with the court and county collections program. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes all 16 of the collection activity components;
- Internet and credit and debit card payment options; and
- Meets 22 of the 25 recommended collections best practices; numbers 12, 19, and 21 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$110,802,306 from 2,551,604 total delinquent cases, with collection costs of \$21,388,978. The Ending Balance of \$2,552,134,605 in delinquent court-ordered debt represents 2,309,407 delinquent cases, of which 494,203 were established in the reporting period.

For FY 2013–2014, the program has a 64 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 9 percentage points less than the prior year. The program’s Success Rate of 37 percent exceeds the recommended 31 percent benchmark, and is 9 percentage points less than the prior year.

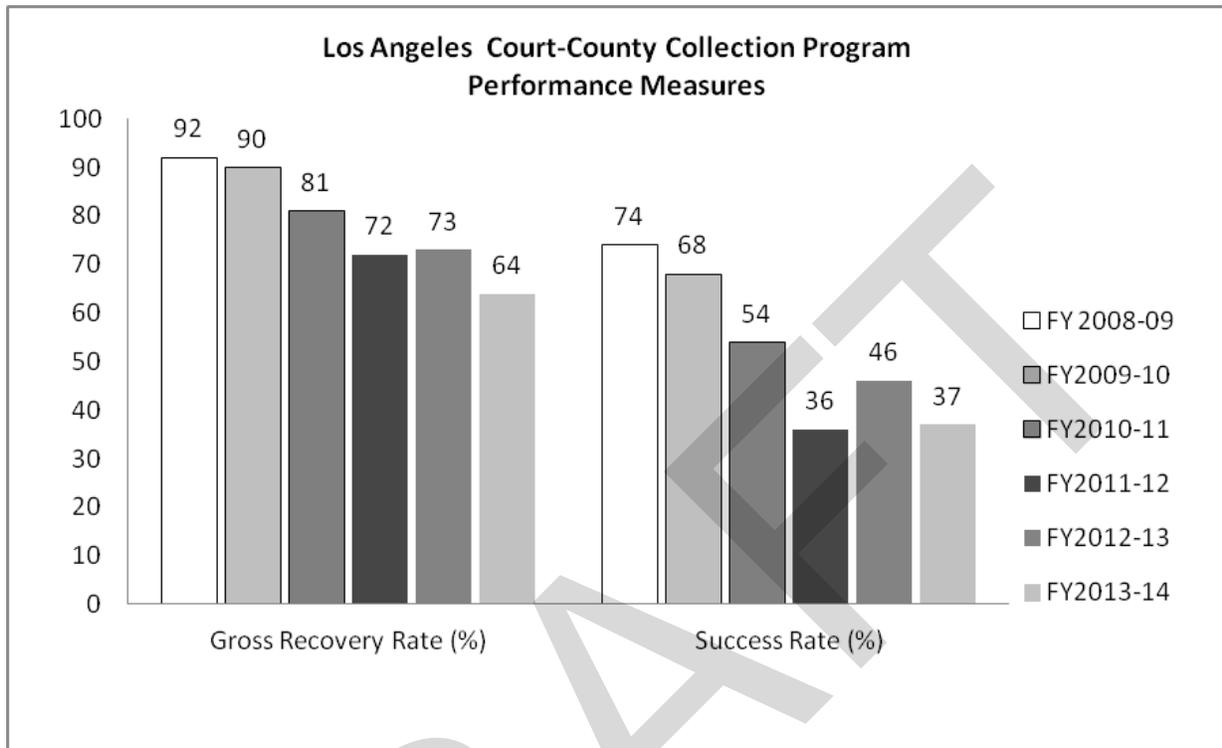
According to the County of Los Angeles and the Superior Court of Los Angeles County collections program, the decrease to the Success Rate is attributable to a decrease in revenue collected and an increase in the amount of delinquent debt established for the period. The decrease in the Gross Recovery Rate is primarily due to an overall decrease in discharged debt offset by an increase in adjustments. Accounts totaling \$17 million were discharged from accountability, as authorized by statute.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Los Angeles and Superior Court of Los Angeles Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2013 and 2014.

County of Madera and Superior Court of Madera Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 153,897**

**Authorized Judges/Commissioners: 10/0.3**

**Total Revenue Collected: \$2,661,512**

**Gross Recovery Rate: 56%**

**Success Rate: 30%**

**Ending Balance:<sup>1</sup> \$94,938,629**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Madera County and the County of Madera. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013-2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 15 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets all 25 recommended collections best practices (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$2,661,512 from 148,541 total delinquent cases, with collection costs of \$207,960. The Ending Balance of \$94,938,629 in delinquent court-ordered debt represents 144,650 delinquent cases, of which 12,068 were established in the reporting period.

For FY 2013–2014, the program has a 56 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 6 percentage points more than the prior year. The program’s Success Rate of 30 percent does not meet the recommended 31 percent benchmark and is 3 percentage points less than the prior year.

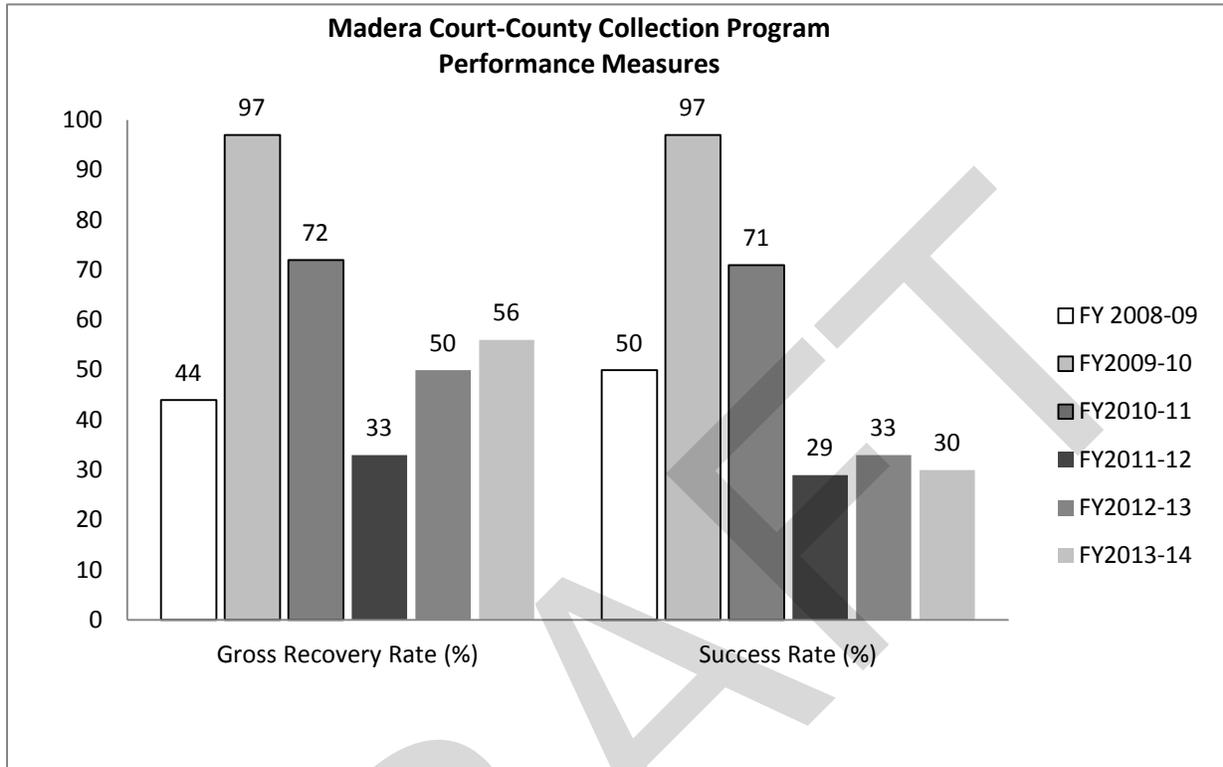
According to the Madera collections program, the decrease in the Success Rate is attributable to a change in operations in FY 2011–2012 that is still impacting the program. On June 1, 2012, two employees were transferred, which reduced the Madera County Revenue Services Division from five to three employees. Even with the reduction in staff, collections increased and resulted in an increase in the Gross Recovery Rate.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Madera and Superior Court of Madera Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template, FY 2013–2014*, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Marin and Superior Court of Marin Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 255,846**  
**Authorized Judges/Commissioners: 12/.8**  
**Total Revenue Collected: \$3,210,862**

**Gross Recovery Rate: 70%**  
**Success Rate: 67%**  
**Ending Balance:<sup>1</sup> \$20,411,341**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Marin and the County of Marin. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- A contract with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) program;
- A contract with a private debt collector;
- A comprehensive collections program that includes 14 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 23 of the 25 recommended collections best practices; numbers 10 and 19 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$3,210,862 from 27,649 total delinquent cases, with collection costs of \$1,048,646. The Ending Balance of \$20,411,341 in delinquent court-ordered debt represents 25,705 delinquent cases, of which 5,785 were established in the reporting period.

For FY 2013–2014, the program has a 70 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 1 percentage point less than the prior year. The program’s Success Rate of 67 percent exceeds the recommended 31 percent benchmark, and is 3 percentage points less than the prior year.

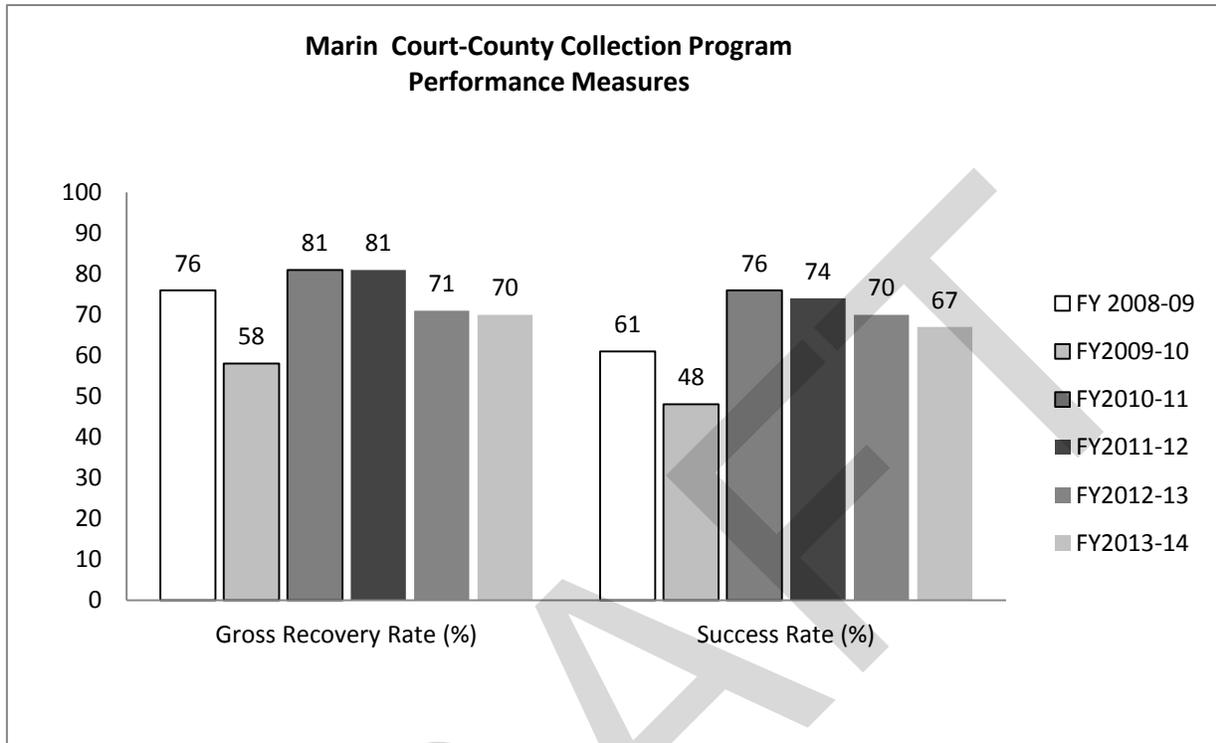
According to the Marin collections program, the decreases in the Gross Recovery Rate and Success Rate are due to a decrease in delinquent collections compared to established referred amounts. The program collected \$273,006 less than the previous fiscal year and had \$120,000 more in adjustments, which are factors that contributed to the slight decrease in performance rates.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Marin and Superior Court of Marin Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



**This report contains information jointly reported by the court and county in the Judicial Council’s Collections Reporting Template, FY 2013–2014, under Penal Code section 1463.010.**

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Mariposa and Superior Court of Mariposa Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 18,467**

**Authorized Judges/Commissioners: 2/3**

**Total Revenue Collected: \$601,948**

**Gross Recovery Rate: 58%**

**Success Rate: 35%**

**Ending Balance<sup>1</sup>: \$7,063,191**

### **Program Overview**

The Superior Court of Mariposa County and the County of Mariposa do not have a written memorandum of understanding (MOU) for their collections program; however, the collection of delinquent court-ordered debt is a cooperative effort between the court and county. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes all 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 22 of the 25 recommended collections best practices; number 1, 10, and 23 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$601,948 from 3,797 total delinquent cases, with collection costs of \$202,862. The Ending Balance of \$7,063,191 in delinquent court-ordered debt represents 3,794 delinquent cases, of which 1,147 were established in the reporting period.

For FY 2013–2014, the program has a 58 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 17 percentage points more than the prior year. The program’s Success Rate of 35 exceeds the recommended 31 percent benchmark and is 22 percentage points more than the prior year.

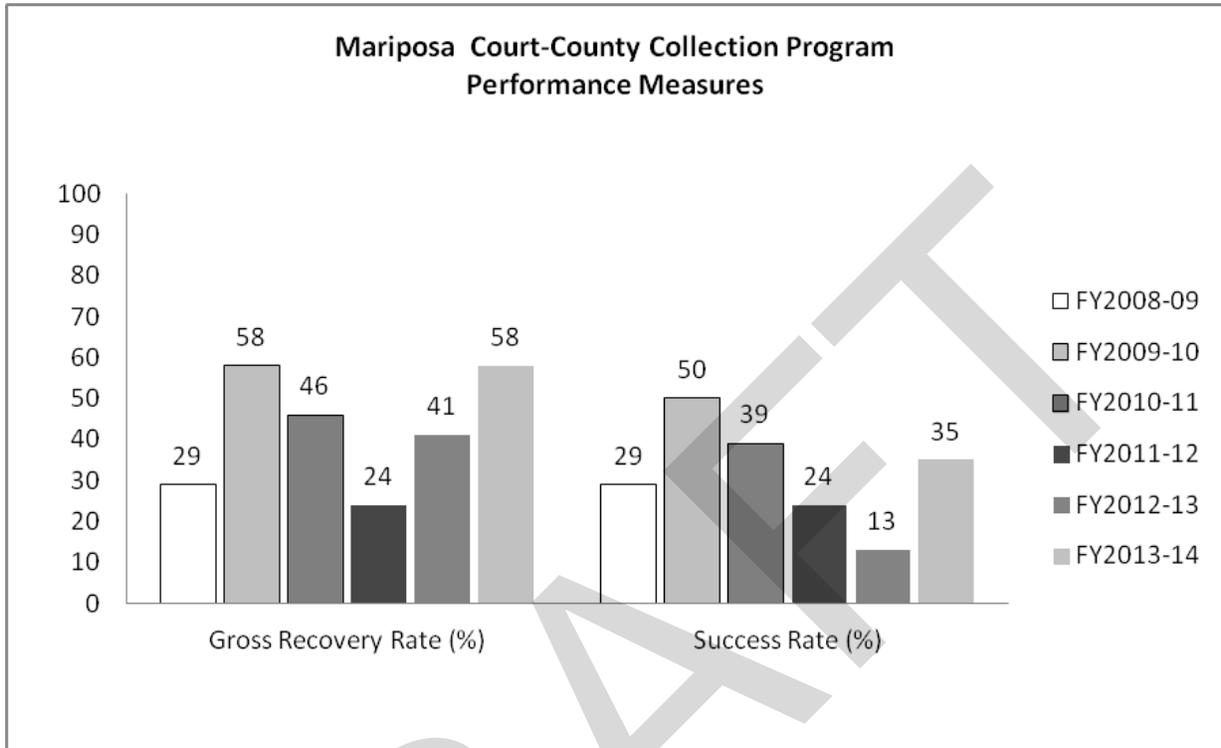
According to the Mariposa collections program, the increases in the Gross Recovery Rate and Success Rate are due to the efforts of the Court Collections Division; billing statements, failure to appear and failure to pay accounts being actively processed, and earlier referrals to the Franchise Tax Board. This is the first full year of operation of the Court Collections Division, which was established effective November 1, 2012.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Mariposa and Superior Court of Mariposa Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2013 and 2014.

County of Mendocino and Superior Court of Mendocino County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 89,029**

**Authorized Judges/Commissioners: 8/0.4**

**Total Revenue Collected: \$3,579,627**

**Gross Recovery Rate: 74%**

**Success Rate: 59%**

**Ending Balance:<sup>1</sup> \$40,000,083**

**Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Mendocino County and the County of Mendocino. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 15 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 24 of the 25 recommended collections best practices; number 4 is not currently being met (see Attachment 3).

**Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$3,579,627 from 41,823 total delinquent cases, with collection costs of \$567,881. The Ending Balance of \$40,000,083 in delinquent court-ordered debt represents 33,612 delinquent cases, of which 9,841 were established in the reporting period.

For FY 2013–2014, the program has a 74 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 12 percentage point less than the prior year. The program’s Success Rate of 59 percent exceeds the recommended 31 percent benchmark and is 13 percentage points less than prior year.

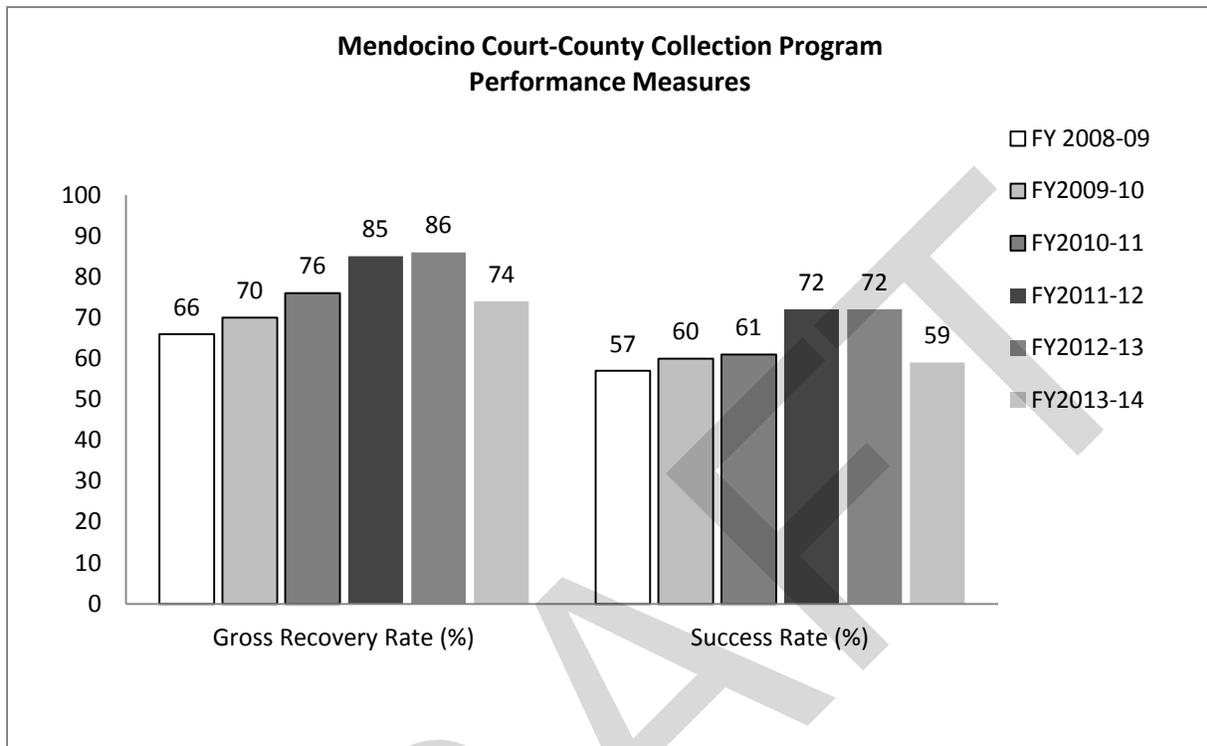
According to the Mendocino collection program, the Gross Recovery Rate and Success Rate are less than last year due to the reduction on the amount of cases submitted for discharge of accountability.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Mendocino and Superior Court of Mendocino County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Merced and Superior Court of Merced Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 264,922**

**Authorized Judges/Commissioners: 12/2**

**Total Revenue Collected: \$6,766,742**

**Gross Recovery Rate: 62%**

**Success Rate: 58%**

**Ending Balance:<sup>1</sup> \$95,527,897**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Merced County and the County of Merced. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collection (IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 15 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 23 of the 25 recommended collections best practices; numbers 10 and 12 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$6,766,742 from 162,131 total delinquent cases, with collection costs of \$1,949,029. The Ending Balance of \$95,527,897 in delinquent court-ordered debt represents 132,524 delinquent cases, of which 21,565 were established in the reporting period.

For FY 2013–2014, the program has a 62 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 2 points more than the prior year. The program’s Success Rate of 58 percent exceeds the recommended 31 percent benchmark and is 1 percentage point more than the prior year.

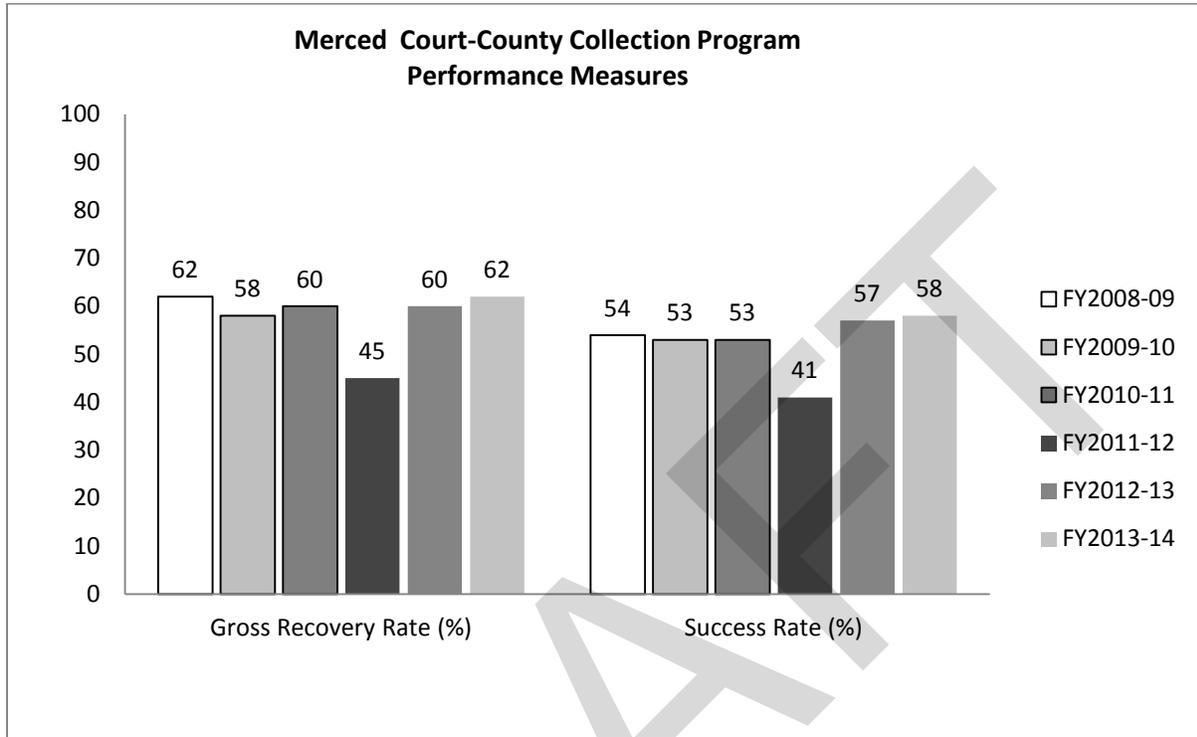
According to the Merced collections program, the minimal increases in the Gross Recovery Rate and Success Rate are attributable to the collaborative effort of the comprehensive program, as the county, private collection agency, and FTB-COD all had an increase in delinquent revenue collected from the previous fiscal year. Additionally, the program had almost 2 million more delinquent cases this year than the previous year, which also had a slight impact on the increase.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Merced and Superior Court of Merced Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Modoc and Superior Court of Modoc Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 9,197**

**Authorized Judges/Commissioners: 2/0.3**

**Total Revenue Collected: \$160,606**

**Gross Recovery Rate: 35%**

**Success Rate: 30%**

**Ending Balance:<sup>1</sup> \$2,909,919**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Modoc County and the County of Modoc. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 15 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 23 of the 25 recommended collections best practices; numbers 2 and 14 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$160,606 from 2,884 delinquent cases, with collection costs of \$69,264. The Ending Balance of \$2,909,919 in delinquent court-ordered debt represents 2,853 delinquent cases, of which 531 were established in the reporting period.

For FY 2013–2014, the program has a 35 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 15 percentage points less than the prior year. The program’s Success Rate of 30 percent does not meet the recommended 31 percent benchmark and is 2 percentage points less than the prior year.

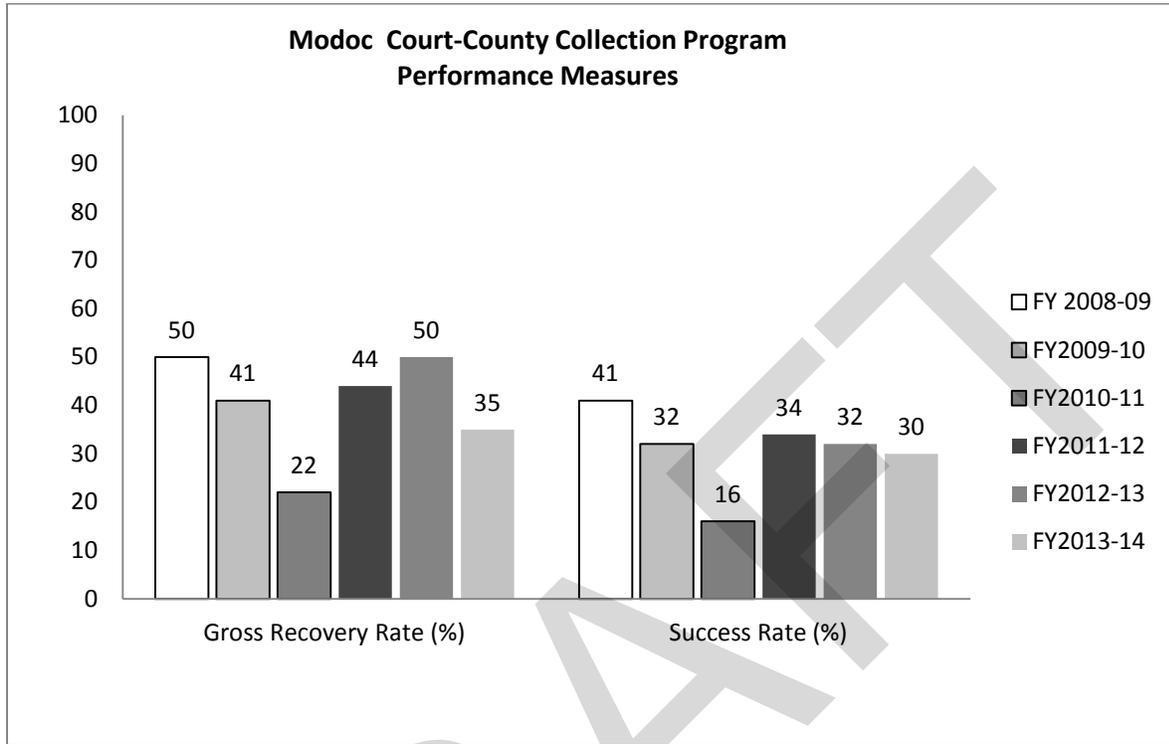
According to the Modoc collections program, the decreased rates can be attributed to the private vendor collecting less debt this fiscal year. However, even though the collection rates decreased, the collections program collected \$45,171 more than the previous fiscal year.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements..

County of Modoc and Superior Court of Modoc Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Mono and Superior Court of Mono Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 14,143**

**Authorized Judges/Commissioners: 2/0.3**

**Total Revenue Collected: \$52,689**

**Gross Recovery Rate: 41%**

**Success Rate: 35%**

**Ending Balance:<sup>1</sup> \$1,140,879**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Mono and the County of Mono. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- A contract with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) program;
- A contract with a private debt collector;
- A comprehensive collections program that includes 11 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 21 of the 25 recommended collections best practices; numbers 10, 14, 18, and 21 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$52,689 from 1,963 total delinquent cases. The Ending Balance of \$1,140,879 in delinquent court-ordered debt represents 1,877 delinquent cases, of which 252 were established in the reporting period.

For FY 2013–2014, the program has a 41 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 7 percentage points less than the prior year. The program’s Success Rate of 35 percent exceeds the recommended 31 percent benchmark, and is 12 percentage points less than the prior year.

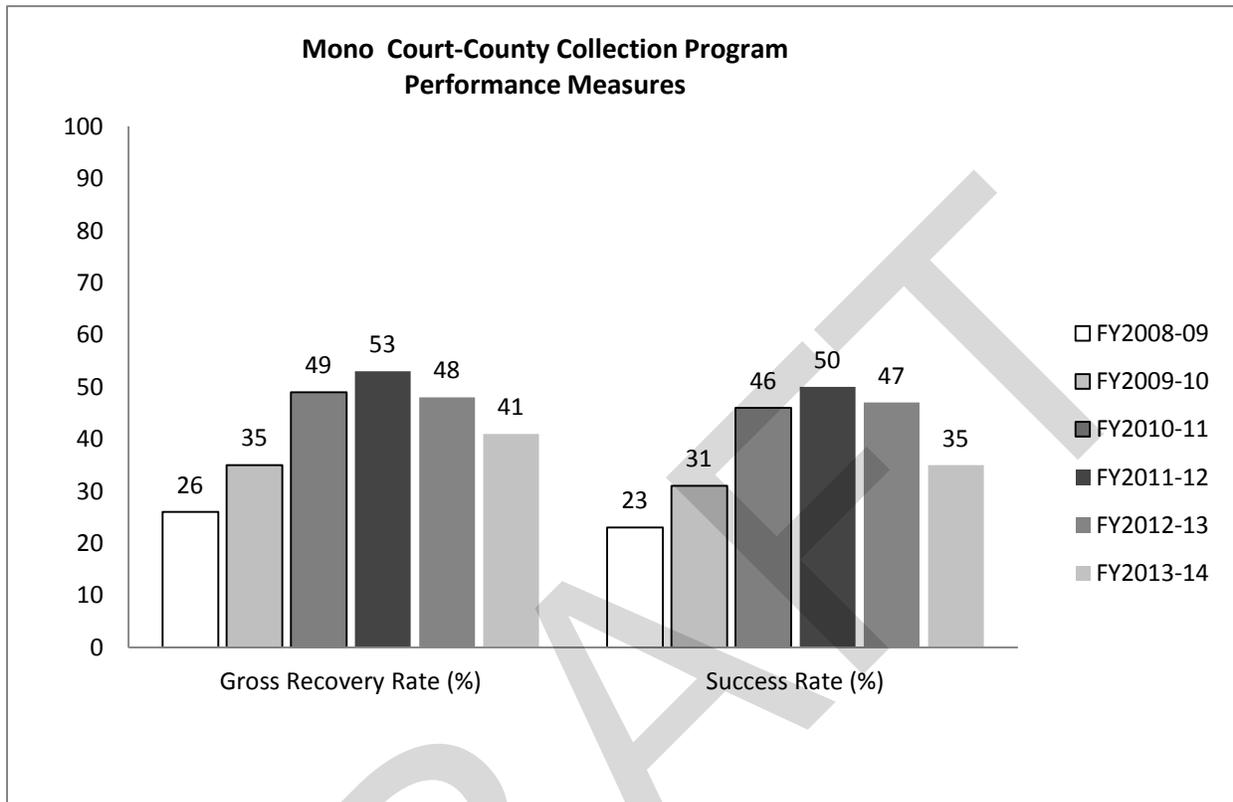
According to the Mono collections program, the decreases in the Gross Recovery Rate and Success Rate are attributable to a reduction in revenue resulting in a change in operations from the previous year. The program made significant changes in collections practices to transition to a comprehensive collection program and was able to refer cases at the end of the fiscal year to FTB-COD, but the revenue will not be included until the next reporting period.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Mono and Superior Court of Mono Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Monterey and Superior Court of Monterey Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 425,756**

**Authorized Judges/Commissioners: 20/2.2**

**Total Revenue Collected: \$11,291,518**

**Gross Recovery Rate: 54%**

**Success Rate: 52%**

**Ending Balance:<sup>1</sup> \$152,209,977**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Monterey County and the County of Monterey. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collection (IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 15 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 24 of the 25 recommended collections best practices; number 19 is currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$11,291,518 from 337,647 total delinquent cases, with collection costs of \$2,923,910. The Ending Balance of \$152,209,977 in delinquent court-ordered debt represents 216,173 delinquent cases, of which 44,276 were established in the reporting period.

For FY 2013–2014, the program has a 54 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 18 percentage points less than the prior year. The program’s Success Rate of 52 percent exceeds the recommended 31 percent benchmark, and is 14 percentage points less than the prior year.

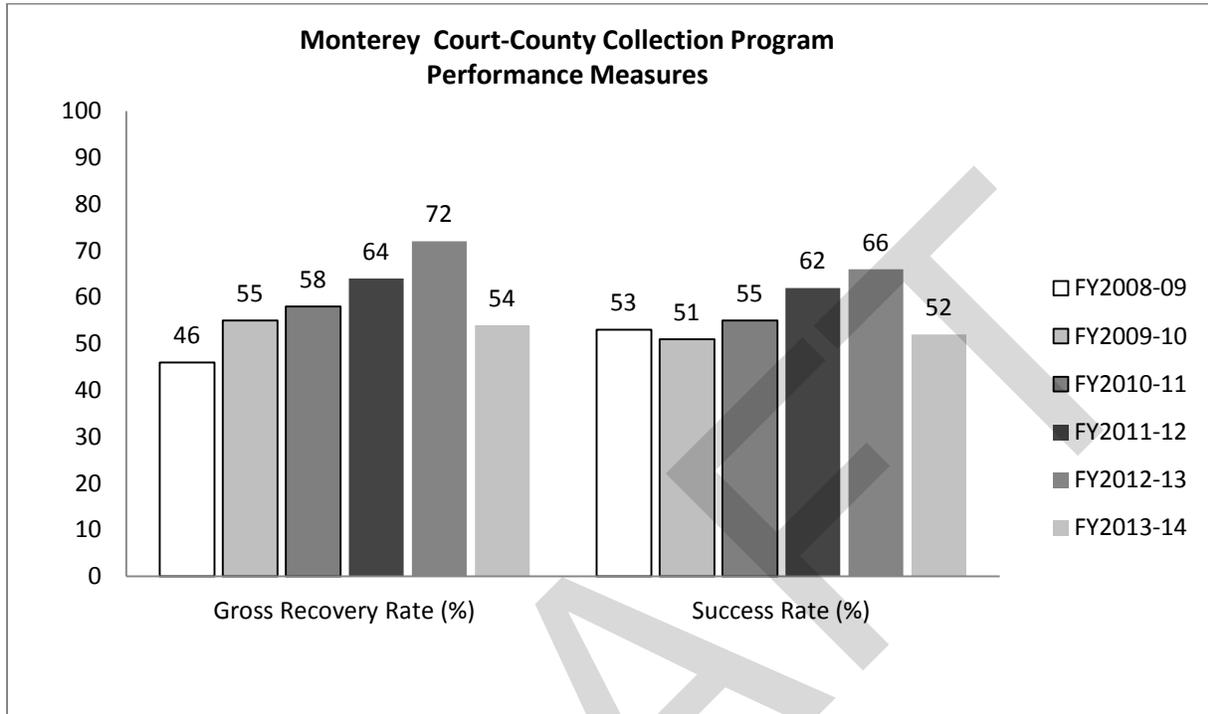
According to the Monterey collections program, the decreases in the Gross Recovery Rate and the Success Rate are attributable to a reduction in newly established delinquent accounts, staff shortages, higher unemployment rates in the county as opposed to other parts of the state, and adverse weather impacting the agricultural industry – which is the primary source of income to county residents.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Monterey and Superior Court of Monterey Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template, FY 2013–2014*, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Napa and Superior Court of Napa Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 139,255**

**Authorized Judges/Commissioners: 6/2**

**Total Revenue Collected: \$3,718,312**

**Gross Recovery Rate: 64%**

**Success Rate: 63%**

**Ending Balance:<sup>1</sup> \$51,586,893**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Napa County and the County of Napa. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 15 of the 16 collection activity components;
- Internet and credit card payment options; and
- Meets all 25 of the recommended collections best practices (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$3,718,312 from 59,414 total delinquent cases, with collection costs of \$464,934. The Ending Balance of \$51,586,893 in delinquent court-ordered debt represents 55,871 delinquent cases, of which 6,426 were established in the reporting period.

For FY 2013–2014, the program has a 64 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 8 percentage points less than the prior year. The program’s Success Rate of 63 percent exceeds the recommended 31 percent benchmark, and is 8 percentage points less than the prior year.

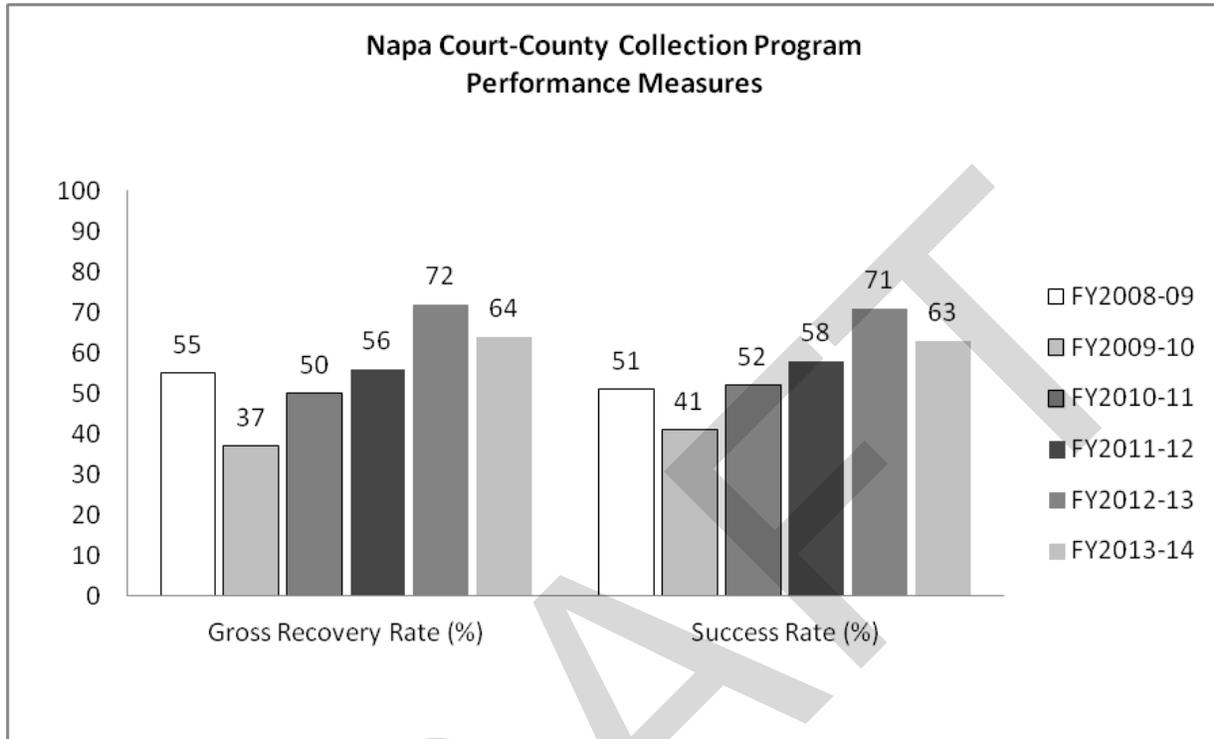
According to the Napa collections program, the decreases in the Gross Recovery Rate and Success Rate are attributable to a reduction in collections on delinquent accounts for the reporting period.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Napa and Superior Court of Napa Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2013 and 2014.

County of Nevada and Superior Court of Nevada County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 97,225**

**Authorized Judges/Commissioners: 6/1.6**

**Total Revenue Collected: \$1,484,832**

**Gross Recovery Rate: 48%**

**Success Rate: 44%**

**Ending Balance:<sup>1</sup> \$26,476,395**

**Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Nevada County and the County of Nevada. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- A contract with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) program;
- A contract with a private debt collector;
- A comprehensive collections program that includes all 16 of the collection activity components;
- Internet and credit and debit card payment options; and
- Meets 24 of the 25 recommended collections best practices; number 9 is currently not being met (see Attachment 3).

**Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$1,484,832 from 39,980 total delinquent cases, with collection costs of \$204,778. The Ending Balance of \$26,476,395 in delinquent court-ordered debt represents 37,915 delinquent cases, of which 4,574 were established in the reporting period.

For FY 2013–2014, the program has a 48 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 12 percentage points less than the prior year. The program’s Success Rate of 44 percent exceeds the recommended 31 percent benchmark, and is 12 percentage points less than the prior year.

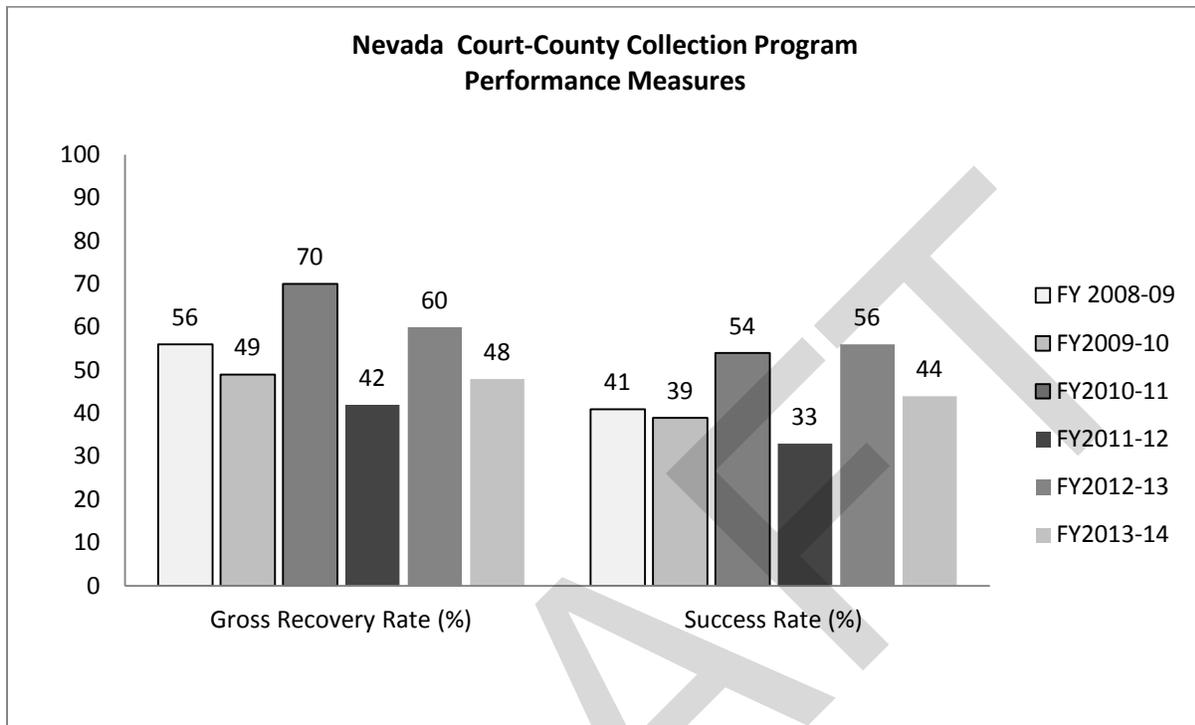
According to the Nevada collections program, the decreases in the Gross Recovery Rate and Success Rate are attributable to the reduction of staff, which has been a result of the severe budget cuts of the last six years. In addition, the court has experienced a much higher than normal staff turnover, making the collection program less efficient. The court anticipates the Gross Recovery Rate and Success Rate will increase during the next year as they implement improvements in their collections program.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Nevada and Superior Court of Nevada County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Orange and Superior Court of Orange Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 3,113,991**  
**Authorized Judges/Commissioners: 125/20**  
**Total Revenue Collected: \$42,748,500**

**Gross Recovery Rate: 88%**  
**Success Rate: 74%**  
**Ending Balance:<sup>1</sup> \$346,388,427**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Orange County and the County of Orange. The court and county have a written memorandum of understanding (MOU) for the collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with two private debt collectors;
- A comprehensive collections program that includes all 16 of the collection activity components;
- Internet and credit and debit card payment options; and
- Meets 23 of the 25 recommended collections best practices; numbers 10 and 17 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$42,748,500 from 509,791 total delinquent cases, with collection costs of \$4,687,157. The Ending Balance of \$346,388,427 in delinquent court-ordered debt represents 364,638 delinquent cases, of which 160,721 were established in the reporting period.

For FY 2013–2014, the program has an 88 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 3 percentage points more than the prior year. The program’s Success Rate of 74 percent exceeds the recommended 31 percent benchmark, and is 3 percentage points more than the prior year.

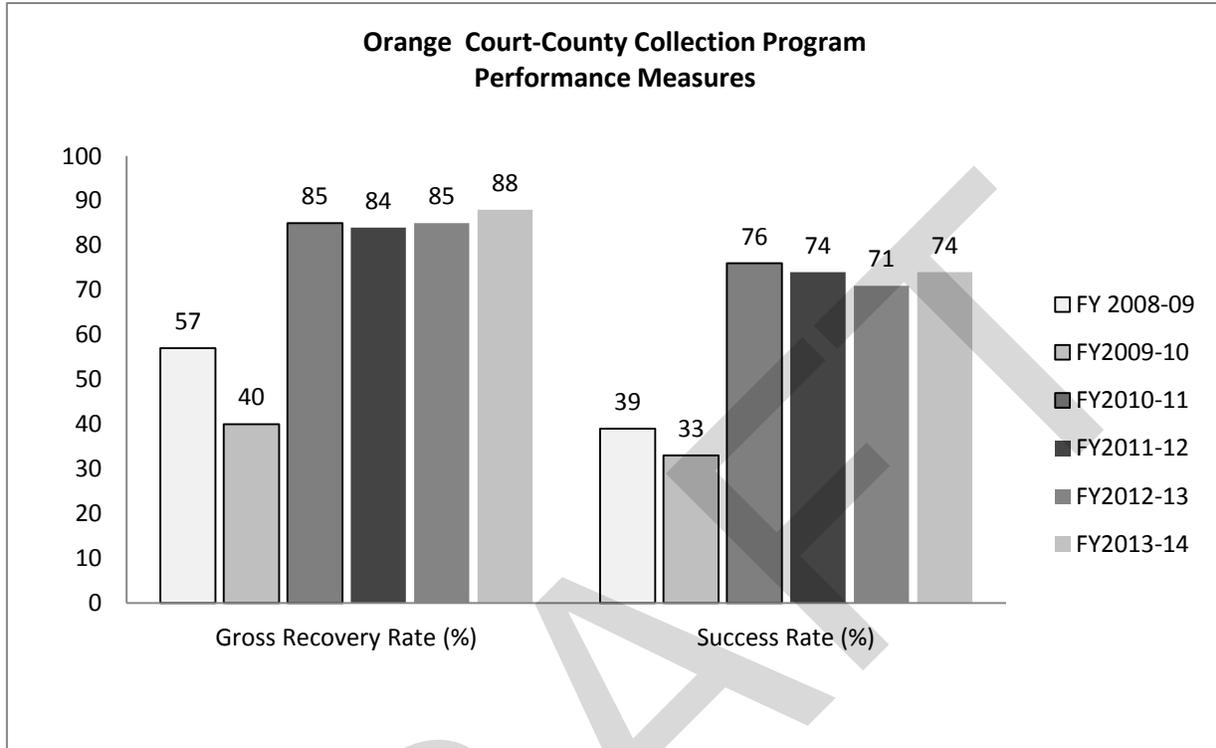
According to the Orange collections program, the minimal increases in the Gross Recovery Rate and the Success Rate are attributable to the implementation of the Franchise Tax Board’s Interagency Intercept Collections (FTB-IIC) program, improvements in the Failure to Pay process, and a new skip tracing vendor being added. Also, the program generated \$1.7 million more in civil assessment revenue this fiscal year.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Orange and Superior Court of Orange Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



**This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013-2014, under Penal Code section 1463.010.**

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Placer and Superior Court of Placer County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 366,115**  
**Authorized Judges/Commissioners: 12/4.5**  
**Total Revenue Collected: \$7,907,294**

**Gross Recovery Rate: 50%**  
**Success Rate: 56 %**  
**Ending Balance:<sup>1</sup> \$100,625,114**

**Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Placer County and the County of Placer. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collection program that includes all 16 of the collection activity components;
- Internet and credit and debit card payment options; and
- Meets 24 of the 25 recommended collections best practices; number 10 is currently not being met (see Attachment 3).

**Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$7,907,294 from 183,069 total delinquent cases, with collection costs of \$1,969,534. The Ending Balance of \$100,625,114 in delinquent court-ordered debt represents 135,459 delinquent cases, of which 24,579 were established in the reporting period.

For FY 2013–2014, the program has a 50 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 1 percentage point more than the prior year. The program’s Success Rate of 56 percent exceeds the recommended 31 percent benchmark, and remains the same as the prior year.

According to the Placer collections program, the Gross Recovery Rate and the Success Rate are virtually unchanged from the prior fiscal year 2012–2013. The decline in traffic citations since FY 2009–2010 has resulted in a negative impact to revenue. Infraction citation filings did stop their downward trend in FY 2013–2014, and experienced some modest growth, but remained substantially lower than FY 2009–2010.

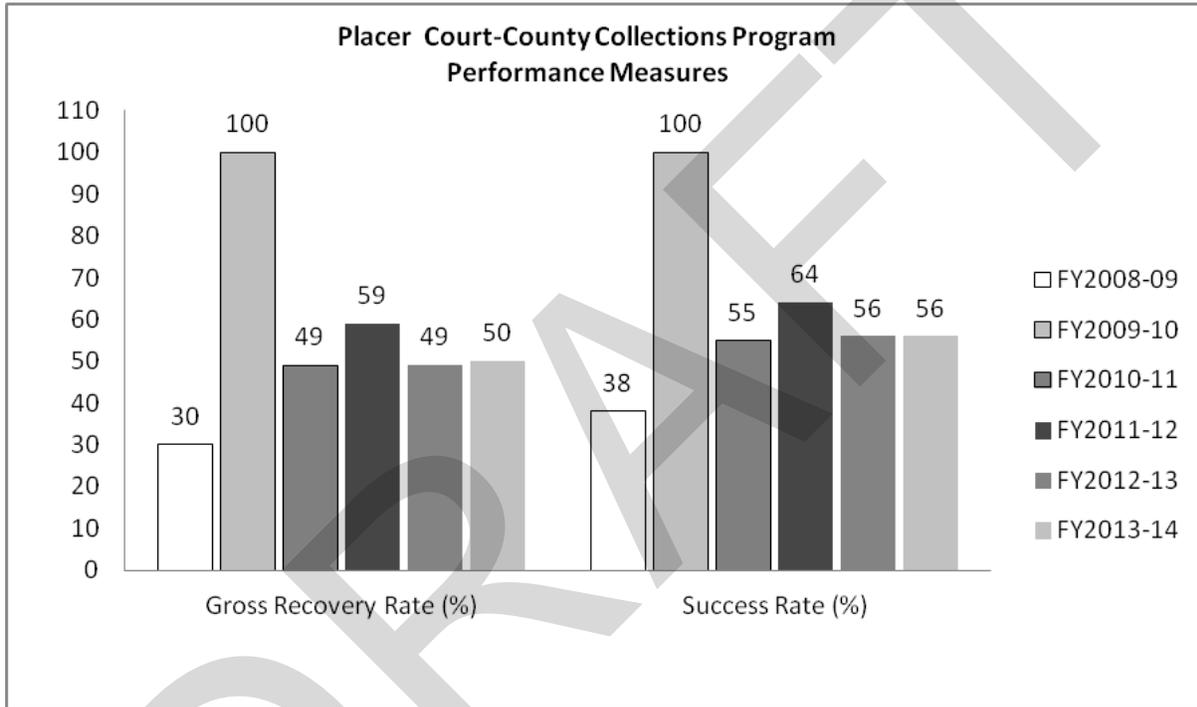
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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Placer and Superior Court of Placer County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The County of Placer continues to be accessible to the public by expanding the office and phone hours, which are: 7:30 a.m. to 5:30 p.m. – Monday through Thursday, and 8:00 a.m. to 5:00 p.m. on Fridays. In addition, Revenue Services has a program called Consumer View, which offers customers access to view accounts 24 hours a day, 7 days a week. Revenue Services and the Courts both upgraded their collection programs to streamline the flow of delinquent account transfers and monthly payments processed.

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

**Data Source:**

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Plumas and Superior Court of Plumas Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 19,140**

**Authorized Judges/Commissioners: 2/0.3**

**Total Revenue Collected: \$488,894**

**Gross Recovery Rate: 75%**

**Success Rate: 72%**

**Ending Balance:<sup>1</sup> \$3,122,999**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Plumas County and the County of Plumas. The court and county have entered into a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collection (IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes all 16 of the collection activity components;
- Internet and credit and debit card payment options; and
- Meets 20 of the 25 recommended collections best practices; numbers 5, 13, 14, 17, and 21 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$488,894 from 3,924 total delinquent cases, with collection costs of \$60,820. The Ending Balance of \$3,122,999 in delinquent court-ordered debt represents 3,594 delinquent cases, of which 358 were established in the reporting period.

For FY 2013–2014, the program has a 75 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 58 percentage points less than the prior year. The program’s Success Rate of 72 percent exceeds the recommended 31 percent benchmark, and is 181 percentage points less than the prior year.

According to the Plumas collections program, the decreases in the Gross Recovery Rate and Success Rate are based primarily on the county being unable to separate current from delinquent cases; therefore, the rates are not a true reflection of the collections program’s performance. (The county IT staff is working to resolve these issues.) An additional factor in the decrease is the lower amount discharged this fiscal year compared to the unusually high amount discharged last fiscal year. The amount discharged in FY 2012–13 was \$580,279, which was for two years (FY 2011–12 and FY 2012–13). Discharge for this fiscal year was \$203,656, which is 65 percent less than

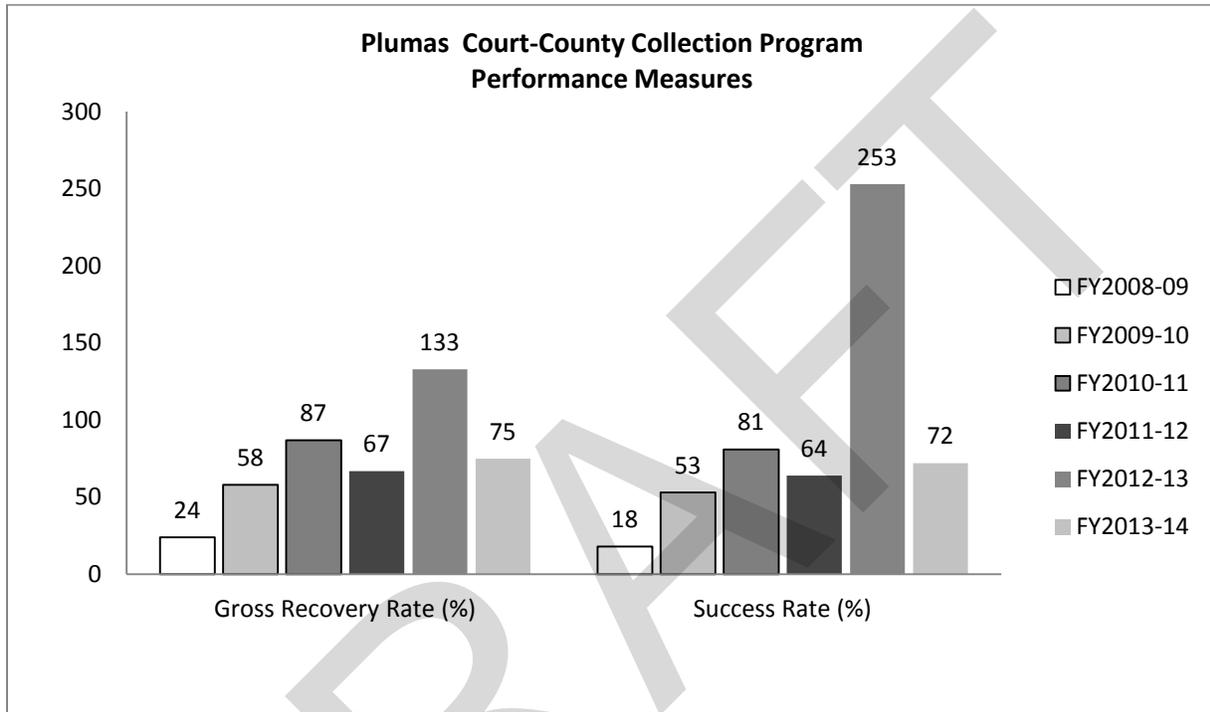
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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Plumas and Superior Court of Plumas Collections Program  
 Summary of Fiscal Year 2013–2014 Collections Reporting Template

last year, resulting in a significant reduction in performance rates. Other factors contributing to the decrease are a 20 percent drop in delinquent infraction filings, a \$9,000 decrease in collections by the FTB-COD, and a \$6,097 decrease in collections by the private vendor.

The chart below shows the program’s performance measures for the past six fiscal years:



*This report contains information jointly reported by the court and county in the Judicial Council’s Collections Reporting Template, FY 2013–2014, under Penal Code section 1463.010.*

**Data Source:**

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Riverside and Superior Court of Riverside Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 2,279,967**

**Authorized Judges/Commissioners: 69/14**

**Total Revenue Collected: \$64,199,121**

**Gross Recovery Rate: 67%**

**Success Rate: 59%**

**Ending Balance:<sup>1</sup> \$490,495,882**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Riverside County and the County of Riverside. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes all 16 of the collection activity components;
- Internet and telephone credit and debit card payment options; as well as alternative payment locations in addition to court locations; and
- Meets 24 of the 25 recommended collections best practices (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$64,199,121 from 700,191 total delinquent cases, with collection costs of \$8,197,289. The Ending Balance of \$490,495,882 in delinquent court-ordered debt represents 526,308 delinquent cases, of which 203,652 were established in the reporting period.

For FY 2013–2014, the program has a 67 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 12 percentage points more than the prior year. The program’s Success Rate of 59 percent exceeds the recommended 31 percent benchmark, and is 3 percentage points more than the prior year.

According to the Riverside collections program, the increase in the Success Rate is attributable to newly implemented collection strategies and technological advances. The program implemented wage garnishments in traffic cases, which when combined with the existing criminal case wage garnishments generated \$4.3 million for the reporting period. Also, the program offers individuals the option for regular, electronic notification of outstanding financial obligations. A total of 5,637 individuals opted for text or email notification in the reporting period.

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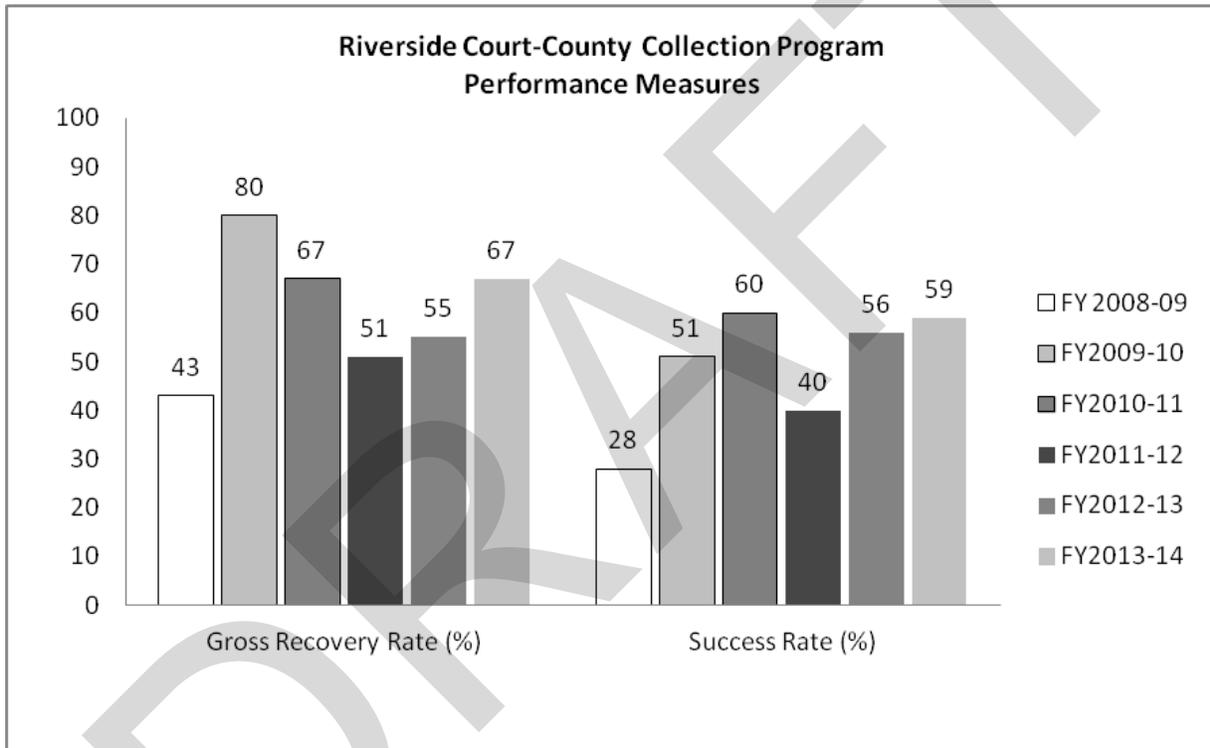
<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Riverside and Superior Court of Riverside Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The increase in the Gross Recovery Rate is attributable to the increase in adjustments and the \$5.2 million discharged from accountability, as authorized by Government Code Sections 25257 – 25259.95.

The court has chosen not to implement collection practice number 23, which requires private vendors to remit the gross amount collected. The court has determined that it is more efficient to allow the private vendor to remit net collections via direct deposit to the court’s bank account,

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2013 and 2014.

County of Sacramento and Superior Court of Sacramento County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 1,454,406**  
**Authorized Judges/Commissioners: 68/10.5**  
**Total Revenue Collected: \$32,140,445**

**Gross Recovery Rate: 54%**  
**Success Rate: 53%**  
**Ending Balance:<sup>1</sup> \$353,445,532**

**Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Sacramento County and the County of Sacramento. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes all of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets all of the 25 recommended collections best practices (see Attachment 3).

**Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$32,140,445 from 389,953 total delinquent cases, with collection costs of \$7,077,276. The Ending Balance of \$353,445,532 in delinquent court-ordered debt represents 438,583 delinquent cases, of which 68,830 were established in the reporting period.

For FY 2013–2014, the program has a 54 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 5 percentage points less than the prior year. The program’s Success Rate of 53 percent exceeds the recommended 31 percent benchmark and is 3 percentage points less than the prior year.

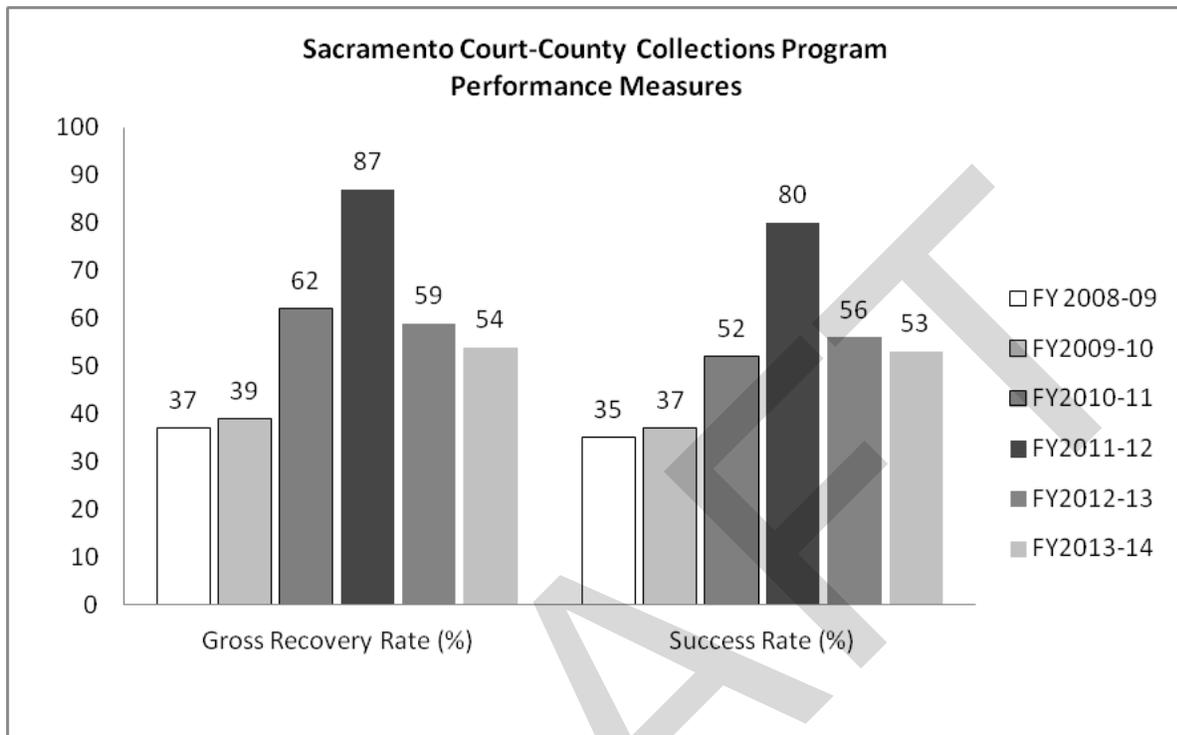
According to the Sacramento collections program, the decreases in the Gross Recovery Rate and Success Rate are attributable to the final affects of the FY 2011–2012 Amnesty program, the continued economic downturn, and the increase in fees which typically decrease the total number of individuals paying off their court-ordered debt. However, these reductions were more than offset by the nearly \$4 million increase in revenue by both the court and county portions of the program.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Sacramento and Superior Court of Sacramento County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of San Benito and Superior Court of San Benito County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 57,517**

**Authorized Judges/Commissioners: 2/0.3**

**Total Revenue Collected: \$290,284**

**Gross Recovery Rate: 35%**

**Success Rate: 35%**

**Ending Balance:<sup>1</sup> \$4,745,905**

**Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of San Benito County and the County of San Benito. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- A contract with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) program;
- A contract with a private debt collector;
- A comprehensive collection program that includes 13 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 16 of the 25 recommended collections best practices; numbers 2, 5, 9, 10, 12, 13, 14, 19, and 21 are not currently being met (see Attachment 3).

**Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$290,284 from 4,543 total delinquent cases, with collection costs of \$43,678. The Ending Balance of \$4,745,905 in delinquent court-ordered debt represents 3,839 delinquent cases, of which 826 were established in the reporting period.

For FY 2013–2014, the program has a 35 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 33 percentage points less than the prior year. The program’s Success Rate of 35 percent exceeds the recommended 31 percent benchmark and is 31 percentage points less than the prior year.

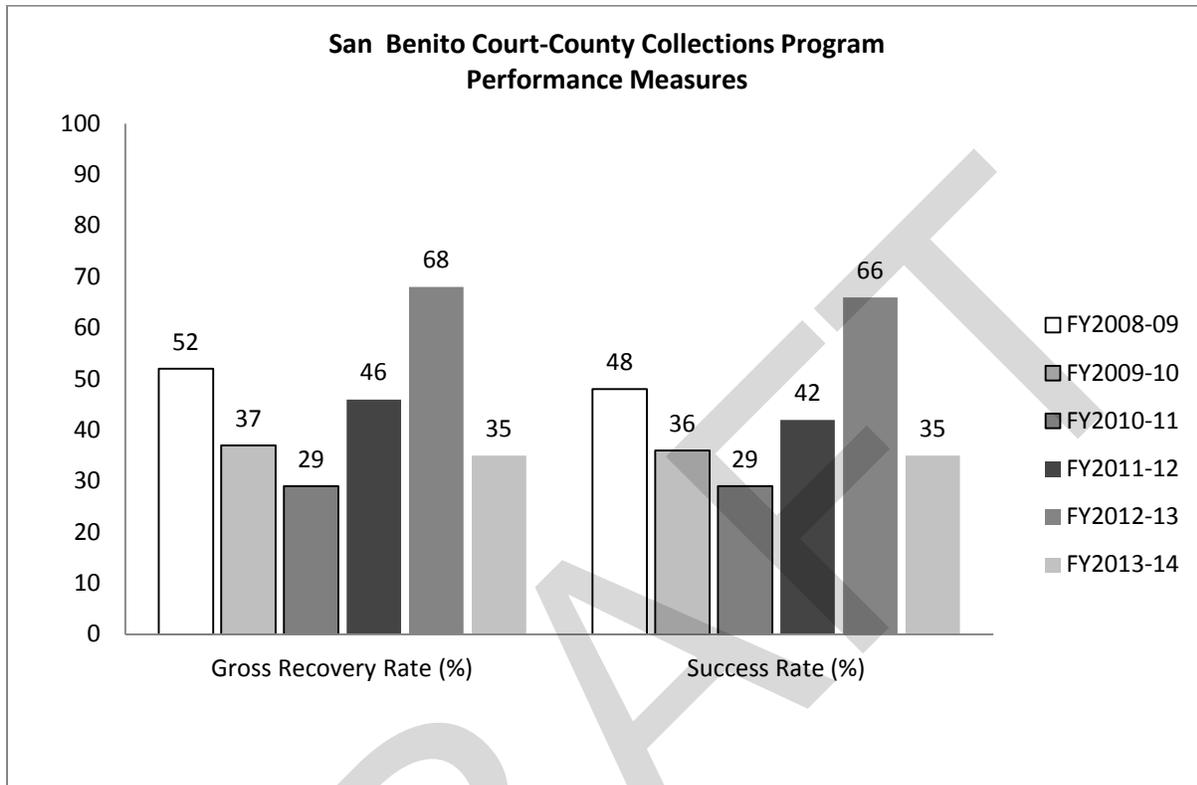
According to the San Benito collections program, the decreases in the Gross Recovery Rate and Success Rate are attributable to the return of many cases by FTB-COD that were determined to be uncollectible. More defendants are also utilizing the court’s credit card payment option to pay their fines in full, therefore decreasing the number of delinquent cases established and referred to collections.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of San Benito and Superior Court of San Benito County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of San Bernardino and Superior Court of San Bernardino Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 2,085,669**  
**Authorized Judges/Commissioners: 78/15**  
**Total Revenue Collected: \$31,155,744**

**Gross Recovery Rate: 70%**  
**Success Rate: 63%**  
**Ending Balance:<sup>1</sup> \$329,279,740**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of San Bernardino County and the County of San Bernardino. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) program;
- A comprehensive collection program that includes 14 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 19 of the 25 recommended collections best practices; numbers 10, 14, 21, 22, 23, and 25 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$31,155,744 from 609,716 total delinquent cases out of which 86,656 were established in the reporting period, with collection costs of \$6,900,753. The Ending Balance of \$329,279,740 in delinquent court-ordered debt represents 602,311 delinquent cases.

For FY 2013–2014, the program has a 70 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 8 percentage points more than the prior year. The program’s Success Rate of 63 percent exceeds the recommended 31 percent benchmark, and is 13 percentage points more than the prior year.

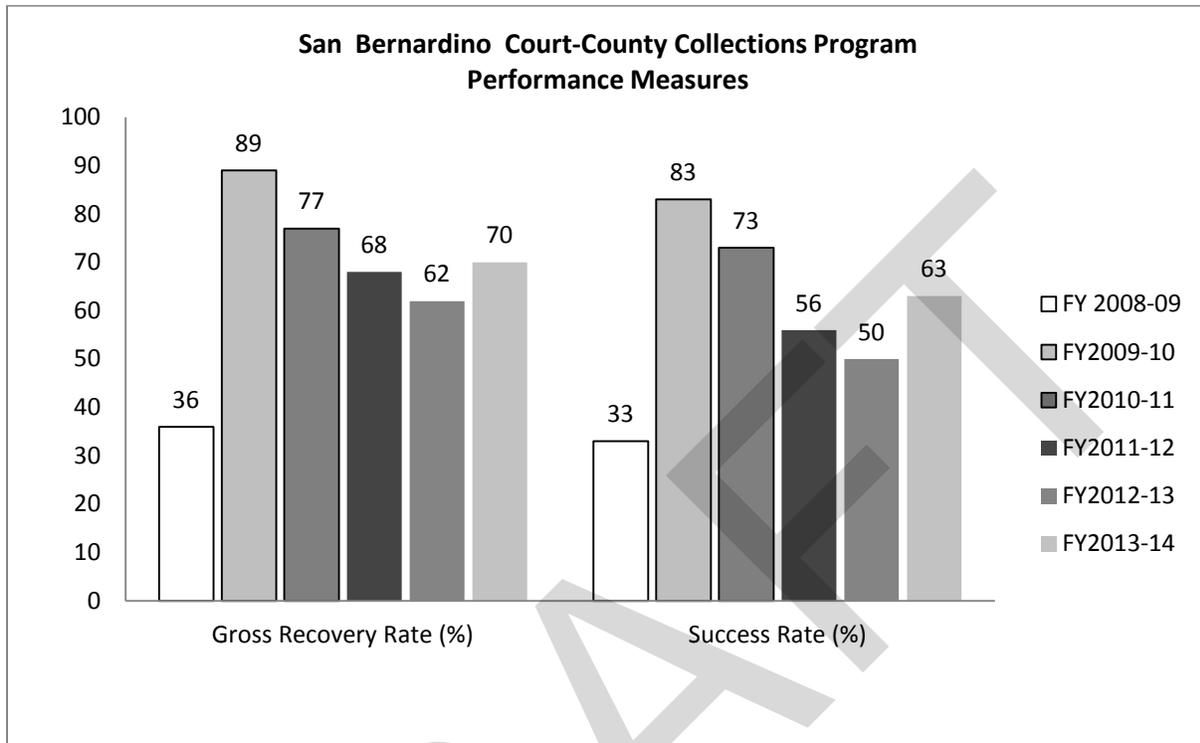
According to the San Bernardino collections program, the increases in the Gross Recovery Rate and Success Rate are attributable to a reduction in delinquent accounts and issued citations.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of San Bernardino and Superior Court of San Bernardino Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of San Diego and Superior Court of San Diego County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 3,194,362**  
**Authorized Judges/Commissioners: 132/22**  
**Total Revenue Collected: \$56,269,763**

**Gross Recovery Rate: 58%**  
**Success Rate: 46%**  
**Ending Balance: <sup>1</sup>\$931,459,474**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of San Diego County and the County of San Diego. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collection program that includes all 16 of the collection activity components;
- Internet and credit and debit card payment options; and
- Meets all 25 of the recommended collections best practices (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$56,269,763 from 1,833,588 total delinquent cases, with collection costs of \$8,069,041. The Ending Balance of \$931,459,474 in delinquent court-ordered debt represents 1,487,112 delinquent cases, of which 316,300 were established in the reporting period.

For FY 2013–2014, the program has a 58 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 9 percentage points less than the prior year. The program’s Success Rate of 46 percent exceeds the recommended 31 percent benchmark, and is 7 percentage points less than the prior year.

According to the San Diego collections program, the decreases in the Gross Recovery Rate and Success Rate are attributable to the delay in the year-end processing of adjustments in FY 2013–2014 (normally done in June of each year) due to an extensive upgrade to the Office of Revenue and Recovery’s Customer Interaction Center Software, which went live June 30, 2014. Had these adjustments not occurred in FY 2013–2014, as completed in FY 2012–2013, the Gross Recovery Rate and Success Rate this year would have been comparable to FY 2012–2013.

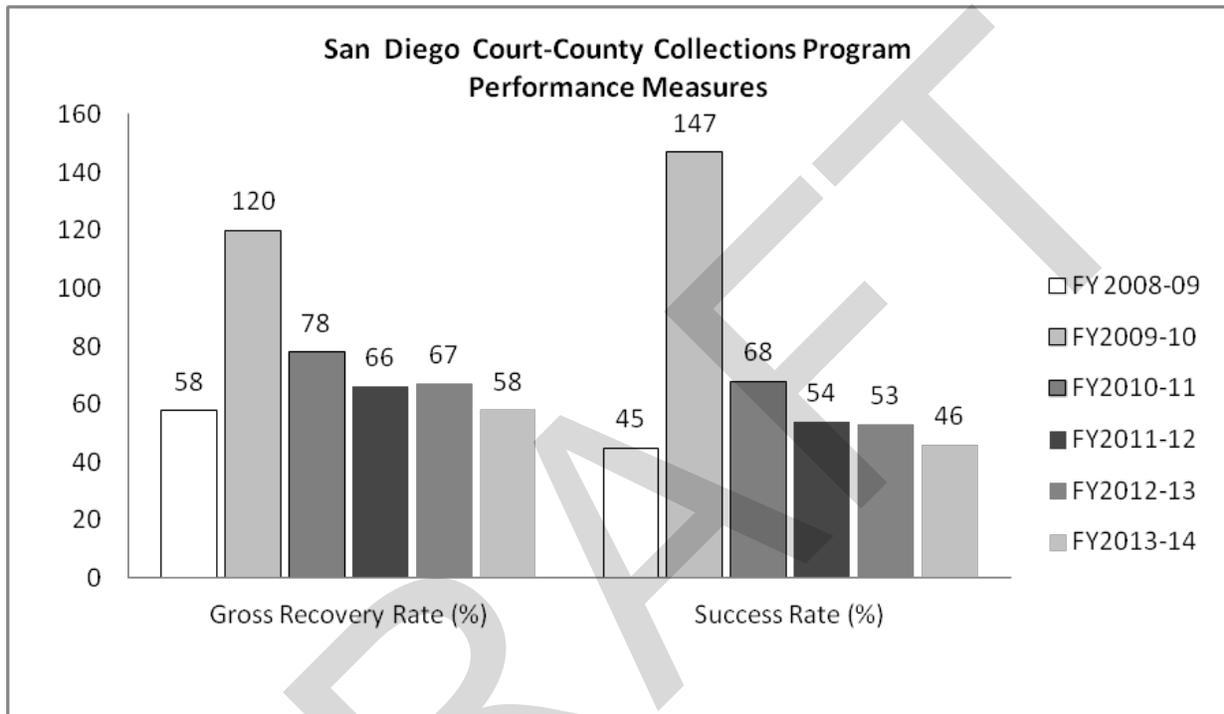
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<sup>1 1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of San Diego and Superior Court of San Diego County Collections Program  
 Summary of Fiscal Year 2013–2014 Collections Reporting Template

Also a factor in the decreased performance rates was the implementation of the new 2013 Telephone Consumer Protection Act rules that prevented the Office of Revenue and Recovery from using its auto dialer in collection efforts, resulting in a 40 percent reduction in call volume.

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of San Francisco and Superior Court of San Francisco Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 836,620**  
**Authorized Judges/Commissioners: 52/13**  
**Total Revenue Collected: \$14,410,913**

**Gross Recovery Rate: 66%**  
**Success Rate: 64%**  
**Ending Balance:<sup>1</sup> \$142,010,444**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of San Francisco County and the County of San Francisco. The court and county have entered into a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes all 16 of the collection activity components;
- Internet and credit and debit card payment options; and
- Meets 23 of the 25 recommended collections best practices; numbers 5 and 10 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$14,410,913 from 231,425 total delinquent cases, with collection costs of \$2,620,511. The Ending Balance of \$142,010,444 in delinquent court-ordered debt represents 147,832 delinquent cases, of which 81,147 were established in the reporting period.

For FY 2013–2014, the program has a 66 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 12 percentage points more than the prior year. The program’s Success Rate of 64 percent exceeds the recommended 31 percent benchmark, and is 13 percentage points more than the prior year.

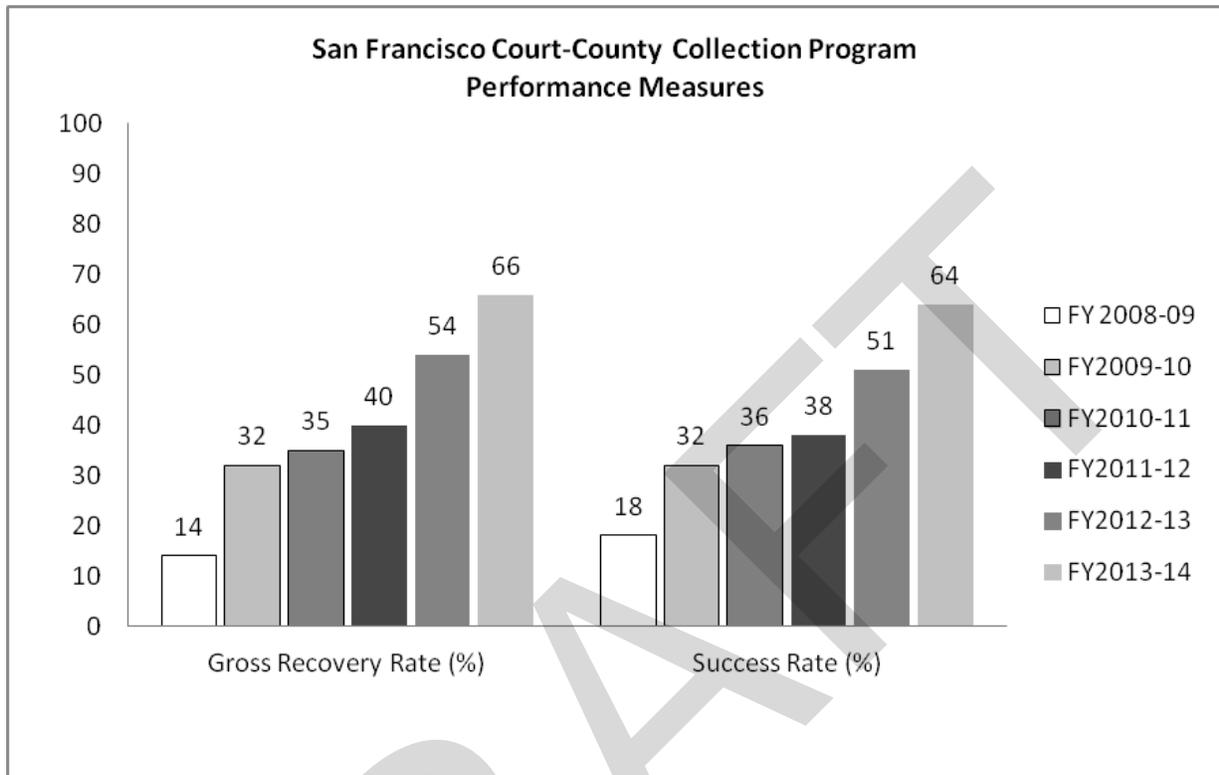
According to the San Francisco collections program, the increases in the Gross Recovery Rate and Success Rate are attributable to the contractual changes to the partnership with the county Treasurer-Tax Collector to consolidate traffic and criminal fee collections staff into one unit to maximize cost-effectiveness and enhance overall collection efforts. In addition, the transfer of delinquent traffic cases from the county collections program to a private vendor and the Franchise Tax Board resulted in a significant increase in the collections rate.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of San Francisco and Superior Court of San Francisco Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



**This report contains information jointly reported by the court and county in the Judicial Council’s Collections Reporting Template, FY 2013–2014, under Penal Code section 1463.010.**

Data Source:

Population data from State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2013 and 2014.

County of San Joaquin and Superior Court of San Joaquin Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 710,731**

**Authorized Judges/Commissioners: 32/4.5**

**Total Revenue Collected: \$11,147,174**

**Gross Recovery Rate: 102%**

**Success Rate: 116%**

**Ending Balance:<sup>1</sup> \$153,862,165**

**Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of San Joaquin County and the County of San Joaquin. The court and county had a written memorandum of understanding (MOU) for their collections program until it expired on June 30, 2013. For FY 2013–2014, both parties continued to operate the program under the terms of the prior MOU. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 15 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 19 of the 25 recommended collections best practices; numbers, 12, 13, 19, 21, 23 and 25 are currently not being met (see Attachment 3).

**Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$11,147,174 from 223,754 total delinquent cases, with collection costs of \$1,638,238. The Ending Balance of \$153,862,165 in delinquent court-ordered debt represents 138,830 delinquent cases, of which 78,370 were established in the reporting period.

For FY 2013–2014, the program has a 102 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 31 percentage points more than the prior year. The program’s Success Rate of 116 percent exceeds the recommended 31 percent benchmark, and is 80 percentage points more than the prior year.

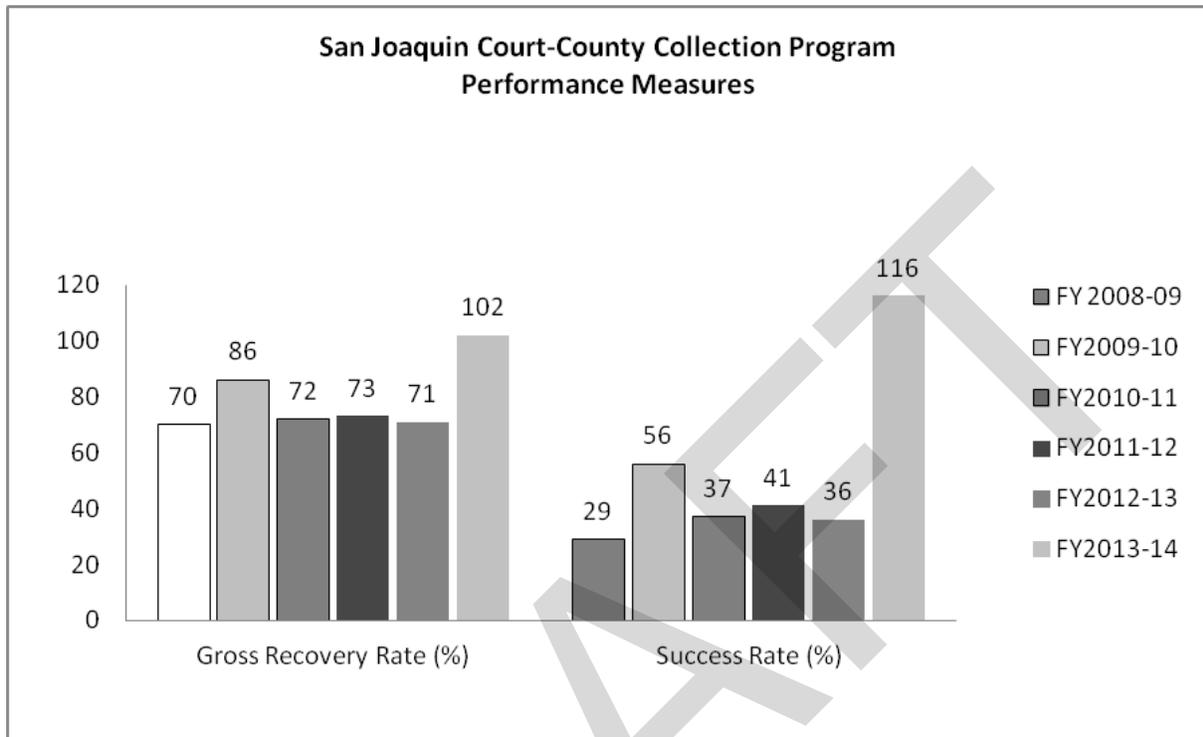
According to the San Joaquin collections program, the increases in the Gross Recovery Rate and the Success Rate are attributable to a \$60.9 million court-approved adjustment. This extraordinary adjustment is a result of the termination of County collection services effective July 1, 2014. Although overall collections increased by \$870,565 from the prior year, the extraordinary adjustment had a significant impact on the Gross Recovery Rate and the Success Rate.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of San Joaquin and Superior Court of San Joaquin Collections Program  
 Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template, FY 2013–2014*, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2013 and 2014.

County of San Luis Obispo and Superior Court of San Luis Obispo County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 272,357**

**Authorized Judges/Commissioners: 12/3**

**Total Revenue Collected: \$6,112,632**

**Gross Recovery Rate: 55%**

**Success Rate: 55%**

**Ending Balance:<sup>1</sup> \$68,708,487**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of San Luis Obispo County and the County of San Luis Obispo. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- Delinquent cases referred to San Luis Obispo County’s Revenue Recovery Unit for collection;
- A comprehensive collections program that includes all of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 24 of the 25 recommended collections best practices; number 18 is currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$6,112,632 from 59,049 total delinquent cases, with collection costs of \$858,767. The Ending Balance of \$68,708,487 in delinquent court-ordered debt represents 55,660 delinquent cases, of which 7,743 were established in the reporting period.

For FY 2013–2014, the program has a 55 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 21 percentage points less than the prior year. The program’s Success Rate of 55 percent exceeds the recommended 31 percent benchmark and is 22 percentage points less than the prior year.

According to the San Luis Obispo collections program, the decreases in the Gross Recovery Rate and Success Rate are attributable to the court installing a new case management system for all case types, which affected court functions. The reduced collections are due to the delays in mailing statements and delinquent notices, and a six-month delay in referrals to the private collection agency. Also, the county is in the process of developing a new account receivables

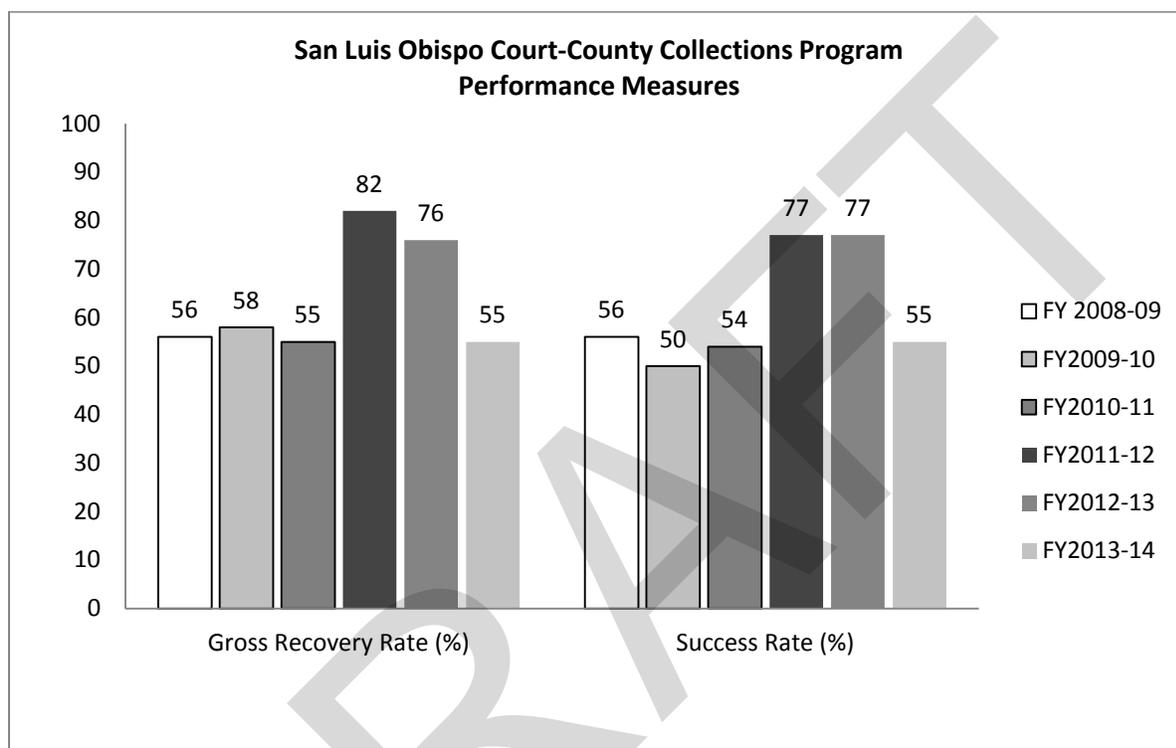
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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements..

County of San Luis Obispo and Superior Court of San Luis Obispo County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

system for all case types, which will be completed by June 2015. Until its completion, the present system used by the county continues to be a challenge in obtaining all the data required for completing the collections reporting template.

The chart below shows the program’s performance measures for the past six fiscal years:



**This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.**

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of San Mateo and Superior Court of San Mateo Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 745,193**

**Authorized Judges/Commissioners: 26/7**

**Total Revenue Collected: \$8,850,191**

**Gross Recovery Rate: 94%**

**Success Rate: 92%**

**Ending Balance:<sup>1</sup> \$86,033,808**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of San Mateo and the County of San Mateo. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 15 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets all 25 of the recommended collections best practices (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$8,850,191 from 144,242 total delinquent cases, with collection costs of \$960,155. The Ending Balance of \$86,033,808 in delinquent court-ordered debt represents 130,786 delinquent cases, of which 15,603 were established in the reporting period.

For FY 2013–2014, the program has a 94 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 41 percentage points more than the prior year. The program’s Success Rate of 92 percent exceeds the recommended 31 percent benchmark, and is 35 percentage points more than the prior year.

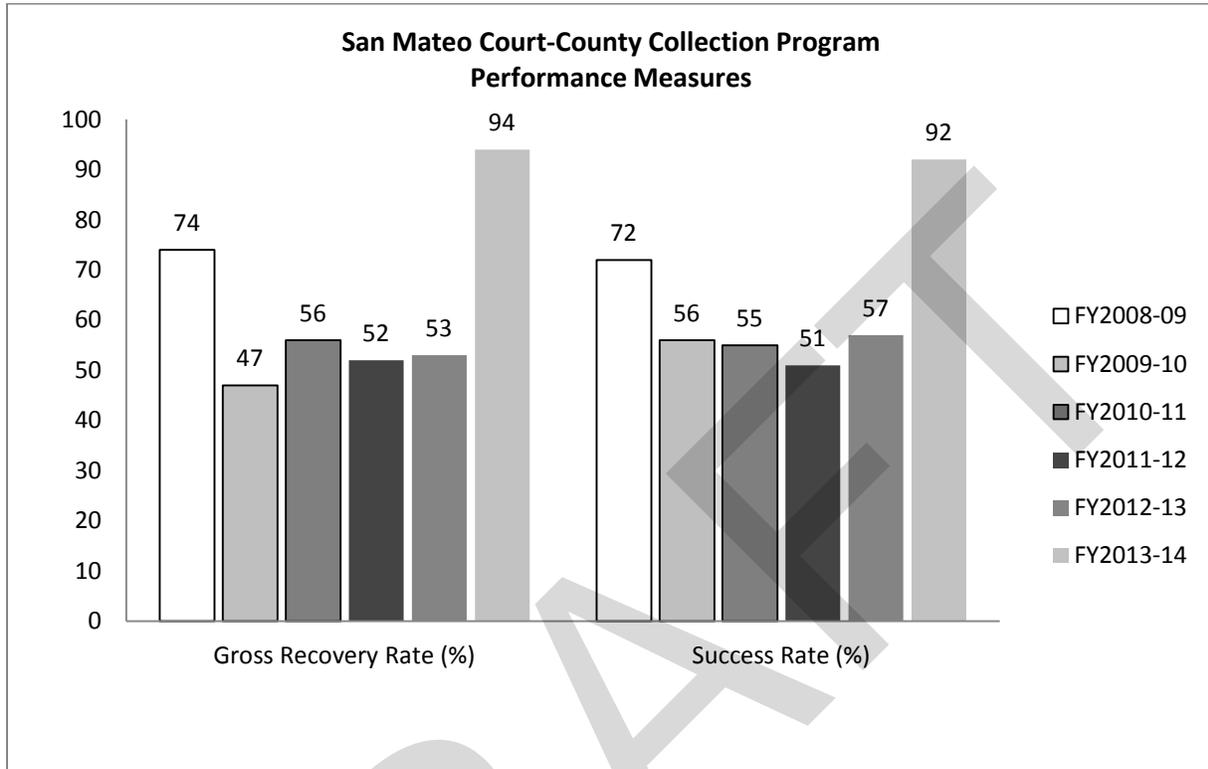
According to the San Mateo collections program, the increases in the Gross Recovery Rate and Success Rate are attributable to the \$3,470,542 in adjustments, which are a one-time adjustment in the FTB-COD program’s balance to accurately reflect the county’s balance. FTB, after careful analysis, ceased supplying ending balance figures because of validity issues. Additionally, the Court and County program established \$1,525,897 less in delinquent debt during this reporting period than the previous fiscal year, which favorably impacted the performance rates.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of San Mateo and Superior Court of San Mateo Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Santa Barbara and Superior Court of Santa Barbara County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 433,398**

**Authorized Judges/Commissioners: 21/3**

**Total Revenue Collected: \$9,178,617**

**Gross Recovery Rate: 36%**

**Success Rate: 29%**

**Ending Balance:<sup>1</sup> \$95,858,577**

### **Program Overview**

The Superior Court of Santa Barbara County and the County of Santa Barbara do not have a written memorandum of understanding (MOU) for their collections program. There is not a cooperative effort between the court and county for the collection of delinquent court-ordered debt. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 15 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 22 of the 25 recommended collections best practices; numbers 1, 2, and, 10 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$9,178,617 from 185,471 total delinquent cases, with collection costs of \$1,076,144. The Ending Balance of \$95,858,577 in delinquent court-ordered debt represents 143,426 delinquent cases, of which 67,173 were established in the reporting period.

For FY 2013–2014, the program has a 36 percent Gross Recovery Rate, which meets the recommended 34 percent benchmark, and is 60 percentage points less than the prior year. The program’s Success Rate of 29 percent does not meet the recommended 31 percent benchmark, and is 59 percentage points less than the prior year.

According to the Santa Barbara collections program, the decreases in the Gross Recovery Rate and Success Rate are attributable to the Court having fewer adjustments from the prior fiscal year. The collections balance increased by almost \$23 million from last year, i.e. sending more debt to the private vendor and Franchise Tax Board’s Court-Ordered Debt program. Even though the collections program has seen a reduction in the Gross Recovery Rate, the amount of gross revenue collected this fiscal year is about the same as last year. The collections staff follows

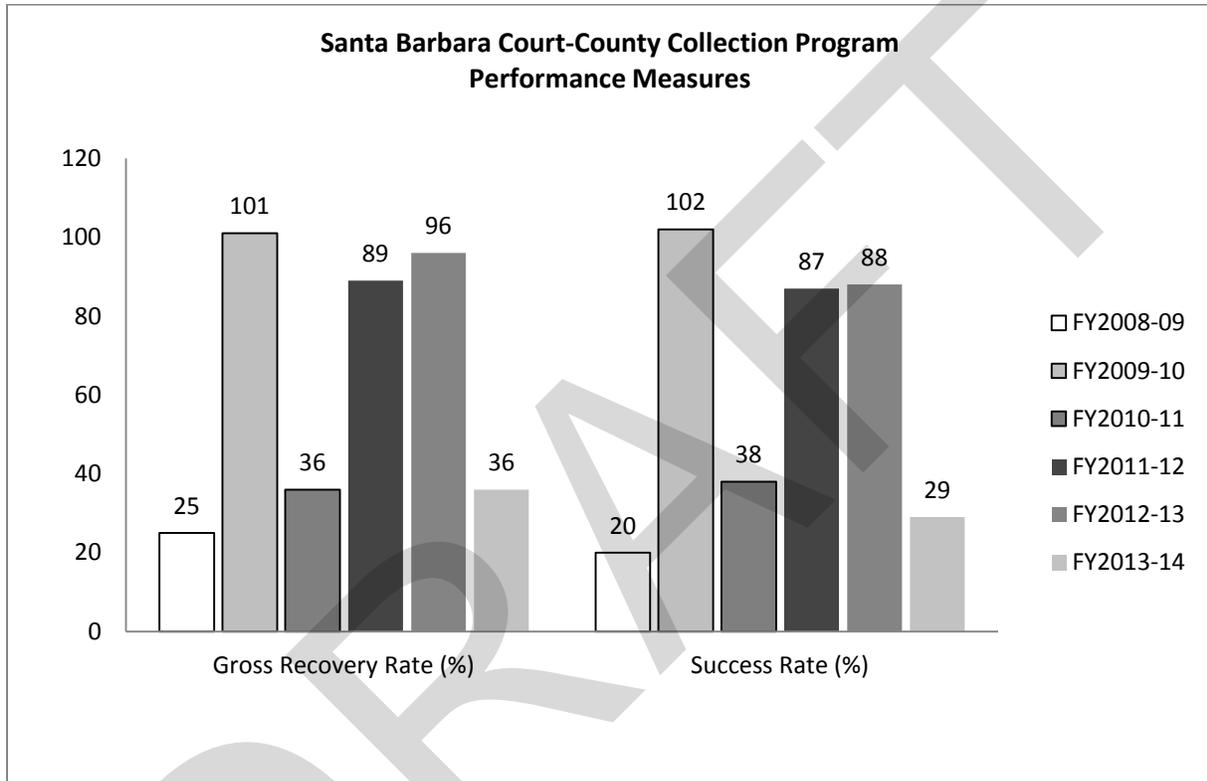
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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Santa Barbara and Superior Court of Santa Barbara County Collections Program  
 Summary of Fiscal Year 2013–2014 Collections Reporting Template

effective procedures when collecting from individuals and works with them when setting up payment plans. In addition, the collections program has methods set up for individuals to pay online or over the phone, and a telephone system that calls individuals to remind them they have an outstanding balance.

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Santa Clara and Superior Court of Santa Clara Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 1,868,558**  
**Authorized Judges/Commissioners: 79/10**  
**Total Revenue Collected: \$33,200,311**

**Gross Recovery Rate: 71%**  
**Success Rate: 60%**  
**Ending Balance:<sup>1</sup> \$393,615,975**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Santa Clara and the County of Santa Clara. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 15 of 16 of the collection activity components;
- Internet and credit and debit card payment options; and
- Meets 24 of the 25 recommended collections best practices; number 23 is currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$33,200,311 from 941,515 total delinquent cases, with collection costs of \$4,749,958. The Ending Balance of \$393,615,975 in delinquent court-ordered debt represents 933,389 delinquent cases, of which 72,825 were established in the reporting period.

For FY 2013–2014, the program has a 71 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 1 percentage point less than the prior year. The program’s Success Rate of 60 percent exceeds the recommended 31 percent benchmark, and is 4 percentage points less than the prior year.

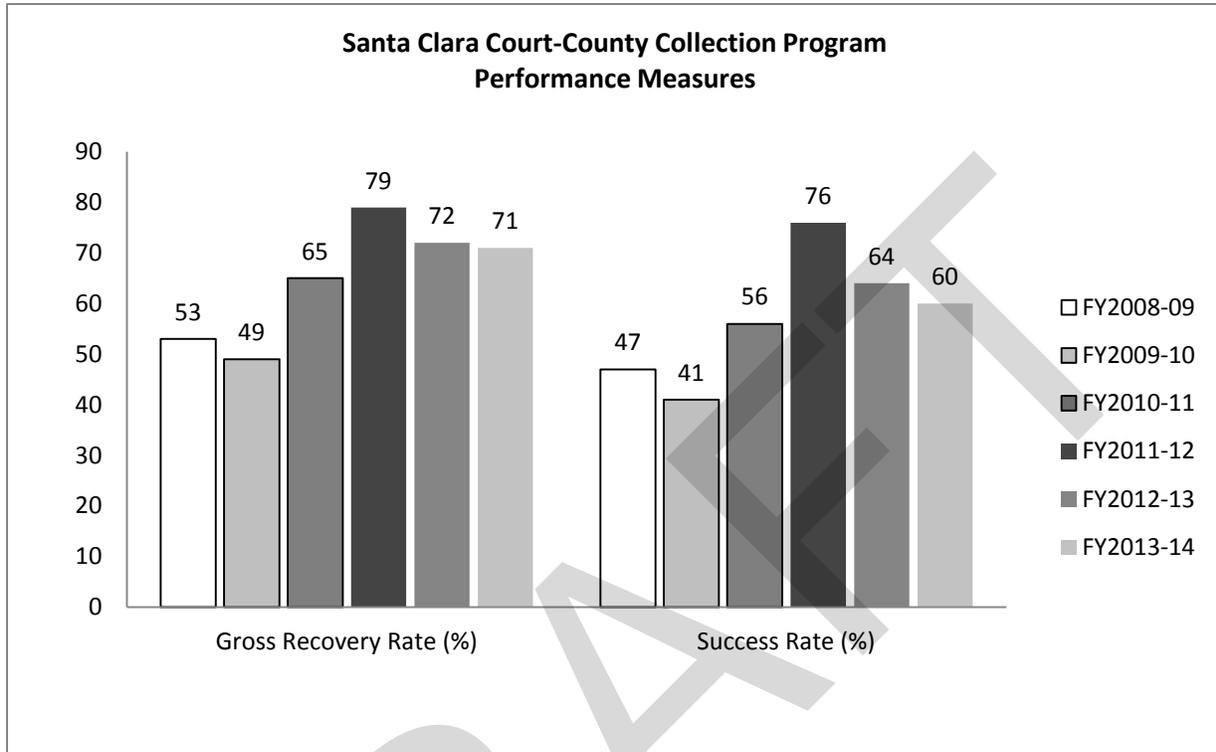
According to the Santa Clara collections program, the decreases in the Gross Recovery Rate and Success Rate are attributable to a \$7,340,931 decrease in the collection of delinquent debt from the prior fiscal year and a drop of 22,398 in delinquent account referrals. Eligible accounts were not discharged from accountability this reporting period. A further decrease in performance rates was offset by \$21,477,534 in adjustments, which increased the Gross Recovery Rate by 28 percentage points and increased the Success Rate by 17 percentage points.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Santa Clara and Superior Court of Santa Clara Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



**This report contains information jointly reported by the court and county in the Judicial Council’s Collections Reporting Template, FY 2013–2014, under Penal Code section 1463.010.**

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Santa Cruz and Superior Court of Santa Cruz Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 271,595**  
**Authorized Judges/Commissioners: 11/2.5**  
**Total Amount Collected: \$4,332,199**

**Gross Recovery Rate: 40%**  
**Success Rate: 38%**  
**Ending Balance:<sup>1</sup> \$97,036,181**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Santa Cruz County and the County of Santa Cruz. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 14 of 16 of the collection activity components;
- Internet and credit and debit card payment options; and
- Meets 23 of the 25 recommended collections best practices; numbers 5 and 12 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$4,232,199 from 126,866 total delinquent cases, with collection costs of \$662,859. The Ending Balance of \$97,036,181 in delinquent court-ordered debt represents 91,294 delinquent cases, of which 25,361 were established in the reporting period.

For FY 2013–2014, the program has a 40 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 13 percentage points less than the prior year. The program’s Success Rate of 38 percent exceeds the recommended 31 percent benchmark, and is 12 percentage points less than the prior year.

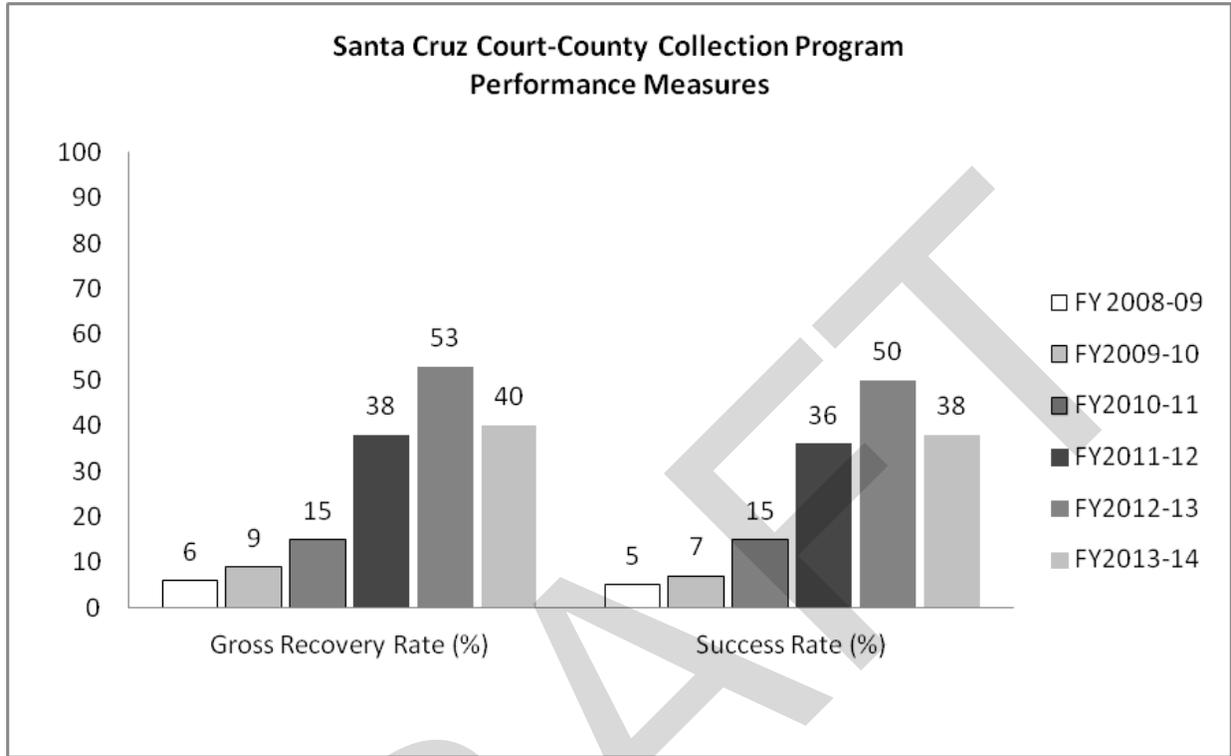
According to the Santa Cruz collections program, it remains dependent on the information received from the Franchise Tax Board and the private vendor to complete the Collections Reporting Template, and encountered inaccurate information on both reports. The court is unable to reconcile case information using its current case management system, since it does not contain an inventory of all delinquent accounts with the Franchise Tax Board and private vendor, which were transferred from a legacy case management system. These limitations continue to present a challenge in preparing this report. The current case management system is scheduled to be replaced in the second half of 2015, which should allow more capability for reporting.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Santa Cruz and Superior Court of Santa Cruz Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template, FY 2013–2014*, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2013 and 2014.

County of Shasta and Superior Court of Shasta County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 179,412**  
**Authorized Judges/Commissioners: 11/2**  
**Total Revenue Collected: \$5,556,876**

**Gross Recovery Rate: 62%**  
**Success Rate: 43%**  
**Ending Balance:<sup>1</sup> \$87,626,717**

**Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Shasta County and the County of Shasta. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes all of the 16 collection activity components;
- Credit and debit card payment options; and
- Meets 24 of the 25 recommended collections best practices; number 16 is currently not being met (see Attachment 3).

**Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$5,556,876 from 131,034 total delinquent cases, with collection costs of \$1,018,565. The Ending Balance of \$87,626,717 in delinquent court-ordered debt represents 117,189 delinquent cases, of which 17,362 were established in the reporting period.

For FY 2013–2014, the program has a 62 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 2 percentage points more than the prior year. The program’s Success Rate of 43 percent exceeds the recommended 31 percent benchmark and is 16 percentage points less than the prior year.

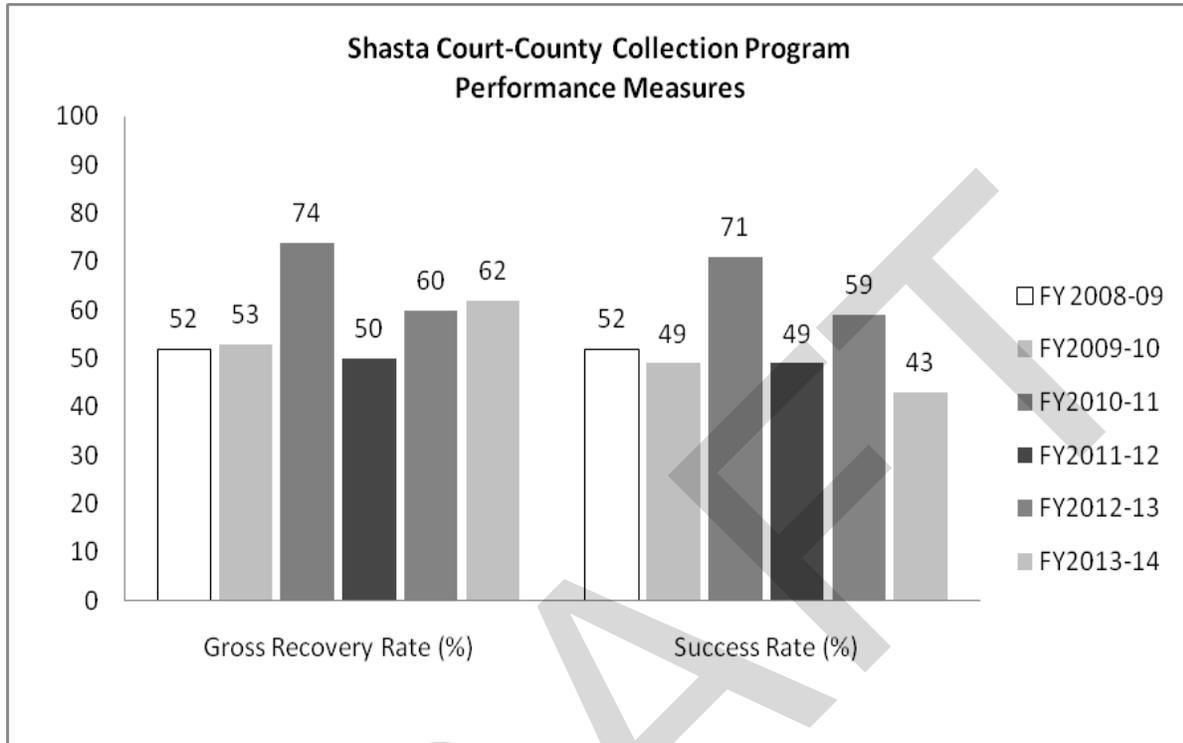
According to the Shasta collections program, the increase in the Gross Recovery Rate is attributable to due diligence and hard work in collecting delinquent revenue, along with a slight upturn in the economy. The Success Rate decrease is due to the massive volume of cases being established and limited staffing to provide a more concentrated effort on reducing the case inventory.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Shasta and Superior Court of Shasta County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measure for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Sierra and Superior Court of Sierra Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 3,089**

**Authorized Judges/Commissioners: 2/0.3**

**Total Revenue Collected: \$142,916**

**Gross Recovery Rate: 125%**

**Success Rate: 140%**

**Ending Balance:<sup>1</sup> \$1,005,693**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Sierra County and the County of Sierra. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- An MOU with the Superior Court of Shasta County for collections services as part of an Intra-branch Collections Services Program;
- Contracts with the Franchise Tax Board's Court-Ordered Debt (FTB-COD) and Interagency Intercept Collection (IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes all 16 of the collection activity components;
- Internet and credit and debit card payment options; and
- Meets all 25 of the recommended collections best practices (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$142,916 from 2,226 total delinquent cases, with collection costs of \$36,077. The Ending Balance of \$1,005,693 in delinquent court-ordered debt represents 1,578 delinquent cases, of which 621 were established in the reporting period.

For FY 2013–2014, the program has a 125 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 59 percentage points more than the prior year. The program's Success Rate of 140 percent which exceeds the recommended 31 percent benchmark, and is 76 percentage points more than the prior year.

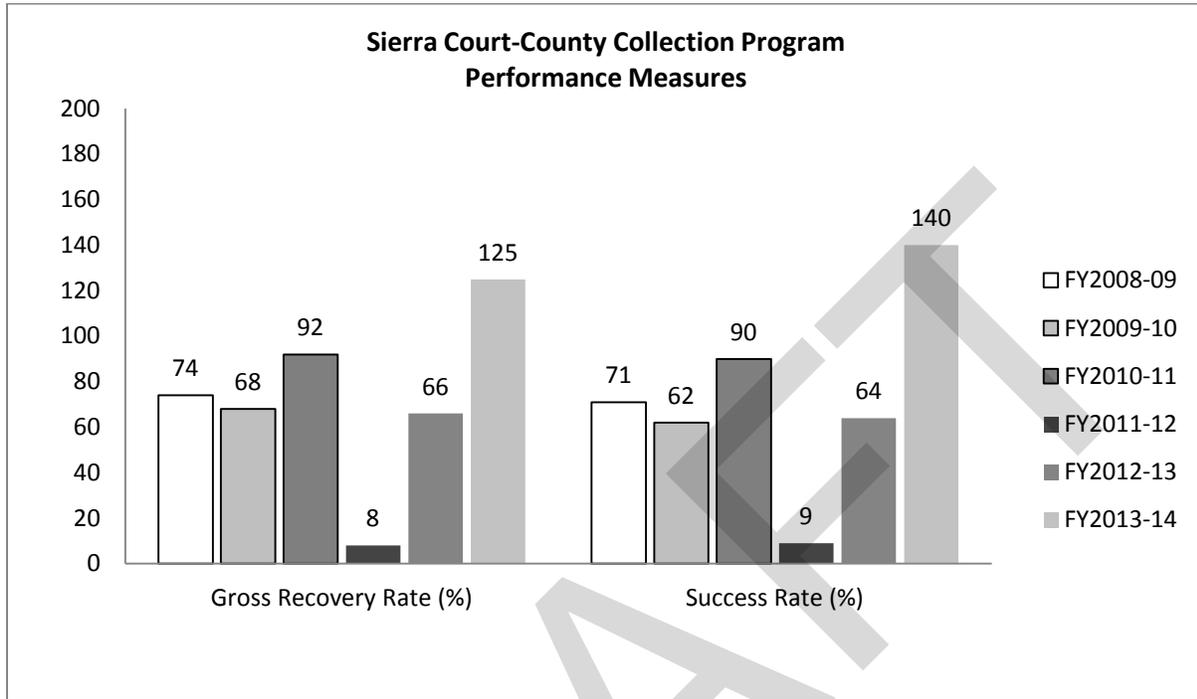
According to the Sierra collections program, the increases in the Gross Recovery Rate and Success Rates are attributable to the court's collecting almost as much in delinquent debt as was established for the fiscal year. The court established \$163,512 in delinquent debt and collected \$142,916 in delinquent debt. Also, the court's discharge and adjustments contributed to performance measures surpassing 100 percent.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Sierra and Superior Court of Sierra Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Siskiyou and Superior Court of Siskiyou Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 45,231**

**Authorized Judges/Commissioners: 4/1**

**Total Revenue Collected: \$1,973,320**

**Gross Recovery Rate: 48%**

**Success Rate: 43%**

**Ending Balance:<sup>1</sup> \$38,290,536**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Siskiyou and the County of Siskiyou. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 12 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 19 of the 25 recommended collections best practices; numbers 8, 10, 17, 18, 21, and 25 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$1,973,320 from 41,972 total delinquent cases, with collection costs of \$431,603. The Ending Balance of \$38,290,536 in delinquent court-ordered debt represents 41,972 delinquent cases, of which 2,104 were established in the reporting period.

For FY 2013–2014, the program has a 48 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 4 percentage points less than the prior year. The program’s Success Rate of 43 percent exceeds the recommended 31 percent benchmark, and is 3 percentage points less than the prior year.

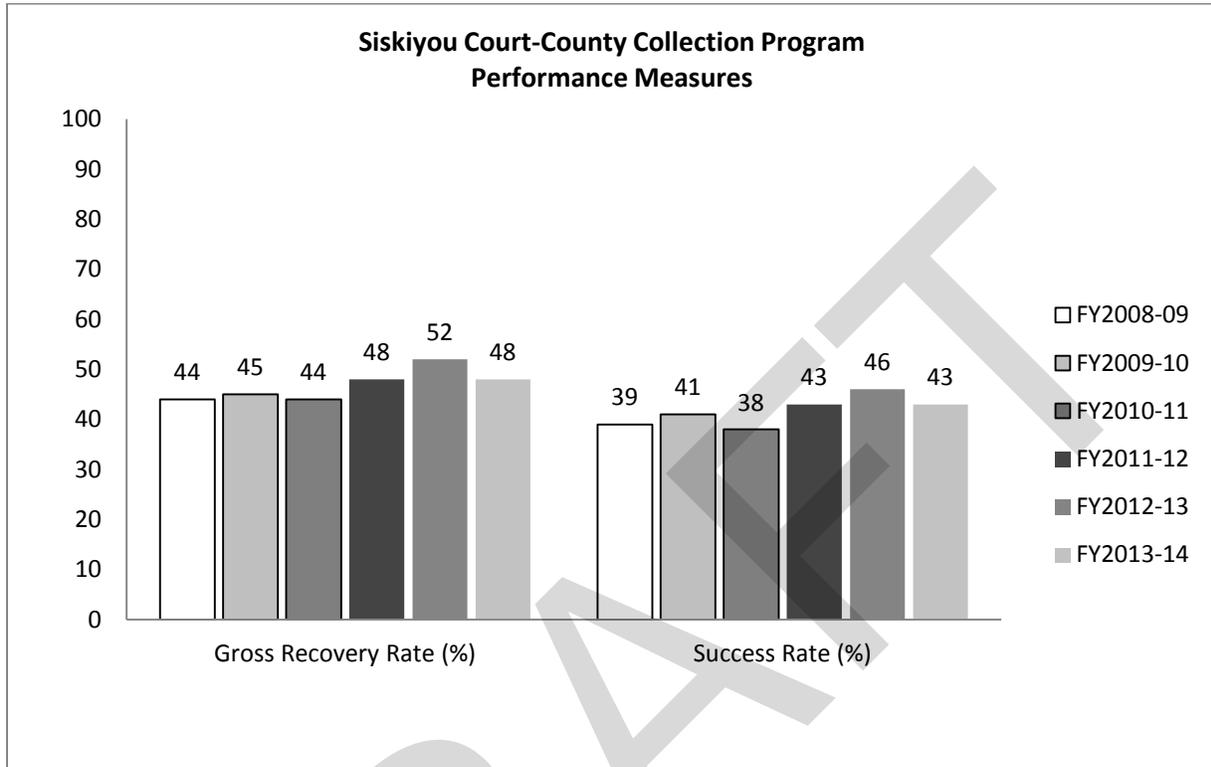
According to the Siskiyou collections program, the decreases in the Gross Recovery Rate and Success Rate are attributable to the program making \$179,887 less in adjustments from the previous fiscal year. The program established \$152,665 less in delinquent debt than last fiscal year and collected \$90,125 less, which is a significant factor in the decrease.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Siskiyou and Superior Court of Siskiyou Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



**This report contains information jointly reported by the court and county in the Judicial Council’s Collections Reporting Template, FY 2013–2014, under Penal Code section 1463.010.**

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Solano and Superior Court of Solano Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 424,233**

**Authorized Judges/Commissioners: 21/3**

**Total Revenue Collected: \$7,295,212**

**Gross Recovery Rate: 68%**

**Success Rate: 61%**

**Ending Balance:<sup>1</sup> \$171,917,678**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Solano and the County of Solano. The court and county did not have a written memorandum of understanding (MOU) for their collections program in fiscal year 2013–2014, but have entered into a written MOU for FY 2014–2015. The collections program includes the following activities as reported in the FY 2013–2014 *Collections Reporting Template*:

- A contract with the Franchise Tax Board’s Interagency Intercept Collections (FTB-IIC) program;
- A contract with a private debt collector;
- A comprehensive collections program that includes 12 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 17 of the 25 recommended collections best practices; number 1, 5, 8, 10, 11, 14, 23, and 24 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$7,295,212 from 298,609 total delinquent cases, with collection costs of \$780,964. The Ending Balance of \$171,917,678 in delinquent court-ordered debt represents 285,460 delinquent cases, of which 15,458 were established in the reporting period.

For FY 2013–2014, the program has a 68 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 8 percentage points more than the prior year. The program’s Success Rate of 61 percent exceeds the recommended 31 percent benchmark, and is 5 percentage points more than the prior year.

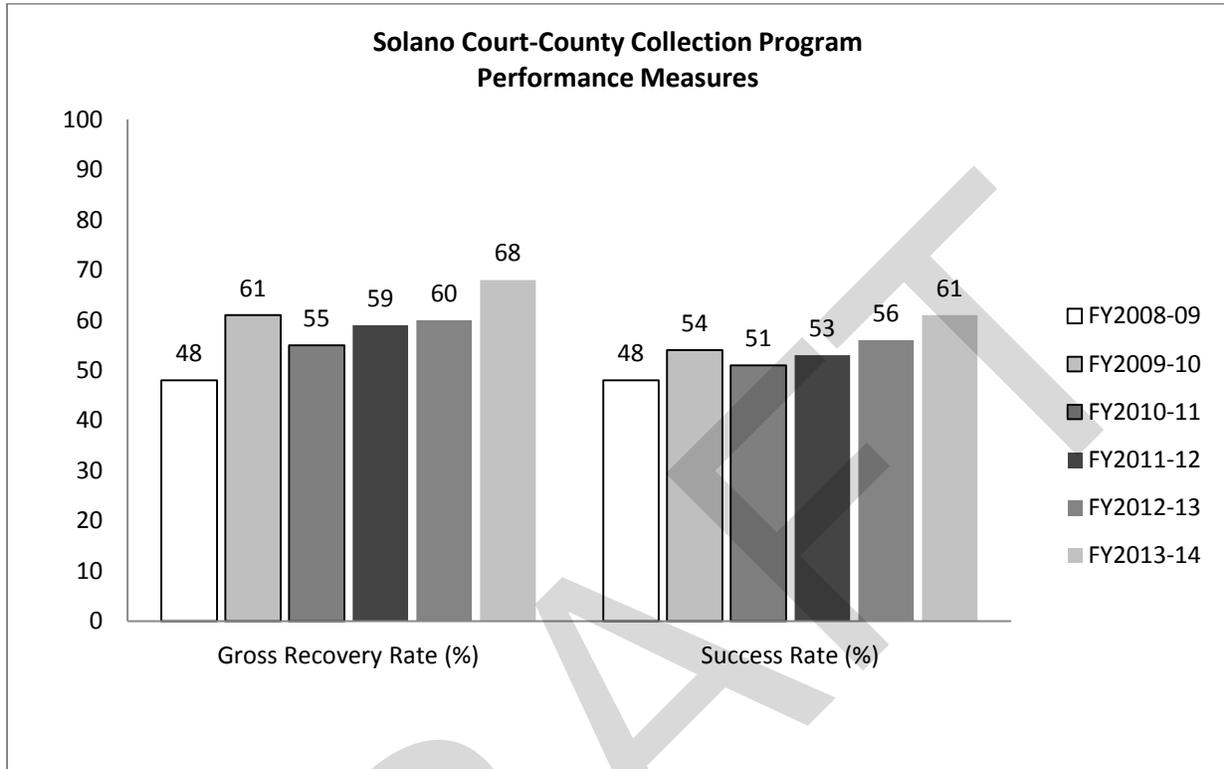
According to the Solano collections program, the increases in the Gross Recovery Rate and Success Rate are attributable to the program making adjustments of \$902,900 more this fiscal year than last. Also, the program collected \$112,225 more in delinquent debt, which was a significant factor in the increased rates. Even though the program established \$218,848 less in delinquent debt, it collected \$21,841 more than last year.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Solano and Superior Court of Solano Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Sonoma and Superior Court of Sonoma Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 490,486**

**Authorized Judges/Commissioners: 21/3**

**Total Revenue Collected: \$9,290,110**

**Gross Recovery Rate: 62%**

**Success Rate: 55%**

**Ending Balance:<sup>1</sup> \$79,554,315**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Sonoma County and the County of Sonoma. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes all of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 22 of the 25 recommended collections best practices; numbers 12, 13, and 19 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$9,290,110 from 98,884 total delinquent cases, with collection costs of \$1,990,351. The Ending Balance of \$79,554,315 in delinquent court-ordered debt represents 80,471 delinquent cases, of which 19,962 were established in the reporting period.

For FY 2013–2014, the program has a 62 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 40 percentage points less than the prior year. The program’s Success Rate of 55 percent exceeds the recommended 31 percent benchmark and is 50 percentage points less than the prior year.

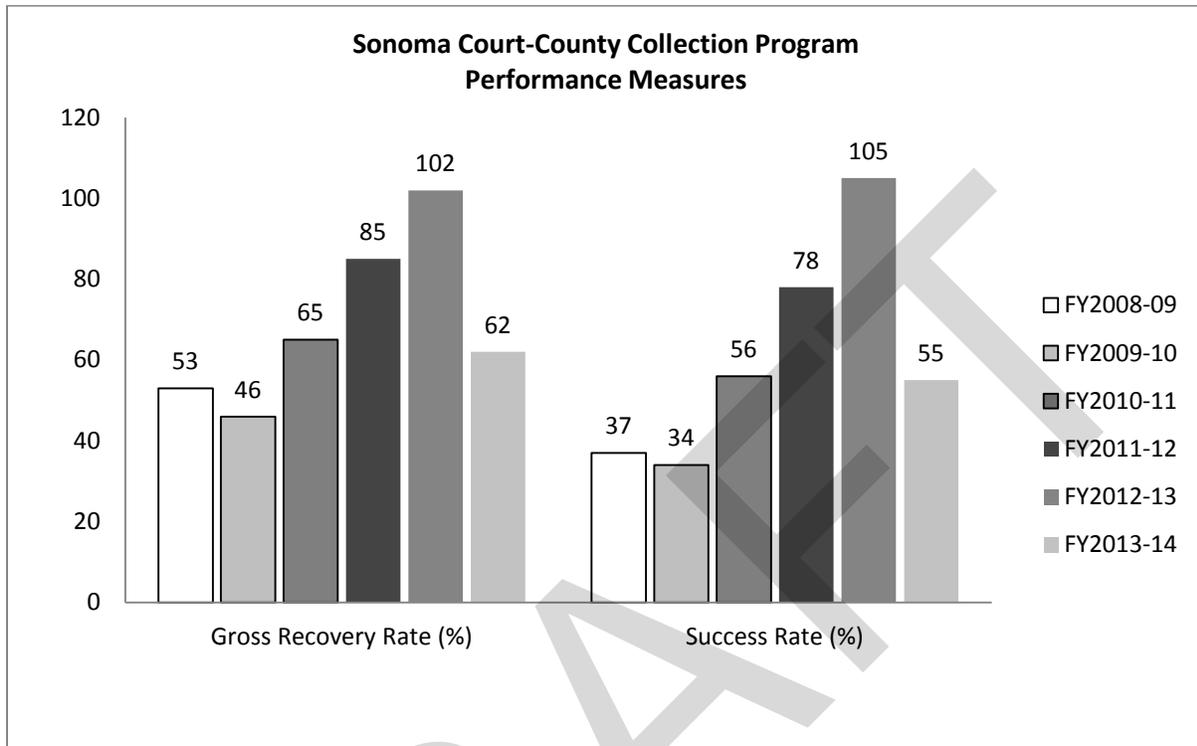
According to the Sonoma collections program, the decreases in the Gross Recovery Rate and Success Rate are primarily caused by the \$4,808,426 more discharged last fiscal year than this year. Also, the program established \$5,475,340 more in delinquent debt this year than last, which is a factor in the decreased rates. Although the performance rates decreased, the program collected \$1,646,143 more this year. The court converted to a new case management system, which resulted in cases being recalled from the vendor prematurely. Overall, the court collected \$1,457,182 more this fiscal year, while the private vendor collected \$201,677 less.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Sonoma and Superior Court of Sonoma Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



*This report contains information jointly reported by the court and county in the Judicial Council’s Collections Reporting Template, FY 2013–2014, under Penal Code section 1463.010.*

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Stanislaus and Superior Court of Stanislaus County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 526,042**

**Authorized Judges/Commissioners: 23/3**

**Total Revenue Collected: \$6,391,560**

**Gross Recovery Rate: 64%**

**Success Rate: 49%**

**Ending Balance:<sup>1</sup> \$90,764,401**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Stanislaus County and the County of Stanislaus. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes all 16 of the collection activity components;
- Internet and credit and debit card payment options; and
- Meets 22 of the 25 recommended collections best practices; numbers 4, 10, and 21 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$6,391,560 from 228,112 total delinquent cases, with collection costs of \$1,285,058. The Ending Balance of \$90,764,401 in delinquent court-ordered debt represents 204,329 delinquent cases, of which 52,285 were established in the reporting period.

For FY 2013–2014, the program has a 64 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 11 percentage points more than the prior year. The program’s Success Rate of 49 percent exceeds the recommended 31 percent benchmark, and is 17 percentage points more than the prior year.

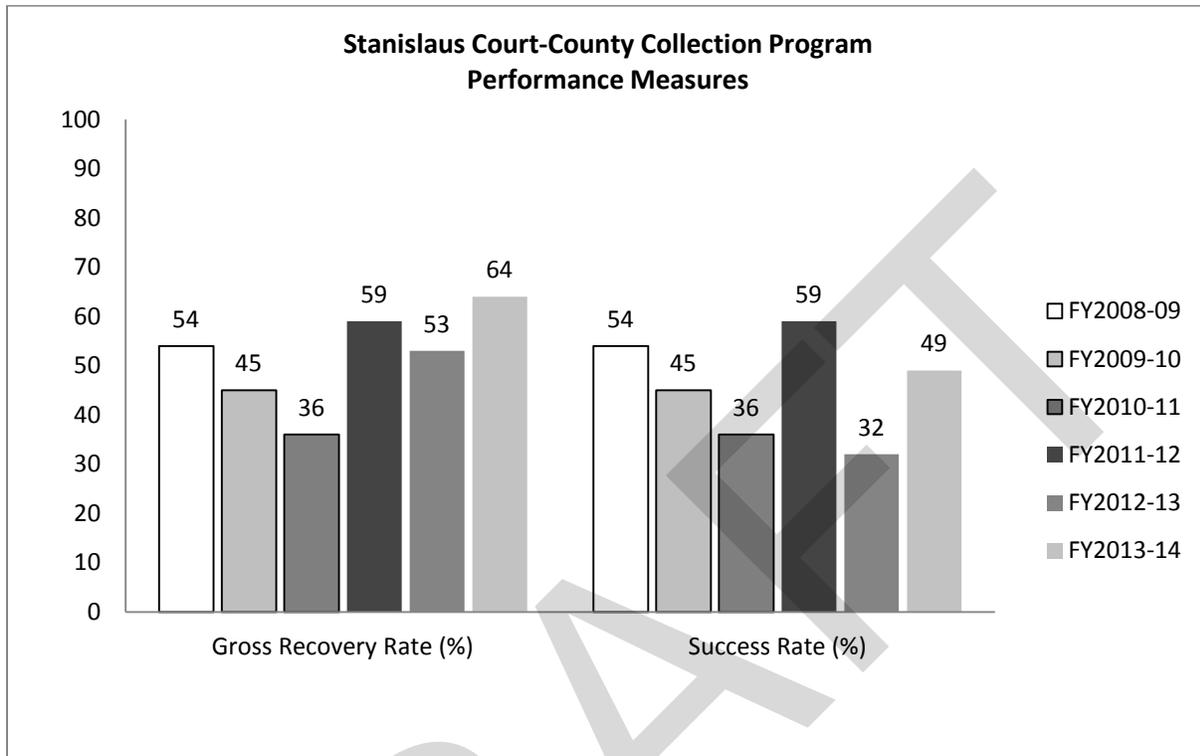
According to the Stanislaus collections program, the increases in the Gross Recovery Rate and Success Rate are primarily attributable to the program establishing \$10,504,229 less in delinquent accounts than the prior year and collecting \$244,264 less in delinquent debt.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Stanislaus and Superior Court of Stanislaus County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template, FY 2013–2014*, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Sutter and Superior Court of Sutter County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 95,733**

**Authorized Judges/Commissioners: 5/0.3**

**Total Revenue Collected: \$1,885,003**

**Gross Recovery Rate: 76%**

**Success Rate: 73%**

**Ending Balance:<sup>1</sup> \$17,141,047**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Sutter County and the County of Sutter. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A comprehensive collections program that includes 15 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 19 of the 25 recommended collections best practices; numbers 10, 14, 18, 22, 23, and 25 are not currently being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$1,885,003 from 36,474 total delinquent cases, with collection costs of \$240,524. The Ending Balance of \$17,141,047 in delinquent court-ordered debt represents 35,138 delinquent cases, of which 7,017 were established in the reporting period.

For FY 2013–2014, the program has a 76 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 9 percentage points less than the prior year. The program’s Success Rate of 73 percent exceeds the recommended 31 percent benchmark and is 2 percentage points less than the prior year.

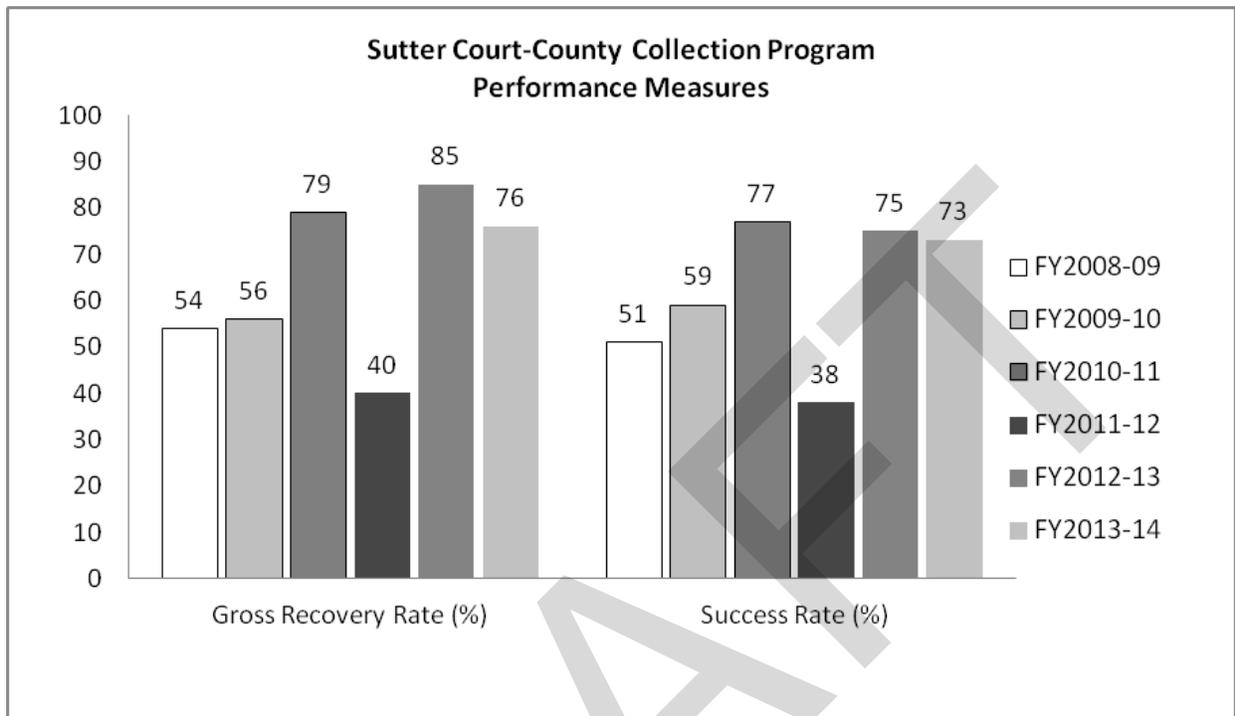
According to the Sutter collections program, the decrease in the Gross Recovery Rate is attributable to delays in transferring cases to FTB-COD due to staffing shortages. The decrease in the Success Rate is due to the increased uncollectible case inventory that has accumulated as a result of the court not having a discharge of accountability program.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Sutter and Superior Court of Sutter County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Tehama and Superior Court of Tehama County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 63,717**  
**Authorized Judges/Commissioners: 4/0.3**  
**Total Revenue Collected: \$1,556,174**

**Gross Recovery Rate: 35%**  
**Success Rate: 35%**  
**Ending Balance:<sup>1</sup> \$23,572,989**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Tehama County and the County of Tehama. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- An MOU with the Superior Court of Shasta County to provide collections services as part of an Intra-branch Collections Services program;
- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A comprehensive collections program that includes 14 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 24 of the 25 recommended collections best practices; number 16 is currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$1,556,174 from 26,892 total delinquent cases, with collection costs of \$335,267. The Ending Balance of \$23,572,989 in delinquent court-ordered debt represents 25,862 delinquent cases, of which 4,294 were established in the reporting period.

For FY 2013–2014, the program has a 35 percent Gross Recovery Rate, which meets the recommended 34 percent benchmark, and is 20 percentage points more than the prior year. The program’s Success Rate of 35 percent meets the recommended 31 percent benchmark and is 21 percentage points more than the prior year.

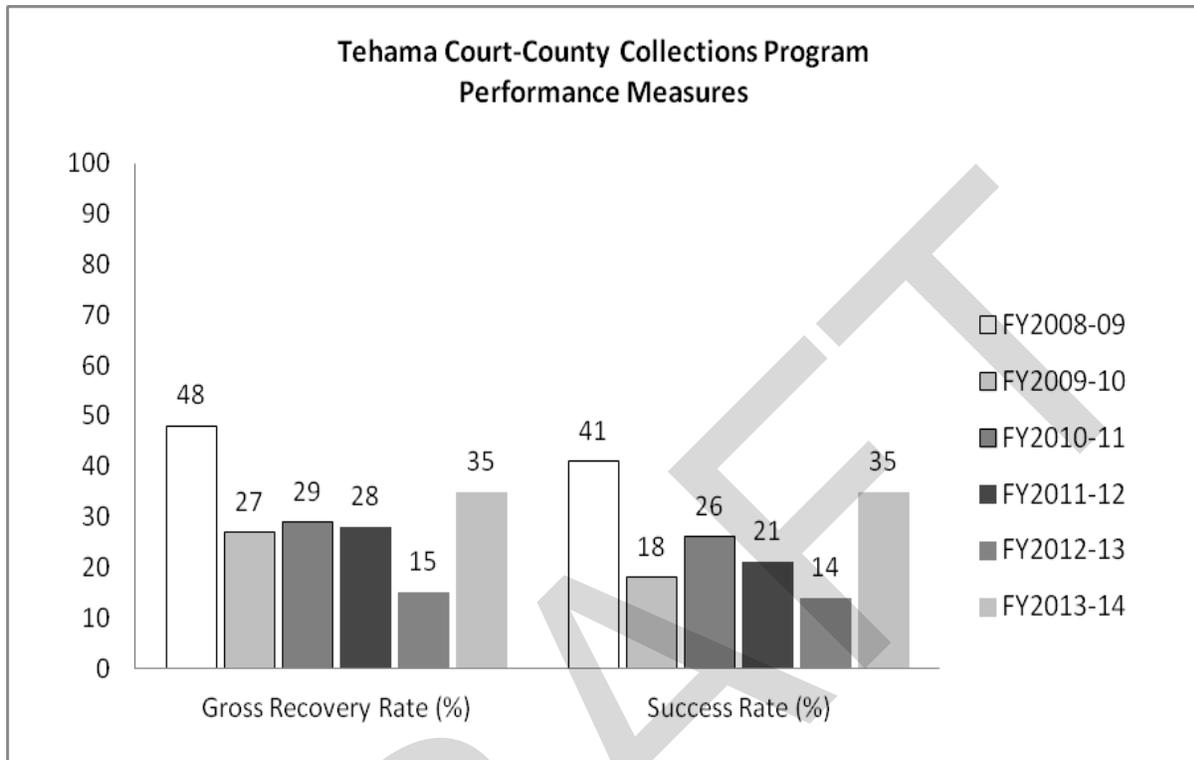
According to the Tehama collections program, the increases in the Gross Recovery Rate and Success Rate are attributable to the changing of collection vendors, in which the court discovered that a significant number of cases were not converted to accounts receivables and had not been registered on the court’s accounts receivables report. The information provided is based on reports that reconcile to the case management system. The court estimated the value on hand from the collections vendor report. The court will institute better procedures for turning items over to collections so reports will reflect a true accounts receivable balance.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Tehama and Superior Court of Tehama County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template, FY 2013–2014*, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Trinity and Superior Court of Trinity Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 13,389**

**Authorized Judges/Commissioners: 2/0.3**

**Total Revenue Collected: \$324,474**

**Gross Recovery Rate: 30%**

**Success Rate: 30%**

**Ending Balance:<sup>1</sup> \$4,846,313**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Trinity County and the County of Trinity. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A comprehensive collections program that includes 13 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 20 of the 25 recommended collections best practices; numbers 10, 16, 22, 23, and 25 are currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$324,474 from 4,745 total delinquent cases, with collection costs of \$189,649. The Ending Balance of \$4,846,313 in delinquent court-ordered debt represents 4,868 delinquent cases, of which 518 were established in the reporting period.

For FY 2013–2014, the program has a 30 percent Gross Recovery Rate, which does not meet the recommended 34 percent benchmark, and is 93 percentage points less than the prior year. The program’s Success Rate of 30 percent does not meet the recommended 31 percent benchmark, and is 101 percentage points less than the prior year.

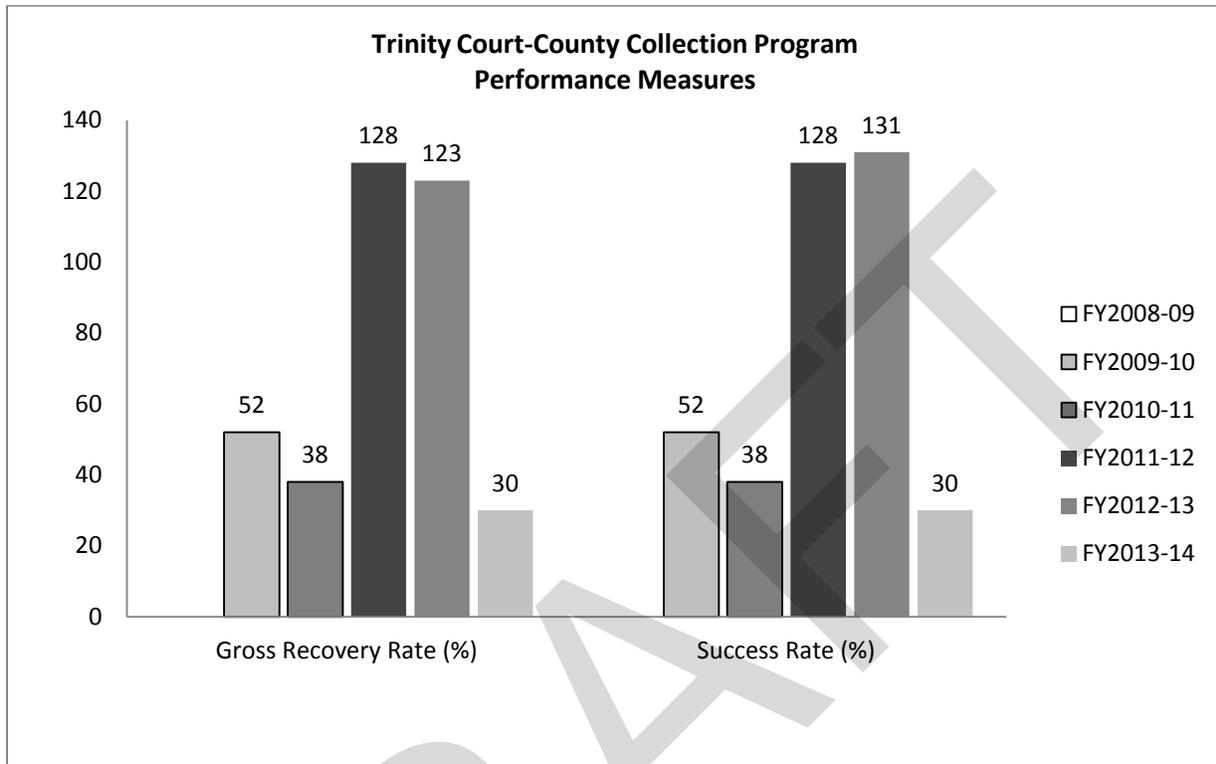
According to the Trinity collections program, the decreases in the Gross Recovery Rate and Success Rate are attributable to the lack of adjustments made in this reporting period, as well as the program having its established delinquent cases increasing by almost 50 percent. Even though the program collected only \$4,483 less than the previous fiscal year, the established delinquent cases more than doubled, resulting in a decrease in performance rates. Also, more cases were resolved by community service and alternative payments, which reduced the amount of revenue collected and adversely affected the Gross Recovery Rate.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Trinity and Superior Court of Trinity Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template, FY 2013–2014*, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Tulare and Superior Court of Tulare County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 459,446**

**Authorized Judges/Commissioners: 21/4**

**Total Revenue Collected: \$9,940,351**

**Gross Recovery Rate: 83%**

**Success Rate: 81%**

**Ending Balance:<sup>1</sup> \$118,529,828**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Tulare County and the County of Tulare. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 15 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets all 25 of the recommended collections best practices (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$9,940,351 from 366,125 the total delinquent cases, with collection costs of \$2,268,152. The Ending Balance of \$118,529,828 in delinquent court-ordered debt represents 316,736 delinquent cases, of which 34,168 were established in the reporting period.

For FY 2013–2014, the program has an 83 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 25 percentage points more than the prior year. The program’s Success Rate of 81 percent exceeds the recommended 31 percent benchmark, and is 24 percentage points more than the prior year.

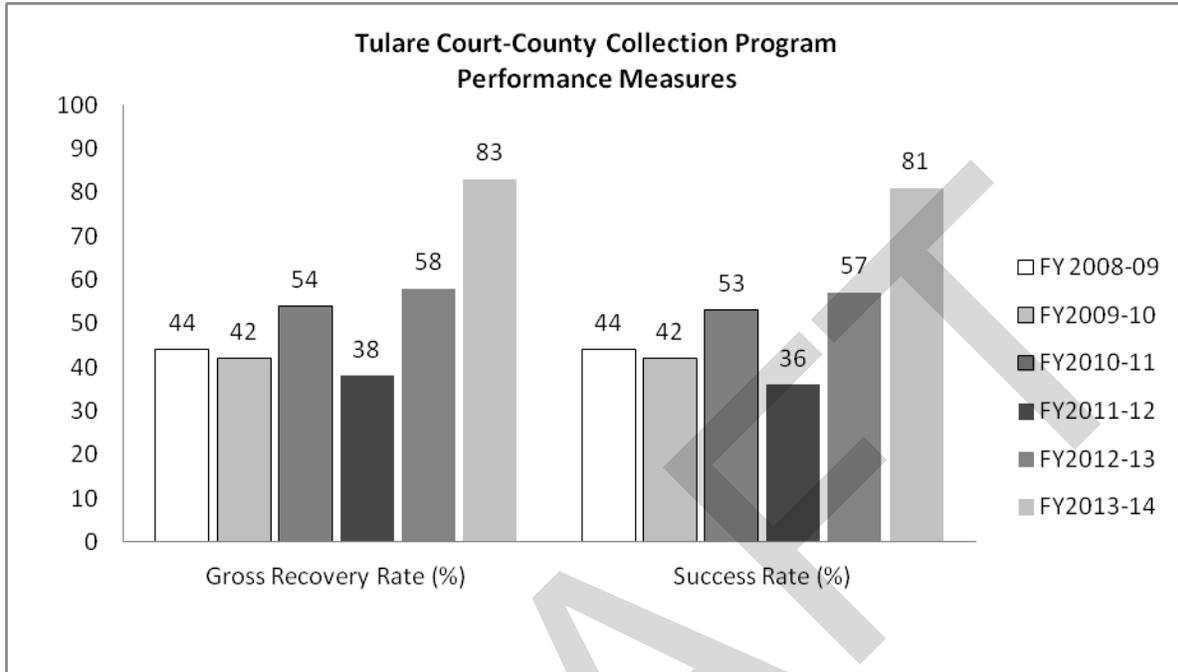
According to the Tulare collections program, the increases in the Gross Recovery Rate and Success Rate are attributable to the benefits of utilizing all 25 of the established best practices. Through collaborative efforts, the collection program is not simply meeting the standard, but far exceeding the benchmark percentages. The inclusion of instructions in the monthly statements to debtors on how to make credit card payments has proven beneficial. If not for the unexpected turnover in personnel late in the third quarter of the fiscal year, the collections program believes the Gross Recovery Rate and Success Rate would have been higher.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Tulare and Superior Court of Tulare County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Tuolumne and Superior Court of Tuolumne County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 53,604**  
**Authorized Judges/Commissioners: 4/0.8**  
**Total Revenue Collected: \$1,451,698**

**Gross Recovery Rate: 48%**  
**Success Rate: 44%**  
**Ending Balance:<sup>1</sup> \$28,277,237**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Tuolumne County and the County of Tuolumne. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes all 16 of the collection activity components;
- Internet and credit and debit card payment options; and
- Meets all 25 of the recommended collections best practices (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$1,451,698 from 28,379 total delinquent cases, with collection costs of \$306,573. The Ending Balance of \$28,277,237 in delinquent court-ordered debt represents 28,517 delinquent cases, of which 3,440 were established in the reporting period.

For FY 2013–2014, the program has a 48 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 1 percentage point less than the prior year. The program’s Success Rate of 44 percent exceeds the recommended 31 percent benchmark, and remains the same percentage rate as the prior year.

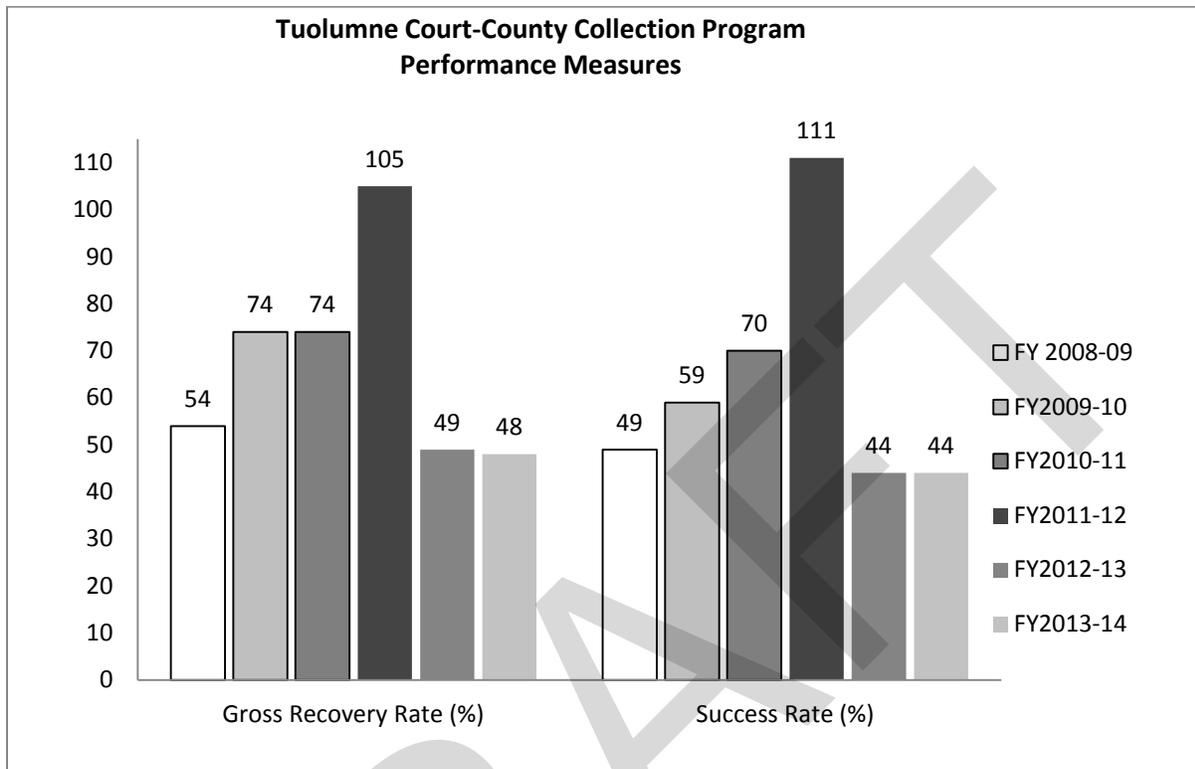
According to the Tuolumne collections program, the decrease in the Gross Recovery Rate and the unchanged Success Rate are relatively close to last year’s reporting figures. This is due to many accounts not being discharged or sent to the program’s private collection vendor. The collections program is in the process of gathering accounts to be discharged and approved by the county board, and expects next year’s success rate to increase.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Tuolumne and Superior Court of Tuolumne County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Ventura and Superior Court of Ventura Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 842,967**

**Authorized Judges/Commissioners: 29/4**

**Total Revenue Collected: \$28,885,715**

**Gross Recovery Rate: 172%**

**Success Rate: 308%**

**Ending Balance:<sup>1</sup> \$188,385,851**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Ventura County and the County of Ventura. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- Contracts with four private debt collectors;
- A comprehensive collections program that includes all 16 of the collection activity components;
- Internet and credit and debit card payment options; and
- Meets 24 of the 25 recommended collections best practices; number 2 is currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$28,885,715 from 502,460 total delinquent cases, with collection costs of \$5,777,143. The Ending Balance of \$188,385,851 in delinquent court-ordered debt represents 439,548 delinquent cases, of which 52,532 were established in the reporting period.

For FY 2013–2014, the program has a 172 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 83 percentage points more than the prior year. The program’s Success Rate of 308 percent exceeds the recommended 31 percent benchmark and is 219 percentage points more than the prior year.

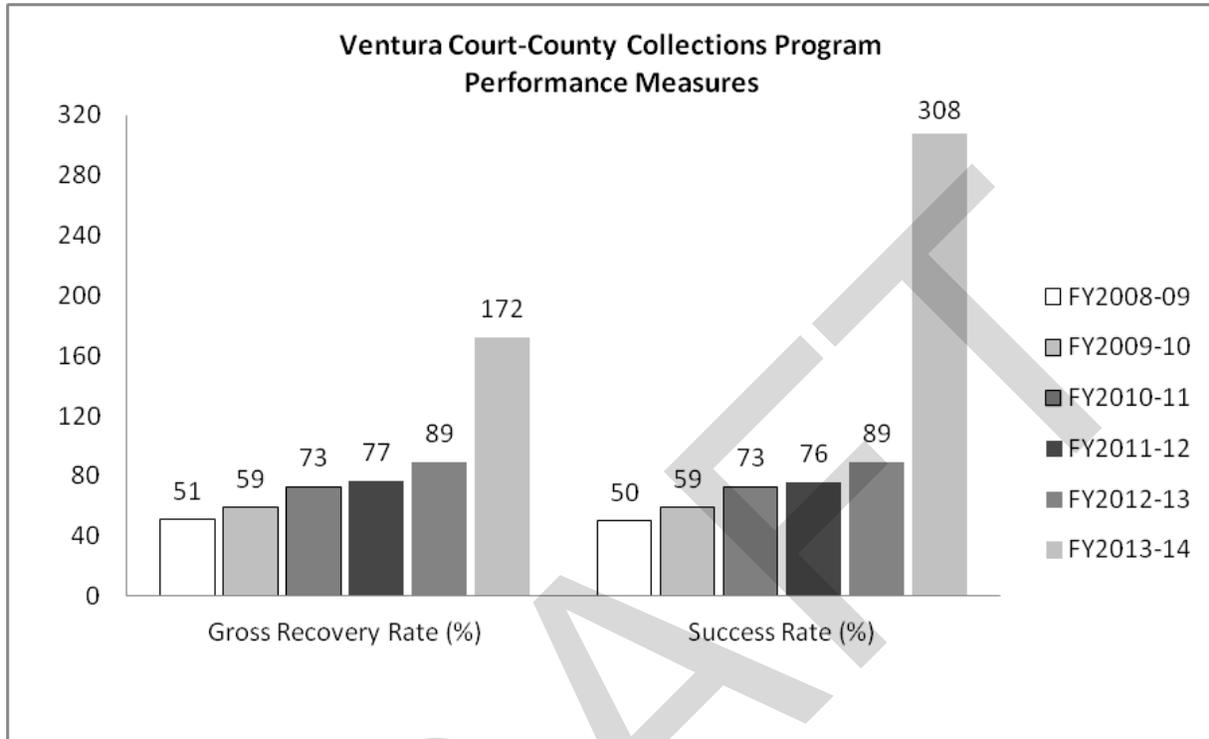
According to the Ventura collections program, the increase in the Success Rate is attributable to the completed upgrade of the predictive dialer (Noble Systems) in February 2014, which increased call volume by 60 percent and resulted in a 29 percent increase in revenue in the last half of the fiscal year. The increase in the Gross Recovery Rate is attributed to the \$17 million in discharged debt, as authorized by statute.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Ventura and Superior Court of Ventura Collections Program  
 Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



Note: If you exclude the \$17 million in uncollectable debt that was discharged from accountability this fiscal year, the Gross Recovery Rate and Success Rate are 107 percent, which is consistent with the program's historical growth.

*This report contains information jointly reported by the court and county in the Judicial Council’s Collections Reporting Template, FY 2013–2014, under Penal Code section 1463.010.*

Data Source:

Population data from State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2013 and 2014.

County of Yolo and Superior Court of Yolo Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 206,381**  
**Authorized Judges/Commissioners: 11/2.4**  
**Total Revenue Collected: \$6,229,260**

**Gross Recovery Rate: 90%**  
**Success Rate: 85%**  
**Ending Balance:<sup>1</sup> \$89,472,648**

### **Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Yolo County and the County of Yolo. The court and county have a written memorandum of understanding (MOU) for the collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes 15 of the 16 collection activity components;
- Internet and credit and debit card payment options; and
- Meets 24 of the 25 recommended collections best practices; number 21 is currently not being met (see Attachment 3).

### **Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$6,229,260 from 65,968 total delinquent cases, with collection costs of \$705,158. The Ending Balance of \$89,472,648 in delinquent court-ordered debt represents 70,201 delinquent cases, of which 9,982 were established in the reporting period.

For FY 2013–2014, the program has a 90 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 21 percentage points more than the prior year. The program’s Success Rate of 85 percent exceeds the recommended 31 percent benchmark, and is 23 percentage points more than the prior year.

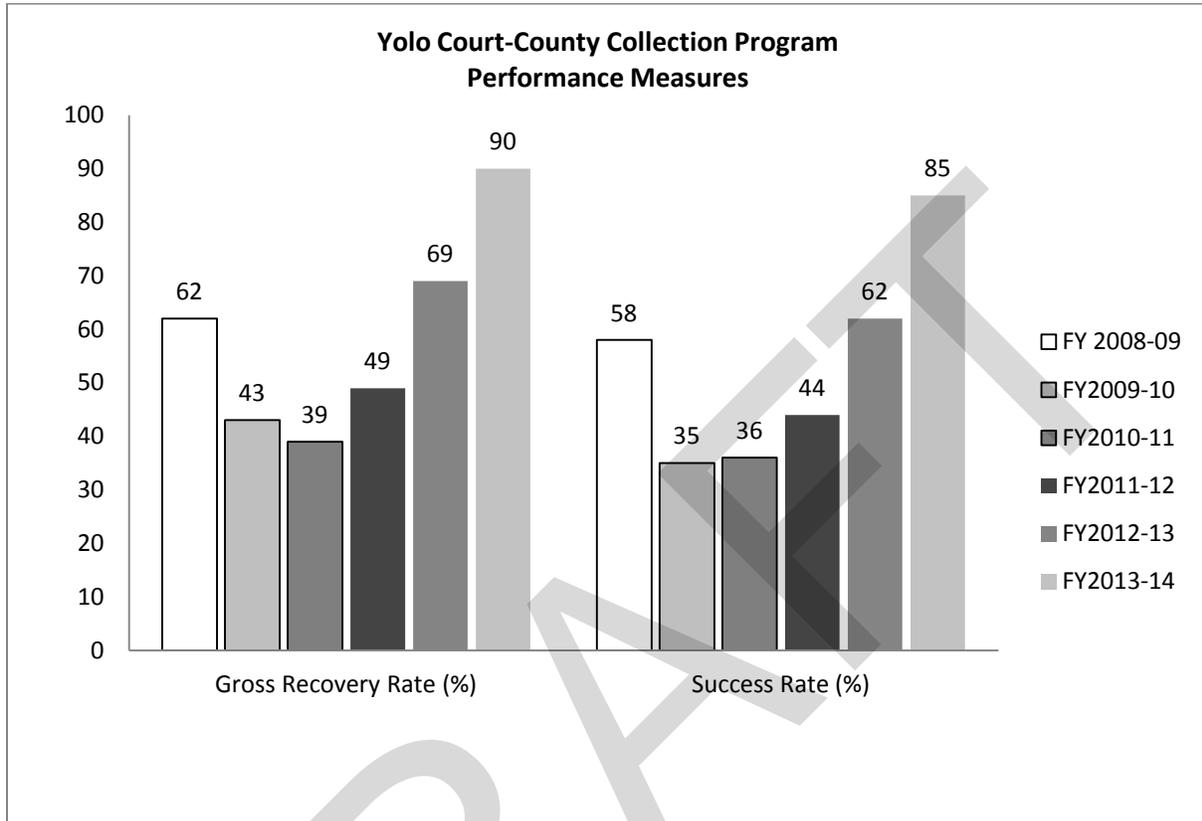
According to the Yolo collections program, the increases in the Gross Recovery Rate and Success Rate are primarily attributable to the program adjusting \$2,731,211, which accounts for 27 percentage points of the Gross Recovery Rate and 23 percentage points of the Success Rate. Overall, the program collected \$40,665 more this fiscal year, primarily because the private vendor collected \$83,437 more this year, which is also a factor in the increase.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Yolo and Superior Court of Yolo Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

County of Yuba and Superior Court of Yuba County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

**County Population: 73,682**  
**Authorized Judges/Commissioners: 5/0.3**  
**Total Revenue Collected: \$906,142**

**Gross Recovery Rate: 84%**  
**Success Rate: 82%**  
**Ending Balance:<sup>1</sup> \$20,847,419**

**Program Overview**

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Yuba County and the County of Yuba. The court and county have a written memorandum of understanding (MOU) for their collections program. The collections program includes the following activities as reported in the fiscal year 2013–2014 *Collections Reporting Template*:

- An MOU with the Superior Court of Shasta County’s Intra-branch Collections Services Program to provide collection services;
- Contracts with the Franchise Tax Board’s Court-Ordered Debt (FTB-COD) and Interagency Intercept Collections (FTB-IIC) programs;
- A contract with a private debt collector;
- A comprehensive collections program that includes all 16 of the collection activity components;
- Credit and debit card payment options; and
- Meets all 25 of the recommended collections best practices (see Attachment 3).

**Performance**

Based on the financial data reported for FY 2013–2014, the program collected a total of \$906,142 from 26,129 total delinquent cases, with collection costs of \$217,474. The Ending Balance of \$20,847,419 in delinquent court-ordered debt represents 24,614 delinquent cases, of which 1,317 were established in the reporting period.

For FY 2013–2014, the program has an 84 percent Gross Recovery Rate, which exceeds the recommended 34 percent benchmark, and is 23 percentage points more than the prior year. The program’s Success Rate of 82 percent exceeds the recommended 31 percent benchmark, and is 24 percentage points more than the prior year.

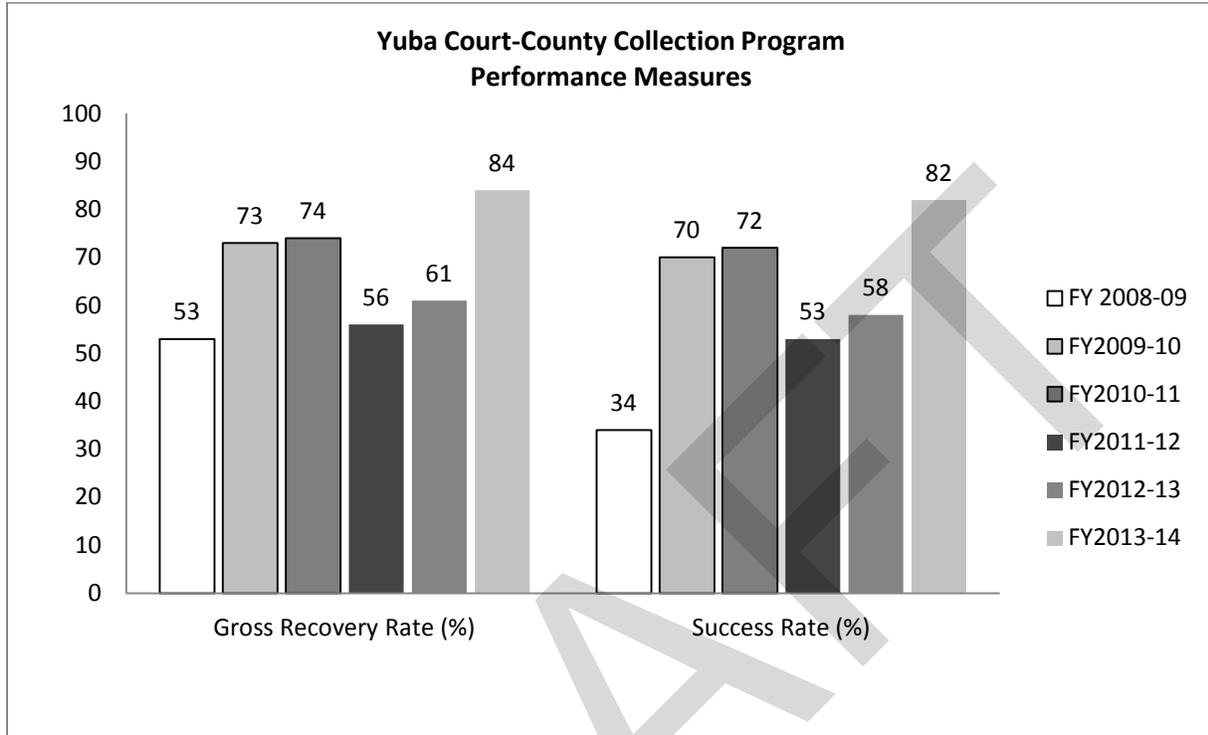
According to the Yuba collections program, the increases in the Gross Recovery Rate and Success Rate are attributable to the court’s efficiency in collecting court-ordered debt. Also, Shasta’s ability to collect on aged cases and difficult to collect cases has being a great success for the court.

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<sup>1</sup> The Ending Balance is the value of outstanding delinquent fines, fees, forfeitures, penalties, and assessments in inventory and does not include the ending receivables balance for victim restitution or other justice related reimbursements.

County of Yuba and Superior Court of Yuba County Collections Program  
Summary of Fiscal Year 2013–2014 Collections Reporting Template

The chart below shows the program’s performance measures for the past six fiscal years:



This report contains information jointly reported by the court and county in the Judicial Council’s *Collections Reporting Template*, FY 2013–2014, under Penal Code section 1463.010.

Data Source:

Population data from State of California, Department of Finance, E-1 City/County Population Estimates and Annual Percent Change—January 1, 2013 and 2014.

## Collections Reporting Template Instructions

### 1. About the Collections Reporting Template

Under Penal Code section 1463.010, each superior court and county shall jointly submit information to the Judicial Council in a reporting template on or before September 1, 2009, and annually thereafter. The Judicial Council is required to develop performance measures and benchmarks to review the effectiveness of the cooperative superior court and county collection programs and report to the Legislature about which court or county is following best practices, the performance of each collection program, and any changes to improve performance of collection programs on a statewide basis.

The following worksheets must be completed and submitted to the Administrative Office of the Courts as part of the Collections Reporting Template:

- Contact and Other Information
- Program Report
- Performance Report
- Annual Financial Report

### 2. Due Date

The Collections Reporting Template is due annually on or before September 1 following each fiscal reporting period.

### 3. Reporting Period

The Collections Reporting Template should be completed for the period of July 1 through June 30.

### 4. What Should Be Reported

The following should be reported in the Collections Reporting Template:

- All delinquent court-ordered fines, fees, forfeitures, penalties, and assessments, victim restitution, and other criminal justice reimbursements imposed by law or court order in criminal (infraction, misdemeanor, and felony) cases, including juvenile delinquency cases. Report all revenues generated by each collection program (e.g., court, county, private agency, Franchise Tax Board, or an Intra-branch Program).
- All revenues generated from non-delinquent cases.
- All court-ordered debt due to the state, county, city, and local government entities or other parties for which the court or county is collecting either directly or through a collection agency.
- Debt balances, both monetary and nonmonetary, that occurred during the reporting period.

Fees collected in non-criminal cases (e.g., civil, probate, family, mental health, and juvenile dependency) should not be reported in the template.

**5. Worksheet 1: Contact and Other Information**

In addition to basic contact information, this worksheet captures program information including the extent to which Penal Code section 1463.007 components are being met. Programs should respond to the questions as they pertain to each collection program (e.g., court, county, private agency, the Franchise Tax Board, or an Intra-branch Program). A court or county collection program that has entered into a contract with another court or county for collection services should report the components used by the collecting entity in column 5 (Components Used by Intra-branch Program).

**6. Worksheet 2: Program Report**

Programs should provide a description of any changes to collections during the fiscal year in the Program Report worksheet, describe the extent to which they are meeting the Judicial Council–approved Collections Best Practices, and identify any obstacles or problems that prevent the program from meeting the best practices. Programs may indicate areas in which training, assistance, or additional information is necessary in the collection-related topics that are listed in the second section. If additional space is required, please submit the information as an attachment in Microsoft Word format.

**7. Worksheet 3: Performance Report**

Programs should provide a summary of the collection program’s performance during the reporting period. If additional space is required, please submit the information as an attachment in Microsoft Word format.

**8. Worksheet 4: Annual Financial Report**

The Annual Financial Report worksheet captures the total revenue collected, court-ordered adjustments, discharged debt, and cost of collections. Note: this worksheet is protected and data entry is permitted only in unshaded cells. (Refer to sections that follow for instructions on how to complete this worksheet.)

**Rows 3–9, Fines, Fees, Forfeitures, Penalties, and Assessments**

For each collection program, enter all transactions, adjustments, and discharged debt that occurred during the reporting period. Include in this worksheet all collections activity by each collection program.

- In row 3, report only non-delinquent gross revenue collected (e.g., traffic bail forfeitures, forthwith payments, accounts receivable, and current payment plans).
- In rows 4–9, report revenue collected, cost of collections, adjustments, and discharges on delinquent matters only.
- In row 8, report revenue collected by an Intra-branch Program. A court or county that refers delinquent cases to another court or county for collections services should report information in rows 8, 28, 43, and 54 of the Annual Financial Report, as appropriate.
- In rows 9, 29, 44, and 55 enter amounts that cannot be broken out or attributed to a single collection program (e.g., court, county, private agency, Franchise Tax Board, or an Intra-branch Program). Revenue collected by the Franchise Tax Board’s

Interagency Intercept Collections (FTB-IIC) program or the Department of Motor Vehicles, should be reported in row 9, column D.

**Column B: Number of Cases Established/ Referred in Period**

Enter the total net number of new cases established or initially referred to each respective collection program within the reporting period. Cases that were previously established, but never referred to collections, are considered new cases and should be reported in column B.

**Column C: Value of Cases Established or Referred in the Reporting Period**

Enter the total net value of new cases identified in column B that were established or referred during the reporting period. Debt established and/or referred to a program in prior reporting periods should be excluded. Debt balances transferred or returned from one collection program to another should be included in column C.

The transfer or return of debt balances between programs that was entered in the Debt Transfers column should now be entered in column C as the “net” total value.

For example: In the FY 2010–11 version of Collections Reporting Template, if a court collection program established cases with a total value of \$1,000 for the reporting period, and transferred \$700 to a private vendor, the transfer would have been entered as -\$700 in column D, row 4, and +\$700 in column D, row 6.

In the revised FY 2011–12 Collections Reporting Template, the debt balance should be entered as +\$300 in column C, row 4, and +\$700 in column C, row 6.

**Column D: Gross Revenue Collected During the Period**

Enter the total amount of delinquent revenue collected by each collection program during the reporting period and from all outstanding debt (case inventory). In row 3, include non-delinquent traffic bail forfeitures, forthwith payments, accounts receivable, and current payment plans.

**Column E: Cost of Collections**

Enter as a negative number the cost of collections allowable for recovery under Penal Code section 1463.007.

**Column F: Adjustments**

Enter the total dollar value of suspensions, alternative payments, dismissals, or other non-cash adjustments that occurred during the period. This should be entered as a positive number if the net effect is to reduce the amount of debt outstanding or a negative (–) number if the net effect is to increase the amount of debt outstanding. Charges for a bad check would be entered as a negative (–) dollar amount, as this would increase the amount of debt outstanding.

**Column G: Discharge from Accountability**

Enter the total dollar value of discharged accounts, under Government Code sections 25257–25259.95 that occurred during the reporting period. This should be entered as a positive number as the net effect is to reduce the amount of debt outstanding.

For example, if a \$600 debt being collected by the county is discharged, +\$600 would be entered in column G, row 5.

**Rows 11–23, Quality Checklist**

Review each quality criterion and check the box to attest that the data supplied conforms to the specification. Do not check the box if the information provided does not conform to the quality criterion. The Quality Checklist should be used to double-check the accuracy of information provided in the Annual Financial Report of this Collections Reporting Template. For boxes left unchecked, provide an explanation in the Program Report worksheet.

**Rows 24–29, Beginning and Ending Balances: Fines, Fees, Forfeitures, Penalties, and Assessments**

The Beginning and Ending Balances section should include the number and value of cases of all delinquent outstanding debt (case inventory). For each program type, enter the number of cases in columns H and K and the value of cases in columns I and L. If you cannot provide information by program type, please report in “Other” (row 29).

**Column H, Number of Cases—Beginning Balance**

Enter the total number of cases at the beginning of the period. The number should be the same as the number of cases at the end of the prior reporting period.

**Column I, Value of Cases—Beginning Balance**

This data represents the ending balance reported by the court/county for the prior reporting period. Any variance should be reported and explained in the Program Report worksheet.

**Column J, Change in Value**

Column J is the value of column C less the amounts shown in columns D, F, and G (this field is formula-driven, so no separate calculation or entry is required).

**Column K, Number of Cases—Ending Balance**

Enter the total number of cases at the end of the current reporting period for each program.

**Column L, Value of Cases—Ending Balance**

Enter the total net value of cases at the end of the reporting period for each program. The ending balance is the value of cases at the beginning of the current reporting period plus the change in value reported for the period in Column J.

**Column M, Error Messages**

This data field displays “Out of Balance” if the ending balance does not equal the beginning balance plus the sum of transactions that occurred during the period. For example:

- If the beginning balance for the County Collection Program in column I, row 25 is \$10,000,000; and
- The total value of cases referred in column C, row 5 is \$3,000,000; and
- The gross revenue collected in column D, row 5 is \$2,000,000; and
- The value of adjustments in column F, row 5 is \$250,000, and
- The value of discharged debt in column G, row 5 is \$250,000;
- Then the ending balance reported in column L, row 25 should be \$10,500,000, because

$$\$10,000,000 + \$3,000,000 - \$2,000,000 - \$250,000 - \$250,000 = \$10,500,000.$$

If the ending balance in column L reconciles to the program’s case management and/or accounting system, explain the “Error Message” in the Program Report worksheet.

**Rows 31–37, Quality Checklist**

Review each quality criterion and check the box to attest that the data supplied conforms to the specification. Do not check the box if the data supplied does not conform to a particular quality criterion. The Quality Checklist should be used to double-check that the Annual Financial Report of this Collections Reporting Template is filled out correctly. For boxes left unchecked, provide an explanation in the Program Report worksheet.

**Rows 38–44, Victim Restitution and Other Justice-Related Reimbursements**

Enter transactions or adjustments that occurred during the reporting period including restitution owed to a victim by court order under Penal Code section 1202.4(f) and other justice-related fees not reported in rows 4-9.

**Column N: Number of Cases Established/ Referred in Period**

Enter the total net number of new cases established or initially referred to each respective collection program within the reporting period. Cases that were previously established, but never referred to collections, are considered *new* cases and should be reported in column N.

**Column O: Value of Cases Established or Referred in the Reporting Period**

Enter the total net value of new cases identified in column N that were established or referred during the reporting period. Debt established and/or referred to a program in prior reporting periods should be excluded. Debt balances transferred or returned from one collection program to another should be included in column O. (See example on use of column O on Page 3, Column C: Value of Cases Established or Referred in the Reporting Period.)

**Rows 46–49, Quality Checklist**

Confirm that the data reported complies with the stated specification. For boxes left unchecked, explain in the Program Report worksheet.

**Rows 50–55: Beginning and Ending Balances: Victim Restitution and Other Justice-Related Reimbursements:**

The Beginning and Ending Balance sections should include the number and value of cases of all delinquent outstanding debt (case inventory). In addition to restitution, debt balance may include other criminal justice-related fees not reported in rows 24–29.

- Instructions are the same as those for rows 24–29, except for the type of debt reported.
- The ending balance in column W should equal the beginning balance in column U plus the sum of transactions shown in column S ( $S = O - P - Q - R$ ).

**Column X**

Enter a brief description of the debt reported in Column P of this worksheet. If the description is lengthy, include it in the Performance Report worksheet.

**Row 57, Quality Checklist**

Confirm that the reported data complies with the stated specifications.

**Rows 58–59, Collections Metrics for Fines, Fees, Forfeitures, Penalties, and Assessments**

These are self-populating calculated fields and no entry is required. The numbers provide a quantitative explanation of aggregate collections performance for delinquent debt.

**Rows 60–61, Error/Warning Messages**

These rows are blank unless errors or potential errors are detected in the worksheet. If error messages are present, please correct the identified error.

**9. Signature Block**

Print your name, sign, and date the Annual Financial Report worksheet.

**10. Submitting the Collections Reporting Template**

After you have completed the Collections Reporting Template:

- Print all completed worksheets in the Collections Reporting Template;
- Obtain the authorized court representative *and* county representative signatures;
- Fax or mail the original signed report to the AOC Enhanced Collections Unit; and
- E-mail all worksheets listed in section 1 to [collections@jud.ca.gov](mailto:collections@jud.ca.gov).

**Contact Information**

Administrative Office of the Courts  
Finance Division, Enhanced Collections Unit

2255 North Ontario Street, Suite 200  
Burbank, California 91504-3188  
Phone: 818-558-3221 Fax: 818-558-3112  
E-mail: [collections@jud.ca.gov](mailto:collections@jud.ca.gov)

**If You Have Questions**

If you have any questions about the Collections Reporting Template, please contact the AOC Enhanced Collections Unit at 818-558-3221 or [collections@jud.ca.gov](mailto:collections@jud.ca.gov).

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**Collections Reporting Template  
Glossary**

**Accounts Receivable (A/R):** An accounts receivable is a set of account receivables if paid in installments, pursuant to Penal Code section 1205(d) or that are not paid forthwith.

**Adjustments:** An adjustment is any change in the total of debt due after the initial determination of the amount of outstanding delinquent debt. Non-cash adjustments include the suspension of all or a portion of bail, fines, fees, penalties, forfeitures, or assessments. Alternative payments may include community service in lieu of a fine; dismissals include dismissing all or a portion of the debt. Cash adjustments include fees added for payment by an insufficient funds check (NSF) or a correction to the initial assessment amount. The imposition of a civil assessment is not considered an adjustment.

**Alternative Sentence:** This refers to a different option for resolving court-ordered debt, such as community service in lieu of bail or fines, designed for an individual who demonstrates an inability to pay.

**Case:** For the purposes of the Collections Reporting Template, a case is a set of official court documents filed in connection with an infraction, misdemeanor, or felony violation.

**Community Service:** This refers to the hours of service that are converted to a monetary value and applied to the fines, fees, forfeitures, penalties, and assessments and reduce the imposed amount.

**Comprehensive Collection Program:** A program that collects eligible delinquent court-ordered fines, fees, forfeitures, penalties, and assessments on infraction, misdemeanor, and felony cases, as authorized by Penal Code section 1463.007.

**Continuance:** A continuance is the postponement of a hearing, trial, or other scheduled court proceeding at the request of either or both parties in a court dispute, or by the judge. For purposes of the Collections Reporting Template, a continuance is the postponement, stay, or withholding of payment under certain conditions for a temporary period of time.

**Cost of Collections:** The costs of operating a collections program that are allowed to be offset against collected delinquent revenues prior to distribution under Penal Code section 1463.007.

**County Collection Program:** A collection program administered by the county.

**Court Collection Program:** A collection program administered by the local superior court.

**Delinquent Account:** A delinquent account results when an individual has not appeared in court as promised or has not complied with a court order for payment of fines, fees, penalties, forfeitures, and assessments or with the terms and conditions of a payment plan or accounts

receivable (A/R) plan. Once the debt becomes delinquent, it continues to be delinquent and may be subject to collection by a comprehensive collection program.

**Discharged Account:** An account that has been deemed uncollectible and discharged from accountability. The actual discharge is based on established criteria by an authorized body, pursuant to Government Code sections 25257–25259.95.

**Dismissal:** A judgment that disposes a matter in a case. For the purposes of the Collections Reporting Template, this term refers to a criminal action dropped without settling the involved issues. The initial court-ordered debt no longer exists.

**Enhanced Collections:** Enhanced collections are non-forthwith collection activities related to enhancing collection programs where costs are incurred and paid directly by or reimbursed by the county, and are not cost recoverable. These collections are also included in the Collections Reporting Template.

**Forthwith Payments:** Full payment of court-ordered fines, fees, forfeitures, penalties, and assessments on or before the due date. Installment and accounts receivable plans are not forthwith payments.

**Franchise Tax Board Court-Ordered Debt (FTB-COD) Program:** The Franchise Tax Board collection program authorized under Revenue and Taxation Code section 19280.

**Franchise Tax Board Interagency Intercept Collections (FTB-IIC) Program:** A program of the Franchise Tax Board authorized by Government Code section 12419.10(a)(1) to collect court-ordered fines, fees, forfeitures, assessments, and penalties from Franchise Tax Board refunds, unclaimed property, or California State Lottery winnings.

**Gross Revenue Collected:** Monies collected toward the satisfaction of a court-ordered debt by collection programs prior to any reductions.

**Installment Payment:** A scheduled payment agreed upon by the defendant and the court or county collection program, as established in Penal Code section 1205(d).

**Intra-branch Program:** An Intra-branch Program is a court or a county collection service provided under a written Memorandum of Understanding (MOU) to another court or county.

**Net Revenue:** Gross revenue collected less any reductions (i.e., allowable cost offsets pursuant to Penal Code section 1463.007).

**Non-delinquent Collections:** All non-delinquent revenue collected during the reporting period, including bail forfeitures, forthwith payments, and current payments made on accounts receivables and installment payment plans; recorded on row 3, column D of the Annual Financial Report worksheet.

**Other Justice-Related Reimbursements:** Monies owed to entities other than state, counties, cities, or local governments, such restitution to a victim.

**“Other” Program:** This refers to the “Other” row, row 9, of the Annual Financial Report worksheet and captures revenue that cannot be broken out or attributed to a single collecting entity (e.g., court, county, private agency, the FTB or an Intra-branch Program). Any amount reported on this row should be explained in the Program Report worksheet.

**Penal Code section 1463.007:** This statute specifies the criteria for a comprehensive collection program and allows the county and/or court to deduct, and deposit in the county treasury or trial court operations fund, the cost of operating a comprehensive collection program prior to distributing revenues to other governmental entities.

**Private Agency:** A private entity employed or contracted to collect court-ordered fines, fees, forfeitures, assessments, and penalties.

**Referral:** A referral is a newly established delinquent court-ordered debt submitted to a collection program during the reporting period.

**Suspensions:** Amounts that are reduced or eliminated as a result of a judicial order.

**Value of Cases:** The value of a case is the amount of court-ordered debt that is owed and is deemed collectible. For closed cases, the value is the sum of (gross) debt collected, dismissals, alternative payments, suspensions, and discharged accounts.

**Victim Restitution:** Victim restitution is an amount that is owed to a victim who incurs any economic loss as a result of a crime and that is payable directly from a defendant convicted of the crime as a condition of probation; see Penal Code section 1202.4(f). The restitution fine under Penal Code section 1202.4(b) is also court-ordered, but is not paid directly to the victim.

Contact and Other Information

1	Court/County	SELECT COURT/COUNTY ▼
2	Court Contact:	
3	Telephone Number:	
4	E-mail Address:	
5	County Contact:	
6	Telephone Number:	
7	E-mail Address:	

8	List collection agencies or programs used by order in which debt is referred:	1. .... ▼
9		2. .... ▼
10		3. .... ▼
		4. .... ▼
		5. .... ▼

11	Does your court/county have a comprehensive collections program pursuant to Penal Code 1463.007?	..... ▼
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12	Which of the comprehensive collection program components, pursuant to Penal Code 1463.007, does your court/county currently use? If you indicated YES to question #11, you must check all in section I and at least 5 components in section II.	Components used by Court	Components used by County	Components used by Private Agency	Components used by FTB	Components used by Intra-branch
I.	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Notifies delinquent debtors for whom the program has an address in writing of their outstanding obligation within 95 days of delinquency.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Generates internal monthly reports to track collections data, such as age of debt and delinquent amounts outstanding.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Uses Department of Motor Vehicles information to locate delinquent debtors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. Accepts payment of delinquent debt by credit card.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II.	a. Sends delinquent debt to the Franchise Tax Board's Court-Ordered Debt Collections Program.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Sends delinquent debt to the Franchise Tax Board's Interagency Intercept Collections Program.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Initiates driver's license suspension or hold actions when appropriate.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Contracts with one or more private debt collectors to collect delinquent debt.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. Sends monthly bills or account statements to all delinquent debtors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	f. Contracts with local, regional, state, or national skip tracing or locator resources or services to locate delinquent debtors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	g. Coordinates with the probation department to locate debtors who may be on formal or informal probation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	h. Uses Employment Development Department employment and wage information to collect delinquent debt.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	i. Establishes wage and bank account garnishments where appropriate.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	j. Places liens on real property owned by delinquent debtors when appropriate.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	k. Uses an automated dialer or automatic call distribution system to manage telephone calls.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13	Does the court impose a civil assessment for failure to appear on infraction cases?	..... ▼
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14	Does the court impose civil assessment for failure to pay on infraction cases?	..... ▼
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15	Does the court impose a civil assessment for failure to pay on misdemeanor cases?	..... ▼
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16	Does the court impose a civil assessment for failure to pay on felony cases?	..... ▼
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17	Does the court impose a civil assessment on any other case type? If yes, explain in the Program Report worksheet.	..... ▼
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18	Collection program to which the majority of delinquent debt is initially referred.	..... ▼
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Program Report

Select court/county (see Contact Information worksheet #1)

Use the space below to describe your collection program.

Describe the extent to which your collection program is meeting the Judicial Council approved Collections Best Practices and identify any obstacles or problems that prevent the collections program from meeting those objectives. In the description please identify which of the twenty-five (25) Best Practices your collection program has not been implemented. Also, identify any new or additional practices that have improved your collections program.

Type here.

Please identify areas in collections (check all that apply) in which program staff would like to receive training, assistance, or additional information.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Civil Assessment | <input type="checkbox"/> Revenue Distribution          | <input type="checkbox"/> Private Collection Vendor Selection |
| <input type="checkbox"/> Cost Recovery    | <input type="checkbox"/> Discharge from Accountability | <input type="checkbox"/> Other Collections-Related Issues    |

Additional comments:

Performance Report

Select court/county (see Contact Information worksheet #1)  
Use the space below to discuss your collection program.

Please provide any comments on your Gross Recovery Rate or Success Rate.

Type here.

Additional operational information about your collection program for this Reporting Period.

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Annual Financial Report

SELECT COURT/COUNTY

REPORTING PERIOD			
Row	Program	Reporting Period	Col. A
1	Beginning Date	01-Jul-12	First day of Reporting Period
2	Ending Date	30-Jun-13	Last day of Reporting Period

FINES, FEES, FORFEITURES, PENALTIES AND ASSESSMENTS							
Row	Program	Number of Cases Established/Referred/Transferred in Period	Value of Cases Established/Referred/Transferred in Period	Gross Revenue Collected During the Period	Cost of Collections (pursuant to Penal Code 1463.007)	Adjustments	Discharge from Accountability
		Col. B	Col. C	Col. D	Col. E	Col. F	Col. G
3	Non-Delinquent Collections						
4	Court Collection Program						
5	County Collection Program						
6	Private Agency						
7	FTB Court-Ordered Debt						
8	Intra-branch Program						
9	Other						
10	<b>Total</b>	-	-	-	-	-	-

Row	Quality Checklist	Quality Criteria
11	<input type="checkbox"/>	Rows 3-9 include all fines, fees, forfeitures, penalties, and assessments except victim restitution and other justice related fees (see Row 46 for more information).
12	<input type="checkbox"/>	Rows 3-9 include traffic, criminal, and juvenile delinquency case types.
13	<input type="checkbox"/>	Rows 3-9 include infractions, misdemeanors and felonies.
14	<input type="checkbox"/>	Row 3 includes all collections for cases that were paid in full on or before the due date, or current installment or accounts receivable (A/R) payment plan.
15	<input type="checkbox"/>	Row, 3, Column D, includes all revenue collected for non-delinquent infraction, misdemeanor and felony cases.
16	<input type="checkbox"/>	Rows 3-9 include cases referred/established, revenue collected, adjustments, or discharges posted during the reporting period.
17	<input type="checkbox"/>	Rows 4-9, Columns B and C, represents new debt established or referred to collection programs.
18	<input type="checkbox"/>	Column C also includes debt that is transferred or returned from one collection program to another during the reporting period.
19	<input type="checkbox"/>	Rows 4-9 include all cases that were not paid in full on or before the due date.
20	<input type="checkbox"/>	Rows 4-9, Column D includes all monies received towards the satisfaction of delinquent court-ordered debts.
21	<input type="checkbox"/>	Column E includes the cost of collections that, pursuant to PC 1463.007, is allowable to offset revenue prior to distribution to other governmental entities. Cost of collections is entered in Column E as a negative number unless posting a reversal.
22	<input type="checkbox"/>	Value reported in Column F includes all court-ordered suspensions, alternative sentences, dismissals, or other non-cash adjustments that decrease or increase the amount outstanding for individual debt items.
23	<input type="checkbox"/>	Value reported in Column G includes all debt deemed uncollectible that has been discharged, per Government Code section 25257-25259.95.

FINES, FEES, FORFEITURES, PENALTIES AND ASSESSMENTS: BEGINNING AND ENDING BALANCES							
Row	Program	Number of Cases - Beginning Balance	Value of Cases - Beginning Balance	Change in Value (from above)	Number of Cases - Ending Balance	Value of Cases - Ending Balance	Error Messages
		Col. H	Col. I	Col. J	Col. K	Col. L	Col. M
24	Court Collection Program			-			
25	County Collection Program			-			
26	Private Agency			-			
27	FTB Court-Ordered Debt			-			
28	Intra-branch Program			-			
29	Other			-			
30	<b>Total</b>	-	-	-	-	-	

Row	Quality Checklist	Quality Criteria
31	<input type="checkbox"/>	Rows 24-29 include fines, fees, forfeitures, penalties, and assessments except victim restitution and other justice related fees.
32	<input type="checkbox"/>	Rows 24-29 include cases that have been referred to a collection program.
33	<input type="checkbox"/>	Columns I and L includes traffic, criminal, and juvenile delinquency case types.
34	<input type="checkbox"/>	Number of cases and value reported in Columns I and L reconcile to figures reported from underlying systems and vendors.
35	<input type="checkbox"/>	Number of cases and value reported in columns H and I match ending value reported in prior year.
36	<input type="checkbox"/>	Value of cases at end of period (Column L) balances to value of cases at beginning of period (Column I), plus change in value reported in Column J (which is the sum of Column C less the amounts shown in Columns D, F, and G).
37	<input type="checkbox"/>	No error messages shown in Column M. Note: An error message in Column M indicates that the beginning balance in Column I, plus the value of transactions reported in Column J (J = C- D - F- G) does not equal the ending balance reported in Column L.

Annual Financial Report

VICTIM RESTITUTION AND OTHER JUSTICE RELATED REIMBURSEMENTS							
Row	Program	Number of Cases Established/ Referred/ Transferred in Period Col. N	Value of Cases Established/ Referred/ Transferred in Period Col. O	Gross Revenue Collected During the Period Col. P	Adjustments Col. Q	Victim Restitution (PC1202.4 (f)) Col. R	Change in Value Col. S
38	Non-Delinquent Collections						
39	Court Collection Program						-
40	County Collection Program						-
41	Private Agency						-
42	FTB Court-Ordered Debt						-
43	Intra-branch Program						-
44	Other						-
45	<b>Total</b>	-	-	-	-	-	-

Row	Quality Checklist	Quality Criteria
46	<input type="checkbox"/>	Rows 38-44 include victim restitution and other justice related fees owed to other entities that were not included in Rows 4-9.
47	<input type="checkbox"/>	Rows 38-44 include only cases referred/established, revenue collected, or adjustment posted during the reporting period.
48	<input type="checkbox"/>	Column P includes gross revenue collected on other justice related fees and should be entered as a positive number unless posting reversal. Adjustments in Column Q are entered as a positive number if it causes the outstanding balance to decrease or as a negative number if it causes the outstanding balance to increase.
49	<input type="checkbox"/>	Column R includes revenue collected on restitution owed to a victim by court order under Penal Code section 1202.4 (f).

VICTIM RESTITUTION AND OTHER JUSTICE RELATED REIMBURSEMENTS: BEGINNING AND ENDING BALANCES							
Row	Program	Number of Cases - Beginning Balance Col. T	Value of Cases - Beginning Balance Col. U	Number of Cases - Ending Balance Col. V	Value of Cases - Ending Balance Col. W	Description of Items Included Col. X	Error Messages Col. Y
50	Court Collection Program						
51	County Collection Program						
52	Private Agency						
53	FTB Court-Ordered Debt						
54	Intra-branch Program						
55	Other						
56	<b>Total</b>	-	-	-	-		

Row	Quality Checklist	Quality Criteria
57	<input type="checkbox"/>	Rows 50-55 include any victim restitution and other justice related fees owed to other entities that were not included in rows 24-29.

COLLECTIONS METRICS FOR FINES, FEES, FORFEITURES, PENALTIES AND ASSESSMENTS				
Row	Metric Col. Z	Current Performance Col. AA	Formula Col. AB	Definition Col. AC
58	Gross Recovery Rate		$\frac{\text{Collections}}{\text{Referrals}}$	Measures a collection program's ability to resolve delinquent court-ordered debt, including alternative sentences, community service, suspended sentences and discharges.
59	Success Rate		$\frac{\text{Collections}}{\text{Referrals} - \text{Adjustments} - \text{Discharges}}$	Measures the amount of revenue collected on delinquent court-ordered debt based on total delinquent accounts referred after adjustments and discharges, including NSF checks.

ERROR/WARNING MESSAGES	
60	
61	

Reviewed by Court

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title (Court Executive or Presiding Judge)

Reviewed by County

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title (County Auditor-Controller or other)

Judicial Council–Approved Collections Best Practices  
(as revised and approved Feb. 25, 2011; originally adopted 2008)

Penal Code section 1463.010 as amended by Assembly Bill 367 (Stats. 2007, ch. 132) requires the Judicial Council to report the extent to which each court or county is following best practices for its collection program.

The collection programs are encouraged to use the following best practices. Additional information regarding best practices, including guidelines and standards, can be obtained on Serranus: <http://serranus.courtinfo.ca.gov/programs/collections/best.htm>; the external collections website: <http://www.courts.ca.gov/partners/collections.htm>; or by contacting staff of the Enhanced Collections Unit at [collections@jud.ca.gov](mailto:collections@jud.ca.gov).

1. Develop a plan and put the plan in a written memorandum of understanding (MOU) that implements or enhances a program in which the court and county collaborate to collect court-ordered debt and other monies owed to a court under a court order.
2. Establish and maintain a cooperative superior court and county collection committee responsible for compliance, reporting, and internal enhancements of the joint collection program.
3. Meet the components of a comprehensive collection program as required under Penal Code section 1463.007 in order that the costs of operating the program can be recovered.
4. Complete all data components in the *Collections Reporting Template*.
5. Reconcile amounts placed in collection to the supporting case management and/or accounting systems.
6. Retain the joint court/county collection reports and supporting documents for at least three years.
7. Take appropriate steps to collect court-ordered debt locally before referring it to the Franchise Tax Board for collection.
8. Participate in the Franchise Tax Board's Court-Ordered Debt (COD) collection program.
9. Participate in the Franchise Tax Board's Interagency Intercept Collections (IIC) program.
10. Establish a process for handling the discharge of accountability for uncollectible court-ordered debt.
11. Participate in any program that authorizes the Department of Motor Vehicles to suspend or refuse to renew driver's licenses for individuals with unpaid fees, fines, or penalties.

12. Conduct trials by written declaration under Vehicle Code section 40903 and, as appropriate in the context of such trials, impose a civil assessment.
13. Implement a civil assessment program and follow the Criteria for a Successful Civil Assessment Program. (See Enhanced Collections websites listed above.)
14. Evaluate the effectiveness and efficiency of external collection agencies or companies to which court-ordered debt is referred for collection.
15. Accept payments via credit and debit card.
16. Accept payments via the Internet.
17. Include in a collection program all court-ordered debt and monies owed to the court under a court order.
18. Include financial screening to assess each individual's ability to pay prior to processing installment payment plans and account receivables.
19. Charge fees as authorized by Penal Code section 1202.4(l).
20. Charge fees as authorized by Penal Code section 1205(d).
21. Use restitution rebate, as authorized by Government Code section 13963(f), to further efforts for the collection of funds owed to the Restitution Fund.
22. Participate in the statewide master agreement for collection services or renegotiate existing contracts, where feasible, to ensure appropriate levels of services are provided at an economical cost.
23. Require private vendors to remit the gross amount collected as agreed and submit invoices for commission fees to the court or county on a monthly basis.
24. Use collection terminology (as established in the glossary, instructions, or other documents approved for use by courts and counties) for the development or enhancement of a collection program.
25. Require private vendors to complete the components of the *Collections Reporting Template* that corresponds to their collection programs.

## Attachment 4

### Collections Performance Measures and Benchmarks

Performance Measure	Definition	Formula	Benchmark
Gross Recovery Rate (GRR)	Measures a collection program's ability to resolve delinquent court-ordered debt, including alternative sentences, community service, suspended sentences and discharges.	Delinquent collections for the fiscal year + Adjustments + Discharges / Referrals	34%
Success Rate (SR)	Measures the amount of revenue collected on delinquent court-ordered debt based on total delinquent accounts referred after adjustments and discharges, including non-sufficient funds (NSF) checks.	Delinquent collections for the fiscal year / Referrals – Adjustments – Discharges	31%

**Statewide Collections Programs:  
FY 2008-09 to 2013-14 Individual Program  
Gross Recovery Rate (34% benchmark) Comparison by County**

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Alameda	37	28	37	40	63	67
Alpine	46	82	36	39	61	46
Amador	50	28	0	28	15	71
Butte	68	87	61	89	75	53
Calaveras	52	42	80	57	58	67
Colusa	14	70	43	98	59	74
Contra Costa	28	26	30	29	71	62
Del Norte <sup>1</sup>	0	8	41	33	36	26
El Dorado	19	26	44	57	81	65
Fresno	31	48	85	56	45	46
Glenn	45	49	32	28	62	59
Humboldt	68	36	40	65	65	77
Imperial	54	61	51	69	62	75
Inyo <sup>2</sup>	0	47	58	98	94	68
Kern	79	69	75	84	67	62
Kings	41	65	41	46	32	40
Lake	52	56	55	61	55	41
Lassen	65	57	87	85	55	42
Los Angeles	92	90	81	72	73	64
Madera	44	97	72	33	50	56
Marin	76	58	81	81	71	70
Mariposa	29	58	46	24	41	58
Mendocino	66	70	76	85	86	74
Merced	62	58	60	45	60	62
Modoc	50	41	22	44	50	35
Mono	26	35	49	53	48	41
Monterey	46	55	58	64	72	54
Napa	55	37	50	56	72	64
Nevada	56	49	70	42	60	48
Orange <sup>3</sup>	0	40	85	84	85	88
Placer	30	100	49	59	49	50
Plumas	24	58	87	67	133	75
Riverside	43	80	67	51	55	67
Sacramento	37	39	62	87	59	54
San Benito	52	37	29	46	68	35
San Bernardino	36	89	77	68	62	70
San Diego	58	120	78	66	67	58
San Francisco	14	32	35	40	54	66
San Joaquin	70	86	72	73	71	102
San Luis Obispo	56	58	55	82	76	55
San Mateo	74	47	56	52	53	94
Santa Barbara	25	101	36	89	96	36
Santa Clara	53	49	65	79	72	71
Santa Cruz	6	9	15	38	53	40
Shasta	52	53	74	50	60	62
Sierra	74	68	92	8	66	125
Siskiyou	44	45	44	48	52	48
Solano	48	61	55	59	60	68
Sonoma	53	46	65	85	102	62
Stanislaus	54	45	36	59	53	64
Sutter	54	56	79	40	85	76
Tehama	48	27	29	28	15	35
Trinity <sup>1</sup>	0	52	38	128	123	30
Tulare	44	42	54	38	58	83
Tuolumne	54	74	74	105	49	48
Ventura	51	59	73	77	89	172
Yolo	62	43	39	49	69	90
Yuba	53	73	74	56	61	84

<sup>1</sup> In FY 2008-09, the program did not submit a *Collections Reporting Template*.

<sup>2</sup> In FY 2008-2009, the Gross Recovery Rate was less than 1 percent due to case management system limitations, resulting in 0 formula calculation.

<sup>3</sup> Program submitted a *Collections Reporting Template* in FY2008-09, but did not agree with the methodology used to establish the performance measures.

**Statewide Collections Programs:  
FY 2008-09 to 2013-14 Individual Program  
Success Rate (31% benchmark) Comparison by County**

<b>Program:</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>
Alameda	35	27	37	39	47	62
Alpine	46	82	36	39	61	45
Amador	50	21	168	27	15	71
Butte	59	81	50	82	61	38
Calaveras	48	36	77	53	55	65
Colusa	14	66	41	98	59	73
Contra Costa	30	21	30	28	71	62
Del Norte <sup>1</sup>	0	7	33	11	34	25
El Dorado	19	23	43	54	70	56
Fresno	16	34	71	44	41	45
Glenn	45	49	32	29	62	64
Humboldt	68	34	30	33	31	49
Imperial	45	60	52	67	62	75
Inyo <sup>2</sup>	0	47	58	98	91	61
Kern	78	69	75	84	66	62
Kings	37	51	39	43	26	35
Lake	53	47	51	57	59	42
Lassen	63	57	87	84	55	42
Los Angeles	74	68	54	36	46	37
Madera	50	97	71	29	33	30
Marin	61	48	76	74	70	67
Mariposa	29	50	39	24	13	35
Mendocino	57	60	61	72	72	59
Merced	54	53	53	41	57	58
Modoc	41	32	16	34	32	30
Mono	23	31	46	50	47	35
Monterey	43	51	55	62	66	52
Napa	51	41	52	58	71	63
Nevada	41	39	54	33	56	44
Orange <sup>3</sup>	0	33	76	74	71	74
Placer	38	100	55	64	56	56
Plumas	18	53	81	64	253	72
Riverside	28	51	60	40	56	59
Sacramento	35	37	52	80	56	53
San Benito	48	36	29	42	66	35
San Bernardino	33	83	73	56	50	63
San Diego	45	147	68	54	53	46
San Francisco	18	32	36	38	51	64
San Joaquin	29	56	37	41	36	116
San Luis Obispo	56	50	54	77	77	55
San Mateo	72	56	55	51	57	92
Santa Barbara	20	102	38	87	88	29
Santa Clara	47	41	56	76	64	60
Santa Cruz	5	7	15	36	50	38
Shasta	52	49	71	49	59	43
Sierra	71	62	90	9	64	140
Siskiyou	39	41	38	43	46	43
Solano	48	54	51	53	56	61
Sonoma	37	34	56	78	105	55
Stanislaus	54	45	36	59	32	49
Sutter	51	59	72	38	75	73
Tehama	41	18	26	21	14	35
Trinity <sup>1</sup>	0	52	38	128	131	30
Tulare	44	42	53	36	57	81
Tuolumne	49	59	70	111	44	44
Ventura	50	59	73	76	89	308
Yolo	58	35	36	44	62	85
Yuba	34	70	72	53	58	82

<sup>1</sup> In FY2008-09, the program did not submit a *Collections Reporting Template* .

<sup>2</sup> In FY 2008–2009, the Success Rate was less than 1 percent due to case management system limitations, resulting in 0 formula calculation.

<sup>3</sup> Program submitted a *Collections Reporting Template* in FY2008-09, but did not agree with the methodology used to establish the performance measures.



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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title	Agenda Item Type
Judicial Council–sponsored Legislation (Criminal and Civil Procedure): Monetary Sanctions	Action Required
	Effective Date
	December 12, 2014
Rules, Forms, Standards, or Statutes Affected	Date of Report
Amend Code Civ. Proc., § 177.5	October 29, 2014
Recommended by	Contact
Policy Coordination and Liaison Committee	Arturo Castro, 415-865-7702
Hon. Kenneth K. So, Chair	<a href="mailto:arturo.castro@jud.ca.gov">arturo.castro@jud.ca.gov</a>
Criminal Law Advisory Committee	Sharon Reilly, 916-323-3121
Hon. Tricia A. Bigelow, Chair	<a href="mailto:sharon.reilly@jud.ca.gov">sharon.reilly@jud.ca.gov</a>

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### **Executive Summary**

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee propose amending Code of Civil Procedure section 177.5 to expressly include jurors in the category of persons subject to sanctions for violating a lawful court order under that section. The proposal was developed at the request of judges to eliminate any ambiguity about whether courts are authorized to sanction jurors.

### **Recommendation**

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to amend section 177.5 to add jurors to the list of persons subject to sanctions under that section.

The text of the proposed amendment to section 177.5 is attached at page 4.

## **Previous Council Action**

None

## **Rationale for Recommendation**

Section 177.5 authorizes courts to impose monetary sanctions upon persons for violations of lawful court orders “done without good cause or substantial justification” in both criminal and civil cases. (*People v. Tabb* (1991) 228 Cal.App.3d 1300, 1310.) Section 177.5 states “the term ‘person’ includes a witness, a party, a party’s attorney, or both.” As such, the section does not expressly apply to jurors.

Sanctions under this section may be made on the court’s own motion after notice and opportunity to be heard. An order imposing sanctions must be made in writing and recite in detail the conduct or circumstances justifying the order.

Expressly adding jurors to the list of persons subject to monetary sanctions under section 177.5 will remove any ambiguity about whether courts have the discretion to impose these sanctions against jurors under that section. This authority will provide courts with a less burdensome alternative to formal contempt proceedings for purposes of controlling the proceedings. Ensuring that courts are vested with this discretion will facilitate the orderly and efficient administration of justice by empowering courts with a less disruptive and time consuming alternative for preserving the integrity of the proceedings.

On October 2, 2014, the Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee’s Joint Legislation Working Group voted to recommend sponsorship of this proposal.

## **Comments, Alternatives Considered, and Policy Implications**

The proposal was circulated for comment during the spring 2014 cycle, yielding a total of six comments. Of those, four agreed with the proposal, including the Superior Courts of Los Angeles and San Diego Counties, one made “no comment,” and one did not agree with the proposal. A chart with all comments received and committee responses is attached at pages 5-7.

In addition, in March 2014, before the proposal circulated for public comment, the Joint Legislation Working Group of the Trial Court Presiding Judges and Court Executives Advisory Committees reviewed the proposal and voted unanimously to support it. The Civil and Small Claims Advisory Committee also reviewed the proposal and provided informal feedback, but did not take a formal position. Some members of that committee said that the proposal could have the positive effect of deterring misconduct. Other members expressed concerns that the proposal could create further disincentives for jury service and questioned the policy of encouraging courts to sanction jurors. Some members were of the opinion that this provision would rarely be invoked by judges.

### **Notable alternatives considered**

The Criminal Law Advisory Committee considered the following notable objections to the proposal:

- ***General concerns about sanctioning jurors, potential for improper judicial use, and distinguishing jurors from other “persons” in the system.*** A commentator opposed the proposal on several grounds, including that jurors should receive the highest level of protection in the judicial system; judges do not always properly perform their duties; judges could easily abuse their authority, and jurors do not fit within the definition of “persons” in the same manner as do parties or witnesses. The commentator also suggested that jurors should be entitled to separate jury trials, with judges subject to cross-examination, before sanctions may be imposed.

The committee declined to modify the proposal as suggested by this commentator. The committee believes that the proposal will sufficiently ensure due process and not invite abuse of discretion.

### **Implementation Requirements, Costs, and Operational Impacts**

No implementation requirements, costs, or operational impacts are expected. As described above, the proposal is designed to vest courts with broader authority to address juror misconduct during trials by providing a less burdensome alternative to formal contempt proceedings for purposes of controlling the proceedings.

### **Attachments**

1. Proposed amendments to Code of Civil Procedure section 177.5, at page 4
2. Chart of comments, LEG 14-04, at pages 5–7

Code of Civil Procedure section 177.5 would be amended, effective January 1, 2016, to read:

- 1 A judicial officer shall have the power to impose reasonable money sanctions, not to exceed  
2 fifteen hundred dollars (\$1,500), notwithstanding any other provision of law, payable to the  
3 court, for any violation of a lawful court order by a person, done without good cause or  
4 substantial justification. This power shall not apply to advocacy of counsel before the court. For  
5 the purposes of this section, the term “person” includes a witness, a juror, a party, a party’s  
6 attorney, or both.  
7
- 8 Sanctions pursuant to this section shall not be imposed except on notice contained in a party's  
9 moving or responding papers; or on the court's own motion, after notice and opportunity to be  
10 heard. An order imposing sanctions shall be in writing and shall recite in detail the conduct or  
11 circumstances justifying the order.

DRAFT

**LEG14-04****Proposed Legislation: Jurors: Monetary Sanctions under Code of Civil Procedure section 177.5 (amend Code of Civil Procedure section 177.5)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Orange County Bar Association by Thomas Bienert, Jr., President	A	The proposed change would achieve the purpose of deterring juror misconduct. No special training would be required and twelve months would be a sufficient amount of time for its implementation.	None needed.
2.	Mr. Ronald L. Porter	N	<p>The need to keep a court operating in a orderly fashion is not in question, however, any sanctions against a juror, should receive the highest scrutiny before imposition. Under our system of law and the function of juries, jurors should receive the highest protection. The system should protect them against any possibility of abuse. As we all know, even judges do not perform their duties in a proper manner at all times, and our jury system demands a juror receive the highest protect from any possibility of abuse. These are citizens, most of which have no idea of how the judicial system works and are there seeking truth and justice. A juror may ask questions that may irritate a judge or make demands they believe as a juror entitled to or should receive.</p> <p>This change could also provide judges an excuse and/or justification not to answer proper questions presented to them by a juror or jurors. This proposed change is very dangerous and could easily be abused to improperly influence a jury decision, discourage jurors from performing their proper duties or to serve properly as a juror in the future.</p> <p>I would suggest that if a judge believes a juror</p>	Disagree. The committee believes that the proposal sufficiently ensures due process, that the reasoning behind and goals of the proposal are sound, and that judicial officers are presumed to fairly apply the law and execute their duties under the law.

**LEG14-04**

**Proposed Legislation: Jurors: Monetary Sanctions under Code of Civil Procedure section 177.5 (amend Code of Civil Procedure section 177.5)**

All comments are verbatim unless indicated by an asterisk (\*).

Commentator	Position	Comment	Committee Response
		<p>should be sanctioned, he should put it before the same jury that witnessed the incident for a decision at the end of the trial, with the judge presenting his case with cross examination and the juror being given the opportunity to present his position. Along with a universal statewide instruction to be given to the jury prior to the judge presenting his case. After a . . . jury decision, if rendered guilty, it should also be reviewed an independent judge with the primary purpose of ensure the decision protects the jury system from improper influence. The only other possible way to properly protect the jury function would be to hold a separate jury trial on the issue, with a universal state wide instruction to given to the jury with the judge as a witness.</p> <p>The text of the statue was clearly misinterpreted beyond the intent in People v. Kwee (1995) 39 Cal.App.4th 1, 5, note: “the term ‘person’ includes a witness, a party, a party’s attorney, or both.” The appellate court clearly went beyond the statue. It should have ruled within the narrow bounds of the statue and left it to the legislature to make any necessary changes to the law. The jury is not a party or a witness, they are the decision makers. To some degree the judge is there to serve [] the jury. The jury can not reasonably be placed into the definition of the word person in the statute. The appellate court should have narrowly interpreted the statue with the obvious fact that a juror did not</p>	

**LEG14-04****Proposed Legislation: Jurors: Monetary Sanctions under Code of Civil Procedure section 177.5 (amend Code of Civil Procedure section 177.5)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			fit into the scope of the statute, with a finding if the legislator wanted to include jurors it would have specifically included them.	
3.	Superior Court of Los Angeles County	A		None needed.
4.	Superior Court of Riverside County by Daniel Wolfe, Managing Attorney	NI	No comment.	None needed.
5.	Superior Court of San Diego County by Mike Roddy, Executive Officer	A	No additional comments.	None needed.
6.	Hon. Peter B. Twede Superior Court of Glenn County	A	Leg 14-04, 05, 06 and 07 appear to be appropriate changes that are necessitated by the circumstances outlined in those proposals.	None needed.

DRAFT



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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title	Agenda Item Type
Judicial Council–sponsored Legislation (Criminal Justice Realignment): Parole Holds	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Pen. Code §§ 1203.2(a), 3000.08(c), 3056(a), and 3455(b) and (c)	December 12, 2014
Recommended by	Date of Report
Policy Coordination and Liaison Committee	October 29, 2014
Hon. Kenneth K. So, Chair	Contact
Criminal Law Advisory Committee	Eve Hershcopf, 415-865-7961 <a href="mailto:eve.hershcopf@jud.ca.gov">eve.hershcopf@jud.ca.gov</a>
Hon. Tricia A. Bigelow, Chair	Sharon Reilly, 916-323-3121 <a href="mailto:sharon.reilly@jud.ca.gov">sharon.reilly@jud.ca.gov</a>

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### **Executive Summary**

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to amend Penal Code sections 1203.2(a), 3000.08(c), 3056(a), and 3455(b) and (c) to provide courts with discretion to order the release of supervised persons from custody, unless otherwise serving a period of flash incarceration, regardless of whether a petition has been filed or a parole hold has been issued. This proposal was developed at the request of criminal law judges to enhance judicial discretion to decide the custody status of supervised persons. To enhance public safety, this proposal would also empower courts to fashion any terms and conditions of release deemed appropriate.

### **Recommendation**

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to:

Amend Penal Code sections 1203.2(a), 3000.08(c), 3056(a), and 3455(b) and (c) to provide courts with discretion to order the release of supervised persons from custody, unless otherwise serving a period of flash incarceration, regardless of whether a petition has been filed or a parole hold has been issued.

The text of the proposed amendment to sections 1203.2(a), 3000.08(c), 3056(a), and 3455(b) and (c) is attached at pages 4–6.

### **Previous Council Action**

None

### **Rationale for Recommendation**

Before realignment, the California Department of Corrections and Rehabilitation was authorized to issue parole holds under Penal Code section 3056 and order warrants for the arrest of parolees without court involvement. Although the realignment legislation vested courts with sole authority to order and recall warrants for all supervised persons (Pen. Code, §§ 1203.2, 3455(b)(1), 3000(b)(9)(A)), the legislation did not authorize courts to recall parole holds under Penal Code section 3056.

Although courts are generally authorized to determine the custody status of supervised persons during court revocation proceedings, courts have no express statutory authority to order the release of persons supervised on post release community supervision or parole if detained by the supervising agency for purposes of imposing a period of flash incarceration, particularly if detained on a parole hold.

By authorizing courts to determine the custody status of all supervised persons not serving a period of flash incarceration, this proposal would enhance judicial discretion and eliminate uncertainties about court authority to lift parole holds and order the release of supervised persons, particularly in the absence of warrants and the filing of petitions to revoke supervision. To enhance public safety, this proposal would also empower courts to fashion any terms and conditions of release deemed appropriate.

On October 16, 2014, the Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee's Joint Legislation Working Group voted unanimously to support sponsorship of this proposal.

### **Comments, Alternatives Considered, and Policy Implications**

The proposal was circulated for comment during the spring 2014 cycle, yielding a total of six comments. Of those, four agreed with the proposal, including the Superior Courts of Los Angeles, Riverside, San Diego, and Glenn Counties; one agreed with the proposal if modified; and one did not take a formal position.

At the time of circulation for public comment, the proposal also included amendments to Penal Code section 1203.2(b)(1) to require supervising agencies to file petitions to revoke supervision

within five court days of the arrest of the supervised person. After the comment period, however, the committee decided to table those amendments for further consideration. A chart with all comments received and committee responses is attached at pages 7–12.

### **Notable alternatives considered**

As originally circulated, the proposal would have limited court discretion to lift a parole hold “upon a finding of good cause.” The California Attorney General’s Office raised concerns regarding the costs and operational impacts on the courts if required to hold a “good cause” hearing before lifting a parole hold. Because the proposal was not intended to require courts to conduct formal hearings before lifting parole holds, the committee decided to delete the good cause requirement to eliminate confusion and avoid inadvertently imposing burdens on courts. In addition, deleting the good cause requirement enhances judicial discretion consistent with other custody and release decisions made by courts without formal good cause findings.

### **Implementation Requirements, Costs, and Operational Impacts**

No significant implementation requirements, costs, or operational impacts are expected.

### **Attachments**

1. Proposed amendments to Pen. Code §§ 1203.2(a), 3000.08(c), 3056(a), and 3455(b) and (c), at pages 4–6
2. Chart of comments, LEG14-06, at pages 7–12

Penal Code sections 1203.2(a) and (b)(1), 3000.08(c), 3056(a), and 3455(b) and (c) would be amended to read:

1    **§ 1203.2**

2    (a) At any time during the period of supervision of a person (1) released on probation under the  
3    care of a probation officer pursuant to this chapter, (2) released on conditional sentence or  
4    summary probation not under the care of a probation officer, (3) placed on mandatory  
5    supervision pursuant to ~~subparagraph (B) of~~ paragraph (5) of subdivision (h) of Section 1170, (4)  
6    subject to revocation of postrelease community supervision pursuant to Section 3455, or (5)  
7    subject to revocation of parole supervision pursuant to Section 3000.08, if any probation officer,  
8    parole officer, or peace officer has probable cause to believe that the supervised person is  
9    violating any term or condition of his or her supervision, the officer may, without warrant or  
10   other process and at any time until the final disposition of the case, rearrest the supervised person  
11   and bring him or her before the court or the court may, in its discretion, issue a warrant for his or  
12   her rearrest. **Notwithstanding section 3056, and unless the supervised person is otherwise**  
13   **servng a period of flash incarceration, whenever a supervised person subject to this section**  
14   **is arrested, with or without a warrant or the filing of a petition for revocation as described**  
15   **in subdivision (b), the court may order the release of the supervised person from custody**  
16   **under any terms and conditions as the court deems appropriate.** Upon such rearrest, or upon  
17   the issuance of a warrant for rearrest the court may revoke and terminate the supervision of the  
18   person if the interests of justice so require and the court, in its judgment, has reason to believe  
19   from the report of the probation or parole officer or otherwise that the person has violated any of  
20   the conditions of his or her supervision, has become abandoned to improper associates or a  
21   vicious life, or has subsequently committed other offenses, regardless whether he or she has been  
22   prosecuted for such offenses. However, the court shall not terminate parole pursuant to this  
23   section. Supervision shall not be revoked for failure of a person to make restitution imposed as a  
24   condition of supervision unless the court determines that the defendant has willfully failed to pay  
25   and has the ability to pay. Restitution shall be consistent with a person's ability to pay. The  
26   revocation, summary or otherwise, shall serve to toll the running of the period of supervision.

27  
28  
29    **§ 3000.08.**

30    (a) \*\*\* (b).

31  
32    (c) At any time during the period of parole of a person subject to this section, if any parole agent  
33    or peace officer has probable cause to believe that the parolee is violating any term or condition  
34    of his or her parole, the agent or officer may, without warrant or other process and at any time  
35    until the final disposition of the case, arrest the person and bring him or her before the court, or  
36    the court may, in its discretion, issue a warrant for that person's arrest pursuant to Section  
37    1203.2. **Notwithstanding section 3056, and unless the supervised person is otherwise serving**  
38    **a period of flash incarceration, whenever a supervised person subject to this section is**  
39    **arrested, with or without a warrant or the filing of a petition for revocation as described in**  
40    **subdivision (f), the court may order the release of the supervised person from custody**  
41    **under any terms and conditions as the court deems appropriate.**

1  
2 (d) \*\*\* (m).

3  
4 **§ 3056.**

5 (a) Prisoners on parole shall remain under the supervision of the department but shall not be  
6 returned to prison except as provided in subdivision (b) or as provided by subdivision (c) of  
7 Section 3000.09. A parolee awaiting a parole revocation hearing may be housed in a county jail  
8 while awaiting revocation proceedings. If a parolee is housed in a county jail, he or she shall be  
9 housed in the county in which he or she was arrested or the county in which a petition to revoke  
10 parole has been filed or, if there is no county jail in that county, in the housing facility with  
11 which that county has contracted to house jail inmates. Additionally, except as provided by  
12 subdivision (c) of Section 3000.09, upon revocation of parole, a parolee may be housed in a  
13 county jail for a maximum of 180 days per revocation. When housed in county facilities,  
14 parolees shall be under the sole legal custody and jurisdiction of local county facilities. A parolee  
15 shall remain under the sole legal custody and jurisdiction of the local county or local correctional  
16 administrator, even if placed in an alternative custody program in lieu of incarceration, including,  
17 but not limited to, work furlough and electronic home detention. When a parolee is under the  
18 legal custody and jurisdiction of a county facility awaiting parole revocation proceedings or upon  
19 revocation, he or she shall not be under the parole supervision or jurisdiction of the department.  
20 **Unless otherwise serving a period of flash incarceration, whenever a parolee subject to this**  
21 **section has been arrested, with or without a warrant or the filing of a petition for**  
22 **revocation with the court, the court may order the release of the parolee from custody**  
23 **under any terms and conditions as the court deems appropriate.** When released from the  
24 county facility or county alternative custody program following a period of custody for  
25 revocation of parole or because no violation of parole is found, the parolee shall be returned to  
26 the parole supervision of the department for the duration of parole.

27  
28 (b) \*\*\* (c).

29  
30 **§ 3455.**

31 (a) \*\*\*

32  
33 (b)(1) At any time during the period of postrelease community supervision, if any peace officer  
34 has probable cause to believe a person subject to postrelease community supervision is violating  
35 any term or condition of his or her release, the officer may, without a warrant or other process,  
36 arrest the person and bring him or her before the supervising county agency established by the  
37 county board of supervisors pursuant to subdivision (a) of Section 3451. Additionally, an officer  
38 employed by the supervising county agency may seek a warrant and a court or its designated  
39 hearing officer appointed pursuant to Section 71622.5 of the Government Code shall have the  
40 authority to issue a warrant for that person's arrest.

41  
42 (2) The court or its designated hearing officer shall have the authority to issue a warrant for any  
43 person who is the subject of a petition filed under this section who has failed to appear for a

1 hearing on the petition or for any reason in the interests of justice, or to remand to custody a  
2 person who does appear at a hearing on the petition for any reason in the interests of justice.  
3 **Unless the supervised person is otherwise serving a period of flash incarceration, whenever**  
4 **a supervised person subject to this section is arrested, with or without a warrant or the**  
5 **filing of a petition for revocation, the court may order the release of the supervised person**  
6 **from custody under any terms and conditions as the court deems appropriate.**  
7

8 (c) The revocation hearing shall be held within a reasonable time after the filing of the revocation  
9 petition. **Except as provided in paragraph (2) of subdivision (b), based** Based upon a showing  
10 of a preponderance of the evidence that a person under supervision poses an unreasonable risk to  
11 public safety, or the person may not appear if released from custody, or for any reason in the  
12 interests of justice, the supervising county agency shall have the authority to make a  
13 determination whether the person should remain in custody pending the first court appearance on  
14 a petition to revoke postrelease community supervision, and upon that determination, may order  
15 the person confined pending his or her first court appearance.  
16

17 (d) \*\*\* (e).

**LEG14-06****Proposed Legislation: Criminal Justice Realignment: Parole Holds and Deadline to File Petitions to Revoke Supervision (amend Penal Code sections 1203.2, 3000.08, 3056, and 3455)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	California Department of Justice, Office of the Attorney General by Melissa Whitaker, Legislative Coordinator		The legislative proposal states, “No significant implementation requirements, costs, or operational impacts for courts are expected.” However, the proposed legislation potentially requires the superior courts to hold a new good cause hearing for release in every case in addition to the probable cause hearings that are already held. A good cause hearing would require the presence of all parties and could potentially involve the presentation of witness testimony and other evidence relevant to the good cause determination. If such a hearing was held during every revocation proceeding, it seems that the costs and operational impacts for courts would not be insignificant.	The committee appreciates the concerns raised by the commentator. Because the proposal was not intended to require courts to conduct formal hearings before lifting parole holds, the committee has decided to delete the good cause requirement to eliminate confusion and avoid inadvertently imposing burdens on courts. In addition, deleting the good cause requirement enhances judicial discretion consistent with other custody and release decisions made by courts without formal good cause findings.
2.	Los Angeles County Offices of the Public Defender and Alternate Public Defender by Ronald L. Brown, Public Defender, and Janice Y. Fukai, Alternate Public Defender	AM	<i>The two Public Defender agencies within the County of Los Angeles have collaborated in reviewing Proposed Legislations 14-06 and 14-03 and respectfully submit our comments. Our effort has been coordinated by Mr. Albert Menaster, the Head Deputy of the Appellate Branch of the Public Defender. If you have any questions regarding our comments, please contact him at 213-974-3058.</i>  The Los Angeles County Offices of the Public Defender and Alternate Public Defender agree with Proposed Legislation 14-06, which suggests 1) amending Penal Code section 1203.2, subdivision (b)(1), to require all supervising agencies to file petitions to revoke supervision within five court days of the arrest	

**LEG14-06**

**Proposed Legislation: Criminal Justice Realignment: Parole Holds and Deadline to File Petitions to Revoke Supervision (amend Penal Code sections 1203.2, 3000.08, 3056, and 3455)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>of the supervised person; and 2) amending Penal Code sections 1203.2, subdivision (a), 3000.08, subdivision (c), 3056, subdivision (a), and 3455, subdivisions (b) and (c), to give the courts discretion to release supervised persons from custody upon a showing of good cause, regardless of whether a petition to revoke has been filed or whether a parole hold has been issued, so long as the supervised person is not serving a period of flash incarceration.</p> <p><u>Proposed Amendment to Penal Code section 1203.2(b)(1):</u></p> <p>Currently, courts are required to conduct revocation hearings for persons being supervised under four different supervisory schemes: formal probation, post-release community supervision (“PRCS”), parole, and mandatory supervision (pursuant to Penal Code section 1170, subdivision (h)(5)). The procedures for litigating alleged violations of all four supervisory schemes are codified at Penal Code section 1203.2. Parole and PRCS have an additional procedure that allows the supervising agency to impose a period of “flash incarceration” of up to 10 days without any judicial involvement or review.</p> <p>At present, supervising agencies are authorized to arrest supervised persons for alleged violations with or without a warrant, and those agencies can then initiate a court revocation</p>	

**LEG14-06****Proposed Legislation: Criminal Justice Realignment: Parole Holds and Deadline to File Petitions to Revoke Supervision (amend Penal Code sections 1203.2, 3000.08, 3056, and 3455)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>proceeding by filing a petition to revoke with the court. (Pen. Code § 1203.2, subs. (a) and (b).)</p> <p>Unfortunately for supervised persons, Penal Code section 1203.2 does not currently include a deadline for when petitions to revoke supervision must be filed for a supervised person in custody, and every agency has its own internal procedures and timelines for filing petitions. In Los Angeles County, it is not uncommon for supervised persons on PRCS and parole to be in custody for 10 days or more before a petition is filed, and remain in custody for several more days until they are seen in court for the first time. This is a serious violation of due process that has heretofore gone unchecked.</p> <p>The proposed legislation will go a long way towards eliminating unnecessary delays in the filing of revocation petitions and will get supervised persons to court faster and more efficiently, allowing courts to handle the matters more expeditiously. Our Offices support this legislation for that reason. However, while the proposed legislation creates a five-court-day deadline for the filing of the petition to revoke, the proposed legislation is silent about what happens when this time limit is violated. This lack of sanction creates a right without a remedy, and it is axiomatic that a right without a remedy is no right at all.</p>	<ul style="list-style-type: none"> <li>The committee appreciates the concerns raised by the commentator. The committee has decided to table the proposed amendment addressed by this comment for further consideration.</li> </ul>

**LEG14-06**

**Proposed Legislation: Criminal Justice Realignment: Parole Holds and Deadline to File Petitions to Revoke Supervision (amend Penal Code sections 1203.2, 3000.08, 3056, and 3455)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>Therefore, while our Offices agree with the proposed legislation, our Offices do so with the following proposed modification: that Penal Code section 1203.2, subdivision (b)(1), be modified to state that “Petitions filed by the supervising agency shall be filed within five court days of the arrest of the supervised person; in the event that the petition is not filed in the time specified, the court shall order the immediate release of the supervised person on that matter only.” Giving the court the authority to release a supervised person when the supervising agency fails to file the revocation petition in a timely manner creates a powerful incentive for the supervising agency to not delay decisions on which matters will be filed in court and which matters will be handled internally with intermediate sanctions. This sanction will further ensure that matters are brought to court quickly and efficiently.</p> <p><u>Proposed Amendments to Penal Code sections 1203.2(a), 3000.08(c), 3056(a), 3455(b)&amp;(c)</u></p> <p>Prior to realignment, the California Department of Corrections and Rehabilitation (“CDCR”) had been authorized to issue parole holds pursuant to Penal Code section 3056 and order warrants for the arrest of parolees without any court involvement. Although realignment gave courts the sole authority to issue and recall warrants, the legislation did not give the courts</p>	<ul style="list-style-type: none"><li>• <b>No response required.</b></li></ul>

**LEG14-06**

**Proposed Legislation: Criminal Justice Realignment: Parole Holds and Deadline to File Petitions to Revoke Supervision (amend Penal Code sections 1203.2, 3000.08, 3056, and 3455)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>authority to override a parole hold pursuant to Penal Code section 3056. This leads to situations where supervised persons are in custody pursuant to a parole hold for several days before a petition is filed, which means that these parolees waiting in custody while parole agents decide what to do can exceed the flash incarceration period of 10 days in custody without ever seeing a courtroom</p> <p>The proposed legislation will give the courts authority to lift parole holds and keep parolees from languishing in jail awaiting the potential filing of a petition to revoke. By allowing the courts to lift parole holds, parolees are placed on par with other supervised person in that the courts would have the ultimate authority to release them in the interests of justice regardless of whether a petition has been or will be filed. Therefore, our Offices agree with the proposed changes.</p> <p><u>Conclusion</u></p> <p>In order to further promote uniform and effective procedures for handling alleged violations of all four types of supervision, and to give courts the discretion and authority to authorize the release of any supervised person, including parolees, the Los Angeles County Offices of the Public Defender and Alternate Public Defender support the proposed legislation and agree with the proposed changes,</p>	

**LEG14-06**

Proposed Legislation: Criminal Justice Realignment: Parole Holds and Deadline to File Petitions to Revoke Supervision (amend Penal Code sections 1203.2, 3000.08, 3056, and 3455)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			subject to the suggested modification of Penal Code section 1203.2, subdivision (b)(1).	
3.	Superior Court of Los Angeles County	A		No response required.
4.	Superior Court of Riverside County by Daniel Wolfe, Managing Attorney	NI	No comment.	No response required.
5.	Superior Court of San Diego County by Mike Roddy, Executive Officer	A	No additional comments.	No response required.
6.	Hon. Peter B. Twede Superior Court of Glenn County	A	Leg 14-04, 05, 06 and 07 appear to be appropriate changes that are necessitated by the circumstances outlined in those proposals.	No response required.



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title	Agenda Item Type
Judicial Council–sponsored Legislation (Criminal Justice Realignment): Recalling Sentences	Action Required
	Effective Date
	December 12, 2014
Rules, Forms, Standards, or Statutes Affected	Date of Report
Amend Pen. Code § 1170(d)(1)	October 29, 2014
Recommended by	Contact
Policy Coordination and Liaison Committee	Arturo Castro, 415-865-7702
Hon. Kenneth K. So, Chair	arturo.castro@jud.ca.gov
Criminal Law Advisory Committee	Sharon Reilly, 916-323-3121
Hon. Tricia A. Bigelow, Chair	sharon.reilly@jud.ca.gov

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### Executive Summary

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee propose amending Penal Code section 1170(d)(1)<sup>1</sup> to apply existing court authority to recall felony prison sentences to sentences now served in county jail under section 1170(h). This proposal was developed at the request of criminal law judges to enhance judicial discretion by applying existing recall authority to a new category of felony sentences created by criminal justice realignment.

### Recommendation

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to amend section 1170(d)(1) to apply

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<sup>1</sup> All subsequent statutory amendments are to the Penal Code.

existing court authority to recall felony prison sentences to sentences now served in county jail under section 1170(h).

The text of the proposed amendment to section 1170(d)(1) is attached at page 4.

### **Previous Council Action**

No relevant previous Judicial Council action to report.

### **Rationale for Recommendation**

Section 1170(d)(1) authorizes courts to recall felony prison sentences on their own motion within 120 days of the defendant's commitment to prison or anytime upon recommendation of state prison officials. Section 1170(d)(1) is generally designed to vest courts with broad authority to resentence "for any reason rationally related to lawful sentencing." (*Dix v. Superior Court* (1991) 53 Cal.3d 442, 456.) By its express terms, section 1170(d)(1) only applies to state prison sentences.

Legislation enacted as part of the Criminal Justice Realignment Act of 2011 implemented broad changes to felony sentencing laws, including replacing prison sentences for certain felony offenders with county jail sentences under section 1170(h). The legislation, however, did not also amend section 1170(d)(1) to apply existing court discretion to recall felony sentences to the sentences now served in county jail under section 1170(h).

The committee believes that the general purpose of section 1170(d)(1)—to authorize courts to resentence for any reason rationally related to lawful sentencing—applies equally to the recall of county jail sentences under section 1170(h). By expanding court discretion to recall sentences, this proposal is designed to enhance judicial discretion, promote uniform and effective sentencing practices, and update longstanding sentencing laws to reflect recent criminal justice realignment legislation.

### **Comments, Alternatives Considered, and Policy Implications**

The proposal was circulated for comment during the spring 2014 cycle, yielding a total of seven comments. Of those, five agreed with the proposal, including the Superior Courts of Los Angeles, Riverside, and San Diego Counties, and the Public Defender and Alternate Public Defender of Los Angeles County; one agreed with the proposal if modified; and one did not take a formal position. A chart with all comments received and committee responses is attached at pages 5–8.

In addition, in April 2014, before the proposal circulated for public comment, the Joint Legislation Working Group of the Trial Court Presiding Judges and Court Executives Advisory Committees (JLWG) reviewed the proposal and voted unanimously to support. Additionally, on October 2, the JLWG reviewed the proposal again and voted unanimously to support it.

## **Notable alternatives considered**

The committee considered but declined a suggestion regarding providing notice of recalled sentences. The California Attorney General’s Office (AG) recommended that the proposal include a provision requiring that, in the event a notice of appeal has been filed at the time of recall and resentencing, the sentencing court provide notice of the recall and resentencing to the court of appeal and the parties, including the AG. The committee, however, declined the suggestion as unnecessary. Rule 8.340(a) of the California Rules of Court provides that if the trial court amends or recalls a judgment or makes any other order in the case following the certification of the record, the clerk must send a copy of the amended abstract of judgment to the reviewing court, the parties and others, including the AG if counsel for the prosecution on appeal.

In addition, to ensure that the proposal applies to *all* counties, including counties in which the county jail is operated by a corrections department, rather than a county sheriff, the committee modified the proposal to replace references to “county sheriff” with “county sheriff *or county director of corrections.*”

## **Implementation Requirements, Costs, and Operational Impacts**

No significant implementation requirements, costs, or operational impacts are expected.

## **Attachments**

1. Proposed amendments to Penal Code section 1170(d)(1), at page 4
2. Chart of comments, LEG14-03, at pages 5–8

Penal Code section 1170(d)(1) would be amended, effective January 1, 2016, to read:

1 When a defendant subject to this section or subdivision (b) of Section 1168 has been sentenced  
2 to be imprisoned in the state prison or county jail under subdivision (h) and has been committed  
3 to the custody of the secretary, county sheriff, or county director of corrections, the court may,  
4 within 120 days of the date of commitment on its own motion, or at any time upon the  
5 recommendation of the secretary or the Board of Parole Hearings, county sheriff, or county  
6 director of corrections, recall the sentence and commitment previously ordered and resentence  
7 the defendant in the same manner as if he or she had not previously been sentenced, provided the  
8 new sentence, if any, is no greater than the initial sentence. The court resentencing under this  
9 subdivision shall apply the sentencing rules of the Judicial Council so as to eliminate disparity of  
10 sentences and to promote uniformity of sentencing. Credit shall be given for time served.

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**LEG14-03**

Proposed Legislation: Criminal Justice Realignment: Recalling Sentences under Penal Code section 1170(d)(1) (amend Penal Code section 1170(d)(1))

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Conference of California Bar Associations (CCBA) by Larry Doyle, Legislative Representative	A	This recommendation essentially duplicates Resolution 09-01-2013 ( <a href="http://larrydoylelaw.com/wp-content/uploads/2013/11/09-01-2013.pdf">http://larrydoylelaw.com/wp-content/uploads/2013/11/09-01-2013.pdf</a> ) adopted by the CCBA at its October 2013 meeting. The resolution notes that with little difference between these sentences other than the location of incarceration – prison as compared to county jail - treating the ability to recall these two types of sentences differently would otherwise raise state and federal constitutional equal protection problems, and leave the judiciary completely powerless to remedy all Penal Code section 1170 (h) sentences for any legitimate reason post judgment. Clarity in section 1170 (d)(1) will eliminate arbitrary results for all trial courts across California and give expressed guidance to all trial courts on how best to exercise its constitutional and statutory authority to effectuate post judgment section 1170 (h) (county jail) sentences.	No response required.
2.	California Department of Justice, Office of the Attorney General by Melissa Whitaker, Legislative Coordinator	AM	A trial court may recall a sentence and resentence a defendant under Penal Code section 1170(d)(1) even though a notice of appeal has already been filed. ( <i>Portillo v. Superior Court</i> (1992) 10 Cal.App.4th 1829, 1835-1836; see <i>People v. Turrin</i> (2009) 176 Cal.App.4th 1200, 1204.) The proposed legislation does not provide a mechanism for the Attorney General’s Office to receive notice of a recall and resentence in the event a notice of	The committee declines the suggestion as unnecessary. Rule 8.340(a) of the California Rules of Court provides that if the trial court amends or recalls the judgment or makes any other order in the case following the certification of the record, the clerk must send a copy of the amended abstract of judgment to the parties, including the Attorney General if counsel for the prosecution on appeal, as well as the reviewing court.

**LEG14-03**

Proposed Legislation: Criminal Justice Realignment: Recalling Sentences under Penal Code section 1170(d)(1) (amend Penal Code section 1170(d)(1))

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>appeal has been filed. In the past, our office has often learned of such action through CDCR, but that connection will not benefit us in cases in which the defendant is sentenced locally pursuant to Penal Code section 1170(h)(5). Notice of such action is necessary for our office's proper and efficient handling of appeals.</p> <p>It would be beneficial for the parties and the Court of Appeal for the proposal to include a provision stating that, in the event a notice of appeal has been filed at the time of recall and resentencing, the sentencing court shall provide notice of the recall and resentencing to the court of appeal and the parties, including the Attorney General's Office.</p>	
3.	Los Angeles County Offices of the Public Defender and Alternate Public Defender by Ronald L. Brown, Public Defender, and Janice Y. Fukai, Alternate Public Defender	A	<p>The Los Angeles County Offices of the Public Defender and Alternate Public Defender agree with Proposed Legislation 14-03, which will amend Penal Code section 1170, subdivision (d)(1), to apply existing court authority to recall felony prison sentences to new county jail sentences under Penal Code section 1170, subdivision (h)(5).</p> <p>Penal Code section 1170, subdivision (d)(1), while designed to provide courts with broad authority to resentence defendants, clearly only applies to state prison sentences. However, since the implementation of criminal justice realignment legislation in October of 2011,</p>	No response required.

**LEG14-03**

**Proposed Legislation: Criminal Justice Realignment: Recalling Sentences under Penal Code section 1170(d)(1) (amend Penal Code section 1170(d)(1))**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>prison sentences for certain felony offenses have been replaced with county jail sentences pursuant to Penal Code section 1170, subdivision (h)(5). As a result, this major legislative change has now created two classes of felons: state prison felons and county jail felons.</p> <p>Unfortunately for county jail felons, although felony sentences served in prison and felony sentences served in a county jail are considered identical for priorability purposes under Penal Code section 667.5, subdivision (b), only the state prison sentences are currently subject to recall under Penal Code section 1170, subdivision (d)(1). This creates a strange and counter-intuitive result; defendants who were sentenced to more serious offenses that mandated state prison sentences are allowed to have their sentences recalled, while defendants who committed less serious offenses which resulted in sentences served in county jail are denied any such relief. The stated purpose of the realignment legislation is to realign low-level felony offenders who have no prior convictions for serious, violent, or sex offenses to locally-run community-based corrections programs. (Pen. Code § 17.5, subd. (1)(5).) However, for those “realigned” prisoners, it is grossly unfair that they are not given the same opportunity for a sentence recall that more serious offenders are entitled to.</p>	

**LEG14-03**

Proposed Legislation: Criminal Justice Realignment: Recalling Sentences under Penal Code section 1170(d)(1) (amend Penal Code section 1170(d)(1))

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			In order to further promote uniform and effective sentencing practices, and to give county jail felons the same access to the sentencing court for sentence corrections that are currently limited to state prison felons, the Los Angeles County Offices of the Public Defender and Alternate Public Defender support the proposed legislation.	
4.	Superior Court of Los Angeles County	A		No response required.
5.	Superior Court of Riverside County by Daniel Wolfe, Managing Attorney	A	Agree with proposal.	No response required.
6.	Superior Court of San Diego County by Mike Roddy, Executive Officer	A	No additional comments.	No response required.
7.	Hon. Peter B. Twede Superior Court of Glenn County		Leg 14-03 1170(d)(1) Recall of sentence. The only issue I have with this particular legislation is the ability of the <u>county sheriff</u> to request the recall “at any time” after sentence is imposed. I envision petitions being filed on the basis of the good conduct of the defendant requesting a modification to decrease the sentence and therefore increase available space in the facility.	The committee appreciates this comment, and acknowledges the importance of issues involving prison and county jail overcrowding. The statute currently permits courts to recall felony prison sentences at the recommendation of state prison officials, made at any time. The court has the discretion to deny such recommendations. This proposal is simply designed to apply this existing court authority to the new county jail sentences under section 1170(h). The committee believes that the general purpose of section 1170(d)(1)—to authorize courts to resentence for any reason rationally related to lawful sentencing—applies equally to the recall of county jail sentences under section 1170(h).



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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title	Agenda Item Type
Judicial Council–sponsored Legislation (Criminal Procedure): Appeals of the Imposition or Calculation of Fines and Fees	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Pen. Code, §1273 and add, §1237.2	December 12, 2014
Recommended by	Date of Report
Policy Coordination and Liaison Committee Hon. Kenneth K. So, Chair Criminal Law Advisory Committee Hon. Tricia A. Bigelow, Chair	October 29, 2014
	Contact
	Arturo Castro, 415-865-7702 arturo.castro@jud.ca.gov Sharon Reilly, 916-323-3121 sharon.reilly@jud.ca.gov

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### Executive Summary

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee propose adding Penal Code section 1237.2<sup>1</sup> and amending section 1237 to prohibit appeals in felony cases based solely on the grounds of an error in the imposition or calculation of fines, penalty assessments, surcharges, fees, or costs unless the defendant first presents the claim to the trial court. This proposal was developed at the request of courts to reduce the burdens associated with formal appeals and resentencing proceedings stemming from a common sentencing error.

### Recommendation

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to:

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<sup>1</sup> All subsequent statutory references are to the Penal Code.

1. Add section 1237.2 to prohibit appeals based solely on the grounds of an error in the imposition or calculation of fines, penalty assessments, surcharges, fees, or costs unless the defendant first presents the claim in the trial court at the time of sentencing, or, if the error is not discovered until after sentencing, the defendant first makes a motion for correction in the trial court; and
2. Amend section 1237 to include new section 1237.2 in the list of statutory exceptions to the appellate procedure set forth in that section.

The text of the proposed amendment to section 1237 and new section 1237.2 is attached at page 5.

### **Previous Council Action**

As part of the Judicial Council's legislative priorities for 2012, the council directed the Policy Coordination and Liaison Committee (PCLC) to consider various legislative proposals developed by court representatives to advance judicial branch cost savings, new revenue, and operational efficiencies. This proposal was originally developed by the Joint Legislation Working Group of the Trial Court Presiding Judges and Court Executives Advisory Committees but referred to the Criminal Law Advisory Committee by PCLC for consideration with the benefit of appropriate subject matter expertise and public comment.

### **Rationale for Recommendation**

The statutory scheme that governs the imposition and calculation of fines and other monetary penalties in California criminal cases is vast, complex, and frequently modified by the Legislature. As a result, appellate courts are often called upon to correct the erroneous imposition or calculation of fines and other monetary penalties on appeal. (See, e.g., *People v. Hamed* (2013) 221 Cal.App.4th 928, 939.)

When this sentencing error is the sole issue on appeal, trial and appellate courts incur significant costs and burdens associated with preparation of the formal record on appeal and resulting resentencing proceedings. By requiring that this sentencing error be first raised in the trial court, which has ready access to the court records and other information necessary to review and resolve such issues, this proposal would promote judicial economies and efficiencies by avoiding the costs and burdens associated with a formal appeal.

Because those economies would not be achieved if the defendant also raises other issues on appeal, this proposal is limited to instances in which this sentencing error is the *sole* issue on appeal. The proposal is modeled after section 1237.1, which similarly limits appeals based on errors in the calculation of presentence custody credits. Although not expressly stated in section 1237.1, the appeal limitations of that section apply only to cases in which a claim of an error concerning a custody credit calculation is the sole issue on appeal. (*People v. Acosta* (1996) 48 Cal.App.4th 411, 426-27 [Limiting section 1237.1 to cases in which a custody credits calculation is the sole issue on appeal makes "sound economic sense" and limits unwarranted expenditures of public money].)

On October 2, 2014, the Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee's Joint Legislation Working Group voted to recommend sponsorship of this proposal.

### **Comments, Alternatives Considered, and Policy Implications**

The proposal was circulated for comment during the spring 2014 cycle, yielding a total of seven comments. Of those, five agreed with the proposal, including the Superior Courts of Los Angeles, Riverside, and San Diego Counties, as well as the Court of Appeal, Second Appellate District; one agreed with the proposal if modified; and one did not agree with the proposal. A chart with all comments received and committee responses is attached at pages 6–7.

In addition, the Appellate Advisory Committee (AAC) reviewed the proposal and provided informal feedback as explained below. Generally, the AAC expressed support for providing trial courts the opportunity to initially correct this type of sentencing error, both because of the trial court's familiarity with its cases and because it would save the resources otherwise required to prepare the record on appeal.

#### **Notable alternatives considered**

The committees considered the following notable alternatives:

- ***Discovery of error after sentencing.*** As explained above, the proposal includes a provision that would allow the defendant to raise the issue after sentencing if the error was not discovered until later. One commentator and a member of the AAC expressed concern that this provision could be interpreted as requiring litigation to establish the circumstances surrounding the defendant's discovery of the error. The proposal is not intended to condition a defendant's ability to raise a claim of an erroneous imposition of a fine or other monetary penalty post-sentencing on any showing about the circumstances surrounding the discovery of the error. The committee declined to modify the proposal as the commentator suggested to avoid confusion and promote consistency with section 1237.1, which includes an identical provision that has not been interpreted as requiring any special showing about the discovery of the error.
- ***Inclusion of "forfeitures" in the proposal.*** On its own accord and as suggested by a member of the AAC, the committee considered but declined to include "forfeitures" in the list of monetary penalties included in proposed section 1237.2. In the felony context, "forfeitures" often involve the seizure of property involved in the commission of a crime, which can trigger complicated procedural requirements, including appellate issues more complex than those pertaining to the miscalculation or erroneous imposition of fines and other monetary penalties that the proposal is intended to address.

#### **Implementation Requirements, Costs, and Operational Impacts**

No significant implementation requirements, costs, or operational impacts are expected. As described above, the proposal is designed to reduce the costs and burdens associated with appeals and resentencing proceedings by promoting resolution of minor sentencing disputes in the sentencing courts.

## **Attachments**

1. Proposed amendment to Penal Code section 1237 and new section 1237.2, at page 5
2. Chart of comments, LEG14-05, at pages 6–7

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Add Penal Code section 1237.2, effective January 1, 2016, to read:

1 § 1237.2. Imposition or calculation of fines, penalty assessments, surcharges, fees, or costs  
2  
3 No appeal shall be taken by the defendant from a judgment of conviction on the ground of an  
4 error in the imposition or calculation of fines, penalty assessments, surcharges, fees, or costs  
5 unless the defendant first presents the claim in the trial court at the time of sentencing, or, if the  
6 error is not discovered until after sentencing, the defendant first makes a motion for correction in  
7 the trial court. This section shall only apply in cases where the erroneous imposition or  
8 calculation of fines, penalty assessments, surcharges, fees, or costs is the sole issue on appeal.  
9

10 *Amend Penal Code section 1237, effective January 1, 2016, to read:*

11  
12 An appeal may be taken by the defendant:

13  
14 (a) From a final judgment of conviction except as provided in Section 1237.1, Section 1237.2,  
15 and Section 1237.5. A sentence, an order granting probation, or the commitment of a defendant  
16 for insanity, the indeterminate commitment of a defendant as a mentally disordered sex offender,  
17 or the commitment of a defendant for controlled substance addiction shall be deemed to be a  
18 final judgment within the meaning of this section. Upon appeal from a final judgment the court  
19 may review any order denying a motion for a new trial.  
20

21 (b) From any order made after judgment, affecting the substantial rights of the party.  
22

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**LEG14-05**

Proposed Legislation: Criminal Procedure: Appeals of the Imposition or Calculation of Fines and Fees (amend Penal Code section 1237.2; amend Penal Code section 1237)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	California Court of Appeal, Second Appellate District	A	<p>This proposed statute would provide that there is no appeal from the imposition of a fine or fee, <i>if that is the only appellate issue</i>, unless the matter was first raised in the trial court.</p> <p><b>Comments</b></p> <p>1. We strongly support this proposal.</p> <p>2. We agree with the Committee that there will be no implementation requirements or costs as a result of this proposal. It will, however, promote efficiency by giving the trial court an opportunity to correct any errors and it will eliminate unnecessary appeals.</p>	No response required.
2.	Orange County Bar Association by Thomas Bienert, Jr., President	N	The Proposed change would deprive defendants of an additional venue for appealing sentencing errors.	The committee disagrees. The proposal requires only that defendants first provide the trial court—at sentencing or post-sentencing—the opportunity to correct the alleged error, when the error is the sole issue on appeal. The proposal does not prohibit defendants from raising the issue <i>after</i> the trial court’s disposition of the claim, nor limit the ability of defendants to initially raise the issue on appeal in conjunction with other issues.
3.	Mr. Ronald L. Porter	AM	This is a good idea, except the provision as to when it was discovered. It should only require a motion be filed before the trial court for correction before an appeal is filed. Requiring it be brought up to the trial court at sentencing will only cause numerous possible claims to [be] presented unnecessarily at sentencing to protect the possible need for a challenge in the future and will do nothing to cure the stated	<p>The committee believes the language of the proposal as drafted is sufficient and declines to make any changes suggested by this comment.</p> <p>First, the proposal does not <i>require</i> that claims of an error in the imposition or calculation of fines, etc., be raised at the time of sentencing — although that is encouraged. Rather, it directs that this type of error may be raised in the trial court</p>

**LEG14-05**

Proposed Legislation: Criminal Procedure: Appeals of the Imposition or Calculation of Fines and Fees (amend Penal Code section 1237.2; amend Penal Code section 1237)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>problem.</p> <p>Eliminating the question of when it was discovered and requiring only a motion before the trial court before [filing] an appeal will make the correction sought without creating the possibility of unnecessary litigation over the question as to when it was discovered.</p>	<p>post-sentencing if it was not discovered at the time of sentencing, when it is the sole issue on appeal.</p> <p>Second, the proposal is not intended to condition a defendant's ability to raise a claim of an erroneous imposition of a fine or other monetary penalty post-sentencing on any showing about the circumstances surrounding the discovery of the error. The committee, however, declined to modify the proposal to avoid confusion and promote consistency with section 1237.1, which includes an identical provision that has not been interpreted as requiring any special showing about the discovery of the error.</p>
4.	Superior Court of Los Angeles County	A		No response required.
5.	Superior Court of Riverside County by Daniel Wolfe, Managing Attorney	A	Agree with proposal.	No response required.
6.	Superior Court of San Diego County by Mike Roddy, Executive Officer	A	No additional comments.	No response required.
7.	Hon. Peter B. Twede Superior Court of Glenn County	A	Leg 14-04, 05, 06 and 07 appear to be appropriate changes that are necessitated by the circumstances outlined in those proposals.	No response required.



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title	Agenda Item Type
Judicial Council–sponsored Legislation: Evidentiary Objections in Summary Judgment Proceedings	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Code Civ. Proc., § 437c	December 12, 2014
Recommended by	Date of Report
Policy Coordination and Liaison Committee	October 29, 2014
Hon. Kenneth K. So, Chair	Contact
Civil and Small Claims Advisory Committee	Susan R. McMullan, 415-865-7990
Hon. Patricia M. Lucas, Chair	<a href="mailto:susan.mcmullan@jud.ca.gov">susan.mcmullan@jud.ca.gov</a>
Appellate Advisory Committee	Heather Anderson, 415-865-7691
Hon. Raymond J. Ikola, Chair	<a href="mailto:heather.anderson@jud.ca.gov">heather.anderson@jud.ca.gov</a>
	Daniel Pone, 916-323-3121
	<a href="mailto:daniel.pone@jud.ca.gov">daniel.pone@jud.ca.gov</a>

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### Executive Summary

The Policy Coordination and Liaison Committee (PCLC), Civil and Small Claims Advisory Committee (CSCAC) and the Appellate Advisory Committee (AAC) (collectively “advisory committees”) recommend that the Judicial Council sponsor legislation to amend Code of Civil Procedure section 437c to provide that in deciding a motion for summary judgment, the court need rule only on objections to evidence that is material to the disposition of the summary judgment motion and that objections not ruled on are preserved on appeal.

### Recommendation

The Policy Coordination and Liaison Committee (PCLC), Civil and Small Claims Advisory Committee (CSCAC) and the Appellate Advisory Committee (AAC) recommend amending Code of Civil Procedure section 437c to limit the requirement that the court rule on objections to evidence and to provide that objections not ruled on are preserved on appeal.

The text of the proposed amendment to section 437c is attached at page 8.

## **Previous Council Action**

The Judicial Council has adopted several rules addressing summary judgment motions. (Cal. Rules of Court, rules 3.1350–3.1354.). Rules 3.1352 and 3.1354 govern written objections to evidence in summary judgment motions and were adopted by the council effective January 1, 1984.

## **Rationale for Recommendation**

### **Background**

This proposal originated with the Ad Hoc Advisory Committee on Court Efficiencies, Cost Savings, and New Revenue (Ad Hoc Committee). In spring 2012, the Ad Hoc Committee proposed amending section 437c of the Code of Civil Procedure to limit the requirement that the court rule on objections to evidence. That proposal, which was intended to reduce the time and expense of court proceedings, would have added the following to subdivision (g) of that section: “The court need rule only on those objections to evidence, if any, on which the court relies in determining whether a triable issue exists.” In support of this amendment, the Ad Hoc Committee stated:

Motions for summary judgment are some of the most time-consuming pretrial matters that civil courts handle. Judges may spend hours ruling on evidentiary objections for a single summary judgment motion. Frequently, the number of objections that pertain to evidence on which a court relies in determining whether a triable issue of fact exists is a small subset of the total number of objections made by the parties. Substantial research attorney and judicial time would be saved by the proposed amendment, thus allowing the trial courts to handle other motions more promptly.

The proposal was referred to the CSCAC, which determined that it would be helpful to work with the AAC on this issue. Through a joint subcommittee, the advisory committees developed this legislative proposal.

This proposal is intended to reduce burdens on trial courts associated with evidentiary objections in summary judgment proceedings without resulting in a corresponding negative impact on the appellate courts. Although the courts have not collected comprehensive data on the time and resources expended in ruling on objections to evidence offered in support of or opposition to summary judgment motions, anecdotal reports from advisory committee members (both judges and attorneys) indicate that they are substantial. Some advisory committee members state that many objections are unnecessary, and that there is no need for rulings on those objections. Published opinions illustrate the large number of objections made in summary judgment papers and the huge volume of motion papers overall. “We recognize that it has become common practice for litigants to flood the trial courts with inconsequential written evidentiary objections, without focusing on those that are critical [footnote omitted].” (*Reid v. Google, Inc.* (2010) 50 Cal.4th 512, 532.) In one reported case, the moving papers in support of summary judgment

totaled 1,056 pages, plaintiff's opposition was nearly three times as long and included 47 objections to evidence, and the defendants' reply included 764 objections to evidence. (*Nazir v. United Airlines, Inc.* (2009) 178 Cal.App.4th 243, 249, 250–251, and 254.)

Until the Supreme Court issued its opinion in *Reid*, the effect of a trial court's failure to rule on evidentiary objections that were properly presented was unclear. Some Courts of Appeal had held that objections made in writing were waived if not raised by the objector at the hearing and ruled on by the court.<sup>1</sup> In *Reid*, at pages 531–532, the court disapproved this prior case law as well as its own prior opinions<sup>2</sup> to the extent they held that the failure of the trial court to rule on objections to summary judgment evidence waived those objections on appeal.

The court also held that the trial court must expressly rule on properly presented evidentiary objections, disapproving a contrary procedure outlined in *Biljac Assocs. v. First Interstate Bank* (1990) 218 Cal.App.3d 1410, 1419–1420. Thus, under *Reid*, evidentiary objections made in writing or orally at the hearing are deemed “made at the hearing” under sections 437c(b)(5) and (d) must be ruled on by the trial court, and if not ruled on by the trial court are presumed to have been overruled and are preserved for appeal. “[I]f the trial court fails to rule expressly on specific evidentiary objections, it is presumed that the objections have been overruled, the trial court considered the evidence in ruling on the merits of the summary judgment motion, and the objections are preserved on appeal.” (*Reid, supra*, 50 Cal.4th at p. 534.) The Supreme Court declined to address the standard of review that would apply to objections that were presumed to have been overruled, stating, “[W]e need not decide generally whether a trial court's rulings on evidentiary objections based on papers alone in summary judgment proceedings are reviewed for abuse of discretion or reviewed de novo.” (*Id.*, at p. 535.)

Trial courts are often faced with “innumerable objections commonly thrown up by the parties as part of the all-out artillery exchange that summary judgment has become.” [Citation omitted.] (*Reid v. Google, Inc., supra*, 50 Cal.4th at p. 532.) The Supreme Court proposed a solution: “To counter that disturbing trend, we encourage parties to raise only meritorious objections to items of evidence that are legitimately in dispute and pertinent to the disposition of the summary judgment motion. In other words, litigants should focus on the objections that really count. Otherwise, they may face informal reprimands or formal sanctions for engaging in abusive practices.” (*Ibid.*)

### **This proposal**

To reduce the burden on trial courts in ruling on numerous objections to evidence in summary judgment proceedings, Code of Civil Procedure section 437c would be amended by adding a sentence to subdivision (c) providing that a court need rule only on objections to evidence that is material to the disposition of the summary judgment motion. Subdivision (c) currently states that in determining whether there is no triable issue as to any material fact, “the court shall consider

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<sup>1</sup>See e.g., *Charisma R. v. Kristina S.* (2009) 175 Cal.App.4th 361, 369; *Jones v. P.S. Development Co., Inc.* (2008) 166 Cal.App.4th 707, 711.

<sup>2</sup>*Ann M. v. Pacific Plaza Shopping Center* (1993) 6 Cal.4th 666, 670, fn.1; *Sharon P. v. Arman, Ltd.* (1999) 21 Cal.4th 1181, 1186, fn.1.

all of the evidence set forth in the papers, except that to which objections have been made and sustained by the court.” With the proposed amendment, a court would no longer need to rule on all evidentiary objections.

On October 2, 2014, the Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee’s Joint Legislation Working Group voted to recommend sponsorship of this proposal.

### **Comments, Alternatives Considered, and Policy Implications**

The proposal circulated for public comment from April 18 to June 18, 2014. Eight commentators submitted comments; six agreed with the proposal and two agreed with the proposal if it were modified in ways suggested by the commentator. Commentators included a Court of Appeal, superior courts, a superior court research attorney, and three committees of the State Bar of California.

#### **Commentators that agreed without modifications**

The Court of Appeal, Second Appellate District stated that the primary effect of this change will be to curb the excesses in objections noted in *Reid v. Google, Inc., supra*, and other appellate decisions. It commented that a decision on whether an objection is “pertinent” [and therefore decided by the trial court] will have no effect on the handling of the appeal by the reviewing court because under *Reid* if the trial court failed to rule on an objection, it is preserved for appeal.

A research attorney at the Superior Court of Alameda County commented that the proposal reaffirms that only material facts are at issue and only evidence tending to prove or disprove material facts should be made. She went on to state that the court is overwhelmed with work even without having to rule on objections to evidence that, even if sustained, would have no impact on the court’s decision. The proposed amendment would reduce this burden on courts.

Two superior courts commented favorably on the time savings that are expected to result from the proposal. After describing a summary judgment motion filed in the Superior Court of San Diego County that included 113 pages of evidentiary objections by one side, that court stated “Quite often it only takes a few documents for the Court to find a triable issue of fact. Ruling on objections to evidence not needed to make that determination is a waste of judicial resources.” The Superior Court of Riverside County similarly commented on the significant time and resources to be saved in preparing for the hearing on the summary judgment motion if the proposal were adopted.

### Commentators that suggested modifications

The three State Bar committees, though agreeing with the proposal, suggested some changes.<sup>3</sup> All suggested changing the word “pertinent” to “material” in reference to evidence and making clear that objections not ruled on are preserved for appeal. The Committee on Administration of Justice (CAJ) was concerned that the proposed language may create confusion because:

1. It may be unclear whether the amendment is intended to preserve the balance of the *Reid* opinion concerning no-waiver principles;
2. Parties may ascribe different meanings to the phrase “evidence that is pertinent to the disposition of the summary judgment motion” and references to evidence that is intended to establish the presence or absence of a material fact currently in section 437c;
3. The amendment could be read to conflict with the current requirement in section 437c, subdivision (c) that “the court shall consider all of the evidence set forth in the papers” except that to which an evidentiary objection was sustained; and
4. The amendment’s reference to the word “court” could potentially be construed as either the trial or appellate court, thereby suggesting the appellate court need not rule on all evidentiary objections in direct contradiction of *Reid*’s no-waiver principles.

CAJ suggested the following underlined changes:

“(c) The motion for summary judgment shall be granted if all the papers submitted show that there is no triable issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. In determining whether the papers show that there is no triable issue as to any material fact the court shall consider all of the evidence set forth in the papers, except that to which objections have been made and sustained by the trial court as described herein, and all inferences reasonably deducible from the evidence, except summary judgment may not be granted by the court based on inferences reasonably deducible from the evidence, if contradicted by other inferences or evidence, which raise a triable issue as to any material fact. The trial court need only rule on those objections to evidence supporting or opposing those facts that the court determines are material to its determination of the motion. Objections not ruled upon by the trial court will be deemed overruled and thereby preserved for purposes of appeal.”

The Committee on Appellate Courts suggested certain changes to avoid ambiguity, track the language of section 437c by using “material” rather than “pertinent,” and provide that objections not ruled on are preserved on appeal. With these changes, underlined in the following, the proposal would read:

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<sup>3</sup>Two of the committees responded that they agreed with the proposal if modified in certain ways. The Rules and Legislation Committee of the Litigation Section stated its agreement with the proposal but also suggested changes.

The court need rule only on those objections directed to evidence that is pertinent material to the disposition of the summary judgment motion, and any other objections not ruled on are preserved on appeal.

The Rules and Legislation Committee of the Litigation Section similarly suggested that the amendment include a statement that objections not ruled on by the trial court are preserved for appellate review. Some members of the committee suggested that “pertinent” be replaced with “material,” as the latter is already used in section 437c and is a common and understood standard in summary judgment. Others thought use of “pertinent” was appropriate.

In response to these comments, the advisory committees modified the proposal to use “material” rather than “pertinent”; the addition to subdivision (c) would therefore read: “The court need rule only on those objections to evidence that is material to its disposition of the summary judgment motion.” The committees concluded that using the term “material” in this proposed statutory provision, as suggested by some commentators, rather than “pertinent,” would be consistent with the policy goal and intent of the amendment—narrowing the scope of those objections to evidence on which the court must rule—and would rely on a familiar and well-settled standard. In considering this aspect of the proposal, one member of the Civil and Small Claims Committee (CSCAC) was concerned that the change would have unintended consequences by allowing a court to rule only on objection to evidence that is material to its disposition of the motion, without identifying what the court found to be material to the disposition. He suggested that the proposal require a tentative ruling or identification of what the court determined to be material to its disposition of the motion in advance of the hearing on the motion. Other members noted that neither section 437c nor the rules of court currently require any advance notice and to require this would increase a court’s workload. The one member who suggested adding a requirement that a court identify what it determined to be material did not approve the proposal as drafted; the rest of the CSCAC members approved it, as did all members of the Appellate Advisory Committee.

The advisory committees modified the proposal to add a sentence stating that objections not ruled on are preserved on appeal. The advisory committees acknowledge that the proposed amendment providing that the court need not rule on all objections modifies existing law, as current section 437c, subdivision (c) states that “the court shall consider all of the evidence set forth in the papers” except that to which an evidentiary objection was sustained.

The advisory committees decline to add “trial” before “court” in reference to objections that were made and sustained by the court. The committees believe that it is clear that the statute refers to the trial court in all references to “court.”

### **Comments on specific questions**

In response to a specific question, one commentator stated that it did not see a need for education of the bar to realize the benefits of the proposal. Another commentator stated that judicial education will alert trial and appellate courts to the change. All commentators that addressed the question answered that two months’ time was sufficient to implement the proposal.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

The recommendations in this report support Strategic Plan Goal III (Modernization of Management and Administration) and Goal IV (Quality of Justice and Service to the Public).

### **Attachments**

1. Proposed amendments to Code Civ. Proc. § 437c, at page 8
2. Chart of comments, LEG14-02, at pages 9–25

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Code of Civil Procedure section 437c would be amended, effective January 1, 2016, to read:

1 **(a)–(b) \* \* \***

2

3 **(c)** The motion for summary judgment shall be granted if all the papers submitted show that  
4 there is no triable issue as to any material fact and that the moving party is entitled to a  
5 judgment as a matter of law. In determining whether the papers show that there is no  
6 triable issue as to any material fact the court shall consider all of the evidence set forth in  
7 the papers, except that to which objections have been made and sustained by the court, and  
8 all inferences reasonably deducible from the evidence, except summary judgment may not  
9 be granted by the court based on inferences reasonably deducible from the evidence, if  
10 contradicted by other inferences or evidence, which raise a triable issue as to any material  
11 fact.

12 The court need rule only on those objections to evidence that is material to its disposition  
13 of the summary judgment motion. Objections not ruled on are preserved on appeal.

14

15 **(d)–(u) \* \* \***

**LEG14-02**

Proposed Legislation (Civil Practice and Procedure): Evidentiary Objections in Summary Judgment Proceedings (amend Code Civ. Proc., § 437c)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Court of Appeal, Second Appellate District	A	<p>Subdivision (c) of Code of Civil Procedure section 437c would be amended to provide that, in ruling on a motion for summary judgment, the trial court need to rule only on those objections to the evidence that are “pertinent to the disposition of the summary judgment motion.”</p> <p><b>Comments</b></p> <ol style="list-style-type: none"> <li>1. We support this proposal.</li> <li>2. This will not create a new “appellate issue” because under <i>Reid v. Google, Inc.</i> (2010) 50 Cal.4th 512, 532, the objection is preserved for appeal if the trial court failed to rule on the objection. A difference of opinion about an objection being “pertinent” will have no effect on the handling of the appeal by the reviewing court. Thus, the primary effect of this change will be to curb the excesses in objections noted in <i>Reid v. Google, Inc., supra</i>, and other appellate decisions.</li> <li>3. The proposal would result in cost savings to litigants by decreasing the amount of time billed framing the objections and then dealing with them. The amount of such savings is unknown and unknowable.</li> <li>4. Judicial education will alert trial and appellate courts to the rule.</li> <li>5. 2 months is sufficient time for the</li> </ol>	The committees note the agreement with the proposal; no further response is needed.

**LEG14-02**

## Proposed Legislation (Civil Practice and Procedure): Evidentiary Objections in Summary Judgment Proceedings (amend Code Civ. Proc., § 437c)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			implementation of this statutory change.	
2.	Monique G. Morales Research Attorney Superior Court California, County of Alameda	A	<p>Thank you for the opportunity to respond.</p> <p>In my current position as a trial court research attorney, I regularly see 100+ pages of objections to evidence that have no bearing on the motion at issue.</p> <p>I welcome the proposed change because it reaffirms that only material facts are at issue and only [objections to]* evidence tending to prove or disprove material facts should be made.</p> <p>The court is overwhelmed with the amount of work without having to consider objections to evidence that, even if taken as true, would have no impact on the ruling.</p> <p>In making changes to CCP 437c, please also consider making the filing deadline for reply papers five COURT days before the hearing, rather than five calendar days. The current deadline overburdens the court and staff. The deadline for filing oppositions could be extended 2-3 days to offset the new deadline for reply.</p>	<p>This suggestion is beyond the scope of the proposal. The committees will consider it at a future meeting.</p>
3.	Superior Court of California, County of Los Angeles	A	No specific comment.	No response is needed.
4.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	A	This change is needed and our court strongly supports the proposal. Our court has had cases where one side alone in a single motion presented <b><u>113 pages</u></b> of evidentiary objections.	The committees note the agreement with the proposal; no further response is needed.

**LEG14-02**

Proposed Legislation (Civil Practice and Procedure): Evidentiary Objections in Summary Judgment Proceedings (amend Code Civ. Proc., § 437c)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>The objection-abuse practice has become so common place at least one of our courts has added a standardized statement when ruling on motions with pages of evidentiary objections:</p> <p>The Court invites counsel to consider the advice provided by the California Supreme Court:</p> <p>“We recognize that it has become common practice for litigants to flood the trial courts with inconsequential written evidentiary objections, without focusing on those that are critical. Trial courts are often faced with “innumerable objections commonly thrown up by the parties as part of the all-out artillery exchange that summary judgment has become.” (Citation omitted) Indeed, the Biljac procedure itself was designed to ease the extreme burden on trial courts when all “too often” “litigants file blunderbuss objections to virtually every item of evidence submitted.” (Citations omitted) To counter that disturbing trend, we encourage parties to raise only meritorious objections to items of evidence that are legitimately in dispute and pertinent to the disposition of the summary judgment motion. In other words, litigants should focus on the objections that really count. Otherwise, they may face informal reprimands or</p>	

**LEG14-02****Proposed Legislation (Civil Practice and Procedure): Evidentiary Objections in Summary Judgment Proceedings (amend Code Civ. Proc., § 437c)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>formal sanctions for engaging in abusive practices. ....” [Reid v. Google, Inc. (2010) 50 Cal.4th 512, 532-33]</p> <p>In another ruling, the following was included: “Instead of making a serious attempt to obtain rulings on meritorious objections, defendant asserts so many non-meritorious objections (e.g., foundation, undue prejudice, confusion, misleading), it calls into question whether defendant is truly interested in evidentiary rulings or if this is an exercise in make-work.”</p> <p>Quite often it only takes a few documents for the Court to find a triable issue of fact. Ruling on objections to evidence not needed to make that determination is a waste of judicial resources.</p>	
5.	Superior Court of Riverside County	A	<p>Strongly agree with proposal.</p> <p>In addition to the comments of the advisory committees in the Invitation to Comment, it should be noted that while the Supreme Court in Reid stated that objections that are not expressly ruled on are deemed overruled, the Court also stated that the trial court had a duty to examine all objections on their merits: “[W]ritten evidentiary objections made before the hearing, as well as oral objections made at the hearing are deemed made “at the hearing” under section 437c, subdivisions (b)(5) and (d). The trial court must rule expressly on those objections. (See Vineyard Springs Estates v. Superior Court, supra, 120 Cal. App. 4th at pp. 642-643</p>	

**LEG14-02**

Proposed Legislation (Civil Practice and Procedure): Evidentiary Objections in Summary Judgment Proceedings (amend Code Civ. Proc., § 437c)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>[trial courts have a duty to rule on evidentiary objections presented in prop form].) If the trial court fails to rule, the objections are preserved on appeal.” Reid, 50 Cal. App. 4th 512, 531-532 (italics in original, boldface added, footnotes omitted).</p> <p>Many trial court judges thus interpret Reid (and its citation to Vineyard Springs Estates) as holding that each objection must be evaluated on its merits and the trial court judge has an ethical duty to consider and rule on every evidentiary objection made, regardless of whether the evidence is pertinent to the resolution of the motion or not. The holding in Reid that the objections not explicitly ruled on may be presumed to have been overruled (Reid, 50 Cal. App. 4th 512, 534), under this interpretation of Reid, only saves the time at the hearing that would otherwise have been spent expressly stating that the objections are overruled; the preparation of the summary judgment motion before the hearing, and the reviewing the objections and determining whether or not each objection should be sustained or overruled, regardless of whether the evidence is pertinent to the ruling on the motion or not, remains the same. This proposal, by amending §437c to make explicit that a trial court need not consider objections to evidence when the evidence objected to has no bearing on the outcome of the motion, will save significant time and resources in the preparation for the hearing on the summary judgment motion.</p>	

**LEG14-02**

## Proposed Legislation (Civil Practice and Procedure): Evidentiary Objections in Summary Judgment Proceedings (amend Code Civ. Proc., § 437c)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
6.	The State Bar of California – Committee on Administration of Justice by Saul Bercovitch, Legislative Counsel	AM	<p>CAJ generally supports an amendment to Code of Civil Procedure section 437c designed to alleviate the burden on trial courts resulting from the directive in <i>Reid v. Google</i> (2010) 50 Cal.4th 512, 516, providing that “[a]fter a party objects to evidence, the trial court must then rule on those objections.” CAJ remains concerned, however that the language of the proposed amendment that “[t]he court need only rule on those objections to evidence that is pertinent to the disposition of the summary judgment motion” has the potential to create confusion for several reasons. First, while the proposed amendment purports to overrule <i>Reid</i> in one respect, it may be unclear whether the amendment is intended to preserve the balance of the opinion concerning no-waiver principles.</p> <p>Second, parties may ascribe, or attempt to ascribe, different meanings to the phrase “evidence that is pertinent to the disposition of the summary judgment motion” and references to evidence that is intended to establish the presence or absence of a material fact currently in section 437c.</p>	<p>The proposal is intended to address the problem of innumerable objections to evidence by providing that those not material to disposition of the motion need not be decided and to be consistent with the <i>Reid</i> holding that objections not ruled on are preserved for appeal.</p> <p>The committees have modified the proposal to state that “The court need rule only on those objections to evidence that is material to its disposition of the summary judgment motion.” The committees concluded that using the term “material” in this proposed statutory provision, rather than “pertinent,” would be consistent with the policy goal and intent of the amendment—narrowing the scope of those objections to evidence on which the court must rule—and would rely on a familiar and well-settled standard.</p>

**LEG14-02**

**Proposed Legislation (Civil Practice and Procedure): Evidentiary Objections in Summary Judgment Proceedings (amend Code Civ. Proc., § 437c)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>Third, the amendment could be read to conflict with the current requirement in section 437c, subdivision (c) that “the court shall consider all of the evidence set forth in the papers” except that to which an evidentiary objection was sustained. The amendment presumes the court has made a pertinence determination before making evidentiary rulings. Such a determination may not be the type of consideration that is contemplated by the statute.</p> <p>Finally, the amendment’s reference to the word “court” could potentially be construed as either the trial or appellate court, thereby suggesting the appellate court need not rule on all evidentiary objections in direct contradiction of <i>Reid</i>’s no-waiver principles.</p> <p>For these reasons, the CAJ proposes that section 437c, subdivision (c), be amended as follows:</p> <p>“(c) The motion for summary judgment shall be granted if all the papers submitted show that there is no triable issue as to</p>	<p>The committees agree that the proposed amendment modifies the obligation of a trial court to rule on all objections.</p> <p>The committees believe that it is clear that the statute refers to the trial court in all references to “court.”</p> <p>The committees modified the proposal to use the word “material” and to provide that objections not ruled on are preserved on appeal. The committees do not believe it necessary to add “trial” before “court.”</p>

**LEG14-02**

Proposed Legislation (Civil Practice and Procedure): Evidentiary Objections in Summary Judgment Proceedings (amend Code Civ. Proc., § 437c)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>any material fact and that the moving party is entitled to a judgment as a matter of law. In determining whether the papers show that there is no triable issue as to any material fact the court shall consider all of the evidence set forth in the papers, except that to which objections have been made and sustained by the <u>trial court as described herein</u>, and all inferences reasonably deducible from the evidence, except summary judgment may not be granted by the court based on inferences reasonably deducible from the evidence, if contradicted by other inferences or evidence, which raise a triable issue as to any material fact. <u>The trial court need only rule on those objections to evidence supporting or opposing those facts that the court determines are material to its determination of the motion. Objections not ruled upon by the trial court will be deemed overruled and thereby preserved for purposes of appeal.</u>”</p> <p>CAJ would also support consideration of a corresponding amendment to the California</p>	<p>The committees will consider this at a future meeting.</p>

**LEG14-02****Proposed Legislation (Civil Practice and Procedure): Evidentiary Objections in Summary Judgment Proceedings (amend Code Civ. Proc., § 437c)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>Rules of Court to address the concern raised in <i>Reid</i> regarding “innumerable objections commonly thrown up by the parties as part of the all-out artillery exchange that summary judgment has become” and “blunderbuss objections to virtually every item of evidence submitted.” (<i>Reid, supra</i>, 50 Cal.4th at p. 532.) <i>Reid</i> further “encourage[d] parties to raise only meritorious objections to items of evidence that are legitimately in dispute and pertinent to the disposition of the summary judgment motion. In other words, litigants should focus on the objections that really count.” (<i>Ibid.</i>) While the proposed statutory amendment will reduce the burden on trial courts to a certain extent, limiting the ability of parties to make objections to evidence that does not relate to whether a triable issue exists will significantly reduce the trial court’s workload in determining a summary judgment motion.</p>	
7.	The State Bar of California – Committee on Appellate Courts by Kira L. Klatchko, Chair	AM	<p>The Committee on Appellate Courts supports the proposed legislation, with modifications to the proposed new sentence that would be added to the end of Code of Civil Procedure Section 437c(c).</p> <p>We understand the proposed amendment is intended to reduce burdens on trial courts associated with evidentiary objections in</p>	

**LEG14-02**

Proposed Legislation (Civil Practice and Procedure): Evidentiary Objections in Summary Judgment Proceedings (amend Code Civ. Proc., § 437c)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>summary judgment proceedings without resulting in a corresponding negative impact on the appellate courts. We agree the burden on the trial courts in ruling on objections to evidence offered in support of or opposition to summary judgment motions can be substantial.</p> <p>We also recognize that in <i>Reid v. Google, Inc.</i> (2010) 50 Cal.4th 512, 532, the Supreme Court disapproved prior Court of Appeal decisions that had held that objections made in writing were waived if not raised by the objector at the hearing and ruled on by the court. In addition, the Court disapproved a procedure affirmed in <i>Biljac Assocs. v. First Interstate Bank</i> (1990) 218 Cal.App.3d 1410, 1419–1420, whereby the trial court simply stated that it was “disregarding all inadmissible or incompetent evidence,” without specifically ruling on any objections.</p> <p>Instead, the Supreme Court held in <i>Reid</i> that evidentiary objections made in writing or orally at the hearing are deemed “made at the hearing” under section 437c(b)(5) and (d), must be ruled on by the trial court, and if not ruled on by the trial court are presumed to have been overruled and are preserved for appeal. “[I]f the trial court fails to rule expressly on specific evidentiary objections, it is presumed that the objections have been overruled, the trial court considered the evidence in ruling on the merits of the summary judgment motion, and the objections are preserved on appeal.” (<i>Reid, supra</i>, 50</p>	

## LEG14-02

Proposed Legislation (Civil Practice and Procedure): Evidentiary Objections in Summary Judgment Proceedings (amend Code Civ. Proc., § 437c)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>Cal.4th at p. 534.)</p> <p>We view LEG14-02 as effectively a proposal to codify the <i>Biljac</i> approach and legislatively overrule that portion of <i>Reid</i> that disapproved <i>Biljac</i> and imposed an obligation on trial courts to rule on all evidentiary objections. With that in mind, we propose three modifications to LEG14-02: (1) Add “directed” following objections, to avoid the current ambiguity in the proposed language as to whether it is the “objections” or the “evidence” that must be “pertinent to the disposition of the summary judgment motion.” (2) Replace “pertinent” with “material” to better track the language of Section 437c. (3) Add “and any other objections not ruled on are preserved on appeal” at the end, to make clear that objections not ruled on are not waived, consistent with the holding in <i>Reid, supra</i>, 50 Cal.4th at p. 534. With these modifications, the proposed new sentence would provide:</p> <p>The court need rule only on those objections <u>directed</u> to evidence that is <del>pertinent</del> <u>material</u> to the disposition of the summary judgment motion, <u>and any other objections not ruled on are preserved on appeal.</u></p> <p>The Committee considered adding the further underlined statement to the clause at the end, to</p>	<p>The committees believe the sentence is clear without the addition of “directed” and decline to make this change. The committees modified the proposal to use the word “material” and to provide that objections not ruled on are preserved on appeal.</p>

**LEG14-02**

Proposed Legislation (Civil Practice and Procedure): Evidentiary Objections in Summary Judgment Proceedings (amend Code Civ. Proc., § 437c)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>further track the holding in <i>Reid</i>: “and any other objections not ruled on are <u>presumptively overruled and</u> preserved on appeal.” After discussion, the addition was not recommended because, under the proposal, the objections not ruled upon are not deemed overruled, but simply not addressed by the trial court, because the evidence to which they are directed is not considered material to the disposition of the motion.</p> <p>In response to the specific questions that are asked, the Committee responds as follows:</p> <p><b>Does the proposal appropriately address the stated purpose?</b> It does address the identified problem of trial courts that are overburdened by voluminous objections, because it relieves the trial court of the obligation under <i>Reid</i> to rule on every objection. Our proposed changes are designed to clarify that objections not ruled upon are preserved.</p> <p><b>Would education of the bar be useful in fully realizing the benefits of this proposal?</b> We do not see a strong need for education on the amendment. The need for tighter and more focused objections already exists, even without the proposed change, and good advocates should avoid blunderbuss objections.</p> <p>Thank you for your consideration of our comments.</p>	<p>The committee appreciates the comments on specific questions.</p>

**LEG14-02**

Proposed Legislation (Civil Practice and Procedure): Evidentiary Objections in Summary Judgment Proceedings (amend Code Civ. Proc., § 437c)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
8.	The State Bar of California – Litigation Section, Rules and Legislation Committee by Reuben A. Ginsburg, Chair	A	<p>The Rules and Legislation Committee of the State Bar of California’s Litigation Section (the Committee) has reviewed Invitation to Comment LEG14-02 on Evidentiary Objections in Summary Judgment Proceedings and appreciates the opportunity to submit these comments.</p> <p style="text-align: center;">1. <i>Proposed Revision to Code of Civil Procedure Section 437c, Subdivision (c)</i></p> <p>The Committee supports the proposed statutory revision and believes that it appropriately addresses the stated purpose of relieving the trial court of the burden of ruling on all evidentiary objections without increasing the burden on the Court of Appeal. Ruling on all evidentiary objections, as required under current law, can be an onerous, time-consuming task. Relieving the trial court of the burden of ruling on objections to evidence not impacting the granting or denial of the motion will reduce the time required to dispose of a summary judgment motion without impacting the disposition of the motion. The rule from <i>Reid v. Google</i> (2010) 50 Cal.4th 512 (<i>Reid</i>) allowing the objector to renew evidentiary objections on appeal for de novo review by the appellate court if the trial court failed to expressly rule on them ensures that the objector will not be prejudiced by the trial court’s failure to rule, and we believe that the trial court’s failure to rule will not significantly increase the burden on the Court of</p>	

**LEG14-02**

Proposed Legislation (Civil Practice and Procedure): Evidentiary Objections in Summary Judgment Proceedings (amend Code Civ. Proc., § 437c)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>Appeal.</p> <p>Some members of the Committee are concerned that the language “pertinent to the disposition of the motion” is unfamiliar and may be somewhat uncertain, and would prefer to use some other language. Other members believe that the quoted language is appropriate.</p> <p style="padding-left: 40px;">2. <i>Suggested Additional Revisions</i></p> <p style="padding-left: 60px;">a. <i>Objections Not Ruled on by the Trial Court Are Preserved for Appellate Review</i></p> <p>We would add the following sentence at the end of Code of Civil Procedure section 437c, subdivision (c), after the sentence to be added by the proposal, to explain what happens when the trial court declines to rule on some evidentiary objections as allowed under the proposal:</p> <p>“Objections not ruled on by the trial court are preserved for appellate review.”</p> <p>We believe that objections not ruled on by the trial court should be preserved for appellate review. This is the rule from <i>Reid</i>, but part of the explanation given for this rule in <i>Reid</i> does not fit the situation where the statute authorizes the trial court to decline to rule on some objections. So a clear statement of the rule in the statute seems appropriate.</p>	<p>The committees modified the proposal to use the word “material” and to provide that objections not ruled on are preserved on appeal.</p>

**LEG14-02**

Proposed Legislation (Civil Practice and Procedure): Evidentiary Objections in Summary Judgment Proceedings (amend Code Civ. Proc., § 437c)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p><i>Reid</i> stated, “if the trial court fails to expressly rule on specific evidentiary objections, it is presumed that the objections have been overruled, the trial court considered the evidence in ruling on the merits of the summary judgment motion, and the objections are preserved on appeal.” (50 Cal.4th at p. 534.) But if the revised statute authorizes the trial court to decline to rule on objections to evidence not impacting the disposition of the motion, there will be no reason to presume that the objections were overruled or that the trial court considered the evidence in ruling on the merits. Still, the rule that the objections are preserved for appellate review seems appropriate to avoid any prejudice to the objecting party.</p> <p>b. <i>The Trial Court Should Specify the Grounds on Which Evidentiary Objections Are Sustained</i></p> <p>The Committee would like to suggest consideration of another change in the law regarding rulings on evidentiary objections on summary judgment motions. We suggest that the trial court be required to specify the ground, or grounds, on which an evidentiary objection is sustained.</p> <p>A trial court sustaining an objection to evidence on a summary judgment motion currently need not specify the ground(s) on which the objection</p>	<p>The committee will consider this at a future meeting.</p>

**LEG14-02**

**Proposed Legislation (Civil Practice and Procedure): Evidentiary Objections in Summary Judgment Proceedings (amend Code Civ. Proc., § 437c)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>is sustained. The two alternative formats of the proposed order required by rule 3.1354(c) of the California Rules of Court provide for the trial court to indicate “Sustained” or “Overruled” as to an objection to a particular item of evidence, but provide no means for the court to indicate the particular ground on which an objection is sustained when an objection is made on multiple grounds. If the trial court does not specify the ground on which an objection is sustained, the appellate court and the parties on appeal have no way of knowing on which of several grounds asserted for a particular objection the trial court sustained the objection. This makes it necessary for the objecting party to argue on appeal against all grounds asserted, even though the trial court actually might have overruled the objection on some of those grounds or failed to rule on some of those grounds.</p> <p>We believe that it would be appropriate and not burdensome for the trial court to expressly specify the ground(s) on which an evidentiary objection is sustained. Particularly if the court is relieved of the burden of ruling on all evidentiary objections, requiring the court to specify the grounds for sustaining any objections that it sustains does not seem onerous and may reduce the burden on the parties on appeal and the Court of Appeal. This requirement could be imposed by (1) modifying the two alternative formats for the required proposed order so as to provide for a ruling on each ground asserted and (2) amending the</p>	

**LEG14-02**

Proposed Legislation (Civil Practice and Procedure): Evidentiary Objections in Summary Judgment Proceedings (amend Code Civ. Proc., § 437c)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			summary judgment statute and/or the Rules of Court to make it mandatory for the trial court to expressly specify the ground(s) on which an evidentiary ruling is sustained and to use the proposed order or some other written order that so specifies.	

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title	Agenda Item Type
Judicial Council–sponsored Legislation: Sentencing Report Deadlines	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Pen. Code § 1203	December 12, 2014
Recommended by	Date of Report
Policy Coordination and Liaison Committee	October 29, 2014
Hon. Kenneth K. So, Chair	Contact
Criminal Law Advisory Committee	Kimberly DaSilva, 415-865-4534
Hon. Tricia Ann Bigelow, Chair	<a href="mailto:kimberly.dasilva@jud.ca.gov">kimberly.dasilva@jud.ca.gov</a>
	Sharon Reilly, 916-323-3121
	<a href="mailto:sharon.reilly@jud.ca.gov">sharon.reilly@jud.ca.gov</a>

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### **Executive Summary**

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee recommend amending Penal Code section 1203 to require courts to find good cause before continuing a sentencing hearing for failure by the probation department to provide a sentencing report by the required deadlines.

### **Recommendation**

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to amend Penal Code section 1203 to require courts to find good cause before continuing a sentencing hearing for failure by the probation department to provide a sentencing report by the required deadlines.

The text of the proposed legislation is attached at page 4.

## **Previous Council Action**

There has been no previous council action regarding this issue.

## **Rationale for Recommendation**

Under current law, probation sentencing reports must be provided to the parties at least five days before the sentencing hearing unless the deadline is waived by the parties either in writing or by oral stipulation in open court. (Pen. Code, §1203(b)(2)(E).) The purpose of the deadline is to afford defendants a “proper opportunity to comprehend, analyze, investigate and evaluate the report.” (*People v. Bohannon* (2000) 82 Cal.App.4th 798, 808–809; *People v. Leffel* (1987) 196 Cal.App.3d 1310, 1318.) If the probation department does not provide the report by the deadline and the defendant objects and requests a continuance, failure by the court to grant the continuance constitutes a denial of due process, entitling the defendant to a remand for sentencing. (*People v. Bohannon, supra*, 82 Cal.App.4th 798, 808–809.) Defendants need not show actual prejudice. (*Id.* at 809.)

Thus, defendants are entitled to automatic continuances whenever the deadline is missed, regardless of whether the missed deadline had any impact on the defendant’s ability to review and investigate the probation report. As a result, courts are automatically required to conduct additional sentencing proceedings upon request, even when the proceedings may be unnecessary.

This proposal was developed at the request of criminal law judges to vest courts with discretion to decide on a case-by-case basis whether continuances due to noncompliance with the report deadline are justified, as opposed to the automatic continuances required by current law.

By requiring good cause for continuances, as opposed to the presumptive right to a continuance under current law, this proposal would vest courts with the discretion to decide whether the circumstances of a particular case warrant a continuance. Even if the deadline is missed, for example, a defendant may still have adequate time to review the report and raise concerns about the report’s contents, obviating the need for an automatic continuance. This proposal would eliminate extraneous sentencing proceedings and ease the administrative burdens associated with unnecessary remands for sentencing, without compromising the defendant’s right to have sufficient opportunity to evaluate the probation report.

## **Comments, Alternatives Considered, and Policy Implications**

The proposed amendment circulated for public comment in spring 2014. The comment period ended on June 18th. A total of five comments were received. Of those, three commentators agreed with the proposal. Two commentators did not agree with the proposal and one commentator did not indicate either agreement or disagreement. A chart providing all of the comments received and committee recommendations is attached at pages 5–6.

Notably, one commentator stated that defense counsel often waive the statutory time for sentencing yet probation reports are still filed late. Thus, he argues that courts should look to probation to ameliorate the problem rather than penalize the defense with this new burden to argue for good cause. The committee declined this suggestion because under the proposed

amendment courts would have discretion to consider the burdens placed on the defendant by the tardiness of the report during their good cause determinations. In their discretion, courts will continue to grant these continuances when they are necessary on a case-by-case basis. A time waiver would become a factor in the court's ultimate determination of whether the particular case merits a continuance.

On October 2, 2014, the Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee's Joint Legislation Working Group voted to recommend sponsorship of this proposal.

### **Implementation Requirements, Costs, and Operational Impacts**

No significant implementation requirements, costs, or operational impacts for courts are expected at the trial level.

### **Attachments**

1. Proposed amendment to Penal Code section 1203, at page 4
2. Comments chart, LEG14-07, at pages 5–6

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Penal Code section 1203 would be amended, effective January 1, 2016, to read:

1 1203. (a) \*\*\*

2

3 (b) (1) Except as provided in subdivision (j), if a person is convicted of a felony and is eligible  
4 for probation, before judgment is pronounced, the court shall immediately refer the matter to a  
5 probation officer to investigate and report to the court, at a specified time, upon the  
6 circumstances surrounding the crime and the prior history and record of the person, which may  
7 be considered either in aggravation or mitigation of the punishment.

8

9 (2) (A) The probation officer shall immediately investigate and make a written report to the court  
10 of his or her findings and recommendations, including his or her recommendations as to the  
11 granting or denying of probation and the conditions of probation, if granted.

12

13 (B) \*\*\* (D)

14

15 (E) The report shall be made available to the court and the prosecuting and defense attorneys at  
16 least five days, or upon request of the defendant or prosecuting attorney nine days, prior to the  
17 time fixed by the court for the hearing and determination of the report, and shall be filed with the  
18 clerk of the court as a record in the case at the time of the hearing. The time within which the  
19 report shall be made available and filed may be waived by written stipulation of the prosecuting  
20 and defense attorneys that is filed with the court or an oral stipulation in open court that is made  
21 and entered upon the minutes of the court. Any request for a continuance of the hearing based  
22 upon a failure to make the report available to the parties within the deadlines specified above  
23 may only be granted by the court upon a finding of good cause.

24

25 \*\*\*

**LEG14-07**

**Proposed Legislation: Criminal Justice Realignment: Sentencing Report Deadlines (amend Penal Code sections 1203)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Court of Appeal, Second Appellate District	A	<p>The probation report must be made available five days (or nine if requested) prior to the hearing. This proposal would allow the trial court to continue the hearing on a showing of good cause. Currently, hearings must be automatically continued if the time limit cannot be met, even if the missed deadline has no effect on the defendant’s ability to participate in the sentencing hearing.</p> <p><b>Comments</b></p> <p>1. We support this proposal, although it will lead to arguments on appeal that the trial court abused its discretion in ruling on the continuance motion. Efficiencies gained at the trial level will be paid for in the reviewing courts.</p> <p>2. We agree with the Committee that, apart from minimal judicial education, no significant implementation requirements or costs may be anticipated.</p>	No response required.
2.	Orange County Bar Association by Thomas Bienert, Jr., President	N	<p>In some counties, the P&amp;S report only becomes available to the defense on the actual date of the sentencing due to the understaffing of probation departments. Defense counsel regularly waives the statutory time for sentencing so the probation department can prepare an appropriate P&amp;S report yet the report is still not timely. The contents of the P&amp;S report are often critical not only to defendant’s sentence but to defendant’s ultimate prison housing if sentenced to state</p>	<p>The committee declines this suggestion because under the proposed amendment courts consider the burdens placed on the defendant by the tardiness of the report during their good cause determination. In their discretion, courts will continue to grant these continuances when they are necessary on a case by case basis. A time waiver would become a factor in the court’s ultimate determination of whether the particular case merits a continuance.</p>

**LEG14-07****Proposed Legislation: Criminal Justice Realignment: Sentencing Report Deadlines (amend Penal Code sections 1203)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			prison. Defense counsel is presently free to waive any defects in time in open court should the defense deem it appropriate to do so. There is no need to require a showing of good cause in this instance. Given what is at stake, the court need not substitute its judgment for that of defense counsel or the defendant when it is not counsel who has caused the delay. If there is a problem here, the court should take it up with the probation department – not the litigants.	
3.	Superior Court of Los Angeles County	A		No response required.
4.	Superior Court of Riverside County by Daniel Wolfe, Managing Attorney	NI	No comment.	No response required.
5.	Superior Court of San Diego County by Mike Roddy, Executive Officer	N	What specific “abuse” problems is this legislation trying to cure? It seems to impose an unnecessary extra step on the court (to make a finding of “good cause”) because, in the majority of cases, good cause is going to exist (presuming the defense is only going to object and request a continuance if it is really necessary).	This proposal is designed to eliminate unnecessary continuances. Rather than placing an extra burden on courts, this proposal would lessen the burden on court resources required by automatic continuances, which require courts to expend additional resources.
6.	Hon. Peter B. Twede Superior Court of Glenn County	A	Leg 14-04, 05, 06 and 07 appear to be appropriate changes that are necessitated by the circumstances outlined in those proposals.	No response required.



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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title	Agenda Item Type
Judicial Council–sponsored Legislation: State Court Facilities Construction Fund Report	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Gov. Code § 70371.8	December 12, 2014
Recommended by	Date of Report
Policy Coordination and Liaison Committee	October 29, 2014
Hon. Kenneth K. So, Chair	Contact
Laura Speed, Assistant Director, Governmental Affairs	Laura Speed, 916-323-3121 <a href="mailto:laura.speed@jud.ca.gov">laura.speed@jud.ca.gov</a>

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### Executive Summary

Government Code section 70371.8 requires the Judicial Council to report annually, by March 1, to the Joint Legislative Budget Committee and the Chairs of the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget on the status of each project established by the State Public Works Board under Government Code section 70371.7 to be funded by the Immediate and Critical Needs Account of the State Court Facilities Construction Fund. The Report is required to include an accounting of the revenues generated and the expenditures made in the Immediate and Critical Needs Account.

In preparing this report for FY 13–14, the need to amend the due date in section 70371.8 for the report from March 1 to November 1 was raised. The actual expenditures per year-end Financial Statements for each fiscal year are not available until August. Staff recommends sponsoring legislation that will change the due date from March 1 to November 1 to allow the report to be completed with the expenditure information as reported in year-end financial statements and to go through the Judicial Council review process before submission to the Legislature.

## **Recommendation**

The Policy Coordination and Liaison Committee and Governmental Affairs recommend sponsoring legislation to amend Government Code section 70371.8 to allow the annual report on the Immediate and Critical Needs Account to be submitted to the Legislature by November 1 rather than March 1 each year.

## **Previous Council Action**

None

## **Rationale for Recommendation**

This change is necessary to allow the report to be complete and as accurate as possible for submission to the Legislature. In order to submit the report by the current due date of March 1, the expenditures are merely estimates that are subject to change. Submitting the report to the Legislature each November will allow staff to include expenditures as reported in year-end financial statements and for the report to go through the Judicial Council review process, culminating in Judicial Council approval at the annual October meeting.

## **Comments, Alternatives Considered, and Policy Implications**

No alternatives were considered given the technical nature of this amendment and the need to complete the report after actual expenditures are determined.

## **Implementation Requirements, Costs, and Operational Impacts**

Because the law requires this report be done annually, changing the due date will not increase costs or workload. In fact, by allowing the report to be prepared after year-end financial statements are completed will prevent staff from having to update the report for legislative staff to match expenditure information reflected in the annual Governor's Budget released every January.



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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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**Title**

Judicial Council Report to the Legislature:  
Disposition of Criminal Cases According to  
the Race and Ethnicity of the Defendant

**Agenda Item Type**

Action Required

**Effective Date**

N/A

**Rules, Forms, Standards, or Statutes Affected**

Penal Code section 1170.45

**Date of Report**

November 19, 2014

**Recommended by**

Judicial Council of California  
Court Operations Services  
Donna Hershkowitz, Director  
Leah Rose-Goodwin, Manager, Office of  
Court Research

**Contact**

David Smith, 415-865-7696  
Office of Court Research  
[david.smith@jud.ca.gov](mailto:david.smith@jud.ca.gov)

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**Executive Summary**

Court Operations Services and its Office of Court Research recommends that the Judicial Council approve the report *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant* and direct staff to transmit it to the Legislature. Doing so fulfills the requirements of Penal Code section 1170.45 which requires the Judicial Council to report annually on the disposition of criminal cases statewide according to the defendants' race and ethnicity. Since 2001 the Judicial Council's Office of Court Research has produced this report by analyzing the disposition of felony cases using data provided by the California State Department of Justice. Consistent with previous years, the 2014 report finds that when controlling for prior record and type of offense, the data show no consistent patterns in the severity of sentences that are principally related to the defendants' race/ethnicity.

## **Recommendation**

The Office of Court Research (OCR) recommends that the Judicial Council approve the report *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant* and direct staff to transmit it to the Legislature.<sup>1</sup>

## **Previous Council Action**

Although the OCR has submitted annual reports since 2001, these previous reports were not approved by the Judicial Council until 2012 because protocol at that time did not require council action on reports that did not include recommendations. The council approved the 2012 and 2013 reports and directed transmission to the Legislature on December 14, 2012 and December 13, 2013 respectively.

## **Rationale for Recommendation**

Approval of this report for transmittal to the Legislature will comply with the mandate of Penal Code section 1170.45, requiring the Judicial Council annually to report on the disposition of criminal cases “according to the race and ethnicity of the defendant.” The full text of Penal Code section 1170.45 is included in the appendix to the attached report.

## **Comments, Alternatives Considered, and Policy Implications**

This report is legislatively mandated, so no alternatives were considered and a comment period was not required.

## **Implementation Requirements, Costs, and Operational Impacts**

Staff shortages at the Judicial Council have made the production of the report more difficult. However, the OCR has written code to parse the data and established a template for reporting that help minimize the work in producing this report. The submission of this report to the Legislature carries no implementation requirements or costs for the trial courts.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

The mandate for the Judicial Council to report on the disposition of criminal cases according to the race and ethnicity of defendants was established by the Legislature rather than by the Judicial Council. This mandate is not, however, inconsistent with the very first objective of the *Operational Plan for California’s Judicial Branch*, adopted in 2008. Objective 1, related to the strategic plan Goal I, Access, Fairness, and Diversity, is to “Ensure that all court users are treated with dignity, respect, and concern for their rights and cultural backgrounds, without bias or appearance of bias, and are given an opportunity to be heard.”

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<sup>1</sup> The report uses categories for race and ethnicity established following a call by the Office of Management and Budget in 1997 to revise standards for federal data on race and ethnicity. The revision currently used by the US Bureau of the Census established a minimum of five categories: Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or other Pacific Islander (PI), and White.

**Attachments**

1. *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant*

DRAFT

# **Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant**

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2014 REPORT TO THE CALIFORNIA  
LEGISLATURE AS REQUIRED BY PENAL  
CODE SECTION 1170.45



JUDICIAL COUNCIL  
OF CALIFORNIA

Judicial Council of California  
Court Operations Services  
Office of Court Research  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

This report has been prepared and submitted to the California Legislature as required by Penal Code section 1170.45.

This report is also available on the California Courts website at [www.courts.ca.gov](http://www.courts.ca.gov).

Printed on recycled paper.

DRAFT

**JUDICIAL COUNCIL OF CALIFORNIA**

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*Senior Research Analyst and Primary Author of Report, Office of Court Research*

## **Background**

Penal Code section 1170.45 directs the Judicial Council to report annually on the statewide disposition of criminal cases according to defendants' race and ethnicity. The complete text of section 1170.45 is attached as an appendix to this report.

Consistent with all reports submitted since reporting began in 2001, the Judicial Council's Office of Court Research analyzed felony disposition data for this report. The data used in the analysis are from 2013, the last year for which complete annual data are available from the California Department of Justice (DOJ). Throughout this report, the combined term *race/ethnicity* and the phrase *race or ethnicity* correspond to U.S. Census Bureau categorizations.<sup>1</sup>

The critical question for any assessment of sentencing outcomes by race/ethnicity is the degree to which similarly situated offenders receive dissimilar sentences as a result of their race or ethnicity. In other words, to properly assess the impact of race and ethnicity in sentencing studies, it is imperative to control for any factors relevant to sentencing decisions (e.g., type of offense or prior record) to ensure that like defendants are being compared to one another. For example, all other things being equal, one would expect that a defendant convicted of a more serious felony would receive a more severe sentence than a defendant convicted of a less serious felony. Similarly, one would expect that a defendant with a serious prior record would receive a more severe sentence than a defendant who had no prior record and was convicted of the same crime.

The primary focus of the study is an analysis of sentencing outcomes by the defendants' race/ethnicity. Because California's sentencing laws dictate very specific sentences based on prior record and type of offense, this report introduces controls for prior criminal history and type of offense. In other words, it seeks to compare sentencing outcomes for defendants who were convicted of similar offenses and had similar criminal histories.

## **Summary of Findings**

When controlling for prior record and type of offense, the data show no consistent pattern in the severity of sentences that are principally related to the defendants' race/ethnicity. However, within offense categories (e.g., drug offenses or property offenses) there are some small but statistically significant differences in the sentencing outcomes among the racial/ethnic groups.

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<sup>1</sup> In 1997, the Office of Management and Budget announced a revised standard for federal data on race and ethnicity. The revision established a minimum of five categories: American Indian or Alaskan Native, Asian or Pacific Islander, Black or African American, Hispanic, and White. (See Fed.Reg., July 8, 1997, Part II, Pages 36873–36946, Office of Management and Budget, Directive 15.) Because of the small percentage of American Indian defendants in the data set used for this study, this group is included only in descriptive analyses. In addition, a combined category, Asian/Pacific Islander (Asian PI), is used in the analysis to refer to defendants of Asian or Native Hawaiian/Other Pacific Islander ethnicity.

While this report looks at only a single year of data, it is important to note that reports from previous years have also indicated that the data do not demonstrate systematic bias against any one group in sentencing. Moreover, although some groups are treated less harshly in some case types and situations in a certain year, these findings vary from year to year. This suggests that any form of differential judicial treatment based on race or ethnicity depends on very specific contexts that could require more study and resources to identify.

### **Limitations of the Findings**

The lack of data on sentence length and specific type of prior record limits the conclusions one can confidently make about any observed differences in sentencing related to race or ethnicity. More detailed information in these categories would enable control for a wider array of factors and thus a more precise comparison of sentencing outcomes for different racial and ethnic groups than is possible here. As a result, the findings contained in this report cannot be used on their own as an indication of bias or to identify the cause of differences in sentences within the California criminal justice system.

In addition, it is important to keep in mind that a sentencing outcome is the consequence of many intermediate and interdependent steps within the criminal justice system. Studies of sentencing outcomes cannot take into account all factors such as local law enforcement policies and district attorney charging and plea practices. Under California's determinate sentencing law, sentencing itself may be viewed as the least discretionary stage in the adjudication of a criminal case.

An example that illustrates this important point is the manner in which most felony cases reach disposition in the California trial courts. In California, less than 2 percent of felony cases reach trial. Thus, the vast majority of felony cases statewide reach disposition before trial, mostly by plea agreements between defense counsel and the district attorney. The trial court judge must review and approve many plea agreements made between defense counsel and the district attorney; however, the sentences for these cases are not determined exclusively by the judge. The findings in this report therefore reflect sentencing outcomes for felony cases that are rarely, if ever, based on the unilateral decision of a trial court judge.

Another confounding factor is that within the 58 superior court jurisdictions in California there may be important differences in charging practices, plea offerings, and court culture that are not captured by aggregated, statewide outcomes. Although the courts are unified by statewide statutes governing most aspects of criminal case management and processing, there will be subtle but meaningful differences between jurisdictions in the operation of the justice system and the counties' population characteristics.

## **Data Source and Limitations**

### **Source of Data**

Historically, the Criminal Justice Statistics Center (CJSC) of the California Department of Justice (DOJ) has taken responsibility for maintaining the Offender-Based Transaction Statistics (OBTS) report file, which tracks the processing of individual offenders from the point of entry into the criminal justice system to the point of exit. The data used for this study were obtained from the OBTS file generated by DOJ.

Two major source documents are combined to make up the OBTS file: (1) fingerprint cards (FD-249), which represent official arrests; and (2) *Disposition of Arrest and Court Action* (JUS 8715) forms, which this report refers to as *dispositions*.

### **Limitations**

CJSC documentation highlights the following limitations on the use of the OBTS data file:

- OBTS data are based on the year of disposition regardless of when the felony arrest occurred and therefore may be reported a year or more after the actual arrest.
- The OBTS data do not include information about sentence length. Thus, it is impossible to assess the relative differences in sentences beyond categorical distinctions (see diagram 1). While certain sentences may be categorically the same—a sentence to prison, for example—they can vary considerably in severity as measured by the length of the sentence.
- Comparisons of county-level data should be made with caution because the level of reporting may vary between jurisdictions and from year to year.
- The data do not represent the total number of adult felony arrests or the total number of dispositions during a given year.
- Dispositions of adult felony arrests in state correctional institutions are excluded from county-level totals. Only the final disposition of an arrest event is included in the OBTS file; intermediate dispositions—such as diversion programs, suspended proceedings, reopenings, retrials, and subsequent actions—are excluded.
- If a person is arrested for multiple offenses, the OBTS file contains only the most serious offense based on the severity of possible punishment. If there are multiple court dispositions, the OBTS file contains only the most serious court disposition and the associated offense.
- Despite the underreporting of dispositions, CJSC has indicated that it is confident that the arrest disposition data received provides an accurate general description of the statewide processing of adult felony arrestees.

- Caution should be used when comparing conviction and nonconviction dispositions, given that DOJ budget constraints necessitate the processing of conviction dispositions on the basis of priority.
- Information on prior records is incomplete because it is computed only for “new offenders”—those who had a first arrest after August 1982.

### Offender Profile

The OBTS file for 2013 contains a total of 303,013 records of arrest for felony-level offenses in calendar year 2013 or earlier that were disposed in calendar year 2013.<sup>2</sup> Diagram 1 on the following page shows the number of dispositions at distinct case processing stages for all OBTS felony dispositions in 2013.

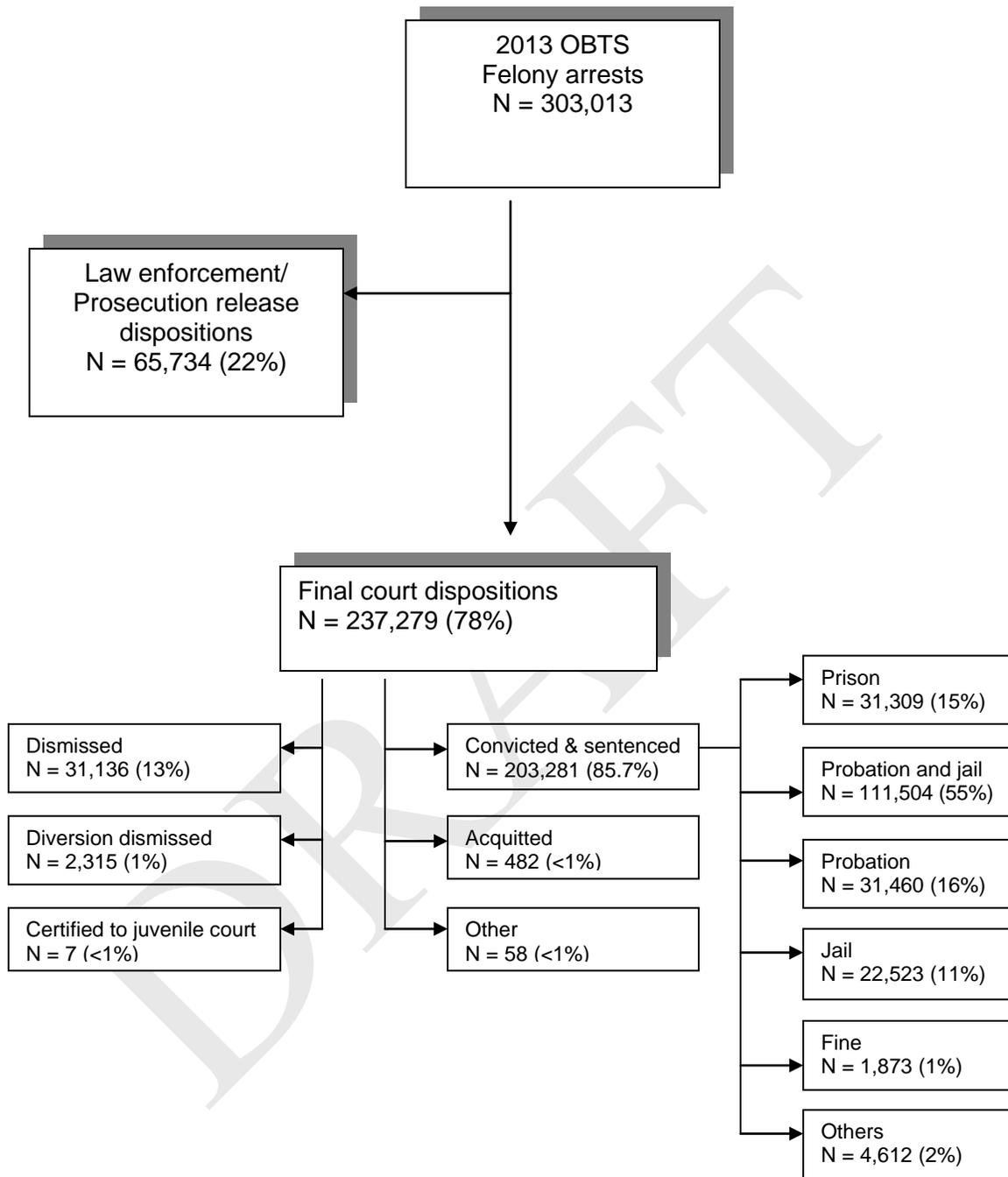
Regardless of race/ethnicity, court dispositions made up 78 percent of all dispositions, whereas dispositions by law enforcement agencies or the prosecuting attorney accounted for 22 percent. Dispositions by law enforcement agencies include cases dropped for reasons such as insufficient evidence. The breakdown by race/ethnicity for this disposition type is found in table 1.

**Table 1: Offenders Released by Law Enforcement Agencies or the Prosecuting Attorney**

<b>Race/Ethnicity</b>	<b>Number Released</b>	<b>Percentage of Releases</b>
Asian/PI	1,865	2.8
White	20,189	30.7
Black	15,765	24.0
Hispanic	25,281	38.5
American Indian	256	0.4
Other/Unknown	2,378	3.6
<b>Total</b>	<b>65,734</b>	<b>100.0</b>

<sup>2</sup> A small number of duplicate records were deleted from the original data file before analyses were conducted to avoid double counting cases discussed in this report.

**Diagram 1: Numbers of Dispositions at Distinct Case Processing Stages in OBTS**



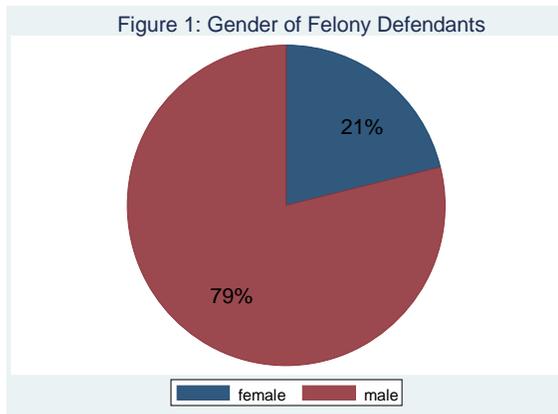
## Demographics of Felony Defendants

Following is a demographic profile of the population of felony defendants who received dispositions in 2013 and are documented in the OBTS file.

### Gender

Males made up 79 percent of the defendants reported to have received dispositions in 2013; females made up 21 percent (figure 1). These proportions are consistent with those reported by other agencies, such as the Bureau of Justice Statistics of the U.S.

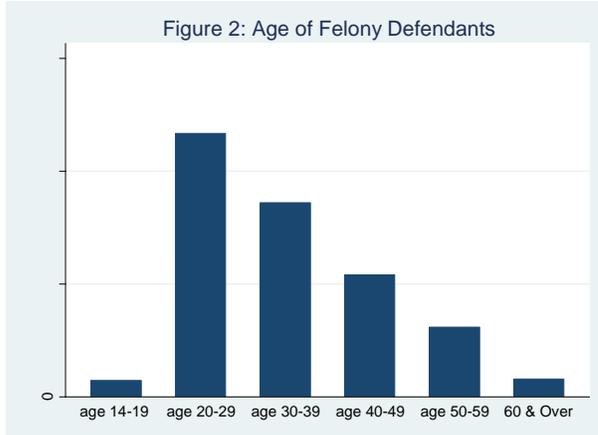
Department of Justice in its biennial *Felony Sentences in State Courts* study. At 79 percent, the proportion of felony defendants in the OBTS file who are male is much higher than the proportion of males in the general population of California, which is roughly 50 percent.<sup>3</sup>



### Age

The OBTS file contains the date of birth and date of disposition for each felony defendant, which allows us to calculate “age at the time of disposition.” This information was classified into the following age categories used by the U.S. Department of Justice: ages 14–19, 20–29, 30–39, 40–49, 50–59, and 60 or older. Persons aged 20–29 (39 percent) and 30–39 (28 percent) were arrested most frequently. Figure 2 shows the complete distribution by age of all felony defendants in the OBTS file.

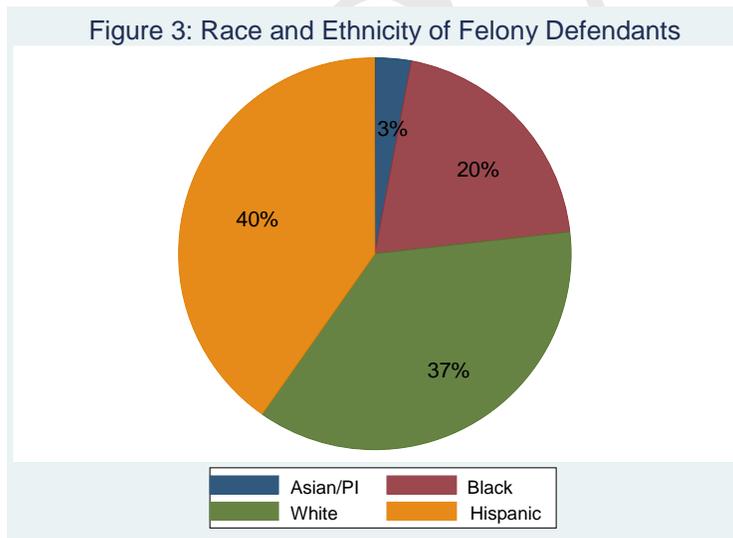
<sup>3</sup> U.S. Census Bureau, “State and County Quick Facts,” 2010.



Compared to the California population as a whole, persons aged 20–29 and 30–39 were arrested for felony-level offenses at a disproportionately high rate, whereas persons aged 60 or older were arrested at a disproportionately low rate. Persons aged 40–49 were arrested at rates only slightly higher, while those aged 14–19 and 50–59 were arrested at rates slightly lower than indicated by their proportions in the general population.<sup>4</sup>

### Race/Ethnicity

Racial/ethnic data on criminal defendants were reclassified according to the categories used by the U.S. Census Bureau. These categories are identified as Asian/Pacific Islander, Black, White, and Hispanic (figure 3).<sup>5</sup>



<sup>4</sup> According to the U.S. Census of 2010, the age group distribution of California residents corresponding to the groups presented in figure 2 is as follows: 15–19 years=3.9%; 20–29 years=14.8%; 30–39 years=13.8%; 40–49 years=14.2%; 50–59 years=12.8%; and 60+ years=16%.

<sup>5</sup> Because of their small numbers in the sample, persons identified as “Other/Unknown” in the OBTS file, as well as defendants identified as American Indian, were removed from the analysis. For the remainder of the report, we use the term “Asian” to refer to the broader category of Asian/Pacific Islanders.

Hispanics made up the largest percentage of reported felony defendants in 2013 (40 percent), followed by Whites (37 percent) and Blacks (20 percent). Asians (3 percent) represent only a small proportion of the 2013 felony arrest population.

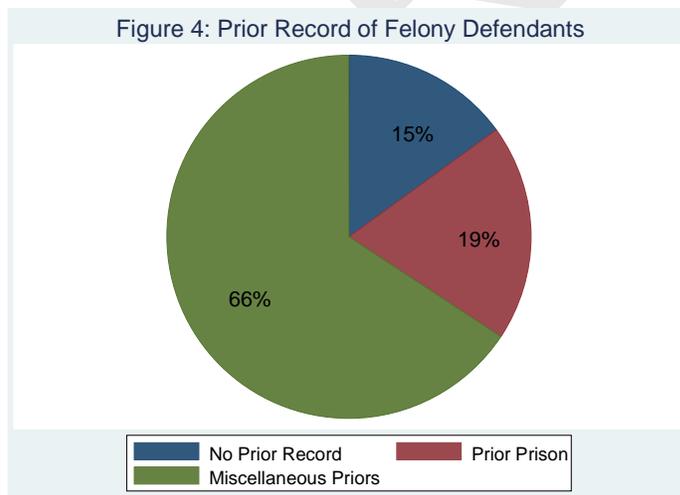
Blacks were arrested for felony-level offenses at rates significantly higher than their proportion in California’s population and Hispanics at rates slightly greater than their share of the population as a whole. Conversely, Asians and to a lesser extent Whites were arrested at lower rates compared to their proportions in California’s population.<sup>6</sup>

## Prior Criminal Record and Type of Offense

### Prior Criminal Record

The OBTS file identifies the type of prior record, if any, for each felony arrestee. Information is limited to three categories: whether the arrestee has prior prison commitments, a “miscellaneous” prior record, or no prior record (figure 4). A miscellaneous prior record pertains to a defendant with a criminal record that does not include a prior prison commitment.

Information was missing in the Prior Record field for a significant percentage of records (7 percent). For the records containing valid information, two-thirds (66 percent) of felony arrestees had miscellaneous prior records and 19 percent had one or more prior prison commitments. The remaining 15 percent of felony arrestees in the OBTS file had no identified prior records. In addition to these data limitations, as noted by the DOJ in its documentation of this data set, information on prior records is available only for those defendants who had a first arrest after August 1982.

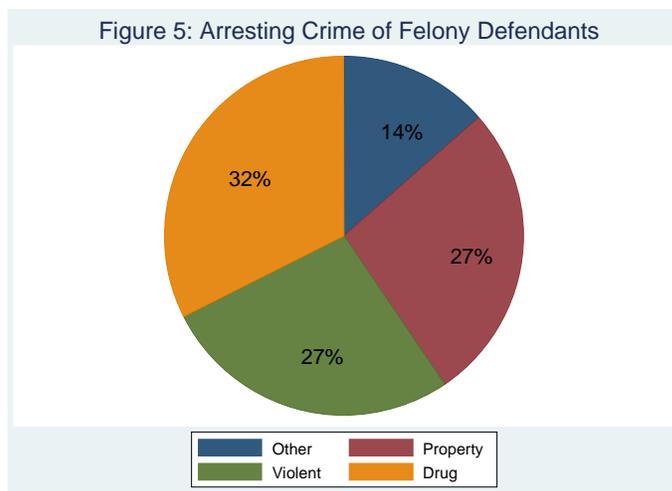


<sup>6</sup> According to the U.S. Census of 2010, the distribution of California residents based on their ethnic group membership is as follows: Asian=13.9%; Black=6.6%; Hispanic=38.2%; White=39.4%; Other=1.9%.

### Offense Category

For this analysis, offense data provided at the time of disposition in the OBTS file were reclassified into four major offense groupings: violent, property, drug, and other felony (figure 5). These groupings were based in large part on the categories used by the Bureau of Justice Statistics of the U.S. Department of Justice in its biannual *Felony Sentences in State Courts* study. Examples of the offenses included in the violent offense group are homicide, rape, robbery, and assault; offenses in the property offense group include burglary, theft, forgery, and arson; the drug offense group includes all felony-level drug offenses; and offenses in the other felony offense group include all weapons offenses and a range of other offenses such as vandalism and driving under the influence of drugs or alcohol (DUI).

Similar proportions of defendants were arrested for drug offenses, property offenses, and violent crimes (32, 27, and 27 percent, respectively), while the remaining offenses, classified as “other felony offenses,” accounted for 14 percent of all offenses in the OBTS file.



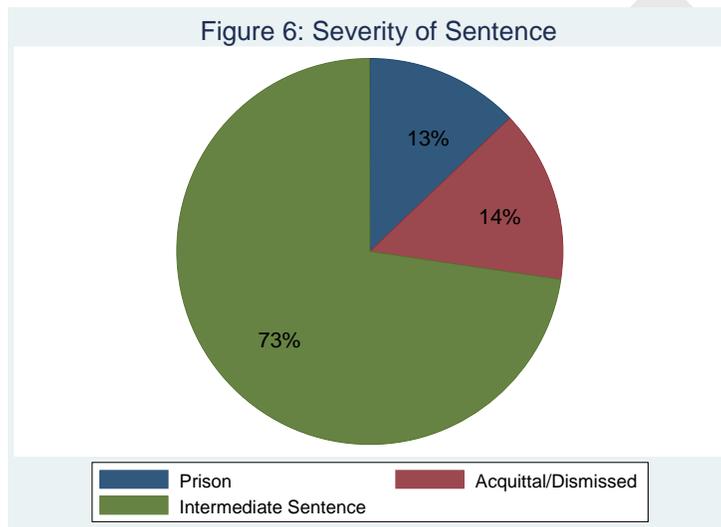
### Sentencing Information

The OBTS data organizes sentences into a broad sentence category (e.g., prison, jail, probation), referred to hereafter as “severity of sentence.” Although information on length of sentence would allow for a more fine-grained analysis, it is still possible to rank the existing categories by severity. For example, a prison sentence can be ranked as the most severe type of sentence among those contained in the OBTS file while, on the other end of the spectrum, acquittal/dismissal of charges can be considered the least severe among possible outcomes.

Nonprison sentences (intermediate sanctions) pose the greatest challenge to the empirical study of sentencing. Intermediate sanctions are harder to compare because no single continuum exists along which all nonprison sentences can be arrayed or ranked.

Moreover, intermediate sanctions are often combined in the original DOJ data (e.g., within the “probation and jail” category) to allow for different configurations of offender risk and need. These combinations are not readily disaggregated in the OBTS data, which adds to the difficulty of ranking specific nonprison sentence categories in order of their severity.<sup>7</sup> To address these issues, all intermediate sanctions shown in figure 6—probation and jail, jail, probation, and fine—have been grouped in a new sentence category called “intermediate sentence.” The categories of sentence severity used in all the analyses in this section are (in decreasing order of severity) prison, intermediate sentence, and acquittal/dismissal.

The percentages in figure 6 were calculated without controlling for prior record or type of offense. Of the defendants arrested for felony-level offenses, 13 percent received the most severe sentence, prison; and 14 percent received the most favorable outcome, acquittal/dismissal. The remaining 73 percent received an intermediate sentence—including jail, probation, and fine.



## Findings

In the following pages we first look at outcomes by the defendants’ race/ethnicity without controlling for prior record or type of offense. This information is presented for illustrative purposes only. The second set of analyses controls for prior record and type of offense to ensure that a correlation between criminal history and severity of sentence, or between type of offense and severity of sentence, is not mistakenly interpreted as a correlation between severity of sentence and a defendant’s race or ethnicity.

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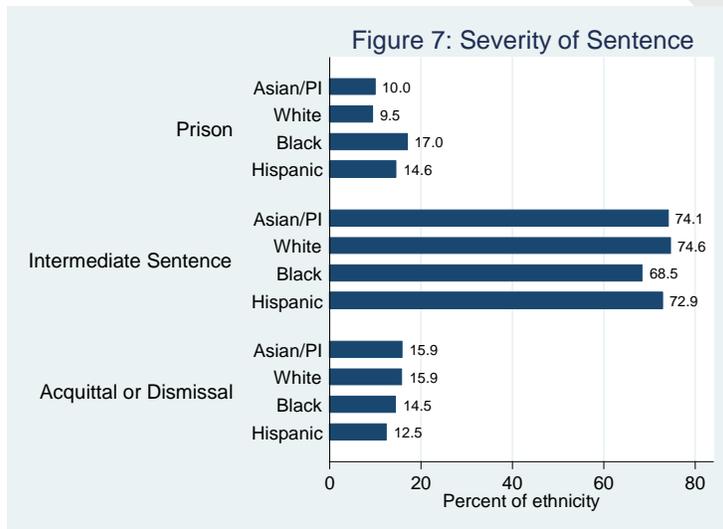
<sup>7</sup> These categorizations will likely become even more problematic in future years as dispositions reflecting criminal justice realignment begin to enter the data set.

Controlling for the factors that dictate specific sentences mandated by California’s sentencing laws allows us to address the critical issue for this mandated study: the degree to which similarly situated offenders receive dissimilar sentences on the basis of their race/ethnicity. All findings discussed in this report are statistically significant unless otherwise noted.

**Overall Results When Not Controlling for Prior Record or Type of Offense**

Figure 7 illustrates the proportion of defendants from each racial/ethnic group who received any one of the three severity-of-sentence outcomes. This figure does not control for prior record or type of offense.

Black defendants arrested for felony-level offenses were the most likely among the racial/ethnic groups to receive prison sentences. Asians and Whites were the least likely to receive prison sentences. Blacks were the least likely to receive intermediate sentences (i.e., probation and jail or jail, probation, and fine). Hispanics were the least likely to be acquitted or to have their cases dismissed.



These data are presented to illustrate the importance of controlling for factors relevant to sentencing, such as prior record and offense type. By grouping defendants based on their prior records and offense types it becomes possible to compare sentencing outcomes for defendants convicted of similar offenses and having similar criminal histories.

**Overall Results When Controlling for Prior Record and Type of Offense**

The following analysis of sentence severity, which controls for prior record and type of offense, shows that no single racial/ethnic group systematically received the most severe sentence. However, within each category (e.g., defendants with no prior record charged with drug offenses) there were statistically significant differences in the severity of sentences received among the racial/ethnic groups.

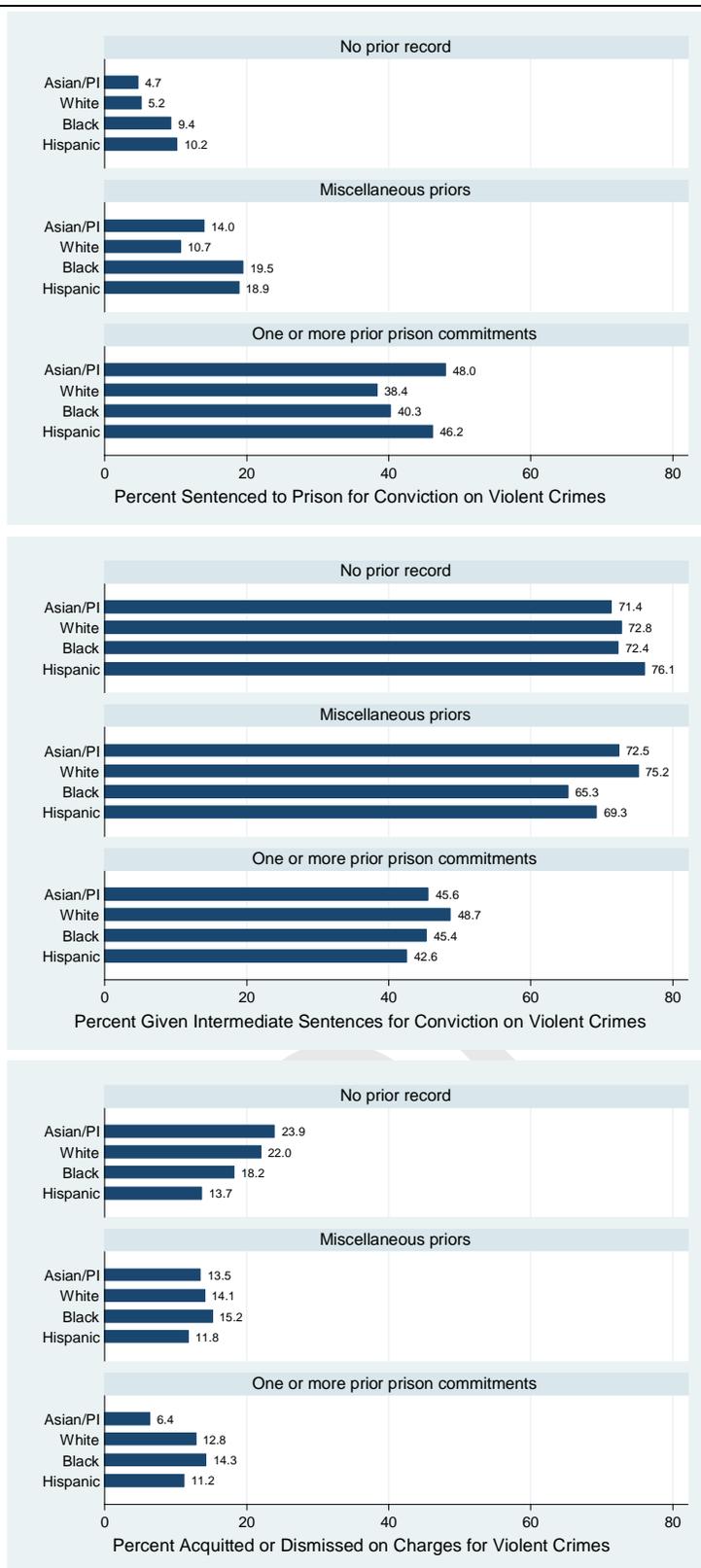
As a reminder, in the analysis not controlling for prior record and type of offense (see figure 7), Black defendants were more likely than defendants from the other racial/ethnic groups to receive prison sentences. In many of the later analyses controlling for prior record and type of offense, however, the effects of race on sentencing outcomes are more complex.

The graphics and supporting text that follow focus on variations within three specific types of felony crimes—violent, property, and drug—committed by offenders with similar prior records. Criminal record types include: no prior record, miscellaneous prior record, and one or more prison commitments (figures 8 through 10). These figures show that at the statewide level the relationships between racial/ethnic categories and legal indicators are volatile. In other words, when controlling for prior record and type of offense, there are no consistent patterns in the severity of sentence that are related primarily to the defendants' race/ethnicity.

In addition to the volatility of outcomes that results when the analysis controls for similarly situated offenders, it should be noted that the difference in outcomes for any ethnic group is generally quite small—only a few percentage points in range from the highest to the lowest for specific outcomes and situations. These differences are highlighted in the explanations accompanying figures 8 through 10.

This analysis shows that both the type of crime and the offender's prior criminal history are the dominant factors in determining sentences. Although each control is slightly different in its distribution and its effect on ethnic groups, we expect to see a strong positive correlation between the severity of sentence and the offender's prior criminal history. Because this report looks at these relationships proportionally, increases in one type of sentence will correspond to decreases in other types of sentences.

**Figure 8: Sentencing of Violent Crimes, Controlling for Prior Record**



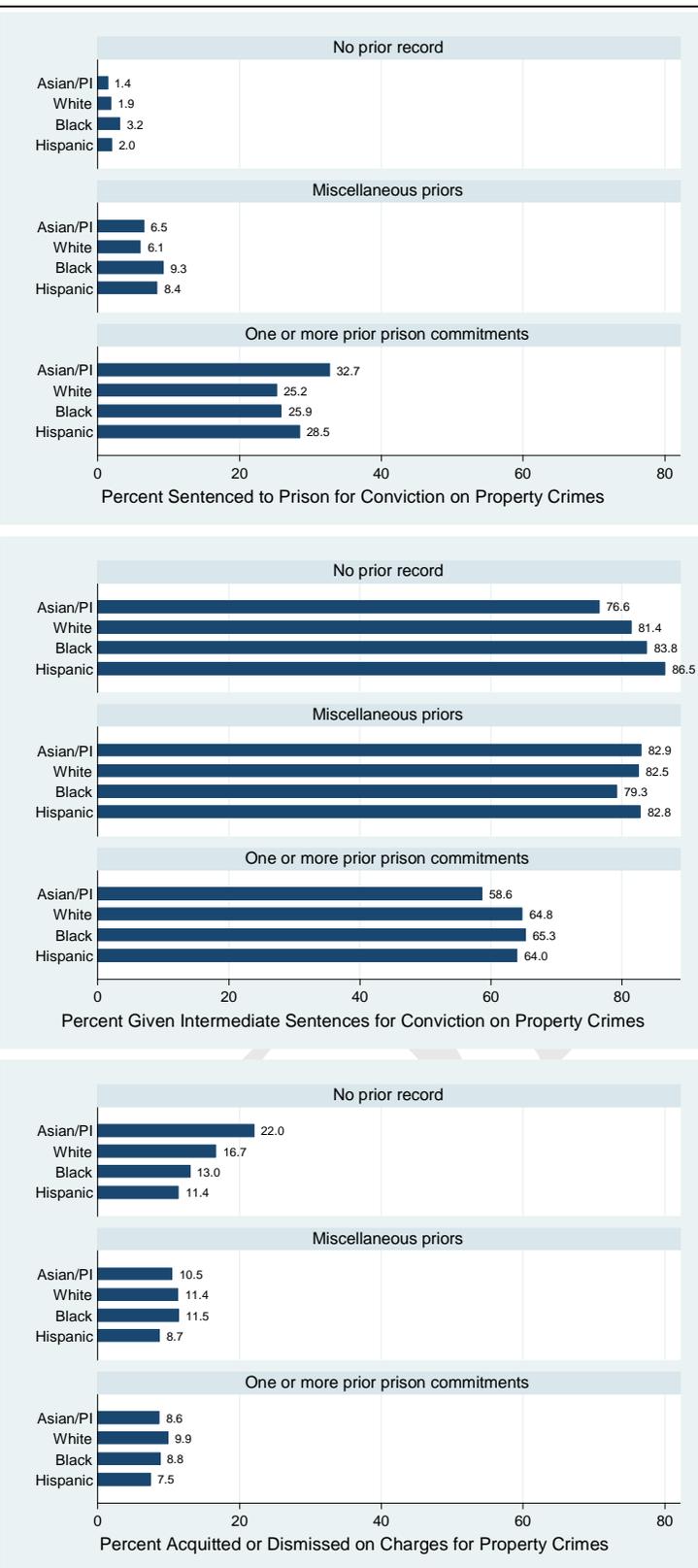
Focusing first on the sentencing of defendants accused of violent crime, the top panel to the left shows convictions that result in a prison sentence. Although there is variability within each of the categories of prior record by which the data are organized, it is also clear that prior record—even in the aggregated categories used for this analysis—has a huge impact on sentencing outcomes.

In the top panel to the left, the percentage of each group sentenced to prison for a violent crime ranges from 38.4 percent and 48.0 percent for defendants with a prior prison commitment. In contrast, for defendants with no prior record the percentage of each group sentenced to prison for a violent crime ranges from between 4.7 percent and 10.2 percent.

Further, while Asians with a prior prison commitment (48.0%) are more likely than all groups but Hispanics (46.2%) to receive a prison sentence for a violent crime when compared to other defendants with a prior prison commitment, Asians are among the least likely to receive a prison sentence for a violent crime when compared to other defendants with only miscellaneous priors (14.0%) or no prior record (4.7%).

Still focusing on the top panel to the left, while Blacks who have one or more prior prison commitments are less likely than Asians and Hispanics with similar records to receive a sentence to prison (40.3%), they are the most likely to receive a sentence to prison when compared to other defendants with only miscellaneous priors (19.5%).

**Figure 9: Sentencing of Property Crimes, Controlling for Prior Record**



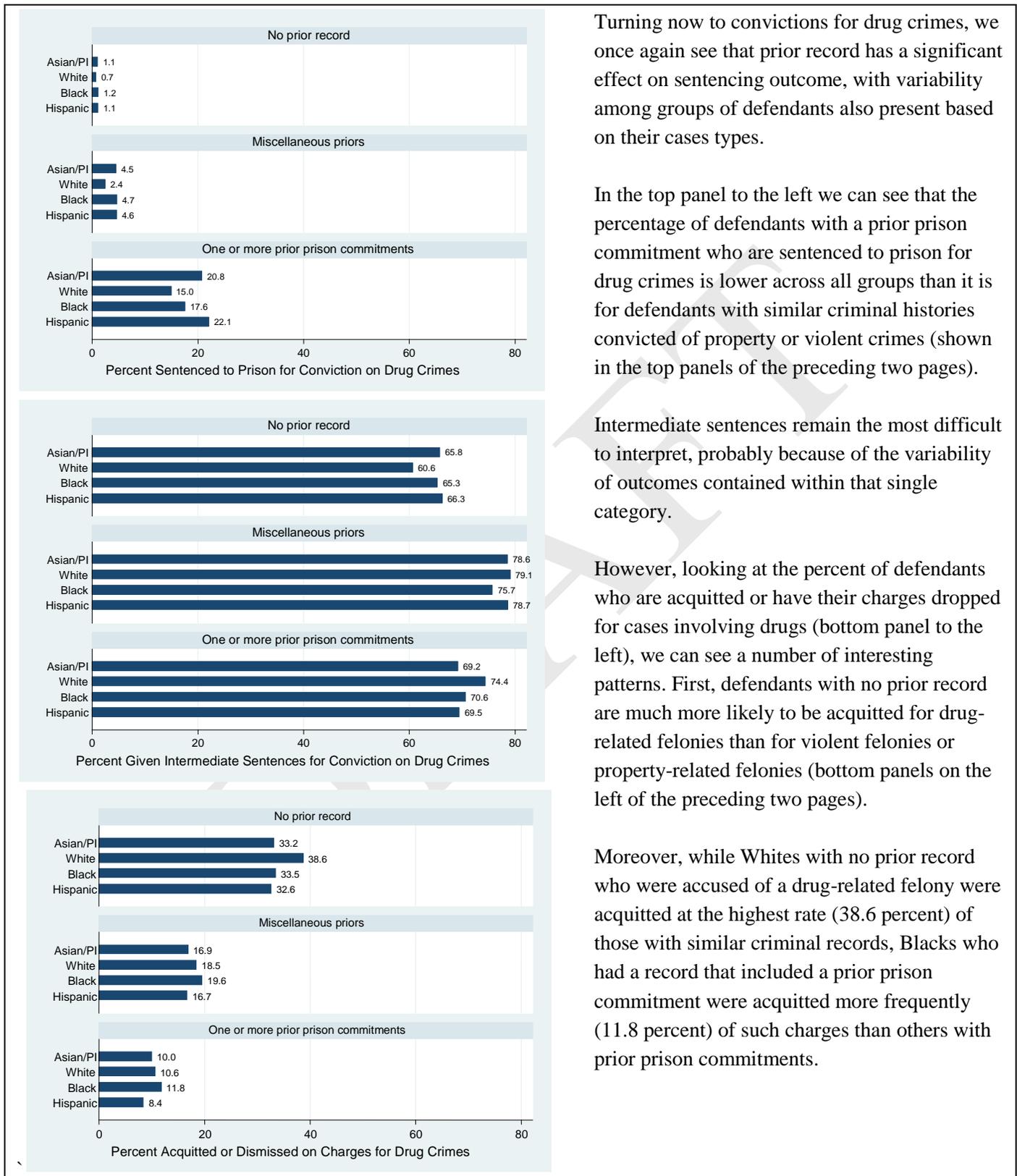
If we now look at sentencing to prison for property crimes, the impact of prior record remains clear, with higher proportions of all groups receiving more severe sentences the more extensive the prior record. While between 25.2 and 32.7 percent of those with a prior prison commitment were sentenced to prison for conviction on a property crime, only between 1.4 and 3.2 percent of those with no prior record were sentenced to prison.

In addition to highlighting the impact of prior record on sentencing outcomes, the set of graphs on this page shows the impact of case type on sentencing. A prison sentence is less likely for those who are convicted of a property crime than it is for those convicted of a violent crime, regardless of prior criminal record (comparing the top panels of this and the previous page).

Turning to the differences across racial/ethnic groups in the top panel to the left, we see that defendants with prior prison commitments are sentenced to prison for property crimes in a pattern that parallels the pattern for violent crime (presented on the previous page). For property crimes, Asians (32.7%) and Hispanics (28.5%) are sentenced to prison at slightly higher rates than Blacks (25.9%) and Whites (25.2%) if they have prior prison records. For violent crimes, Asians (48.0%) and Hispanics (46.2%) are sentenced to prison at a somewhat higher level than Blacks (40.3%) and Whites (38.4%) for defendants who have prior prison commitments.

Comparing intermediate sentences for property crimes (middle panel to the left), to those for violent crimes (middle panel on the preceding page), it is clear that higher proportions of defendants in all racial/ethnic groups received intermediate sentences for property offenses.

**Figure 10: Sentencing of Drug Crimes, Controlling for Prior Record**



Turning now to convictions for drug crimes, we once again see that prior record has a significant effect on sentencing outcome, with variability among groups of defendants also present based on their cases types.

In the top panel to the left we can see that the percentage of defendants with a prior prison commitment who are sentenced to prison for drug crimes is lower across all groups than it is for defendants with similar criminal histories convicted of property or violent crimes (shown in the top panels of the preceding two pages).

Intermediate sentences remain the most difficult to interpret, probably because of the variability of outcomes contained within that single category.

However, looking at the percent of defendants who are acquitted or have their charges dropped for cases involving drugs (bottom panel to the left), we can see a number of interesting patterns. First, defendants with no prior record are much more likely to be acquitted for drug-related felonies than for violent felonies or property-related felonies (bottom panels on the left of the preceding two pages).

Moreover, while Whites with no prior record who were accused of a drug-related felony were acquitted at the highest rate (38.6 percent) of those with similar criminal records, Blacks who had a record that included a prior prison commitment were acquitted more frequently (11.8 percent) of such charges than others with prior prison commitments.

## **Conclusions**

When controlling for prior record and type of offense, we identified differences across racial/ethnic groups in patterns of sentencing, but observed no consistent pattern in the severity of sentence that is principally related to the defendants' race/ethnicity. On the other hand, within each of the offense categories (e.g., drug offenses, property crimes) and using the limited controls available we found small but statistically significant differences in sentencing outcomes among racial/ethnic groups. However, the lack of data on sentence length and on the specific type of prior records limits the conclusions that can confidently be made about any observed differences in sentencing based on race or ethnicity.

Data on sentence length and specific type of prior record would allow for analysis controlling for a wider array of factors and a more precise comparison of sentencing outcomes for different racial and ethnic groups. As a result, the findings contained in this report cannot be used on their own as an indication of bias, or the lack thereof, in the California criminal justice system. The findings summarize only the broad sentencing information available in the OBTS file maintained by the California Department of Justice. Because of these limitations and those highlighted by CJSC, we encourage the reader to exercise caution in attempting to attribute causes for the observed differences in sentencing among racial/ethnic groups.

## **Appendix**

### **Text of Penal Code Section 1170.45**

#### **Collection of Data and Report to the Legislature Relating to Disposition According to Race and Ethnicity of Defendant**

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.

DRAFT



## Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

[www.courts.ca.gov](http://www.courts.ca.gov)

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 11, 2014

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Title	Agenda Item Type
Uniform Bail and Penalty Schedules, 2015 Edition	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Adopt Revised Uniform Bail and Penalty Schedules	January 1, 2015
Recommended by	Date of Report
Traffic Advisory Committee	November 7, 2013
Hon. Mark S. Borrell, Chair	Contact
	Courtney Tucker, 415-865-7611
	<a href="mailto:courtney.tucker@jud.ca.gov">courtney.tucker@jud.ca.gov</a>

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### Executive Summary

The Traffic Advisory Committee recommends revisions to the Uniform Bail and Penalty Schedules, effective January 1, 2015. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Under rule 4.102 of the California Rules of Court, trial courts, in performing their duty under Penal Code section 1269b, must revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for traffic infractions is established by the schedules approved by the Judicial Council. The recommended revisions bring the schedules into conformance with recent legislation.

### Recommendation

The Traffic Advisory Committee recommends that the Judicial Council, effective January 1, 2015, adopt the revised *Uniform Bail and Penalty Schedules, 2015 Edition*.

The proposed revision follows as Attachment A.

## **Previous Council Action**

At the Judicial Council meeting on February 20, 2014, the council adopted revised schedules for 2014.

## **Rationale for Recommendation**

Vehicle Code section 40310 requires that the Judicial Council annually adopt for Vehicle Code infractions a uniform traffic penalty schedule that conforms to new legislation. Additionally, Penal Code section 1269b and rule 4.102 of the California Rules of Court provide that trial courts must annually revise and adopt a countywide schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for Vehicle Code infractions is established by the uniform traffic penalty schedule adopted by the Judicial Council in accordance with section 40310.

Revisions to conform the 2014 schedules to recent changes in the law include the following:

1. Revision of section I.C on page iii of the preface to add subdivision (b) to Penal Code section 19.8.
2. Revision of section IV.C.3 on page vi of the preface to delete the discussion of Streets and Highways Code section 97.5, which sunset in 2014.
3. Revision of section IV.H on page vii of the preface to clarify that the emergency medical air transportation (EMAT) penalty assessment only applies to violations of the Vehicle Code and ordinances adopted under the Vehicle Code.
4. Revision of section VIII.D on page x of the preface to correct the sample calculation of bail for multiple violations without traffic violator school.
5. Addition or modification of infraction offenses for violation of Vehicle Code sections:
  - 14606(c), failure of employer to retain medical certificate of driver of commercial vehicle when no medical certification status is included in the commercial license information system, which was repealed and amended effective January 30, 2014;
  - 23302(a)(2), unauthorized placement of toll transponder;
  - 23302(a)(3), unauthorized placement of toll transponder for motorcycle;
  - 27375(a), violation of window or door requirement for modified limousine;
  - 27375(c)(1), failure of limousine owner or operator to instruct passengers on vehicle features and communication with the driver;
  - 27375(c)(2), failure of limousine owner or operator to disclose whether the limousine meets current safety requirements;

- 27375(c)(3), failure of limousine owner or operator to disclose whether the limousine is exempt from safety requirements for emergency escape;
  - 28062(a), modified limousine not equipped with fire extinguisher as required;
  - 38601, operating or riding in recreational off-highway vehicle on public land by person while not wearing safety helmet as required.
6. Modification of misdemeanor offense for violation of Vehicle Code section:
- 2468(a), failure of licensed renderer to keep written records of inedible kitchen grease;
  - 2468(b), refusal of licensed renderer or registered transporter to exhibit required record or destruction of required record.
7. Modification of Harbors and Navigation Code sections:
- 307(a), mooring to or hanging on with a vessel to buoy or beacon;
  - 307(b), removing, damaging, or destroying buoy or beacon;
  - 652.5(c), blue light-unauthorized use'
  - 652.5(d), failure to yield to blue light or siren;
  - 652.5(e), failure of cable ferry operator to provide clear course for law enforcement;
  - 655(a), reckless or negligent operation by riding on bow, gunwale, or transom of vessel propelled by machinery;
  - 655.2(a), power boats-speed restrictions;
  - 658(a), operation of vessels towing persons on water skis or aquaplanes–requirement for person 12 years of age or older to be aboard in addition to driver;
  - 658(b), prohibited hours;
  - 668, fines for violation of Harbors and Navigation Code sections and related California Code of Regulations, Title 14.
8. Modification of Fish and Game Code sections:
- 4004(a, b, d-g), trapping violations;
  - 4004(c), setting or maintaining trap without required identifying mark.

### **Comments, Alternatives Considered, and Policy Implications**

No alternatives were considered. Annual revision of the schedules is required by statute and by rule 4.102. The schedules must be updated to reflect new law so that courts are able to collect the proper amounts for violations that occur after December 31, 2014. The proposed 2015 Uniform Bail and Penalty Schedules were circulated for statewide comment from October 17 to October 31, 2014. Of the 3 comments received, 1 agreed with the proposed changes and 2 agreed if modified. The comment chart with the committee's response is attached at page 5 following the report.

A comment on the proposed schedules was submitted by the Superior Court of Orange County. One comment recommended changes to the preface of the schedules to clarify that the emergency medical air transportation (EMAT) penalty assessment under Government Code section 76100.10(c)(1) is only collected for violations of the Vehicle Code and ordinances adopted under the Vehicle Code and is not applicable to the schedules for violations of other codes. In response to the comment, page vii of the schedules is revised to clarify that bail amounts for violations of other codes for the Boating, Business Licensing, Fish and Game, Forestry, or Parks and Recreation Bail and Penalty Schedules do not include the EMAT penalty assessment. Upon review of the recommended misdemeanor bail for violations not listed in the schedules where the EMAT penalty does not apply, the recommended “Total Bail” on page vii of the preface is revised to a \$100 base fine for misdemeanor violations where the violation is not listed in the Uniform Boating, Business Licensing, Fish and Game, Forestry, or Parks and Recreation Bail and Penalty Schedules, unless a California code or regulation specifies otherwise. The recommended \$100 misdemeanor base fine is consistent with misdemeanor violations listed in the schedules and level with the base fine listed for numerous infraction violations.

### **Implementation Requirements, Costs, and Operational Impacts**

Courts will need to reprogram court case management systems, update courtesy notices, and provide training for court staff and judicial officers regarding changes in violator point counts for certain traffic infractions and new fines, penalties, and fees.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

Adoption of the amended rule supports Strategic Plan Goal III, Modernization of Management and Administration, and Operational Plan Objective III.4: Uphold the integrity of court orders, protect court user safety, and improve public understanding of compliance requirements; improve the collection of fines, fees, and forfeitures statewide.

### **Attachment**

Attachment A: *Uniform Bail and Penalty Schedules, 2015 Edition*

**SP14-11**

**Uniform Bail and Penalty Schedules, 2015 Edition**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	California Dept. of Motor Vehicles By Patricia Cummings Sacramento, California	AM	<ol style="list-style-type: none"> <li>1. Page 56 - 27375(a) - Violation of Door or Window Requirement for Modified Limousine - BPS Points - 0; ARM Points - Not in; DL Code Book Points - Not in; Comment - Update ARM and DL Code Book.</li> <li>2. Page 61 - 28062(a) - Modified Limousine Not Equipped with Fire Extinguishers as Required - BPS Points - 0; ARM Points - Not in; DL Code Book Points - Not in; Comment - Update ARM and DL Code Book.</li> <li>3. Page 67 - 35401.5(g) Motorsports Trailer Length Restriction Violation - BPS Points - 0; ARM Points - Not in; DL Code Book Points - Not in; Comment - Not reportable to DMV - section does not appear to be prohibitive. Restriction violations would be reported by law enforcement under other existing violation sections.</li> <li>4. Page 71 - 38601 - Operating or Riding in ROHV on Public Land by a Person While Not Wearing Safety Helmet as Required - BPS Points - 0; ARM Points - Not in; DL Code Book Points - Not in; Comment - Not reportable to DMV per 1803(b)(7).</li> </ol>	<ol style="list-style-type: none"> <li>1. Agree.</li> <li>2. Agree.</li> <li>3. Agree.</li> <li>4. Agree.</li> </ol>
2.	California Highway Patrol By Sgt. Christopher Young Sacramento, California	A	We agree with proposed changes to Uniform Bail and Penalty Schedules 2015 Edition.	None.

**SP14-11**

**Uniform Bail and Penalty Schedules, 2015 Edition**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
3.	Superior Court of Orange County By Doreen Novotny Santa Ana, California	AM	<ol style="list-style-type: none"> <li>1. Page vi - Should it be clarified that “EMAT penalty is imposed under Government Code section 76000.10(c)(1) as part of the “Total Bail” “except on Forestry, Fish and Game, and Public Utilities violations” to conform with the samples on page vii?</li> <li>2. Page vii - Correction needed: Misdemeanor <math>\\$185 + \\$592 + \\$70 = \\$847</math> should be <math>\\$185 + \\$588 + \\$70 = \\$843</math>. The \$4 EMAT Penalty does not apply to Public Utilities Codes.</li> <li>3. Page vii - Corrections needed: Misdemeanor <math>\\$100 + \\$314 + \\$70 = \\$484</math> should be <math>\\$100 + \\$310 + \\$70 = \\$480</math> and Infraction <math>\\$35 + \\$127 + \\$75 = \\$237</math> should be <math>\\$35 + \\$123 + \\$75 = \\$233</math>. The \$4 EMAT Penalty does not apply to Fish &amp; Game or Forestry Codes.</li> <li>4. Page x - Corrections needed: Total Bail for VC 27360.5(a) should be \$494 not \$490. This amount is not including the \$4 EMAT penalty which is applicable. Court Operations should be x2 totaling \$80 and the Conviction assessment should be x2 totaling \$70 for a total balance owed of \$742 not \$667. If these corrections are made then Items #6 and 7 need to be updated to include the increased amounts for the \$4 EMAT Penalty, Court Operations and Conviction assessments.</li> <li>5. Page 8 - Question: Should VC 5201.1(b) and 5201.1(c) include references to footnote 6?</li> <li>6. Page 10 - Question: Should VC 12500(e) include a reference to footnote 7?</li> </ol>	<ol style="list-style-type: none"> <li>1. Disagree. The text expressly provides that the EMAT penalty is included in the “Total Bail” for conviction of a violation of the Vehicle Code.</li> <li>2. Agree. The example of the penalty and total bail amounts for the recommended bail for unlisted violations of the Public Utilities Code are revised to exclude the EMAT penalty.</li> <li>3. Agree. The example of the penalty and total bail amounts for recommended bail for unlisted violations of the Uniform Boating, Business Licensing, Fish and Game, Forestry, and Parks and Recreation Code are combined and revised to exclude the EMAT penalty.</li> <li>4. Disagree. In the sample calculation for Traffic Violator School and Correction Total With Proof, \$490 for VC 27360.5(a) already includes the \$4 EMAT penalty and the assessment of \$40 for court operations and \$35 for conviction collected as part of the traffic violator school fee for VC 27360.5(a).</li> <li>5. A reference to endnote 6 is added.</li> <li>6. A reference to endnote 7 is added.</li> </ol>

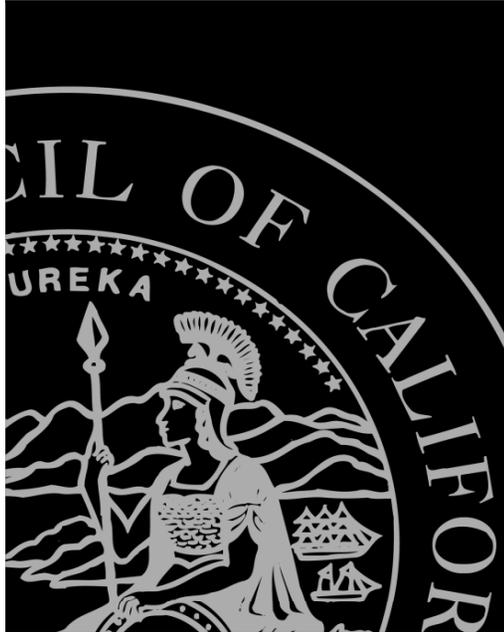
**SP14-11**

**Uniform Bail and Penalty Schedules, 2015 Edition**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>7. Page 15 - Question: Should the footnote reference #10 remain on violations of VC 14606(a) &amp; VC 14606(b)? They have been stricken out indicating deletion.</p> <p>8. Page 18 - Question: Should violations of VC 21228, 21229 and 21235 include the 20 footnote reference in addition to VC 21226 as they are motorized scooter violations also?</p> <p>9. Pages 28 and 75 - Question: Footnote’s 38, 39 and 40 all indicate the same references. Shouldn’t VC 22450(b), 22451(a, b) and 22452(b, c) reference Footnote 39 and then renumber the remaining footnotes. Also, footnotes 39 and 40 are referencing VC 42001.16(a)(i) and it should be 42001.16(a)(1) not subsection (i) exists.</p> <p>10. Page 31 - Question: Should VC 23123.5(a) have a footnote referencing VC 23123.5(d) indicating fine amounts for 1<sup>st</sup> and 2<sup>nd</sup> offenses similar to VC 23123 &amp; VC 23124?</p> <p>11. Page 73 - Correction needed: Footnote 6 should be updated to reflect VC 5201.1(d) not VC 5201.1(b).</p>	<p>7. Endnote 10 has a specific application to VC 14606(c), which is a new violation section enacted to be operative January 30, 2014. VC 14606(a) and VC 14606(b) were operative before January 30, 2014.</p> <p>8. References to endnote 20 are added to scooter violations.</p> <p>9. Endnotes 39 and 40 are revised to match endnote 38. Endnotes are usually generated or revised to address statutory changes to specific code sections by legislation. Revision of endnote numbers is a complicated manual process that is done as needed to reflect changes in law.</p> <p>10. The bail schedule is expressly intended to show the bail for a first offense and usually does not include information for sentencing second and subsequent offenses unless the sentencing provisions are set out in a separate code section.</p> <p>11. The endnote is updated to show the current subdivision.</p>

ATTACHMENT A



# Uniform Bail and Penalty Schedules

~~MARCH 2014~~2015 EDITION

(Cal. Rules of Court, rule 4.102)

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TRAFFIC  
BOATING  
FORESTRY  
FISH AND GAME  
PUBLIC UTILITIES  
PARKS AND RECREATION  
BUSINESS LICENSING



JUDICIAL COUNCIL  
OF CALIFORNIA

**JUDICIAL COUNCIL OF CALIFORNIA**

~~Administrative Office of the Courts~~

455 Golden Gate Avenue

San Francisco, California 94102-3688

**Rule 4.102. UNIFORM BAIL AND PENALTY SCHEDULES**

**TRAFFIC, BOATING, FORESTRY, FISH AND GAME,  
PUBLIC UTILITIES, PARKS AND RECREATION, BUSINESS LICENSING**

The Judicial Council of California has established the policy of promulgating uniform bail and penalty schedules for certain offenses in order to achieve a standard of uniformity in the handling of these offenses.

In general, bail is used to ensure the presence of the defendant before the court. Under Vehicle Code sections 40512 and 13103, bail may also be forfeited and such forfeiture may be ordered without the necessity of any further court proceedings and treated as a conviction for specified Vehicle Code offenses. A penalty in the form of a monetary sum is a fine imposed as all or a portion of a sentence imposed.

To achieve substantial uniformity of bail and penalties throughout the state in traffic, boating, fish and game, forestry, public utilities, parks and recreation, and business licensing cases, the trial court judges, in performing their duty under Penal Code section 1269b to annually revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions, must give consideration to the Uniform Bail and Penalty Schedules approved by the Judicial Council. The Uniform Bail and Penalty Schedule for infraction violations of the Vehicle Code will be established by the Judicial Council in accordance with Vehicle Code section 40310. Judges must give consideration to requiring additional bail for aggravating or enhancing factors.

After a court adopts a countywide bail and penalty schedule, under Penal Code section 1269b, the court must, as soon as practicable, mail a copy of the schedule to the Judicial Council with a report stating how the revised schedule differs from the council's uniform traffic bail and penalty schedule, uniform boating bail and penalty schedule, uniform fish and game bail and penalty schedule, uniform forestry bail and penalty schedule, uniform public utilities bail and penalty schedule, uniform parks and recreation bail and penalty schedule, or uniform business licensing bail and penalty schedule.

The purpose of this uniform bail and penalty schedule is to

1. Show the standard amount for bail, which for Vehicle Code offenses may also be the amount utilized for a bail forfeiture instead of further proceedings; and
2. Serve as a guideline for the imposition of a fine as all or a portion of the penalty for a first conviction of a listed offense where a fine is used as all or a portion of the penalty for such offense. The amounts shown for the misdemeanors on the boating, fish and game, forestry, public utilities, parks and recreation, and business licensing bail and penalty schedules have been set with this dual purpose in mind.

Unless otherwise shown, the maximum penalties for the listed offenses are six months in the county jail or a fine of \$1,000, or both. The penalty amounts are intended to be used to provide standard fine amounts for a first offense conviction of a violation shown where a fine is used as all or a portion of the sentence imposed.

The bail amounts in the Uniform Bail and Penalty Schedules are calculated by using the maximum county and emergency medical services penalty amount authorized by Government Code sections 76000 and 76000.5. When a court adopts a countywide bail schedule under Penal Code section 1269b for infraction offenses, the local schedule should be adjusted to reflect the specific penalty assessments that apply to a particular county under Government Code sections 76000 and 76000.5. If a court does not have night or weekend sessions for traffic cases, the countywide bail schedule should omit the \$1 fee under Vehicle Code section 42006. The Safety Enhancement – Double Fine Zone schedule applies only to specific counties as expressly authorized by statute.

Note: Courts may obtain copies of the Uniform Bail and Penalty Schedules by contacting

~~Administrative Office of the Courts~~ [Judicial Council of California](#)

Criminal Justice ~~Court~~ Services ~~Office~~

455 Golden Gate Avenue

San Francisco, California 94102-3688

Ph: 415-865-7611

*[www.courts.ca.gov/7532.htm](http://www.courts.ca.gov/7532.htm)*

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## PREFACE

### ***I. Section and Offense***

- A. Historically, only those offenses most often filed in municipal courts were included in the Uniform Bail and Penalty Schedules. Penal Code section 1269b and Vehicle Code section 40310 require the Judicial Council to establish a schedule for infractions of the Vehicle Code. The Judicial Council approved the first Traffic Infraction Bail and Penalty Schedule in November 1992.
- B. The letter “M” designates a misdemeanor: a crime punishable, at the discretion of the court, by imprisonment in a county jail for a period of no longer than 6 months or by a fine not exceeding \$1,000 or by both (Penal Code section 19).
- C. The letter “I” designates an infraction: a violation of a law not punishable by imprisonment but by a fine generally not exceeding \$100 for violations of the Vehicle Code (Vehicle Code section 42001) or \$250 for violations of other codes (Penal Code section 19.8**(b)** ([Sen. Bill 1461](#); [Stats. 2014, ch. 54](#)).

### ***II. Base Bail***

The “Base Bail” indicated is the amount from which the “additional penalties” required by Penal Code section 1464; Government Code sections 70372, 76000, 76104.6, and 76104.7; the surcharge required by Penal Code section 1465.7; and the penalty authorized by Government Code section 76000.5 are calculated.

### ***III. Additional Penalties and Surcharge***

- A. An “additional penalty” of between \$22 and \$27 (\$10 state penalty required by Penal Code section 1464; state court construction penalty of \$5 required by Government Code section 70372(a); a county and state DNA Identification Fund penalty of \$5 required by Government Code sections 76104.6 and 76104.7 (amended effective June 27, 2012); and a county penalty of up to \$7 required by Government Code section 76000(e)) shall be levied upon every \$10, or part of \$10, of every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses. The “additional penalty” may increase by \$2 for every \$10, or part of \$10, of the base fine if the county board of supervisors elects to levy an emergency medical services (EMS) penalty assessment under Government Code section 76000.5.

- B. Government Code section 70372(a) requires imposition of a state court construction penalty on every fine, penalty, or forfeiture collected by the courts for criminal offenses, including, but not limited to, all offenses, except parking offenses, as defined in Penal Code section 1463, involving violations of the Fish and Game Code and Vehicle Code or local ordinances adopted pursuant to the Vehicle Code. Section 70372 specifies a state court construction penalty of \$5 for every \$10, or part of \$10, of the criminal fine, penalty, or forfeiture.
- C. Penal Code section 1464(b) provides that in the case of multiple offenses, the amount of “additional penalties” is to be determined by the total base bail or fine for all the offenses cited, and if the fine or base bail is suspended in whole or part, the “additional penalties” shall be reduced in proportion to the amount of suspension.
- D. Penal Code section 1465.7(a) requires imposition on criminal offenses of a state surcharge equal to 20 percent of the base fine used to calculate the state penalty assessment as specified in Penal Code section 1464(a). Penal Code section 1465.7(b) requires that the surcharge be imposed in addition to the state penalty assessment pursuant to Penal Code section 1464 and not be included in the base fine used to calculate the state penalty assessment as specified in section 1464. For the limited purpose of calculating the fee to attend traffic violator school under Vehicle Code section 42007, Penal Code section 1465.7(g) provides that the surcharge is excluded from the “Total Bail” amount used to determine the fee but is collected and distributed according to section 1465.7. The surcharge is part of the “Total Bail” in other circumstances, such as when a defendant requests a trial by written declaration or when a court permits payment of the “Total Bail” in installments.
- E. In counties with bonded indebtedness for court facilities, the count penalty assessment amount under Government Code section 76000(e) is \$7 for every \$10 or part of \$10 of the base fine. In counties without bonded indebtedness for court facilities, if the county penalty assessment amount listed in Government Code section 76000(e) is less than \$7, the penalty for every \$10, or part of \$10, of the base fine is equal to the amount listed in Government Code section 76000(e) plus the amount obtained from multiplying the difference between \$7 and the amount listed in Government Code section 76000(e) by the ratio of the square footage of court facilities transferred from the county to the state to the total court facility square footage in the county.
- F. Under Government Code section 76000.10(c)(1), a penalty of \$4 for emergency medical air transportation (EMAT) services is imposed for every conviction of a violation of the Vehicle Code, or a local ordinance adopted under the Vehicle Code, committed on or after January 1, 2011.

#### **IV. Total Bail**

- A. Effective January 1, 1989, the Judicial Council adopted a “Total Bail” concept in an effort to obtain statewide consistency in the “bail” policies of the courts. The indicated “Total Bail” is for the first offense, and it must be followed to the extent required by Penal Code section 1269b.
- B. Except as otherwise required by statute, under Penal Code sections 1203, 1203.1, and 1203b trial courts have discretion to suspend the minimum sentence, including fines and penalties. For traffic cases, Vehicle Code section 42003 permits

a judge or referee to consider a defendant's ability to pay. Vehicle Code section 42007 permits a judicial officer to reduce the fee to attend traffic violator school upon a showing that the defendant is unable to pay the full amount. Vehicle Code sections 42003 and 40510.5 permit installment payments of judgments in traffic cases, and Vehicle Code section 42007 permits installment payments of the fee to attend traffic violator school.

- C. Except for the following exceptions, counties must adhere to the Judicial Council's Traffic Infraction Bail and Penalty Schedule for infraction violations of the Vehicle Code (Penal Code section 1269b and Vehicle Code section 40310).

Penal Code section 1463.28 provides that 30 counties may exceed the "Total Bail" amounts of the Traffic Infraction Bail and Penalty Schedule. Those counties are

- |                 |                 |                 |
|-----------------|-----------------|-----------------|
| 1. Alpine       | 11. Lassen      | 21. San Joaquin |
| 2. Amador       | 12. Los Angeles | 22. Santa Clara |
| 3. Butte        | 13. Madera      | 23. Sierra      |
| 4. Calaveras    | 14. Mariposa    | 24. Stanislaus  |
| 5. Contra Costa | 15. Mendocino   | 25. Sutter      |
| 6. Del Norte    | 16. Modoc       | 26. Trinity     |
| 7. Fresno       | 17. Mono        | 27. Tulare      |
| 8. Humboldt     | 18. Plumas      | 28. Tuolumne    |
| 9. Kings        | 19. San Benito  | 29. Yolo        |
| 10. Lake        | 20. San Diego   | 30. Yuba        |

Additional exceptions result from two pieces of legislation that became operative on January 1, 1994:

1. Vehicle Code section 42001 allows universities and state colleges to set a fine schedule for bicycle violations occurring in their jurisdictions that would supersede the Judicial Council penalty schedule.
2. Vehicle Code section 42009 requires that for any specified offense committed within a highway construction or maintenance area during hours when work is being performed, the fine shall be double in the case of misdemeanors and in the case of infractions shall be one category higher than otherwise provided in the Traffic Infraction Fixed Penalty Schedule. An appendix with the specified offenses listed and the enhanced amounts follows the Traffic portion of the bail and penalty schedules, starting on page 102.
3. Streets and Highways Code section 97 provides for increased fines for a safety enhancement—double fine zone on the segment of Route 12 between the Route 80 junction in Solano County and the Route 5 junction in San Joaquin County.

Streets and Highways Code section 97.4 provides for increased fines for a safety enhancement–double fine zone on Vasco Road, between the State Highway Route 580 junction in Alameda County and the Walnut Boulevard intersection in Contra Costa County upon approval of resolutions of the Alameda County and Contra Costa County boards of supervisors. (Assem. Bill 348; Stats. 2011, ch. 290.) ~~Streets and Highways Code section 97.5 designates State Highway Route 1 between Junipero Serra Boulevard and Lake Street in San Francisco and State Highway Route 101 between Golden Gate Avenue and Lyon Street in San Francisco as safety enhancement–double fine zones.~~ Under section 97, the base fine for any specified offense committed in the safety enhancement–double fine zone shall be double in the case of misdemeanors and in the case of infractions shall be one category higher than otherwise provided in the Uniform Bail and Penalty Schedules. Any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall not be based on the amount of the enhanced fine.

The “Categories” indicated in the Traffic Infraction Bail and Penalty Schedule under Vehicle Code sections 40310, 42009(a), and 42010 will be shown as “1a” and “1b,” “2a” and “2b,” “3a” and “3b,” and “4a” and “4b,” with the “b” subcategory referring to the violation when it is committed in a highway construction zone or safety enhancement–double fine zone.

- D. The “Total Bail” amounts within the Uniform Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, and Business Licensing Bail Schedules are suggested amounts, and their adoption by courts is not compulsory.
- E. The “Total Bail” amount indicated includes the base bail and those “additional penalties” required by Penal Code section 1464 and Government Code sections 70372, 76000, 76104.6, and 76104.7 and the 20 percent surcharge on the base bail required by Penal Code section 1465.7, except as provided in Vehicle Code section 42007. When authorized by the county board of supervisors, the “Total Bail” for a countywide bail schedule adopted under Penal Code section 1269b may also include an additional \$2 penalty under Government Code section 76000.5 for every \$10, or part of \$10, of the base fine. Assessments adopted by a court—such as under Vehicle Code section 40508.6—shall be collected in addition to the “Total Bail.” The court operations assessment imposed per convicted offense under Penal Code section 1465.8; assessment for night court under Vehicle Code section 42006; traffic assistance program (TAP) fee under Vehicle Code section 11205.2; and criminal conviction assessment under Government Code section 70373 are collected as part of the “Total Bail,” but are not subject to the special distribution for the “Total Bail” in traffic violator school cases under Vehicle Code section 42007. For every conviction of a violation of the Vehicle Code, or ordinance adopted under the Vehicle Code, committed on or after January 1, 2011, a \$4 EMAT penalty is imposed under Government Code section 76000.10(c)(1) as part of the “Total Bail.” Effective January 1, 2014, Penal Code section 1202.4(b)(1) requires a minimum \$150 restitution fine as an assessment in addition to the “Total Bail” in every case where there is a misdemeanor conviction. Other mandatory assessments may also be applicable, especially in DUI cases.

Fish and Game Code section 12021 authorized a \$15 penalty to be collected in addition to the fine and penalties normally collected for violations of the Fish and Game Code, to be deposited in the Fish and Game Preservation Fund and disbursed as specified. The \$15 additional penalty does not apply to violations punishable pursuant to Fish and Game Code section

12002.1(b) or 12002.2(b) or to any regulation relating to the wearing or display of a fishing license.

- F. “Total Bail” shall not exceed statutory limits. Vehicle Code section 40310 specifies that the “fine” amount of the total bail shall not exceed the limitations specified by Vehicle Code sections 42001 and 42001.5.
- G. In cases where a court appearance is required by a court, the amounts set forth in the Uniform Bail and Penalty Schedules do not necessarily indicate the appropriate total penalties; rather, they ensure that, in most cases, when bail is posted, sufficient funds will be available to meet the defendant’s obligations. Upon conviction, however, “additional penalties” are added to any fine. It is incumbent upon the judge who hears each case to determine the proper total penalty (fine and “additional penalties”) based on the particular facts presented.

With the exception of juveniles under age 18, there shall be no mandatory court appearance for any infraction of the California Vehicle Code punishable by fine only. A court may require a mandatory appearance for an infraction violation of the Vehicle Code when a statutory driver’s license restriction, suspension, or revocation is authorized; community service or proof of payment or correction is mandatory; or a violation requires specific action under the Vehicle Code in addition to a fine. This paragraph does not apply to violations of local ordinances based on Vehicle Code sections.

- H. The “Total Bail” for an offense *not specifically listed* in the Uniform Traffic Infraction Bail and Penalty Schedule is the amount set for the general category of that offense unless a California code or regulation specifies otherwise. The court operations assessment and criminal conviction assessment are collected in addition to the “Total Bail.” The suggested minimum “Total Bail” for an offense *not specifically listed* in the Uniform Traffic Misdemeanor Bail and Penalty Schedule ~~and the Uniform Boating, Parks and Recreation, or Business Licensing Bail and Penalty Schedules~~, unless a California code or regulation specifies otherwise, is

	Base	+ Additional Penalties*&	Surcharge	+	Fees	=	Total Bail*/Fees (*See sections II–IV)
Misdemeanor	\$ 75	+	\$251	+	\$70	=	\$396
Infraction	\$ 35	+	\$127	+	\$75	=	\$237

The suggested minimum “Total Bail” for an offense *not specifically listed* in the Uniform Public Utilities Bail and Penalty Schedule, unless a California code or regulation specifies otherwise, is

Misdemeanor	\$185	+	<u>\$588</u>	+	\$70	=	<u>\$839</u>
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The suggested minimum “Total Bail” for an offense *not specifically listed* in the Uniform Boating, Business Licensing, Fish and Game, or Forestry, or Parks and Recreation Bail and Penalty Schedules, unless a California code or regulation specifies otherwise, is

Misdemeanor	\$100	+	<u>\$310</u>	+	\$70	=	<u>\$480</u>
Infraction	\$ 35	+	<u>\$123</u>	+	\$75	=	<u>\$233</u>

## V. **Bail Categories**

Assembly Bill 1344 (Stats. 1992, ch. 696), effective September 15, 1992, amended Vehicle Code section 40310 to classify Vehicle Code offenses into four or fewer penalty categories, according to the severity of the offenses. The Judicial Council has approved the following categories of bail/fine after considering suggestions from its Traffic Advisory Committee and the recommendations made by the National Center for State Courts:

		Base Fine +	Additional Penalties*	Sur- & charge	+Fees	=	Total (*See secs. II–IV) Bail* /Fees
Category 1	Bicyclist, motorized scooter, pedestrian, pocket bike, vehicle registration and equipment offenses	\$ 25 +	\$96		+ \$75 =		\$196
Category 2	Driver’s license, operation of vehicle, and size and load offenses	\$ 35 +	\$127		+ \$75 =		\$237
Category 3	Substance abuse infractions, VC 2818, VC 20004, VC 21706.5, and VC 27375	\$ 70 +	\$221		+ \$75 =		\$366
Category 4	Miscellaneous offenses for which the penalties or the fee for dismissal with proof of correction are specifically set by the Vehicle Code, speeding offenses (refer to Speed Chart), and infractions pursuant to PC 19.8						

If a citation does not indicate that an offense is eligible for correction under Vehicle Code 40522, a court may presume that the offense is cited as noncorrectable. (See also *California Highway Patrol v. Superior Court* (2008) 158 Cal.App.4th 726, 740.) Vehicle Code section 14610.5(a) may be charged as either an infraction or a misdemeanor (Vehicle Code section 14610.5(b)). Penal Code section 19.8 lists the following offenses that are an infraction with a fine of up to \$250: Vehicle Code sections 5201.1, 12500(a), 14601.1, 23109(c), 27150.1, 40508, and 42005. If one of these offenses is charged as an infraction, the appropriate penalty is listed in the Traffic Infraction Bail and Penalty Schedule. If the offense is charged as a misdemeanor, the recommended penalty is listed in the Traffic Misdemeanor Bail and Penalty Schedule.

## VI. **Point Count**

Vehicle Code sections 12810, 12810.2, 12810.3, and 12810.4 determine the amount of point count. The Department of Motor Vehicles establishes conviction point count based on statutory guidance and definition. Vehicle Code section 12810.5 defines a “negligent operator” based on point count. The Department of Motor Vehicles may take an administrative sanction against a person’s driving privilege based on “points” (Vehicle Code section 12810.5).

## VII. **Prior Convictions**

A. The base fine for one Vehicle Code moving violation that is assessed “points” on a current arrest or citation shall be enhanced by \$10 for each “prior” conviction within 36 months of the new alleged offense. For calculating the enhancement, both the current and “prior” offense must be a moving violation for which a “point” has been assigned per Vehicle Code section 12810 or 12810.2. A confidential conviction after completion of traffic violator school is not assigned a point or counted as a prior offense for purposes of enhancing the fine of a subsequent offense. Regardless of the number of moving violation convictions on a citation, only one “prior” per citation shall be counted in determining the enhancement on the current offense.

While Vehicle Code section 42001 references maximum fines within a one-year time frame, the Judicial Council has interpreted section 42001 to not preclude a court from considering “prior” convictions for a longer period of time. The period of 36 months was adopted by the Judicial Council (effective January 1, 1989) to correspond to and reinforce Vehicle Code sections 12810 and 12810.5. These sections define the “point system” used by the Department of Motor Vehicles as prima facie evidence of the negligent operation of a motor vehicle.

Vehicle Code sections 15306 and 15308 specify penalties for commercial drivers in terms of subsequent offenses occurring within three years.

- B. In the case of an owner responsibility citation, the “prior” must relate to the particular vehicle for which the new offense is charged.
- C. Vehicle Code section 42004 provides that the court, in determining a penalty to be imposed pursuant to the Vehicle Code, may use a written report from the Department of Motor Vehicles that contains information showing prior convictions.
- D. With the exception of parking, pedestrian, and bicycle offenses on a current citation, Vehicle Code section 40508.6 authorizes courts to establish an administrative assessment, not to exceed \$10, for the purpose of recording and maintaining a record of a defendant’s prior convictions, that is payable at the time of payment of a fine or when bail is forfeited for any subsequent violation.

### **VIII. Traffic Violator School**

- A. Vehicle Code section 42007 provides that
  - 1. The court shall collect a fee from every person ordered or permitted to attend traffic violator school in an amount equal to the total bail set forth for the eligible offense in the uniform countywide bail schedule;
  - 2. Where multiple offenses are charged on a single notice to appear, the “total bail” amount collected is the amount applicable to the greater of the eligible offenses; and
  - 3. The court may set a lesser fee upon a showing that the defendant is unable to pay the full amount.
- B. Vehicle Code section 40512.6 provides that the fee may be converted to bail and forfeited if the defendant fails to submit proof of school completion within the time ordered by the court.
- C. Vehicle Code section 42007.1(a) provides that a \$49 fee, a fee for monitoring traffic violator schools, and a TAP fee under Vehicle Code section 11205.2(c) are to be added to the “total bail” of the offense eligible for traffic violator school.
- D. Vehicle Code section 42005 prohibits drivers of commercial vehicles from eligibility for traffic violator school. Drivers

with a Class A, Class B, or commercial Class C driver’s license may attend traffic violator school to avoid points for traffic violations in a vehicle that requires only a class M or noncommercial class C license. Vehicle Code section 42005(d) excludes violations of Vehicle Code sections 20001, 20002, 23103, 23104, 23105, 23140, 23152, 23153, or 23103, as specified in section 23103.5, from eligibility for traffic violator school for pretrial diversion, a confidential conviction, or to avoid points.

**Sample Calculation of Bail, Traffic Violator School Fee, and Court Operations Assessment for Multiple Offenses**

1. Violation of Vehicle Code sections 21453(b), 27360.5(a), 24252(a), and 26707.
2. No prior convictions are charged.
3. “Additional penalties” of between \$22 and \$29 as set out in section III for every \$10 of base fine or part thereof, plus the surcharge on the base fine, and the \$4 [EMAT](#) penalty assessment ~~for~~ [EMAT per offense](#):

“Total Bail” Without Traffic School or Proof		Traffic Violator School and Correction Total With Proof	
VC 21453(b)	= \$ 35	(VC 21453(b))	(\$ 0)
VC 27360.5(a)	= \$ 100	(VC 27360.5(a))	(\$490)
VC 24252(a), VC 26707	= \$ 50	TVS fee	\$ 49
Total base fine	= \$ 185	TVS/DMV admin. fee	\$ 3
Penalties and surcharge	= \$ <a href="#">604</a>	Correction fee (2 X \$25)	\$ 50
<b>TOTAL BAIL</b>	= \$ <a href="#">789</a>	Court operations (1 X \$40)	\$ 40
Court operations	= \$ 160	(TAP fee;VC 11205.2)	(\$ )
Conviction assessment	= \$ <a href="#">140</a>	Conviction assessment	\$ <a href="#">35</a>
<b><a href="#">TOTAL</a></b>	<b><a href="#">\$1,089</a></b>	<b>TOTAL</b>	<b>\$ 667</b>

4. If the defendant is ordered to attend traffic violator school under VC 41501 for VC 21453(b) and VC 27360.5(a), per VC 42007 the defendant is charged for the greater/more severe of the qualifying offenses: VC 27360.5(a) @ \$490 plus the \$49 and \$3 DMV TVS fee per VC 42007.1 (total of \$542).
5. The charges of VC 21453(b) and VC 27360.5(a) are continued under VC 41501. The charges of VC 24252(a) and VC 26707 are continued pending proof of correction, required under VC 40522 for dismissal.
6. The defendant presents to the court timely evidence that he or she has completed traffic violator school. The VC 21453(b) and VC 27360.5(a) violations are reported under VC 41501. If the defendant submits to the court timely evidence under VC 40616 that the violations of VC 24252(a) and VC 26707 have been corrected, the VC 24252(a) and VC 26707 violations are dismissed under VC 40522, and a \$50 “transaction fee” is charged under VC 40611. A court operations assessment of \$40 is collected and distributed as required by Penal Code section 1465.8 for reporting of VC 21453(b) for completion of traffic violator school and a criminal conviction assessment of \$35 is collected under Government Code section 70373 for VC 21453(b).
7. The case is closed, with the court collecting \$667 (\$490 + \$49 + 3+\$50 + \$40 + \$35) plus any fee under VC 11205.2 and deduction of \$1 if the court does not impose a night or weekend court assessment [under VC 42006](#).

**IX. Late Charge**

Vehicle Code section 40310 requires the imposition of a late charge of 50 percent on any traffic penalties not paid within 20 days.

The 20 days shall be counted from the mailing of a notice that the penalty has been assessed. The initial penalty consists of the base fine; a fine enhancement for prior convictions (if any); the state, county, and court facility construction additional penalties; the \$4 emergency medical air transportation penalty; and the emergency medical services penalty, if authorized (Penal Code section 1464 and Government Code sections 70372, 76000, 76000.5, 76000.10(c)(1), 76104.6, and 76104.7).

**Sample Calculation of Late Penalty**

1. Base fine	\$ 25
2. Enhancement for one prior conviction	+ 10
Enhanced base fine	\$ 35
3. Additional penalties (PC 1464 and GC 70372, 76000, 76000.5, 76104.6, and 76104.7) (\$29* X 4) (*See section III)	+ 116
4. EMAT penalty for conviction of Vehicle Code violation (GC 76000.10(c)(1))	+ 4
<b>Initial Penalty</b>	<b>\$ 155</b>
5. Night court assessment (VC 42006)	+ 1
6. Administrative assessment for maintaining a record of priors (VC 40508.6)	+ 10
7. Surcharge on base fine (PC 1465.7)	+ 7
8. Court operations assessment (PC 1465.8)	+ 40
9. Conviction assessment (GC 70373(a)(1))	+ 35
	<b>Total Due \$ 248</b>
10. Late charge (VC 40310) [50% of initial penalty]	+ 77.50
	<b>Total Due \$ 325.50</b>

**X. Offenses Eligible for Correction**

Under Vehicle Code section 40522, an officer arresting for violations specified in Vehicle Code section 40303.5 is required to specify the offense charged and note in a form approved by the Judicial Council that the charge shall be dismissed upon proof of correction. Certain offenses specified in Vehicle Code section 40303.5 are designated in the following schedule as potentially eligible for correction. The offenses designated in the schedule as potentially eligible for correction and those offenses specified by Vehicle Code section 40303.5 that are not contained in the schedule may be eligible for dismissal with proof of correction if the citing officer determines that none of the disqualifying conditions of Vehicle Code section 40610(b) exist. (See *California Highway Patrol v. Superior Court* (2008) 158 Cal.App.4th 726 [riding a motorcycle without wearing any helmet presents an “immediate safety hazard” when an officer makes that determination and issues a noncorrectable citation].) Those disqualifying conditions are present if an officer finds any of the following:

1. Evidence of fraud or persistent neglect;
2. The violation presents an immediate safety hazard;
3. The violator does not agree to, or cannot, promptly correct the violation.

If a citation does not indicate that an offense is eligible for correction, a court may presume that the offense is cited as noncorrectable. (See also *California Highway Patrol v. Superior Court*, *supra*, 158 Cal.App.4th at p. 740.) Upon proof of correction of an alleged violation of section 12500 or 12951 or any violation cited pursuant to section 40610, Vehicle Code section 40611 authorizes courts to collect a \$25 transaction fee for each violation. No bail amount shall be collected.

In cases alleging violation of Vehicle Code section 4000(a), or alleging that a vehicle is not registered as required by the Vehicle Code, Vehicle Code section 40152 requires that proof of registration or proof of payment of the appropriate registration fees, or proof that the vehicle has been reduced to junk, be produced in court before the offense can be adjudicated as a dismissal.

### ***XI. Evidence of Financial Responsibility***

Pursuant to Vehicle Code section 16028(e), upon submission of evidence of financial responsibility, in a form consistent with Vehicle Code section 16020, showing that the driver was in compliance with that section at the time the notice to appear for violating Vehicle Code section 16028 was issued, further proceedings for the violation shall be dismissed and no bail amount shall be collected. Vehicle Code section 40611 authorizes courts to collect a \$25 transaction fee for each violation that is dismissed pursuant to section 16028(e).

### ***XII. Parking Violations***

Assembly Bill 408 (Stats. 1992, ch. 1244), effective January 1, 1993, revised and recast the procedures for processing and adjudicating parking law violations as administrative offenses subject to a civil penalty. The bill required courts to transfer the processing of parking offenses to issuing agencies not later than January 1, 1994. Consequently, parking violations that cannot be cited as infractions have been removed from the Uniform Bail and Penalty Schedules. Vehicle Code section 463 defines “park” or “parking” as the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in the loading or unloading of merchandise or passengers. Under Vehicle Code section 40225(a), equipment violations entered on a notice of parking violation are subject to a civil penalty established according to Vehicle Code section 40225(c). The Traffic Infraction Fixed Penalty Schedule includes Vehicle Code sections that may be cited for a stopping violation on a notice to appear that is signed by the driver. Under Vehicle Code section 42001.13, a violation of disabled parking provisions in Vehicle Code section 22507.8 may be cited as an infraction on a notice to appear. Under Vehicle Code section 42001.5, a violation of Vehicle Code sections 22500(i), 22500(l), and 22522 may be cited as an infraction on a notice to appear. Under Vehicle Code section 42001.6, a violation of Vehicle Code section 22511.1 may be cited as an infraction on a notice to appear. Government Code section 70373 requires a conviction assessment of \$35, and Government Code section 70372(b) imposes an additional assessment of \$4.50 on each parking violation infraction conviction. Government Code section 76000.3 imposes a \$3 penalty on every fine imposed for a parking infraction violation committed on or after January 1, 2011.

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>			<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>		
28	<sup>1</sup>	Failure to Give Notice of Vehicle Repossession	300	300	210.00	150	150	60	60	4	1,234.00	40	35	1	0.00	1,310.00	4a 0
1808.1 (a)		Employer's Failure to Obtain, Review, Sign, and Maintain Copy of Report of DMV Record of Driver	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
1808.1 (c)		Employer's Failure to Participate in DMV Pull-Notice System	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
1808.1 (d)		Employer's Failure to Notify DMV to Discontinue Enrollment in Pull-Notice System Upon Termination of Driver's Employment	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
1808.1 (e)		Failure of Specified Drivers to Enroll in DMV Pull-Notice System	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
1808.1 (j)(1)		Employer's Failure to Obtain Copy of Report of Current DMV Record of Casual Driver	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
1808.1 (n)		Failure to Present on Request a Report of DMV Record of Driver of Taxicab	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
2402.6 (a-c,e)		Violation of Regulations or Standards for Operation of Vehicles Using Compressed or Liquefied Gas	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
2504		Violation of CHP Licensing Regulations	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
2510 (b)		Operation of Private Emergency Vehicle or Armored Car Without CHP Inspection	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
2807 (b)		Operation of School Bus Without CHP Certificate of Compliance	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
2807.1 (b)		Operation of Vehicles Transporting Pupils Without CHP Certificate of Compliance	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
2807.2		Failure to Retain Record of Inspection on File for Review by CHP Upon Request	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
2807.3		Operation of Youth Bus Without Display of Appropriate Certificate Verifying Inspection	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
2813.5		Use or Issuance of Unauthorized Inspection Stickers	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
2814		Failure to Stop and Submit to Roadside Passenger Vehicle Inspection	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
2814.1 (b)		Failure to Stop and Submit to Vehicle Inspection Checkpoint for Exhaust Violations	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
2814.2 (a)		Failure to Stop and Submit to Sobriety Checkpoint Inspection	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
2815	<sup>2</sup>	Failure to Obey School Crossing Guard	50	50	35.00	25	25	10	10	4	209.00	40	35	1	0.00	285.00	4a	1
2816		Unlawful to Load/Unload Children Unless Traffic Is Controlled	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
2817		Failure to Obey Peace Officer–Funeral Procession	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
2818		Traversing Electronic Beacon/Flare/Cone Pattern Set by Public Safety Personnel	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a	1
4000 (a)(1)	<sup>A,3</sup>	No Evidence of Current Registration	50	50	35.00	25	25	10	10	4	209.00	40	35	1	0.00	285.00	4a	0
4000 (a)(1)	<sup>B</sup>	No Evidence of Current Registration	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
4000 (b)	<sup>A,3</sup>	Vehicle on Highway Registered in Violation of Pollution Control Regulations	50	50	35.00	25	25	10	10	4	209.00	40	35	1	0.00	285.00	4a	0
4000 (b)	<sup>B</sup>	Vehicle on Highway Registered in Violation of Pollution Control Regulations	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
4000.4 (a)	<sup>A</sup>	Unregistered California-Based Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
4000.4 (a)	<sup>B</sup>	Unregistered California-Based Vehicle	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
4000.6 (a)	<sup>A</sup>	Failure to Submit Application or Declare Accurate Combined Gross Vehicle Weight Pursuant to VC 9400.1	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
4000.6 (a)	<sup>B</sup>	Failure to Submit Application or Declare Accurate Combined Gross Vehicle Weight Pursuant to VC 9400.1	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
4000.6 (d)		Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 1,001–1,500 Pounds in Excess of Declared Gross Vehicle Weight	250	250	175.00	125	125	50	50	4	1,029.00	40	35	1	0.00	1,105.00	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
4000.6 (d)		Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 1,501–2,000 Pounds in Excess of Declared Gross Vehicle Weight	300	300	210.00	150	150	60	60	4	1,234.00	40	35	1	0.00	1,310.00	4a	0
4000.6 (d)		Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 2,001–2,500 Pounds in Excess of Declared Gross Vehicle Weight	350	350	245.00	175	175	70	70	4	1,439.00	40	35	1	0.00	1,515.00	4a	0
4000.6 (d)		Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 2,501–3,000 Pounds in Excess of Declared Gross Vehicle Weight	400	400	280.00	200	200	80	80	4	1,644.00	40	35	1	0.00	1,720.00	4a	0
4000.6 (d)		Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 3,001–3,500 Pounds in Excess of Declared Gross Vehicle Weight	450	450	315.00	225	225	90	90	4	1,849.00	40	35	1	0.00	1,925.00	4a	0
4000.6 (d)		Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 3,501–4,000 Pounds in Excess of Declared Gross Vehicle Weight	500	500	350.00	250	250	100	100	4	2,054.00	40	35	1	0.00	2,130.00	4a	0
4000.6 (d)		Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 4,001–4,500 Pounds in Excess of Declared Gross Vehicle Weight	550	550	385.00	275	275	110	110	4	2,259.00	40	35	1	0.00	2,335.00	4a	0
4000.6 (d)		Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 4,501–5,000 Pounds in Excess of Declared Gross Vehicle Weight	600	600	420.00	300	300	120	120	4	2,464.00	40	35	1	0.00	2,540.00	4a	0
4000.6 (d)		Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 5,001–6,000 Pounds in Excess of Declared Gross Vehicle Weight	700	700	490.00	350	350	140	140	4	2,874.00	40	35	1	0.00	2,950.00	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
4000.6 (d)		Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 6,001–7,000 Pounds in Excess of Declared Gross Vehicle Weight	800	800	560.00	400	400	160	160	4	3,284.00	40	35	1	0.00	3,360.00	4a	0
4000.6 (d)		Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 7,001–8,000 Pounds in Excess of Declared Gross Vehicle Weight	900	900	630.00	450	450	180	180	4	3,694.00	40	35	1	0.00	3,770.00	4a	0
4000.6 (d)		Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 8,001–10,000 Pounds in Excess of Declared Gross Vehicle Weight	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	35	1	0.00	4,180.00	4a	0
4000.6 (d)		Commercial Vehicle With Gross Vehicle Weight Over 10,000 Pounds, 10,001 Pounds and Over in Excess of Declared Gross Vehicle Weight	2,000	2,000	1,400.00	1,000	1000	400	400	4	8,204.00	40	35	1	0.00	8,280.00	4a	0
4001	A	Failure to Register Exempt Vehicles and Display License Plate Bearing Distinguishing Marks Indicating Exemption	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
4001	B	Failure to Register Exempt Vehicles and Display License Plate Bearing Distinguishing Marks Indicating Exemption	25	0	0.00	0	0	0	0	0	0	0	0	0	0.00	25.00	4a	0
4004 (a,b)	A	Violation of Foreign Commercial Vehicle Temporary Registration or Trip Permit Requirements	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
4004 (a,b)	B	Violation of Foreign Commercial Vehicle Temporary Registration or Trip Permit Requirements	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
4152.5	A	Failure to Apply for Registration–Foreign Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
4152.5	B	Failure to Apply for Registration–Foreign Vehicle	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
4159	A	Notify DMV of Change of Address Within 10 Days	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	(Vehicle Code)													"Total Bail" **	Category	DMV Points
			Base Fine /Fee	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge*	EMS PA* /10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee			
			<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
4159	B	Notify DMV of Change of Address Within 10 Days	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0	
4160	A	Change of Address on Registration Card	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0	
4160	B	Change of Address on Registration Card	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0	
4161 (a)	A	Failure to Notify of Engine/Motor Change	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0	
4161 (a)	B	Failure to Notify of Engine/Motor Change	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0	
4301	A	Surrender Evidence of Foreign Registration	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0	
4301	B	Surrender Evidence of Foreign Registration	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0	
4453.6		Failure to Furnish Name and Address to Officer Upon Request	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0	
4454 (a)	A	Failure to Maintain Registration Card With Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0	
4454 (a)	B	Failure to Maintain Registration Card With Vehicle	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0	
4455	A	Failure to Display Temporary Permit–Foreign Commercial Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0	
4455	B	Failure to Display Temporary Permit–Foreign Commercial Vehicle	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0	
4457	A	Failure to Replace Lost, Damaged Cards and/or Plates	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0	
4457	B	Failure to Replace Lost, Damaged Cards and/or Plates	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0	
4458	A	Both Plates Lost or Stolen	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0	
4458	B	Both Plates Lost or Stolen	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0	
4459	A	Failure to Replace Lost or Damaged Owner's Certificate	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0	
4459	B	Failure to Replace Lost or Damaged Owner's Certificate	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0	
4461 (a)	4	Improper Use of Evidence of Registration	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0	
4462 (a)	A	Failure to Present Evidence of Registration to Officer	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0	

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
4462 (a)	B	Failure to Present Evidence of Registration to Officer	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
4462 (b)	A	Registration Presented for Wrong Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
4462 (b)	B	Registration Presented for Wrong Vehicle	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	1a 0
4463 (e)	<sup>5</sup>	Unlawful Act With Clean Air Sticker	150	150	105.00	75	75	30	30	4	619.00	40	35	1	0.00	695.00	4a 0
(1-4)																	
4464	A	Altered License Plates Displayed on Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
4464	B	Altered License Plates Displayed on Vehicle	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
5011 (a)	A	Display of Special Construction Identification Plates	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
5011 (a)	B	Display of Special Construction Identification Plates	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
5017 (a)	A	Failure to Attach Identification Plate/Give Notice of Sale or Destruction of Vehicle or Equipment as Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
5017 (a)	B	Failure to Attach Identification Plate/Give Notice of Sale or Destruction of Vehicle or Equipment as Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
5017 (b)	A	Failure to Attach Permanent Identification Plate as Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
5017 (b)	B	Failure to Attach Permanent Identification Plate as Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
5017 (c)	A	Failure to Present Identification Certificate as Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
5017 (c)	B	Failure to Present Identification Certificate as Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
5017 (d)	A	Failure to Apply for Transfer of Ownership of Vehicle Within 10 Days of Sale	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
5017 (d)	B	Failure to Apply for Transfer of Ownership of Vehicle Within 10 Days of Sale	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
5030	A	Motorized Bicycle Required to Display Plates	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base				Court	Surcharge*	EMS	EMAT PA*	Fine	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*	County PA*/10	DNA PA*	PA*		PA*	PA*	Surcharge & PA Subtotal							
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
5030	B	Motorized Bicycle Required to Display Plates	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
5032	A	Operation of Motorized Bicycle Without Applying for a License Plate Within 5 Days of Purchase	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
5032	B	Operation of Motorized Bicycle Without Applying for a License Plate Within 5 Days of Purchase	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
5037 (a)	A	Motorized Bicycle Without Assigned Plates (post-7/1/81)	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
5037 (a)	B	Motorized Bicycle Without Assigned Plates (post-7/1/81)	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
5037 (b)	A	Motorized Bicycle Without Assigned Plates (pre-7/1/81)	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
5037 (b)	B	Motorized Bicycle Without Assigned Plates (pre-7/1/81)	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
5109	A	Transfer or Retention of Environmental Plates	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
5109	B	Transfer or Retention of Environmental Plates	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
5200 (a)	A	Two License Plates—Display Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
5200 (a)	B	Two License Plates—Display Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
5200 (b)	A	One License Plate—Display Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
5200 (b)	B	One License Plate Display Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
5201 (a)	A	Plates Improperly Positioned	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
(1-6)																		
5201 (a)	B	Plates Improperly Positioned	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
(1-6)																		
5201 (b)	A	Illegal License Plate Covering	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
(1,2)																		
5201 (b)	B	Illegal License Plate Covering	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
(1,2)																		

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base	State	County	DNA	Court	Surcharge*	EMS	EMAT PA*	Fine	Court OPS	Conv.Assess.	Night Court	TAP	"Total	Category	DMV Points
			Fine /Fee	PA*	PA*/10	PA*	PA*/10	Surcharge*	PA*/10	PA*	Surcharge & PA Subtotal	OPS	Assess.	Court	Fee	Bail" ** / Fee		
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
5201 (c)	A	Reading or Recognition of License Plate by an Electronic Device or Remote Emission Sensing Device Illegally Obstructed or Impaired	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
5201 (c)	B	Reading or Recognition of License Plate by an Electronic Device or Remote Emission Sensing Device Illegally Obstructed or Impaired	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
5201.1 (a)	6	Sale of Prohibited Product or Device to Obscure License Plate	250	250	175.00	125	125	50	50	4	1,029.00	40	35	1	0.00	1,105.00	4a	0
5201.1 (b)	6	Operation of Vehicle With Prohibited Product or Device to Obstruct or Impair Reading or Recognition of License Plate by Electronic or Remote Emission Sensing Device	250	250	175.00	125	125	50	50	4	1,029.00	40	35	1	0.00	1,105.00	4a	0
5201.1 (c)	6	Erasing, Painting Over, or Altering Reflective Coating of License Plate	250	250	175.00	125	125	50	50	4	1,029.00	40	35	1	0.00	1,105.00	4a	0
5202	A	Period of Display of Plates Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
5202	B	Period of Display of Plates Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
5204 (a)	A	Current Month and Year Tab Not Properly Attached	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
5204 (a)	B	Current Month and Year Tab Not Properly Attached	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
5206	A	Present Certificate of Partial-Year Registration	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
5206	B	Present Certificate of Partial-Year Registration	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
5352	A	Failure to Maintain Annual Registration for Trailer Coach	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
5352	B	Failure to Maintain Annual Registration for Trailer Coach	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
5604		Noncompliance With Dealer Insurance Notification Requirements	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

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(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
5753 (a-d)		Failure of Private Party to Deliver Certificate of Ownership and Registration Card to Transferee	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
5753 (f)		Failure of Private Owner Upon Written Request to Disclose Pertinent Information Regarding Payment or Documents Required for Release	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
5900 (a-c)		Notice of Sale/Transfer of Vehicle by Owners Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
5902	A	Failure to Notify DMV of Transfer Within 10 Days	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
5902	B	Failure to Notify DMV of Transfer Within 10 Days	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
5906.5 (a,b)		Failure to Notify DMV of Mileage on Transfer of Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
6700 (a-c)	A	Failure to Register Within 20 Days of Specified Circumstances	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
6700 (a-c)	B	Failure to Register Within 20 Days of Specified Circumstances	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
8802	A	Failure to Return Evidence of Registration to DMV Upon Cancelation, Suspension, or Revocation	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
8802	B	Failure to Return Evidence of Registration to DMV Upon Cancelation, Suspension, or Revocation	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
9102.5 (b)	A	Operation of Private School Bus Without Appropriate License and Payment of Fees	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
9102.5 (b)	B	Operation of Private School Bus Without Appropriate License and Payment of Fees	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
9400 (a-c,f)	A	Commercial Vehicle Weight Fees Due	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
9400 (a-c,f)	B	Commercial Vehicle Weight Fees Due	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
9400.1 (f)	A	Failure to Display Required Gross Vehicle Weight Sticker	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	(Vehicle Code)											"Total Bail" **	Category	DMV Points		
			Base Fine /Fee	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge*	EMS PA* /10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court				TAP Fee	
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>					
9400.1 (f)	B	Failure to Display Required Gross Vehicle Weight Sticker	25	0	0.00	0	0	0	0	0	0	0	0.00	25.00	4a	0		
9406	A	Failure to Report Alterations Increasing Weight Fees	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
9406	B	Failure to Report Alterations Increasing Weight Fees	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
9564 (c)		Reconstruction of Vehicle Delivered to Scrap Metal Processor Restricted	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
10502 (b)		Failure to Inform CHP of Stolen Vehicle Recovery	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
10552		Making Fraudulent Report of Theft of Vessel With Intent to Deceive	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
12500 (a)	A.7	Unlawful to Drive Unless Licensed	75	80	56.00	40	40	15	16	4	326.00	40	35	1	0.00	402.00	4a	0
12500 (a)	B	Unlawful to Drive Unless Licensed	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12500 (b,d)	A.7	Licensed Driver Out of Classification	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	4a	0
12500 (b,d)	B	Licensed Driver Out of Classification	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12500 (c)	A.7	Unlawful to Drive in Offstreet Parking Facility Out of Classification	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	4a	0
12500 (c)	B	Unlawful to Drive in Offstreet Parking Facility Out of Classification	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12500 (e)	7	Operating Motorized Scooter in Violation of Emission Requirements	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12502 (a)(1)		Nonresident Driver Over 18 Without Valid Driver's License	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12502 (a)(2)		Nonresident Driver 21 or Over Transporting Hazardous Material in Commercial Vehicle Without Valid Driver's License and Certificate	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12502 (b)		Nonresident Driver of Commercial Vehicle Without Medical Certificate or Proof As Required	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12502 (c)		Noncompliance of Nonresident Driver With Medical Certificate Requirements	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

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Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>					
12509 (d)		Violation of Instruction Permit Restriction	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12509 (d)	A	Driving a Motor Vehicle Without a Required Instruction Permit in Possession	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12509 (d)	B	Driving a Motor Vehicle Without Required Instruction Permit in Possession	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12509 (e)		Violation of Instruction Permit Restriction by Driving Government Vehicle Without Instruction by California National Guard	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12509 (e)	A	Violation of Instruction Permit Restriction by Driving Government Vehicle Without Permit in Possession	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12509 (e)	B	Violation of Instruction Permit Restriction by Driving Government Vehicle Without Permit	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12509.5 (a)		Violation of Instruction Permit Restriction by Driving a Motorcycle Without Completion of Motorcyclist Safety Program	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12509.5 (c)		Violation of Instruction Permit Restriction by Driving a Motorcycle During Darkness, on a Freeway, or With a Passenger	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
12511	A	Possessing More Than One License	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12511	B	Possessing More Than One License	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12515 (a)		Minor Under 18 Employed for Purpose of Driving	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12516		Unlawful to Drive School Bus if Under 18	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12517 (a)(1)	A	Operation of School Bus Without Appropriate Driver's License in Possession While Transporting Pupils	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12517 (a)(1)	B	Operation of School Bus Without Appropriate Driver's License in Possession While Transporting Pupils	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12517 (b)	A	Operation of School Pupil Activity Bus Without Appropriate Driver's License in Possession	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0

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Section	Notes	Offense	Base	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			/Fee								Surcharge & PA Subtotal							
			<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
12517 (b)	B	Operation of School Pupil Activity Bus Without Appropriate Driver's License in Possession	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12521 (a,b)		Tour Bus Driver Required to Use Safety Belt/Report Tour Bus Accidents	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12522 (a)		Noncompliance With First Aid Exam Requirement for School Bus Operators	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12523 (a)	A	Operation of Youth Bus Without Required License and Certificate	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12523 (a)	B	Operation of Youth Bus Without Required License and Certificate	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12523 (d)		Noncompliance With Youth Bus Operation Requirements	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	2a	0
12523.5 (a)	A	Paratransit Bus Driver Must Have Special Endorsement	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12523.5 (a)	B	Paratransit Bus Driver Must Have Special Endorsement	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12524 (a)	A	Operation of Vehicle Hauling Fissile Class III Shipments or Large Quantities of Radioactive Materials Without Appropriate License or Certificate	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	4a	0
12524 (a)	B	Operation of Vehicle Hauling Fissile Class III Shipments or Large Quantities of Radioactive Materials Without Appropriate License or Certificate	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12804.6 (a)	A	Operation of Transit Bus Without Appropriate Certificate	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12804.6 (a)	B	Operation of Transit Bus Without Appropriate Certificate	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12804.6 (f)		Unlawful for Employer to Permit Person to Drive Transit Bus Without a Valid Certificate	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12804.9 (c)	A	Operation of Commercial Motor Vehicle Without Required Medical Certificate	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

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Section	Notes	Offense	Base				Court	Surcharge*	EMS	EMAT PA*	Fine	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total	Category	DMV Points
			Fine /Fee	State PA*	County PA*/10	DNA PA*	PA*		PA*	Surcharge & PA Subtotal	PA*					Bail" ** / Fee		
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
12804.9 (c)	B	Operation of Commercial Motor Vehicle Without Required Medical Certificate	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12804.9 (j)	A	Operation of Vanpool Vehicle Without Required Medical Exam Evidence and DUI Conviction History Statement	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12804.9 (j)	B	Operation of Vanpool Vehicle Without Required Medical Exam Evidence and DUI Conviction History Statement	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12804.11 (a)	A	Operation of Firefighting Equipment Without License or Endorsement	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12804.11 (a)	B	Operation of Firefighting Equipment Without License or Endorsement	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12814.6 (a)(1)	A	Failure to Carry Instruction Permit as Required	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12814.6 (a)(1)	B	Failure to Carry Instruction Permit as Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12814.6 (b)(1)	A, 8	Failure to Obey Licensing Provisions	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12814.6 (b)(1)	B	Failure to Obey Licensing Provisions	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12814.6 (b)(2)	A	Violation of Provisional License Driving Restrictions	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12814.6 (b)(2)	B	Violation of Provisional License Driving Restrictions	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12815 (a)	A	Must Obtain Duplicate if Original License Lost, Destroyed, or Mutilated	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12815 (a)	B	Must Obtain Duplicate if Original License Lost, Destroyed, or Mutilated	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12950	A	Failure to Sign Driver's License	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12950	B	Failure to Sign Driver's License	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
12951 (a)	A	No Valid License in Possession	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12951 (a)	B	No Valid License in Possession	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0

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Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>					
12952	A	Failure to Display License to Court Upon Request	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
12952	B	Failure to Display License to Court Upon Request	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
13003		Failure to Apply for Replacement Identification Card Upon Mutilation and/or Failure to Surrender ID Card Within 10 Days of Notification That Card Is Mutilated	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
13007		Identification Card Holder to Notify DMV of Address Change Within 10 Days	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
13386 (b)(1)		Furnishing of Information by Manufacturer to Use Ignition Interlock Device Contrary to Certified Purpose	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
13386 (c)		Altering of Ignition Interlock Device Functionality by Installer, Service Center, or Technician	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
14600 (a)	A	Failure to Notify DMV of Address Change Within 10 Days	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
14600 (a)	B	Failure to Notify DMV of Address Change Within 10 Days	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
14600 (b)	A	Failure to Present DMV Change of Address Form to Peace Officer	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
14600 (b)	B	Failure to Present DMV Change of Address Form to Peace Officer	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
14601.1 (a)	9	Driving Motor Vehicle or Off-Highway Motor Vehicle While Suspended or Revoked for Offenses Not Relating to Driving Ability	150	150	105.00	75	75	30	30	4	619.00	40	35	1	0.00	695.00	4a	2
14603	A	Violation of License Restrictions	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
14603	B	Violation of License Restrictions	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
14605 (a)		Permitting Unlicensed Parking Lot Attendant to Drive	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
14605 (b)		Hiring Unlicensed Parking Lot Attendant to Drive	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0

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Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>					
14606 (a)	<sup>40</sup>	Employing/Hiring/Permitting/Authorizing Person to Drive on Highway Without License Required for Vehicle	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
14606 (b)	<sup>40</sup>	Failure by Employer to Report Within 10 Days Failure of Commercial Driver on Reexamination	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
<del>14606 (c)</del>	<del><sup>41</sup></del>	<del>Failure of Employer to Retain Medical Certificate of Driver of Commercial Vehicle When No Medical Certification Status Is Included in the Commercial License Information System</del>	<del>35</del>	<del>40</del>	<del>28.00</del>	<del>20</del>	<del>20</del>	<del>7</del>	<del>8</del>	<del>4</del>	<del>162.00</del>	<del>40</del>	<del>35</del>	<del>1</del>	<del>0.00</del>	<del>238.00</del>	<del>2a</del>	<del>0</del>
14606 (c)	<sup>10</sup>	Failure of Employer to Obtain and Retain Copy of Medical Certification of Driver of Commercial Vehicle	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
14607		Permitting Unlicensed Minor to Drive	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
14608 (a)		License and Inspection of License Required for Rental of Vehicle	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
14611	<sup>11</sup>	Knowingly Permit Transportation of Radioactive Materials Without Required License	5,000	5,000	3,500.00	2,500	2,500	1,000	1,000	4	20,504.00	40	35	1	0.00	20,580.00	4a	0
15240 (a-d)		Employer Allowing, Permitting, or Requiring Driving of Commercial Motor Vehicle as Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
15250 (a)(1)	<sup>A</sup>	Commercial Driver's License Required	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
15250 (a)(1)	<sup>B</sup>	Commercial Driver's License Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
15250 (a)(2)	<sup>A</sup>	Commercial Driver's License With Hazardous Materials Endorsement Required	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
15250 (a)(2)	<sup>B</sup>	Commercial Driver's License With Hazardous Materials Endorsement Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
15275 (a)	<sup>A</sup>	Person Driving Commercial Vehicle Must Have Any Required Endorsements	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
15275 (a)	<sup>B</sup>	Person Driving Commercial Vehicle Must Have Any Required Endorsements	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0

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Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
15309.5 (a)(1)	<u>12</u>	Sell, Offer, Distribute, or Use Crib Sheet or Device for Commercial Driver's License Examination	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
15309.5 (a)(2)	<u>12</u>	Impersonate or Allow Impersonation of Applicant for Commercial Driver's License Examination	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
15309.5 (a)(3)	<u>12</u>	Provide or Use Unauthorized Assistance During Commercial Driver's License Examination	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
15500		Acquisition of Vehicle by Minor Without Valid Driver's License	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
15620 (a) (1,2)	<u>13</u>	Leaving Child 6 Years of Age or Younger Unattended in Motor Vehicle	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	0
16000 (a)		Accident Report Required Within 10 Days of Accident	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
16002 (a)		Failure to Report Work-Related Accidents	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
16003		Failure of Owner to Report Accident Where Driver Is Incapable of Doing So	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
16020 (a)		Failure to Carry Evidence of Financial Responsibility	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	0
16025 (a)	<u>14</u>	Failure to Exchange Mandatory Information at Scene of Accident	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	0
16028 (a)	<u>15</u>	Failure to Provide a Peace Officer Evidence of Financial Responsibility	200	200	140.00	100	100	40	40	4	824.00	40	35	1	0.00	900.00	4a	0
16028 (c)		Evidence of Financial Responsibility	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	0
16457		Driving Vehicle Not Covered by Certificate of Proof of Financial Responsibility/Knowing Failure to Disclose Ownership or Subsequent Acquisition of Vehicle	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
16502 (a)		Failure to Maintain Proof of Financial Responsibility During Use of Vehicle in Conduct of Business	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

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(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
20004		Delay in Reporting Accident by Driver in Accident Resulting in Death of a Person	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a	1
20006		Failure to Present Valid Identification Upon Collision With Another Party	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
20008 (a,b)		Failure to Report Accident Within 24 Hours	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
20010		Driver Unable to Report Accident	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
21070	<u>16</u>	Unsafe Operation of a Motor Vehicle in Violation of Division 11 Provision Causing Bodily Harm	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	4a	0
21070	<u>17</u>	Unsafe Operation of a Motor Vehicle in Violation of Division 11 Provision Causing Great Bodily Harm	95	100	70.00	50	50	19	20	4	408.00	40	35	1	0.00	484.00	4a	0
21100.3		Failure to Obey Traffic Directions	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21106 (b)		Use of Crosswalks Where Prohibited by Sign	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21113 (a)	<u>18</u>	Unlawful Driving on Public Grounds	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
21116 (a)		Unlawful Driving on Levee, Canal Bank, etc.	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
21201 (a-d)	<sup>A</sup>	Equipment Requirements for Bicycles	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21201 (a-d)	<sup>B</sup>	Equipment Requirements for Bicycles	25	0	0.00	15	0	0	0	0	0.00	0	0	0	0.00	25.00	1a	0
21201.5 (a,b)		Selling Bicycle Without Required Reflectors	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21202 (a)		Bicyclist at Less Than Normal Speed Must Keep to Right	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21203		Illegal for Bicyclist to Hitch Ride on Other Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21204 (a,b)		Riding Bicycle on Other Than Permanent Seat	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21205		Illegal for Bicyclist to Carry Articles That Prevent Keeping One Hand on Handlebar	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21207.5		Operation of Motorized Bicycles Prohibited on Bike Trails	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21208 (a,b)		Riding Outside Bicycle Lane Prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21209 (a)		Motor Vehicle in Bicycle Lane Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1

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			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
21210	<u>18</u>	Bicycle Parked–Impeding Pedestrian Traffic Prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21211 (a,b)		Illegally Impeding Bicycle Lanes	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
21212 (a)	<u>19</u>	Under 18 Shall Not Operate Bicycle, Nonmotorized Scooter, or Skateboard/Wear In-line or Roller Skates/Ride Bicycle, Non-motorized Scooter, or Skateboard as Passenger Without a Helmet	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21221	<u>20</u>	Motorized Scooter Operation Requirements	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21221.5	<u>20</u>	Operating a Motor Scooter While Under the Influence	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a	0
21223 (a-c)	<u>20</u>	Motorized Scooter Equipment Requirements During Darkness	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21226 (b,c)	<u>20</u>	Violation of Motorized Scooter Muffler Equipment Requirements	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21226 (d)	<u>20</u>	Violation of Motorized Scooter Exhaust/Noise Level Requirements/Operation of Motorized Scooter With Unlawfully Modified Exhaust System	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21228	<u>20</u>	Operating Motorized Scooter at Less Than Normal Speed of Traffic	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21229 (a,b)	<u>20</u>	Failure to Operate Motorized Scooter in Bicycle Lane	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21235 (a-j)	<u>20</u>	Illegal Operation of Motorized Scooter	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21260 (a),(b) (2)		Illegal Operation of Low-Speed Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21281.5 (a-d)		Illegal Operation of Electrical Personal Assistive Mobility Device	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21367 (b,c)		Failure to Obey Traffic Control/Devices at Construction Site	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21451 (a,b)		"Green" Signal–Vehicular Responsibilities	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21451 (c,d)		"Green" Signal–Pedestrian Responsibilities	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0

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			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
21452 (b)		Failure of Pedestrian to Properly Respond to Signal of Yellow Light or Arrow	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
21453 (a,c)	<u>21</u>	"Red" Signal-Vehicular Responsibilities	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a 1
21453 (b)		"Red" Signal-Vehicular Responsibilities With Right Turn	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
21453 (d)		"Red" Signal-Pedestrian Responsibilities	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
21454 (c)	<u>21</u>	Lane Use-Red Control Signal	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a 1
21454 (d)		Lane Use-Flashing Yellow Control Signals	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
21455		Traffic Control Signal at Other Than Intersection	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
21456 (a,b)		Pedestrian Violation of "Walk" or "Wait" Signals	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
21457 (a)	<u>21</u>	Actions Required at Flashing Red Signal	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a 1
21457 (b)		Actions Required at Flashing Yellow Signal	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
21460 (a,b)		Improper Turns Over Double Lines/Solid Lines to Right Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
21460.5 (c)		Improper Turn From Two-Way Left-Turn Lane	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
21461 (a)		Driver Failure to Obey Signs/Signals	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
21461.5		Pedestrian Failure to Obey Signs/Signals	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
21462		Disobedience of Driver or Streetcar Motorman to Traffic Control Signal	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
21462		Disobedience of Pedestrian or Person in Control of an Animal to Traffic Control Signal	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
21463		No Person Shall Illegally Operate Signals	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
21464 (a)		Unauthorized Interference With Traffic Device Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
21464 (b)		Unauthorized Use of Traffic Interference Device	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
21464 (c)		Unauthorized Possession or Distribution of Traffic Interference Device	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0

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			Fine /Fee	State PA*														
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
21464 (e)	<u>22</u>	Willful Interference With Traffic Device or Willful Use, Possession, or Distribution of Traffic Interference Device That Does Not Result in Injury	500	500	350.00	250	250	100	100	4	2,054.00	40	35	1	0.00	2,130.00	4a	0
21465		Placement of Unauthorized Traffic Devices Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
21466		Unlawful Display of Light Prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21466.5		Light Impairing Driver's Vision Prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21650		Failure to Keep to Right Side of Road	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21650.1		Bicycle to Travel in Same Direction as Vehicles	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21651 (a)		Driving Across Dividing Section on Freeway Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21652		Improperly Entering or Leaving Highway or Service Road	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21654 (a)		Slow-Moving Vehicles Keep to Right Edge of Roadway	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21655 (b)		Failure to Use Designated Lanes	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21655.5 (b)	<u>23</u>	Improper Use of Preferential Lanes	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	0
21655.8 (a)	<u>23</u>	Driving Over Double Lines of Preferential Lanes	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	1
21655.9 (b)	<u>24</u>	Driving Low Emission Vehicle Without Required Decal or Label	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
21656		Failure of Slow-Moving Vehicles to Turn Out	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21657		Driving Against One-Way Traffic Patterns	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21658 (a,b)		Lane Straddling/Failure to Use Specified Lanes	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21659		Unsafe Driving on Three-Lane Highway	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21660		Failure of Approaching Vehicles to Pass to the Right	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21661		Right-of-Way Rule–Narrow Grades	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1

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			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
21662 (a,b)		Mountains–Keep to Right–Use Horn	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21663		Driving on Sidewalk Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21664		Failure to Use Designated Freeway On-/Off-Ramp Properly	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21700		Load/Passengers Not to Obstruct Driver's View	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21701		Interference With Driver's Control of Vehicle	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21703		Following Too Closely Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21704 (a)		Trucks/Trailers Following Too Closely Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21705		Caravans Following Too Closely Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21706		Following Emergency Vehicles Too Closely Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21706.5 (b)		Operation of Vehicle in Unsafe Manner in an Emergency Incident Zone	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a	1
21707		Driving Within 300 Feet of Fire Areas Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21708		Running Over Unprotected Fire/Chemical Hose Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
21709		Driving Within Safety Zone Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21710		Coasting in Neutral on Downgrade Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
21711		Whipping or Swerving Towed Vehicle Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21712 (a)		Allowing Riding on Portion of Vehicle Not Designed for Passenger Use Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21712 (b)		Unlawful Riding on Vehicle Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
21712 (c)	<u>25</u>	Driver Permitting Riding in Trunk of Vehicle	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	1
21712 (d)	<u>25</u>	Riding in Trunk of Vehicle	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	0

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			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
21712 (g)		Towing Trailer Coach, Camp Trailer, or Trailer Carrying Vessel That Contains Passenger	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21712 (h)		Driving While Towing Person Riding on Motorcycle, Motorized Bicycle, Bicycle, Coaster, Roller Skates, Sled, Skis, or Toy Vehicle	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21714 (a)		Use of Three-Wheeled Vehicle On or Adjacent to Striping or Markers Designating Adjacent Traffic Lanes	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21714 (b)		Use of Three-Wheeled Vehicle Between Two or More Vehicles Traveling in Adjacent Traffic Lanes	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21715 (a,b)		Exceeding Passenger Vehicle Towing Combination Limits	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21716		Golf Cart Operation Restricted	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
21717		Turning Across Bicycle Lane	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21718 (a)		Stopping, Parking, or Leaving Vehicle Standing Upon a Freeway	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21720		Unlawful Operation of Pocket Bike	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21750		Overtaking and Passing Unsafely	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21751		Passing Without Sufficient Clearance	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21752 (a,b,d)		Driving Left of Center–Limited View/Within 100 Feet of Bridge, Viaduct, Tunnel/Within 100 Feet or When Traversing Intersection–Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21752 (c)	<u>26</u>	Driving Left of Center–Within 100 Feet or When Traversing Railroad Grade Crossing–Prohibited	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	1
21753		Failure to Yield to Overtaking Vehicle	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21754		Improper Passing on Right Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21755 (a)		Unsafe Passing on Right Shoulder	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

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(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
21756 (a-c)		Unsafe Passing of Standing Streetcar, Trolley Coach, or Bus Safety Zones	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21757		Passing Street Car on Left Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21758		Unsafe Passing on Grades Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21759		Failure to Exercise Caution When Passing Animals	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21760 (b)	<u>27</u>	Overtaking or Passing Bicycle Unsafely	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	4a	1
21760 (b)	<u>27</u>	Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle Unsafely	220	220	154.00	110	110	44	44	4	906.00	40	35	1	0.00	982.00	4a	1
21760 (c)	<u>27</u>	Overtaking or Passing Bicycle at Distance of Less Than Three Feet	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	4a	1
21760 (c)	<u>27</u>	Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle at Distance of Less Than Three Feet	220	220	154.00	110	110	44	44	4	906.00	40	35	1	0.00	982.00	4a	1
21760 (d)	<u>27</u>	Overtaking or Passing Bicycle Without Slowing to Reasonable Speed	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	4a	1
21760 (d)	<u>27</u>	Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle Without Slowing to Reasonable Speed	220	220	154.00	110	110	44	44	4	906.00	40	35	1	0.00	982.00	4a	1
21800 (a-c)		Violation of Right-of-Way/Uncontrolled Intersection	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21800 (d) (1, 2)		Violation of Right-of-Way/Controlled Intersection With Inoperative Control Signals	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21801 (a,b)		Violation of Right-of-Way-Left Turn	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21802 (a,b)		Violation of Right-of-Way-Entering Through Highway	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21803 (a,b)		Violation of "Yield" Sign	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21804 (a,b)		Entering Highway From Alley or Driveway	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

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(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
21805 (b)		Violation of Right-of-Way at Equestrian Crossing	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21805 (c)		Violation of Right-of-Way by Rider–Posing Hazard	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21806 (a,b)	<u>28</u>	Failure to Yield to Emergency Vehicle	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	1
21806 (c)	<u>28</u>	Failure to Yield to Emergency Vehicle –Pedestrian	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	0
21807		Driving Authorized Emergency Vehicle Without Due Regard for Safety of Persons and Property	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21809 (a)	<u>29</u>	Failure to Slow Down or Change Lane When Approaching and Passing Stationary Emergency Vehicle or Tow Truck Displaying Specific Lights	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21950 (a,c)		Driver to Yield Right-of-Way at Crosswalks	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21950 (b)		Pedestrian Right-of-Way at Crosswalks Regulated	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21951	<u>30</u>	Overtaking Vehicles Stopped for Pedestrians	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	2a	1
21952		Failure to Yield Right-of-Way on Sidewalk to Pedestrian	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21953		Pedestrian Must Use Tunnel or Overhead Crossing	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21954 (a)		Pedestrians Must Yield Right-of-Way Outside of Crosswalks	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21954 (b)		Failure of Driver to Exercise Due Care for Safety of Pedestrian on Roadway	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
21955		Crossing Between Controlled Intersections (Jaywalking)	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21956 (a)		Pedestrian on Roadway Prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21957		Soliciting Ride (Hitchhiking) Prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
21959		Skiing or Tobogganing Across Highway Prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0

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(Vehicle Code)

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			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
21960 (a)	<u>31</u>	Violation of Freeway or Expressway Use Restrictions by Pedestrian, Motor-Driven Cycle, Motorized Bicycle, or Motorized Scooter	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
21966		Pedestrian Prohibited in Bicycle Lane	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
21968		Motorized Skateboard Prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
21970 (a)		Vehicle Stopped Unnecessarily and Blocking Crosswalk or Sidewalk	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
21971	<u>32</u>	Violating Specified Provisions and Causing Bodily Injury	220	220	154.00	110	110	44	44	4	906.00	40	35	1	0.00	982.00	4a 0
22100 (a,b)		Turn at Intersection From Wrong Position	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
22100.5		U-Turn at Controlled Intersection	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
22101 (d)		Violating Special Traffic Control Markers	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
22102		Illegal U-Turn in Business District	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
22103		Illegal U-Turn in Residential District	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
22104		Illegal U-Turn Near Fire Station	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
22105		Illegal U-Turn on Highway Without Unobstructed View	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
22106		Unsafe Starting or Backing on Highway	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
22107		Unsafe Turn or Lane Change Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
22108		Signal Required Before Turning or Changing Lanes	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
22109		Sudden Stopping Without Signaling	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
22110 (a,b)		Hand/Lamp Signal Not Given	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
22111 (a-c)		Hand Signals Improperly Given	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
22112 (a-e)		School Bus Driver Misuse of Signals; Improper Stop; Failure to Escort Pupils	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
22348 (b)	<u>33</u>	Speeding Over 100 MPH Prohibited	200	200	140.00	100	100	40	40	4	824.00	40	35	1	0.00	900.00	4a 2
22348 (c)		Failure of Vehicles Subject to VC 22406 to Use Designated Lane	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
22349 (a)		Speeding 1–15 MPH Over 65 MPH Limit	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	4a 1

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(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
22349 (a)		Speeding 16–25 MPH Over 65 MPH Limit	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	4a 1
22349 (a)		Speeding ≥ 26 MPH Over 65 MPH Limit	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a 1
22349 (b)		Speeding 1–15 MPH Over 55 MPH Limit	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	4a 1
22349 (b)		Speeding 16–25 MPH Over 55 MPH Limit	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	4a 1
22349 (b)		Speeding ≥ 26 MPH Over 55 MPH Limit	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a 1
22350		Unsafe Speed for Prevailing Conditions 1–15 MPH Over Limit	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	4a 1
22350		Unsafe Speed for Prevailing Conditions 16–25 MPH Over Limit	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	4a 1
22350		Unsafe Speed-for Prevailing Conditions ≥ 26 MPH Over Limit	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a 1
22351 (a,b)		Driving in Excess of Prima Facie Speed Limits Established in VC 22352															4a 1
22352 (a) (1)	<sup>36</sup>	Operating Vehicle in Excess of 15 MPH at Railroad Crossing															4a 1
22352 (a) (2)	<sup>36</sup>	Operating Vehicle in Excess of 15 MPH at Freeway Intersection With No Clear Field of Vision															4a 1
22352 (a) (3)	<sup>36</sup>	Operating Vehicle in Excess of 15 MPH on Any Alley															4a 1
22352 (b) (1)	<sup>36</sup>	Operating Vehicle in Excess of 25 MPH in Business District															4a 1
22352 (b) (2)	<sup>36</sup>	Operating Vehicle in Excess of 25 MPH by School															4a 1
22352 (b) (3)	<sup>36</sup>	Operating Vehicle in Excess of 25 MPH by Senior Center															4a 1
22354		Failure to Abide by Speed Limits Set by the State Department of Transportation (DOT) on State Highways															4a 1
22355		Failure to Abide by Variable Speed Limits Set by the State Department of Transportation (DOT)															4a 1

## TRAFFIC INFRACTION FIXED PENALTY SCHEDULE

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Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
22356 (b)		Exceeding Maximum Speed Limit of 70 MPH, 1–15 MPH Over Limit	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	4a	1
22356 (b)		Exceeding Maximum Speed limit of 70 MPH, 16–25 MPH Over Limit	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	4a	1
22356 (b)		Exceeding 70 MPH Maximum Speed, ≥ 26 MPH Over Limit	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	1
22357		Violation of Prima Facie Local Speed Limit			[See Speed Chart]												4a	1
22358		Violation of Local Speed Limit			[See Speed Chart]												4a	1
22358.3		Violation of Local Speed Limit on Narrow Street			[See Speed Chart]												4a	1
22358.4		Violation of Prima Facie Local Speed Limit			[See Speed Chart]												4a	1
22360		Violation of Local Speed Limits Between Business and Residence Districts			[See Speed Chart]												4a	1
22361		Violation of Speed Limit on Multiple Lane			[See Speed Chart]												4a	1
22362		Violation of Speed Limit Surrounding Special Work Crews			[See Speed Chart]												4a	1
22363		Violation of DOT or Local Speed Limit Set for Snow or Ice			[See Speed Chart]												4a	1
22364		Violation of Speed Limit Set by DOT on State Highways			[See Speed Chart]												4a	1
22400 (a,b)		Minimum Speed Law–Impeding Traffic Flow	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
22405 (a)		Exceeding Maximum Posted Speeds on Bridge/Tube/Tunnel, 1–15 MPH Over Limit	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	4a	1
22405 (a)		Exceeding Maximum Posted Speeds on Bridge/Tube/Tunnel, 16–25 MPH Over Limit	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	4a	1
22405 (a)		Exceeding Maximum Posted Speeds on Bridge/Tube/Tunnel, ≥ 26 MPH Over Limit	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	1
22406 (a)	34	Truck or Tractor 1–9 MPH Over 55 MPH Limit	50	50	35.00	25	25	10	10	4	209.00	40	35	1	0.00	285.00	4a	1

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Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>					
22406 (a)	<u>34</u>	Truck or Tractor 10 MPH or More Over 55 MPH Limit	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	1
22406 (b-f)	<u>35</u>	Posted Speed for Designated Vehicles	50	50	35.00	25	25	10	10	4	209.00	40	35	1	0.00	285.00	4a	1
22406 (b-f)	<u>35</u>	Posted Speed for Designated Vehicles–In Excess of Speed Limit by 10 MPH or More	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	1
22406.5	<u>36</u>	Driving Tank Vehicle at Excessive Speed	500	500	350.00	250	250	100	100	4	2,054.00	40	35	1	0.00	2,130.00	4a	1
22407	<u>37</u>	Posted Speed for Designated Vehicles	50	50	35.00	25	25	10	10	4	209.00	40	35	1	0.00	285.00	4a	1
22407	<u>37</u>	Posted Speed for Designated Vehicles–In Excess of Speed Limit by 10 MPH or More	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	1
22409		Speed Limit for Solid Tire Vehicle, 1-15 MPH Over Limit	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	4a	1
22409		Speed Limit for Solid Tire Vehicle 16-25 MPH Over Limit	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	4a	1
22409		Speed Limit for Solid Tire Vehicle ≥ 26 MPH Over Limit	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	1
22410		Exceeding Speed Limit for Metal Tire Vehicles	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
22413		Violation of Speed Limit Set by Local Authority for Steep Grades			[See Speed Chart]												4a	1
22450 (a)		Failure to Stop at Stop Sign	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
22450 (b)	<u>38</u>	Failure to Stop at Stop Sign at Railroad Grade Crossing	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	1
22451 (a,b)	<u>39</u>	Failure to Stop for Train Signals/Closed Gates	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	1
22452 (b)	<u>39</u>	Failure of Certain Vehicles to Stop at Railroad Crossings	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	1
22452 (c)	<u>40</u>	Failure of Commercial Vehicle to Stop at Railroad Crossings	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	1
22454 (a)	<u>41</u>	Passing School Bus With Flashing Signals	150	150	105.00	75	75	30	30	4	619.00	40	35	1	0.00	695.00	4a	1
22455 (a)		Vending From Vehicle Without Coming to a Complete Stop or Parking the Vehicle Lawfully	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

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(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
22456 (d)		Failure to Equip Ice Cream Truck With Required Warning Sign	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
22456 (e)(1-3)		Vending From an Ice Cream Truck Under Prohibited Conditions	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
22500 (i)	<u>42</u>	Parking in Bus Loading Area	250	250	175.00	125	125	50	50	4	1,029.00	40	35	1	0.00	1,105.00	4a	0
22500 (l)	<u>42</u>	Parking at Curb Constructed to Provide Wheelchair Accessibility	250	250	175.00	125	125	50	50	4	1,029.00	40	35	1	0.00	1,105.00	4a	0
22500.1		Stopping in Designated Fire Lane	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
22504 (a)		Unincorporated Area Stopping	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
22505 (b)		Unauthorized Stopping on State Highway Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
22507.8 (a-c)	<u>43</u>	Violation of Disabled Parking Provisions	250	250	175.00	125	125	50	50	4	1,029.00	40	35	1	0.00	1,105.00	4a	0
22511.1 (a)	<u>44</u>	Infraction Violation for Parking/Standing in Space for Charging Electric Vehicle While Not Connected for Charging Vehicle	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	0
22511.1 (a)	<u>44</u>	Infraction Violation for Parking/Standing in Space for Charging Electric Vehicle While Not Connected for Charging Vehicle and Proof of Valid Zero-Emission Decal Possessed at Time of Violation But Not Displayed	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	4a	0
22511.1 (b)	<u>44</u>	Infraction Violation for Obstructing, Blocking, or Barring Access to Space for Charging Electric Vehicle	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	0
22511.1 (b)	<u>44</u>	Infraction Violation for Obstructing, Blocking, or Barring Access to Space for Charging Electric Vehicle and Proof of Valid Zero-Emission Decal Possessed at Time of Violation But Not Displayed	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	4a	0
22516		Locking Vehicle With Person Inside Unable to Escape	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
22517		Opening Door on Traffic Side When Unsafe	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
22520.5 (a)		Vending on Freeway Right-of-Way Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

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(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
22520.6 (a)		Unauthorized Activities at Highway Rest Area/Vista Point Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
22522	<u>45</u>	Parking Near Sidewalk Access Ramp for Disabled	250	250	175.00	125	125	50	50	4	1,029.00	40	35	1	0.00	1,105.00	4a	0
22523 (a,b)	<u>46</u>	Vehicle Abandonment Prohibited	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	0
22526 (a,b)	<u>47</u>	Blocking Intersection (Gridlock) Prohibited–A Stopping Violation Issued on a Notice to Appear	50	50	35.00	25	25	10	10	4	209.00	40	35	1	0.00	285.00	4a	0
22526 (c)	<u>48</u>	Blocking Railroad or Rail Transit Crossing Due to Low Undercarriage (Gridlock) Prohibited–A Stopping Violation Issued on a Notice to Appear	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	0
22526 (d)		Blocking Railroad or Rail Transit Crossing (Gridlock) Prohibited–A Stopping Violation Issued on a Notice to Appear	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
22650		Unauthorized Removal of Unattended Vehicle From Highway	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
22651.7 (b)		Immobilization of Vehicle by Unauthorized Person	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
22658 (e)(2)		Property Owner, Owner's Agent, or Lessee Causing Unlawful Removal of Vehicle Parked on Property as Permitted	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	35	1	0.00	4,180.00	2a	0
22951		Parking Lot–Street and Alley Parking	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
22952 (a,b)		Vehicle Towing or Removal From Parking Lot	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
23109 (c)	<u>49</u>	Engaging in or Abetting Exhibition of Speed Prohibited	75	80	56.00	40	40	15	16	4	326.00	40	35	1	0.00	402.00	4a	2
23111	<u>50</u>	Throwing Lighted Substance on Highway Prohibited	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	0
23112 (a,b)	<u>50</u>	Dumping Material on Highway/Right-of-Way Prohibited	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	0
23113 (a)	<u>50</u>	Failure to Remove Material From Highway	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	0
23114 (a)		Spilling Load on Highway Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0

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(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
23114 (b)		Aggregate Material Carried Improperly or Transported Without Required Equipment	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
23114 (e)		Transporting Uncovered Aggregate Material Upon Highway	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
23114 (f)		Failure to Provide Location for Compliance With Load Covering Requirements or to Cover Load Within Required Distance	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
23115 (a)		Rubbish Vehicle Cover Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
23116 (a)		Transportation of Persons Without Restraints Restricted	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
23116 (b)		Riding in or on the Back of Truck or Flatbed Motor Truck Being Driven on Highway	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
23117 (a)	<u>51</u>	Transportation of Animals Without Restraints Restricted	50	50	35.00	25	25	10	10	4	209.00	40	35	1	0.00	285.00	4a 0
23120		Side Vision Obstructed by Temple Width of Glasses	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
23123 (a)	<u>52</u>	Driving While Using a Wireless Telephone Not Configured for Hands-free Use	20	20	14.00	10	10	4	4	4	86.00	40	35	1	0.00	162.00	4a 0
23123.5 (a)		Driving While Using a Wireless Device to Send, Read, or Write Text Communication Unless the Device Is Used in a Hands-free and Voice-operated Manner	20	20	14.00	10	10	4	4	4	86.00	40	35	1	0.00	162.00	4a 0
23124 (b)	<u>53</u>	Driving While a Minor and Using a Wireless Telephone or Electronic Wireless Communications Device	20	20	14.00	10	10	4	4	4	86.00	40	35	1	0.00	162.00	4a 0
23125 (a)		Driving School Bus or Transit Vehicle While Using a Wireless Phone	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
23128 (a)		Snow Mobile--Operation on Highway Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
23128 (b-d)		Snow Mobile--Negligent Operation, Pursuing Game, or Trespassing Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
23129		Unobstructed Camper Exit Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0

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			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
23135	<u>54</u>	Operation of Modified Motorized Bicycle Restricted	50	50	35.00	25	25	10	10	4	209.00	40	35	1	0.00	285.00	4a 0
23136 (a)		Minor (Under 21) Driving With Blood Alcohol Level of .01 or Greater	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a 0
23140 (a)	<u>55</u>	Minor (Under 21) Driving With Blood Alcohol Level of .05 or Greater	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a 2
23154 (a)		Driving With Blood Alcohol Level of .01 or Greater While on Probation for Violation of VC 23152 or VC 23153	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a 0
23220 (a)		Drinking Alcoholic Beverage While Driving Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a 1
23221 (a)		Drinking Alcoholic Beverage by Driver Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a 0
23221 (b)		Drinking Alcoholic Beverage by Passenger Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a 0
23222 (a)		Possession of Open Container While Driving Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a 1
23222 (b)	<u>56</u>	Possession of Marijuana by Driver	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	4a 1
23223 (a)	<u>57</u>	Possession of Open Container by Driver Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a 0
23223 (b)		Possession of Open Container by Passenger Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a 0
23225 (a)(1)	<u>57</u>	Storage of Open Container Restricted	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a 0
23226 (a)		Storage by Driver of Open Container in Passenger Compartment Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a 0
23226 (b)		Storage by Passenger of Open Container in Passenger Compartment Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a 0
23270 (a)		Unauthorized Towing on Bridge Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
23270 (b)		Exceeding Maximum Towing Fee Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
23302 (a)(1)		Refusal to Pay Toll Charge Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
23302 (a)(2)		Unauthorized Placement of Toll Transponder for <del>Motorcycle</del>	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

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(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
<a href="#">23302 (a)(3)</a>	<a href="#">Unauthorized Placement of Toll Transponder for Motorcycle</a>		<a href="#">35</a>	<a href="#">40</a>	<a href="#">28.00</a>	<a href="#">20</a>	<a href="#">20</a>	<a href="#">7</a>	<a href="#">8</a>	<a href="#">4</a>	<a href="#">162.00</a>	<a href="#">40</a>	<a href="#">35</a>	<a href="#">1</a>	<a href="#">0.00</a>	<a href="#">238.00</a>	<a href="#">2a</a>	<a href="#">0</a>
23302 (b)	Failure to Display Transponder or Toll Device on Vehicular Crossing or Toll Highway		35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
23302 (c)	Failure to Possess Money, Transponder, or Toll Device, or to Have License Plates Attached as Required on Vehicular Crossing or Toll Highway		35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
23302 (d)	Failure to Possess Transponder or Toll Device as Required on Vehicular Crossing or Toll Highway With Pay-by-Plate Payment		35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
23330 (a,d)	Unauthorized Use of Vehicle Crossing--Animals/Vehicles		35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
23330 (b)	Unauthorized Use of Vehicle Crossing--Bicycles		25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
23330 (c)	Unauthorized Use of Vehicle Crossing--Overwidth Vehicles		35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
23331	Unauthorized Use of Vehicle Crossing--Pedestrians		25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
23333	<a href="#">58</a> Vehicular Crossing--Unauthorized Stopping or Standing		35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
23336	<a href="#">59</a> Failure to Obey Posted Signs on Vehicle Crossings		35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
23576 (a,b)	Driving Employer's Vehicle Without Notice of Ignition Interlock Device Restriction as Required by VC 23575		25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24002 (a)	Unlawful to Operate Unsafe Vehicle--Safety Hazard		35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
24002 (b)	<sup>A</sup> Unlawful to Operate Vehicle Not Equipped as Provided		35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
24002 (b)	<sup>B</sup> Unlawful to Operate Vehicle Not Equipped as Provided		25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24003	<sup>A</sup> Vehicle With Unauthorized Lamps		25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24003	<sup>B</sup> Vehicle With Unauthorized Lamps		25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0

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(Vehicle Code)

Section	Notes	Offense	(Vehicle Code)											"Total Bail" **	Category	DMV Points	
			Base Fine /Fee	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge*	EMS PA* /10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court				TAP Fee
			10/10	7.00	5/10	5.00	20%	2.00	4		40	35	1	0.00			
24004		Unlawful Operation After Notice of Unsafe Condition	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
24005		Sale or Transfer of Unlawful Equipment w/ Knowledge That Equipment Will be Used or Installed in a Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24005.5		Sale of Unapproved Materials for Use in Strapping Regulated Loads	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24006		Sale of New Motor Vehicle Equipment Without Required Trademarks or Designations	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24007 (a,b)		Sale by Retailer of Vehicle Failing to Qualify for Certificate of Compliance	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24007.2		Failure to Install Exhaust-Control Device Free of Charge to Low-Income Senior Citizen as Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24007.5 (a)(1)		Sale by Auctioneer or Public Agency of Vehicle Failing to Qualify for Certificate of Compliance	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24007.5 (b)		Failure of Consignor to Provide Certificate of Compliance to Purchaser of Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24007.5 (g)		Failure of Auctioneer to Certify Compliance With DMV Standards and Deliver Bill of Sale	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24008	A	Modification of Vehicle Road Clearance Restricted	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24008	B	Modification of Vehicle Road Clearance Restricted	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
24008.5 (a)	A	Maximum Frame Height Defined	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24008.5 (a)	B	Maximum Frame Height Defined	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
24009		Sale of New Truck, Tractor, or Bus Without Indication of Manufacturer's Name and Gross Vehicle Weight Rating as Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24010		Vehicle Renter Responsibility	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
24011 (a,b)		Sale of Vehicle or Equipment Regulated by Federal Safety Standards Without Certification of Vehicle or Equipment Compliance	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24012	A	Failure to Comply With CHP Lighting and Mounting Specifications	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24012	B	Failure to Comply With CHP Lighting and Mounting Specifications	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
24013		Failure to Disclose Minimum Octane Number Upon Sale of New Motor Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24013.5		Failure to Disclose Required Information Upon Sale of New Light Duty Truck	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24014 (a)		Failure to Disclose Required Pricing Information Prior to Display or Sale of New Motorcycle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24015 (a)	A	Failure of Motorized Bicycle Equipment to Comply With Federal Safety Standards	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24015 (a)	B	Failure of Motorized Bicycle Equipment to Comply With Federal Safety Standards	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
24015 (b)	A	Use of Motorized Bicycle on Highway Without Mirror, Horn, or Muffler as Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24015 (b)	B	Use of Motorized Bicycle on Highway Without Mirror, Horn, or Muffler as Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
24017	A	Maintenance of Transit Bus Speedometer Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
24017	B	Maintenance of Transit Bus Speedometer Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
24250	A	Lighting Equipment to Be Lighted During Darkness	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
24250	B	Lighting Equipment to Be Lighted During Darkness	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
24252 (a-c)	A	Maintenance of Lamps and Devices Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base				Court	Surcharge*	EMS	EMAT PA*	Fine	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*	County PA*/10	DNA PA*	PA*		PA*	PA*	Surcharge & PA Subtotal							
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
24252 (a-c)	B	Maintenance of Lamps and Devices Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24253 (a)	A	Battery Requirements for Vehicle–Lighting Equipment	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24253 (a)	B	Battery Requirements for Vehicle–Lighting Equipment	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24253 (b)	A	Battery Requirements for Motorcycle–Lighting Equipment	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24253 (b)	B	Battery Requirements for Motorcycle–Lighting Equipment	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24255 (a,c)	A	Infrared Lighting System Equipment Violation	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24255 (a,c)	B	Infrared Lighting System Equipment Violation	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24255 (b)	A	Operation of Infrared Lighting System Without Use of Headlights	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
24255 (b)	B	Operation of Infrared Lighting System Without Use of Headlights	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24400 (a)	A	Headlamp Equipment Requirements	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24400 (a)	B	Headlamp Equipment Requirements	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24400 (b)	A	Failure to Operate Headlamps as Required During Darkness or Inclement Weather	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
24400 (b)	B	Failure to Operate Headlamps as Required During Darkness or Inclement Weather	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24401	A	Failure to Dim Lights While Vehicle Is Parked or Standing on a Public Highway	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24401	B	Failure to Dim Lights While Vehicle Is Parked or Standing on a Public Highway	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24402 (a,b)	A	Auxiliary Driving and Passing Lamps Specifications	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24402 (a,b)	B	Auxiliary Driving and Passing Lamps Specifications	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>					
24403 (a)	A	Maximum Fog Lamps Not to Be Used in Place of Headlamps	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24403 (a)	B	Maximum Fog Lamps Not to Be Used in Place of Headlamps	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24403 (b)	A	Fog Lamps on Vehicle Improperly Mounted or Aimed	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24403 (b)	B	Fog Lamps on Vehicle Improperly Mounted or Aimed	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24403 (c)	A	Fog Lamps on Motorcycle Improperly Mounted or Aimed	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24403 (c)	B	Fog Lamps on Motorcycle Improperly Mounted or Aimed	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24404 (a,b)	A	Spotlamps–Number and Wattage Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24404 (a,b)	B	Spotlamps–Number and Wattage Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24404 (c,e)	A	Spotlamps–Direction Defined	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24404 (c,e)	B	Spotlamps–Direction Defined	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24405 (a)	A	Maximum Number of Lamps Allowed to Be Lighted	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24405 (a)	B	Maximum Number of Lamps Allowed to Be Lighted	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24406	A	Use of Multiple Beams Restricted	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24406	B	Use of Multiple Beams Restricted	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24407 (a)	A	High Beams–Adjustment Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24407 (a)	B	High Beams–Adjustment Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24407 (b)	A	Low Beams–Adjustment Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24407 (b)	B	Low Beams–Adjustment Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24408 (a,b)	A	High/Low Beam Indicator Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24408 (a,b)	B	High/Low Beam Indicator Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24409 (a,b)	A	Failure to Dim Multiple Beams Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
24409 (a,b)	B	Failure to Dim Multiple Beams Prohibited	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
24410 (a)	A	Single Beams–Adjustment/Intensity Specifications	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24410 (a)	B	Single Beams–Adjustment/Intensity Specifications	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24411	A	Covering Auxiliary Lamps Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24411	B	Covering Auxiliary Lamps Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24600 (a-f)	A	Tail Lamp Requirements and Specifications	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24600 (a-f)	B	Tail Lamp Requirements and Specifications	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24601	A	License Plate Lamp Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24601	B	License Plate Lamp Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24602 (a,b)	A	Fog Tail Lamp Requirements and Specifications	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24602 (a,b)	B	Fog Tail Lamp Requirements and Specifications	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24603 (a-h)	A	Stop Lamp Requirements and Specifications	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24603 (a-h)	B	Stop Lamp Requirements and Specifications	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24604	A	Lamps/Flag on Load Projecting to Rear Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	1
24604	B	Lamps/Flag on Load Projecting to Rear Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24605 (a)	A	Tow Cars and Towed Vehicles–Lights Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24605 (a)	B	Tow Cars and Towed Vehicles–Lights Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24605 (b)	A	Tow Cars and Towed Vehicles–Lights Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24605 (b)	B	Tow Cars and Towed Vehicles–Lights Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24606 (a,b,d)	A	Backup Lamp Requirements and Specifications	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

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(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
24606 (a,b,d)	B	Backup Lamp Requirements and Specifications	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24606 (c)	A	Backup Lamps–When Not to Be Lighted	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24606 (c)	B	Backup Lamps–When Not to Be Lighted	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24607 (a-d)	A	Reflectors Required on Rear of Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24607 (a-d)	B	Reflectors Required on Rear of Vehicle	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24608 (a-d)	A	Light Reflectors on Trucks/Trailers–Front and Sides	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24608 (a-d)	B	Light Reflectors on Trucks/Trailers–Front and Sides	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24609 (a)	A	Vehicle Reflector Requirements and Specifications	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24609 (a)	B	Vehicle Reflector Requirements and Specifications	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24609 (b)	A	School Bus Reflector Requirements and Specifications	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24609 (b)	B	School Bus Reflector Requirements and Specifications	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24610	A	Truck Reflector Requirements and Specifications	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24610	B	Truck Reflector Requirements and Specifications	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24612	A	Failure to Display Reflective Material on Trailer or Semitrailer as Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24612	B	Failure to Display Reflective Material on Trailer or Semitrailer as Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24615	A	Slow-Moving Vehicle–Emblem Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24615	B	Slow-Moving Vehicle–Emblem Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24800	A	Driving With Only Parking Lights Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
24800	B	Driving With Only Parking Lights Prohibited	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

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Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>					
24950	A	Turn Signal Device Required–Towing Trailer	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24950	B	Turn Signal Device Required–Towing Trailer	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24951 (b,c)	A	Turn Signals Required on Certain Vehicles	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24951 (b,c)	B	Turn Signals Required on Certain Vehicles	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24952	A	Visibility Requirement of Signals	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24952	B	Visibility Requirement of Signals	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
24953 (a-d)	A	Turn Signal Lamp Requirements	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
24953 (a-d)	B	Turn Signal Lamp Requirements	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25100 (a-c, e,f)	A	Clearance and Side Marker Lamp Requirements	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25100 (a-c, e,f)	B	Clearance and Side Marker Lamp Requirements	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25102	A	Lamps on Sides of Vehicles–Specifications	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25102	B	Lamps on Sides of Vehicles–Specifications	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25102.5 (a)	A	Lamps on Sides of School Buses–Specifications	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25102.5 (a)	B	Lamps on Sides of School Buses–Specifications	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25103 (a,b)	A	Lamp During Darkness on Load Projecting to Side	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	1
25103 (a,b)	B	Lamp During Darkness on Load Projecting to Side	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25104	A	Red Flag Required on Overwidth During Daylight Hours	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25104	B	Red Flag Required on Overwidth During Daylight Hours	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25105 (a-c)	A	Failure to Comply With Code Specifications for Courtesy Lamps, Door-Mounted Lamp, or Exterior	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
25105 (a-c)	B	Failure to Comply With Code Specifications for Courtesy Lamps, Door-Mounted Lamp, or Exterior	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
25106 (a,b)	A	Side, Cowl, or Fender Flaps–Specifications	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
25106 (a,b)	B	Side, Cowl, or Fender Flaps–Specifications	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
25107	A	Cornering Lamps on Fenders	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
25107	B	Cornering Lamps on Fenders	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
25108 (a,b)	A	Pilot Indicator Specifications	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
25108 (a,b)	B	Pilot Indicator Specifications	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
25109	A	Running Lamps to Be Used Only When Vehicle Is Parked	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
25109	B	Running Lamps to Be Used Only When Vehicle Is Parked	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
25110 (b)	A	Improper Use of Utility Flood/Loading Lamps	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
25110 (b)	B	Improper Use of Utility Flood/Loading Lamps	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
25250	A	Flashing Lights Restricted Unless Otherwise Permitted	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
25250	B	Flashing Lights Restricted Unless Otherwise Permitted	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
25251 (b)	A	Turn Signals Flashed as Warning When Vehicle Disabled	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
25251 (b)	B	Turn Signals Flashed as Warning When Vehicle Disabled	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
25251.2	A	Motorcycle Modulating Headlamp Prohibited During Darkness	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
25251.2	B	Motorcycle Modulating Headlamp Prohibited During Darkness	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
25252	A	Warning Lamps Required on Emergency Vehicles	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
25252	B	Warning Lamps Required on Emergency Vehicles	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
25252.5 (a,c)	A	Unauthorized Use of Flashing Emergency Headlamps	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
25252.5 (a,c)	B	Unauthorized Use of Flashing Emergency Headlamps	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
25253 (a)	A	Warning Lamps Required on Tow Trucks	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
25253 (a)	B	Warning Lamps Required on Tow Trucks	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
25253 (c)	A	Improper Display of Warning Lamps by Tow Truck	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
25253 (c)	B	Improper Display of Warning Lamps by Tow Truck	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
25254	A	Improper Use of Flashing Amber Warning Lights by Peace Officer Personnel	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
25254	B	Improper Use of Flashing Amber Warning Lights by Peace Officer Personnel	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
25257 (a)	A	Flashing Red Signal System Required on School Bus	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
25257 (a)	B	Flashing Red Signal System Required on School Bus	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
25257 (b)(1)	A	School Bus Manufactured After 9-1-92 Required to Be Equipped With Stop Signal Arm	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
25257 (b)(1)	B	School Bus Manufactured After 9-1-92 Required to Be Equipped With Stop Signal Arm	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
25257 (b)(2)	A	School Bus Manufactured After 7-1-93 Required to Be Equipped With Flashing Amber Light System	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
25257 (b)(2)	B	School Bus Manufactured After 7-1-93 Required to Be Equipped With Flashing Amber Light System	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
25257.2	A	Improper Use of the Amber Light Signal System, Flashing Red Light Signal System, or Stop Signal Arm by School Bus Transporting Developmentally Disabled Persons	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base				Court	Surcharge*	EMS	EMAT PA*	Fine	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*	County PA*/10	DNA PA*	PA*		PA*	PA*	Surcharge & PA Subtotal							
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
25257.2	B	Improper Use of the Amber Light Signal System, Flashing Red Light Signal System, or Stop Signal Arm by School Bus Transporting Developmentally Disabled Persons	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25260.4	A	Improper Display of Flashing Amber Warning Lights in Connection With Hazardous Waste Spill Cleanup	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25260.4	B	Improper Display of Flashing Amber Warning Lights in Connection With Hazardous Waste Spill Cleanup	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25262	A	Use of Red Light on Armored Car Prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25262	B	Use of Red Light on Armored Car Prohibited	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25265	A	Improper Display of Flashing Amber Lights on Sanitary District Repair Vehicles	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25265	B	Improper Display of Flashing Amber Lights on Sanitary District Repair Vehicles	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25266	A	Improper Display of Flashing Amber Warning Lights by State-Owned Vehicles Engaged in Aqueduct, Levee, or Stream Measurement Work	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25266	B	Improper Display of Flashing Amber Warning Lights by State-Owned Vehicles Engaged in Aqueduct, Levee, or Stream Measurement Work	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25268	A	Use of Flashing Amber Warning Lights Restricted	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25268	B	Use of Flashing Amber Warning Lights Restricted	25	0	0.00	0	0	0	0	0	25.00	0	0	0	0.00	25.00	4a	0
25269	A	Misuse of Red Warning Light Prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25269	B	Misuse of Red Warning Light Prohibited	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25270	A	Improper Use of Warning Lamps on Pilot Car Prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25270	B	Improper Use of Warning Lamps on Pilot Car Prohibited	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
25270.5	A	Improper Display of Flashing Amber Lights by Livestock-Herding Vehicles on Public Highways	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25270.5	B	Improper Display of Flashing Amber Lights by Livestock-Herding Vehicles on Public Highways	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25275	A	Improper Display of Amber Flashing Lights on Truck Tractor in the Absence of Unusual Traffic Hazard	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25275	B	Improper Display of Amber Flashing Lights on Truck Tractor in the Absence of Unusual Traffic Hazard	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25275.5	A	Unlawful Activation of Crime Alarm Lights	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25275.5	B	Unlawful Activation of Crime Alarm Lights	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25276 (a)	A	Improper Use of Warning Lamps on Vehicle for Transportation of Disabled Prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25276 (a)	B	Improper Use of Warning Lamps on Vehicle for Transportation of Disabled Prohibited	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25300 (a)	A	Warning Device on Disabled Vehicles Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25300 (a)	B	Warning Device on Disabled Vehicles Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25300 (b,c,e)	A	Warning Device on Disabled Vehicles Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25300 (b,c,e)	B	Warning Device on Disabled Vehicles Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25301 (a,b)	A	Display of Warning Devices on Utility Vehicles Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25301 (a,b)	B	Display of Warning Devices on Utility Vehicles Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25305 (a,b)	A	Use of Fusees Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25305 (a,b)	B	Use of Fusees Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
25350	A	Noncompliance With Vehicle Code Standards for Illuminated Identification Signs	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25350	B	Noncompliance With Vehicle Code Standards for Illuminated Identification Signs	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25351 (a-d)	A	Identification Lamp Specifications and Restrictions	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25351 (a-d)	B	Identification Lamp Specifications and Restrictions	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25352 (a)	A	Use of Unauthorized Device Affecting Traffic Signals	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25352 (a)	B	Use of Unauthorized Device Affecting Traffic Signals	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25352 (b)	A	Unauthorized Use of Device Affecting Traffic Signals	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25352 (b)	B	Unauthorized Use of Device Affecting Traffic Signals	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25352 (c)	A	Failure to Give Emergency Vehicles Priority in Changing Traffic Control Signals	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
25352 (c)	B	Failure to Give Emergency Vehicles Priority in Changing Traffic Control Signals	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25353	A	Violation of Provisions for Transit Bus Illuminated Signs	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25353	B	Violation of Provisions for Transit Bus Illuminated Signs	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25400 (a-d)	A	Specifications for Use of Diffused Light	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25400 (a-d)	B	Specifications for Use of Diffused Light	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25401	A	Diffused Lights Resembling Signs Prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25401	B	Diffused Lights Resembling Signs Prohibited	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25452	A	Glaring Acetylene Lamps Prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25452	B	Glaring Acetylene Lamps Prohibited	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
25500 (a)	A	Use of Reflectorizing Material Restricted	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25500 (a)	B	Use of Reflectorizing Material Restricted	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25650	A	Motorcycle Headlight Requirements	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25650	B	Motorcycle Headlight Requirements	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25650.5	A	Headlight Equipment for Post-1978 Motorcycles	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25650.5	B	Headlight Equipment for Post-1978 Motorcycles	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25651 (a,c)	A	Headlamp Requirements on Motor-Driven Cycles	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25651 (a,c)	B	Headlamp Requirements on Motor-Driven Cycles	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25803 (a,b)	A	Lamp/Reflector Requirements--Certain Vehicles	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25803 (a,b)	B	Lamp/Reflector Requirements--Certain Vehicles	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25803 (c)	A	Lamp/Reflector/Flag Requirements--Load in Excess of 100-Inch Outside Width	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25803 (c)	B	Lamp/Reflector/Flag Requirements--Load in Excess of 100-Inch Outside Width	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25805	A	Lamps on Forklift Trucks Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25805	B	Lamps on Forklift Trucks Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25950 (a,b)	A	Color Requirements of Lights Visible to Front and Rear	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25950 (a,b)	B	Color Requirements of Lights Visible to Front and Rear	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25951	A	Lamps Over 300 Candlepower--Restrictions	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25951	B	Lamps Over 300 Candlepower--Restrictions	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
25952 (a,b)	A	Lamps and Reflectors Mounted on Loads Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
25952 (a,b)	B	Lamps and Reflectors Mounted on Loads Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
26100 (a)	A	Sale of Noncompliant Vehicle Equipment/ Device	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
26100 (b)	A	Use or Operation of Vehicle With Noncompliant Equipment	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
26100 (b)	B	Use or Operation of Vehicle With Noncompliant Equipment	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26101 (a)	A	Sale of Device Intended to Modify Vehicle Lighting or Equipment Performance to Be Noncompliant	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
26101 (b)	A	Use or Operation of Vehicle With Noncompliant Device Intended to Modify Lighting or Equipment Performance	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
26101 (b)	B	Use or Operation of Vehicle With Noncompliant Device Intended to Modify Lighting or Equipment Performance	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26301	A	Power Brakes Required on Vehicle Over 14,000 Pounds	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26301	B	Power Brakes Required on Vehicle Over 14,000 Pounds	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26301.5	A	Noncompliant Emergency Brake System	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26301.5	B	Noncompliant Emergency Brake System	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26302 (a-d)	A	Brake Requirements on Trailer Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26302 (a-d)	B	Brake Requirements on Trailer Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26303	A	Brake Requirements on Trailer Coaches/Camp Trailers	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26303	B	Brake Requirements on Trailer Coaches/Camp Trailers	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26304 (a,b)	A	Breakaway Device Required on Certain Vehicles	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26304 (a,b)	B	Breakaway Device Required on Certain Vehicles	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26307	A	Unlawful Towing of Forklift Lacking the Required Brakes	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

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(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
26307	B	Unlawful Towing of Forklift Lacking the Required Brakes	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26311 (a)	A	Service Brakes Required--All Wheels on Certain Vehicles	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26311 (a)	B	Service Brakes Required--All Wheels on Certain Vehicles	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26311 (b)	A	Service Brakes for Adverse Road Conditions Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26311 (b)	B	Service Brakes for Adverse Road Conditions Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26311 (c)	A	Service Brake Required--Stopping Distance As Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26311 (c)	B	Service Brake Required--Stopping Distance As Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26450	A	Required Brake Systems Defined	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26450	B	Required Brake Systems Defined	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26451 (a-c)	A	Parking Brake Requirements Defined	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26451 (a-c)	B	Parking Brake Requirements Defined	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26452	A	Adequate Brakes After Engine Failure Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26452	B	Adequate Brakes After Engine Failure Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26453	A	Condition of Brakes to Be Maintained	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26453	B	Condition of Brakes to Be Maintained	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26454 (a,b)	A	Control and Stopping Requirements Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26454 (a,b)	B	Control and Stopping Requirements Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26456	A	Tests of Brake Performance Prohibited Over 25 MPH	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
26456	B	Tests of Brake Performance Prohibited Over 25 MPH	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

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(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
26457	A	Stopping Ability of Certain Vehicles Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26457	B	Stopping Ability of Certain Vehicles Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26458 (a)	A	Braking System Required for Certain Vehicles/Combinations	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26458 (a)	B	Braking System Required for Certain Vehicles/Combinations	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26458.5	A	Unlawful Use of Secondary Brake Control in Absence of Service Brake System Failure	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
26458.5	B	Unlawful Use of Secondary Brake Control in Absence of Service Brake System Failure	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26502 (a)	A	Airbrake Requirements Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26502 (a)	B	Airbrake Requirements Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26503	A	Airbrake Safety Valve to Be Maintained in Good Condition	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26503	B	Airbrake Safety Valve to Be Maintained in Good Condition	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26504	A	Failure to Comply With CHP Air Pressure Standards for Vehicles Equipped With Air Brakes	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26504	B	Failure to Comply With CHP Air Pressure Standards for Vehicles Equipped With Air Brakes	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26505	A	Pressure Gauge Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26505	B	Pressure Gauge Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26506 (a)	A	Air Pressure Warning Device Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26506 (a)	B	Air Pressure Warning Device Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26507	A	Check Valve Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26507	B	Check Valve Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26508 (a-c, e-k,o)	A	Compressed Air Brake System Requirements Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1

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(Vehicle Code)

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			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
26508 (a-c, e-k,o)	B	Compressed Air Brake System Requirements Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26520	A	Vacuum Gauge Required to Be Visible and Accurate at All Times	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26520	B	Vacuum Gauge Required to Be Visible and Accurate at All Times	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26521	A	Audible/Visible Power Brake System Warning Device Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26521	B	Audible/Visible Power Brake System Warning Device Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26522	A	Check Valve Required on Vacuum-Assisted	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
26522	B	Check Valve Required on Vacuum-Assisted	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26700 (a)	A	Adequate Windshield Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
26700 (a)	B	Adequate Windshield Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26701 (a-e)	A	Safety Glazing Material Requirements Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
26701 (a-e)	B	Safety Glazing Material Requirements Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26703 (a,b)	A	Specifications for Replacement of Safety Glazing Materials	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
26703 (a,b)	B	Specifications for Replacement of Safety Glazing Materials	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26705	A	Sale of Motorcycle Windshield Without Safety Glazing Material	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
26705	B	Sale of Motorcycle Windshield Without Safety Glazing Material	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26706 (a,b)	A	Self-Operating Windshield Wiper Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
26706 (a,b)	B	Self-Operating Windshield Wiper Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
26707	A	Condition/Use of Windshield Wipers to Be Maintained	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
26707	B	Condition/Use of Windshield Wipers to Be Maintained	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0

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(Vehicle Code)

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			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
26708 (a)(1)	A	Unlawful Material on Vehicle Windshield/Windows	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
26708 (a)(1)	B	Unlawful Material on Vehicle Windshield/Windows	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
26708 (a)(2)	A	Unlawful Material on Vehicle Windshield/Windows Obstructing or Reducing View of Driver	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
26708 (a)(2)	B	Unlawful Material on Vehicle Windshield/Windows Obstructing or Reducing View of Driver	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
26708.2	A	Use of Unauthorized Sun Screening Devices	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
26708.2	B	Use of Unauthorized Sun Screening Devices	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
26708.5 (a)	A	Application of Material to Windows Restricted	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
26708.5 (a)	B	Application of Material to Windows Restricted	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
26709 (a)	A	Rearview Mirrors Required/One on Left Side	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
26709 (a)	B	Rearview Mirrors Required/One on Left Side	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
26709 (b)	A	Two Side Rearview Mirrors Required on Certain Vehicles	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
26709 (b)	B	Two Side Rearview Mirrors Required on Certain Vehicles	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
26710	A	Defective Windshield/Rear Window Glass-Correction Required Within 48 Hours of Citation Issuance	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
26710	B	Defective Windshield/Rear Window Glass-Correction Required Within 48 Hours of Citation Issuance	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
26711	A	Failure to Provide Eyeshades to Bus or Trolley Drivers	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
26711	B	Failure to Provide Eyeshades to Bus or Trolley Drivers	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0

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			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>					
26712	A	Adequate Defroster Required on For-Hire Vehicles	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
26712	B	Adequate Defroster Required on For-Hire Vehicles	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27000 (a)	A	Adequate Horn Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27000 (a)	B	Adequate Horn Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27000 (b)	A	Backing Alarm Required on Refuse or Garbage Trucks	150	150	105.00	75	75	30	30	4	619.00	40	35	1	0.00	695.00	4a	0
27000 (b)	B	Backing Alarm Required on Refuse or Garbage Trucks	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27000 (c)	A	Rear View Camera Required for Refuse or Garbage Truck	150	150	105.00	75	75	30	30	4	619.00	40	35	1	0.00	695.00	4a	0
27000 (c)	B	Rear View Camera Required for Refuse or Garbage Truck	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27000 (d)(1)	A	Automatic Backup Alarm Required for Specified Construction Vehicles Transporting to and from a Mine or Construction Site	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27000 (d)(1)	B	Automatic Backup Alarm Required for Specified Construction Vehicles Transporting to and From a Mine or Construction Site	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27001 (a)	A	Unnecessary Use of Horn Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
27001 (a)	B	Unnecessary Use of Horn Prohibited	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27002	A	Use of Siren by Unauthorized Personnel or in Noncompliance With CHP Standards	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
27002	B	Use of Siren by Unauthorized Personnel or in Noncompliance With CHP Standards	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27003	A	Unlawful Use of Siren by Armored Car	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
27003	B	Unlawful Use of Siren by Armored Car	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27007	A	Use of Audible Sound System Outside of Vehicle Restricted	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
27007	B	Use of Audible Sound System Outside of Vehicle Restricted	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

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(Vehicle Code)

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			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
27150 (a,b)	A	Adequate Muffler Required to Be Properly Maintained	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27150 (a,b)	B, <u>61</u>	Adequate Muffler Required to Be Properly Maintained	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27150.1	A, <u>62</u>	Sale of Exhaust System Restricted	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27150.1	B	Sale of Exhaust System Restricted	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27150.3 (a)	A, <u>63</u>	Modification of Exhaust System With a Whistle-tip	250	250	175.00	125	125	50	50	4	1,029.00	40	35	1	0.00	1,105.00	4a	0
27150.3 (a)	B	Modification of Exhaust System With a Whistle-tip	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27150.3 (b)	A, <u>63</u>	Operation of Exhaust System With a Whistle-tip	250	250	175.00	125	125	50	50	4	1,029.00	40	35	1	0.00	1,105.00	4a	0
27150.3 (b)	B	Operation of Exhaust System With a Whistle-tip	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27150.3 (c)	<u>64</u>	Engage in Business Installing Exhaust System Whistle-tip	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	35	1	0.00	4,180.00	4a	0
27151 (a)	A	Modification of Exhaust System Prohibited	25	30	21.00	15	15	5	6	0	117.00	40	35	1	0.00	193.00	1a	0
27151 (a)	B, <u>65</u>	Modification of Exhaust System Prohibited	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27152	A	Exhaust Pipe Specifications	25	30	21.00	15	15	5	6	0	117.00	40	35	1	0.00	193.00	1a	0
27152	B	Exhaust Pipe Specifications	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27153	A	Excessive Smoke, Fumes, etc., Defined	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27153	B	Excessive Smoke, Fumes, etc., Defined	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27153.5 (a,b)	A, <u>66</u>	Motor Vehicle Exhaust Standards Specified	250	250	175.00	125	125	50	50	4	1,029.00	40	35	1	0.00	1,105.00	4a	0
27153.5 (a,b)	B	Motor Vehicle Exhaust Standards Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27154	A	Gases/Fumes Should Not Penetrate Cab of Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0

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(Vehicle Code)

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			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
27154	B	Gases/Fumes Should Not Penetrate Cab of Vehicle	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27155	A	Proper Fuel Tank Cap Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27155	B	Proper Fuel Tank Cap Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27156 (a,b,c, f)	A, 77	Air Pollution Control Device Required	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	0
27156 (a,b,c, f)	B	Air Pollution Control Device Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27158		Pollutant Emission Certificate Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27158.5		Pollutant Emission Certificate Required (1955–65 Models)	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27200 (d,e)		Sale of a New Motor Vehicle Exceeding EPA's Maximum Noise Standards	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27302		Sale of Seatbelts Failing to Comply With CHP Standards	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	25.00	1a	0
27304	A	Seatbelt Not Installed in Driver Training Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27304	B	Seatbelt Not Installed in Driver Training Vehicle	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27304	A	Seatbelt Not Used in Driver Training Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27304	B	Seatbelt Not Used in Driver Training Vehicle	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27305	A	Safety Belts Required on Firefighting Vehicles	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27305	B	Safety Belts Required on Firefighting Vehicles	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27314 (a,b)		Failure to Provide Required Seatbelts Prior to Sale of Any Used Passenger Vehicle Dated 1972 to 1990	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27315 (d,e)	A, 68	Mandatory Use of Safety Belts Required	20	20	14.00	10	10	4	4	4	86.00	40	35	1	0.00	162.00	4a	0

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			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
27315 (d,e)	B	Mandatory Use of Safety Belts Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27315 (f)	A, 68	Owner to Maintain Safety Belts in Working Condition	20	20	14.00	10	10	4	4	4	86.00	40	35	1	0.00	162.00	4a	0
27315 (f)	B	Owner to Maintain Safety Belts in Working Condition	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27315.1	A	Noncompliance With CHP Seatbelt Regulations While in a Fully Enclosed Three-Wheeled Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27315.1	B	Noncompliance With CHP Seatbelt Regulations While in a Fully Enclosed Three-D926Wheeled Vehicle	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27360 (a)	A, 69	Mandatory Use of Child Passenger Restraints in Rear Seat Required for Children Under 8 as Specified	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	1
27360 (a)	B	Mandatory Use of Child Passenger Restraints in Rear Seat Required for Children Under 8 as Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27360.5 (a)	A, 69	Mandatory Use of Safety Belt or Child Restraint System Required for Children 8 or Older, but Under 16, as Specified	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	1
27360.5 (a)	B	Mandatory Use of Safety Belt or Child Restraint System Required for Children 8 or Older, but Under 16, as Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27363 (b)	A	Transportation of Child in Case of Life-Threatening Emergency in Vehicle or Emergency Vehicle With No Child Restraint System Without Use of Seatbelt	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
27363 (b)	B	Transportation of Child in Case of Life-Threatening Emergency in Vehicle or Emergency Vehicle With No Child Restraint System Without Use of Seatbelt	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0

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			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>					
27363 (f)	A	Transportation of Child in Rear-Facing Child Passenger Restraint System in Front Seat of Vehicle With Active Frontal Airbag	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
27363 (f)	B	Transportation of Child in Rear-Facing Child Passenger Restraint System in Front Seat of Vehicle With Active Frontal Airbag	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27363.5 (a,b)		Failure of Hospital, Clinic, or Birthing Center to Provide Information About Child Passenger Restraint Requirements and Contact Information	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
27365 (a)(1)	<u>70</u>	Rental Agencies Required to Inform Customers About Child Restraint Requirements, Provide for Rental of Child Passenger Restraint System	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a	0
27368	A	Failure to Abide by Safety Standards and Regulations for Child Passengers in Fully Enclosed Three-Wheeled Vehicles	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	1
27368	B	Failure to Abide by Safety Standards and Regulations for Child Passengers in Fully Enclosed Three-Wheeled Vehicles	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
<a href="#">27375 (a)</a>	<u>A</u>	<a href="#">Violation of Door or Window Requirement for Modified Limousine</a>	<a href="#">70</a>	<a href="#">70</a>	<a href="#">49.00</a>	<a href="#">35</a>	<a href="#">35</a>	<a href="#">14</a>	<a href="#">14</a>	<a href="#">4</a>	<a href="#">291.00</a>	<a href="#">40</a>	<a href="#">35</a>	<a href="#">1</a>	<a href="#">0.00</a>	<a href="#">367.00</a>	<a href="#">3a</a>	<a href="#">0</a>
<a href="#">27375 (a)</a>	<u>B</u>	<a href="#">Violation of Door or Window Requirement for Modified Limousine</a>	<a href="#">25</a>	<a href="#">0</a>	<a href="#">0.00</a>	<a href="#">0</a>	<a href="#">0</a>	<a href="#">0</a>	<a href="#">0</a>	<a href="#">0</a>	<a href="#">0.00</a>	<a href="#">0</a>	<a href="#">0</a>	<a href="#">0</a>	<a href="#">0.00</a>	<a href="#">25.00</a>	<a href="#">4a</a>	<a href="#">0</a>
27375 (b)	<u>74</u>	Failure of Limousine Driver to Unlock Rear Doors for Passengers to Open for Fire or Emergency	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a	0
27375 (c)(1)	<u>72</u>	Failure of Limousine <del>Driver</del> <u>Owner or Operator</u> to Instruct Passengers on Vehicle Features and Communication With the Driver	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a	0
27375 (c)(2)	<u>72</u>	Failure of Limousine <del>Driver</del> <u>Owner or Operator</u> to Disclose Whether the Limousine Meets Current Safety Requirements	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a	0

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			Fine /Fee	State PA*														
27375 (c)(3)	<a href="#">72</a>	Failure of Limousine <a href="#">Driver Owner or Operator</a> to Disclose Whether the Limousine Is Exempt From Safety Requirements For Emergency Escape	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a	0
27400	A	Headsets and Ear Plugs Over Both Ears Prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27400	B	Headsets and Ear Plugs Over Both Ears Prohibited	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27450 (a-c)	A	Noncompliance With Minimum Tire Thickness Requirements	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27450 (a-c)	B	Noncompliance With Minimum Tire Thickness Requirements	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27452	A	Noncompliance With CHP Uniform Tire Thickness Requirements	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27452	B	Noncompliance With CHP Uniform Tire Thickness Requirements	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27453	A	Use of Noncompliant Dual Solid Rubber Tires	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27453	B	Use of Noncompliant Dual Solid Rubber Tires	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27454	A	Use of Tires Containing Prohibited Projections Beyond Tread of the Tire's Surface	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27454	B	Use of Tires Containing Prohibited Projections Beyond Tread of the Tire's Surface	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27455 (a)		Sale of Inner Tube That Is Noncompliant With CHP Inner Tube Standards	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27455 (b)		Installation of Inner Tube That Is Noncompliant With CHP Inner Tube Standards	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27459	A	Tire Chains or Snow Tires Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27459	B	Tire Chains or Snow Tires Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27459.5 (a,b)		Sale/Replacement of Noncompliant Tire Chains Prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0

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			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
27460	A	Four-Wheel-Drive Vehicles With Snow Tread Tires Allowed; Chains to Be Carried	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
27460	B	Four-Wheel-Drive Vehicles With Snow Tread Tires Allowed; Chains to Be Carried	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
27460.5		Knowingly Selling or Offering for Sale a Recut or regrooved tire for noncommercial use	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
27461	A	Use of recut or regrooved tires prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
27461	B	Use of recut or regrooved tires prohibited	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
27465 (a)		Inadequate tire tread—sale prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
27465 (b)	A	Inadequate tire tread—use on highway prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
27465 (b)	B	Inadequate tire tread—use on highway prohibited	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
27500 (a)	A	Violation of CHP regulations for pneumatic tire standards	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
27500 (a)	B	Violation of CHP regulations for pneumatic tire standards	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
27501 (a)		Sale or installation of nonconforming pneumatic tires	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
27501 (b)	A	Operating with nonconforming pneumatic tires	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
27501 (b)	B	Operating with nonconforming pneumatic tires	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
27502		Sale of tires that fail to comply with noise standards articulated in VC 27503	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
27600	A	Fenders and mud guards required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
27600	B	Fenders and mud guards required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
27602 (a)	A	Operation of a motor vehicle containing unauthorized video screen or TV monitor within driver's field of vision	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base	State	County	DNA	Court	Surcharge*	EMS	EMAT PA*	Fine	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
			Fine /Fee	PA*	PA*/10	PA*	PA*/10		PA*	PA*/10	PA*							
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
27602 (a)	B	Operation of a Motor Vehicle Containing Unauthorized Video Screen or TV Monitor Within Driver's Field of Vision	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27603		Noncompliance With Repainting Requirement for Sale of Former School Bus if Sold for Purpose Other Than Transporting Pupils	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27700 (a)	A	Tow Truck in Violation of Equipment Requirements	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27700 (a)	B	Tow Truck in Violation of Equipment Requirements	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27800	A	Equipment for Motorcycle Passenger Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	1
27800	B	Equipment for Motorcycle Passenger Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27801 (a,b)	A	Required Position of Equipment on Motorcycle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	1
27801 (a,b)	B	Required Position of Equipment on Motorcycle	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27802 (a)		Failure to Label Helmets With Certification of Federal Safety Standard Compliance	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27802 (b)		Sale of Safety Helmets That Fail to Comply With California DMV Requirements	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27803 (b)	A	Operating/Riding Motorcycle, Motor-Driven Cycle, or Motorized Bicycle While Not Wearing Helmet as Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27803 (b)	B	Operating/Riding Motorcycle, Motor-Driven Cycle, or Motorized Bicycle While Not Wearing Helmet as Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27803 (c)	A	Riding Motorcycle, Motor-Driven Cycle, or Motorized Bicycle as Passenger While Driver or Passenger Not Wearing Helmet as Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base				Court	Surcharge*	EMS	EMAT PA*	Fine	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
			Fine /Fee	State PA*	County PA*/10	DNA PA*	PA*		PA*	PA*	Surcharge & PA Subtotal							
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>			<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
27803 (c)	B	Riding Motorcycle, Motor-Driven Cycle, or Motorized Bicycle as Passenger While Driver or Passenger Not Wearing Helmet as Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27900 (a,b)	A	Placards With Identifying Name Required on Both Sides	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27900 (a,b)	B	Placards With Identifying Name Required on Both Sides	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27901	A	Name and Trademark Visibility Required on For-Hire Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27901	B	Name and Trademark Visibility Required on For-Hire Vehicle	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27903 (a)	A	Placards Indicating Type of Hazardous Cargo Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27903 (a)	B	Placards Indicating Type of Hazardous Cargo Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27904	A	Pilot Cars Required to Display Company Name on Both Sides of Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27904	B	Pilot Cars Required to Display Company Name on Both Sides of Vehicle	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27904.5	A	Failure to Display Identification Sign in Pilot Car as Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27904.5	B	Failure to Display Identification Sign in Pilot Car as Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27905	A	Unauthorized Display of Sign Containing the Words "Fire" or "Fire Department"	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27905	B	Unauthorized Display of Sign Containing the Words "Fire" or "Fire Department"	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27906	A	Improper or Unauthorized Display of School Bus Sign	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27906	B	Improper or Unauthorized Display of School Bus Sign	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27907	A	Failure to Display Identification Sign in Towing Vehicle as Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

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Section	Notes	Offense	Base	State	County	DNA	Court	Surcharge*	EMS	EMAT PA*	Fine	Court OPS	Conv.Assess.	Night	TAP	"Total	Category	DMV Points
			Fine /Fee	PA*	PA*/10	PA*	PA*/10	Surcharge*	PA*/10	PA*	Surcharge & PA Subtotal	OPS	Assess.	Court	Fee	Bail" ** / Fee		
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>					
27907	B	Failure to Display Identification Sign in Towing Vehicle as Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27908	A	Failure to Display Identification Sign in Taxicab as Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27908	B	Failure to Display Identification Sign in Taxicab as Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
27909	A	Visible Signs Required on Vehicle Transporting Liquefied Petroleum or Natural Gas	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
27909	B	Visible Signs Required on Vehicle Transporting Liquefied Petroleum or Natural Gas	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
28000	A	Failure to Install Required Emergency Exits in Refrigerator Vans	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
28000	B	Failure to Install Required Emergency Exits in Refrigerator Vans	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
28053 (b)	A	Failure to Adjust Odometer or Notify of Adjustment as Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
28053 (b)	B	Failure to Adjust Odometer or Notify of Adjustment as Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
28053 (c)		Odometer Notice Affixed, Removed, or Altered With Intent to Defraud	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
28060 (a)		Sale of Recreational Vehicle or Camper Containing Cooking Equipment Without Fire Extinguisher	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
28060 (b)	A	Operation of Recreational Vehicle or Camper Containing Cooking Equipment Without Fire Extinguisher	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
28060 (b)	B	Operation of Recreational Vehicle or Camper Containing Cooking Equipment Without Fire Extinguisher	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
<u>28062 (a)</u>	<u>A.</u>	<u>Modified Limousine Not Equipped With Fire Extinguishers As Required</u>	<u>25</u>	<u>30</u>	<u>21.00</u>	<u>15</u>	<u>15</u>	<u>5</u>	<u>6</u>	<u>4</u>	<u>121.00</u>	<u>40</u>	<u>35</u>	<u>1</u>	<u>0.00</u>	<u>197.00</u>	<u>1a</u>	<u>0</u>

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base	State	County	DNA	Court	Surcharge*	EMS	EMAT PA*	Fine	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
			Fine /Fee	PA*	PA*/10	PA*	PA*/10		PA*	PA*	Surcharge & PA Subtotal							
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
<a href="#">28062 (a)</a>	<a href="#">B. Modified Limousine Not Equipped With Fire Extinguishers As Required</a>		<a href="#">25</a>	<a href="#">0</a>	<a href="#">0.00</a>	<a href="#">0</a>	<a href="#">0.00</a>	<a href="#">0</a>	<a href="#">0</a>	<a href="#">0</a>	<a href="#">0.00</a>	<a href="#">25.00</a>	<a href="#">4a</a>	<a href="#">0</a>				
28071	A	Front and Rear Bumper Required on Passenger Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
28071	B	Front and Rear Bumper Required on Passenger Vehicle	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
28080 (a)	A	Audible/Visible Camper Signaling Device Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
28080 (a)	B	Audible/Visible Camper Signaling Device Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
28080 (b)	A	Operating Camper Without Signaling Device Prohibited	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
28080 (b)	B	Operating Camper Without Signaling Device Prohibited	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
28085 (c)	A	Use of Theft Alarm That Emits the Sound of a Siren	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
28085 (c)	B	Use of Theft Alarm That Emits the Sound of a Siren	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
28100	A	Failure to Display, or Unauthorized Display of, Red Warning Flags on Pilot Cars	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
28100	B	Failure to Display, or Unauthorized Display of, Red Warning Flags on Pilot Cars	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
28101	A	Noncompliance With Pilot Car Design and Equipment Requirements	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
28101	B	Noncompliance With Pilot Car Design and Equipment Requirements	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
28102	A	Noncompliance With Vertical Clearance Measuring Device Requirements for Pilot Cars	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
28102	B	Noncompliance With Vertical Clearance Measuring Device Requirements for Pilot Cars	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
28103	A	Pilot Cars Required to Have Equipment in Working Order	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
28103	B	Pilot Cars Required to Have Equipment in Working Order	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
28150 (a,b)	A	Equipping Vehicle With or Possession of Radar Jamming Equipment	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
28150 (a,b)	B	Equipping Vehicle With or Possession of Radar Jamming Equipment	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
29001	A	Fifth Wheel Connecting Device Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	1
29001	B	Fifth Wheel Connecting Device Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
29002	A	Fifth Wheel Locking Device Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	1
29002	B	Fifth Wheel Locking Device Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
29003 (a-c)	A	Drawbar, Hitch, or Coupling Must Be Secure	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	1
29003 (a-c)	B	Drawbar, Hitch, or Coupling Must Be Secure	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
29004 (a) (1-3)	A	Safety Chain Secured for Towing	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	1
29004 (a) (1-3)	B	Safety Chain Secured for Towing	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
29004 (b)	A	Safety Connection of Insufficient Strength	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	1
29004 (b)	B	Safety Connection of Insufficient Strength	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
29004 (c)	A	Safety Chain or Device With Excess Slack	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	1
29004 (c)	B	Safety Chain or Device With Excess Slack	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
29004 (d)	A	Failure to Comply With Safety Chain Requirements for Semi-trailers With Fifth Wheel Kingpin Connecting Device	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
29004 (d)	B	Failure to Comply With Safety Chain Requirements for Semi-trailers With Fifth Wheel Kingpin Connecting Device	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
29005	A	Drawbar Length Defined	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
29005	B	Drawbar Length Defined	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
29006 (a)	A	Coupling of Towed Vehicles Defined	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
29006 (a)	B	Coupling of Towed Vehicles Defined	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
29200 (c)	A	Regulations Governing Transportation of Logs and Poles	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
29200 (c)	B	Regulations Governing Transportation of Logs and Poles	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
31301 (a)		Unlawful Transportation Through Caldecott Tunnel	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
31400 (a-c)	A	Equipment Required on Trucks Transporting Workers	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
31400 (a-c)	B	Equipment Required on Trucks Transporting Workers	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
31401 (d)	A	Rental or Use of Farm Labor Vehicle by Owner or Contractor Without CHP Inspection Per VC 31401(b)	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
31401 (d)	B	Rental or Use of Farm Labor Vehicle by Owner or Contractor Without CHP Inspection Per VC 31401(b)	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
31401 (e)	A	Operation of Farm Labor Vehicle by Owner or Contractor Without CHP Inspection Certificate Per VC 31401(b)	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
31401 (e)	B	Operation of Farm Labor Vehicle by Owner or Contractor Without CHP Inspection Certificate Per VC 31401(b)	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
31405 (d)	A	Failure to Restrain All Passengers of Farm Labor Vehicles in Seatbelts	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
31405 (d)	B	Failure to Restrain All Passengers of Farm Labor Vehicles in Seatbelts	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
31406 (a)	A	Transportation of Passengers in a Farm Labor Vehicle With a Seating System That Is Noncompliant With CHP Standards	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
31406 (a)	B	Transportation of Passengers in a Farm Labor Vehicle With a Seating System That Is Noncompliant With CHP Standards	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
31406 (b)	A	Installation of Seat or Seating System in Farm Labor Vehicle That Is Noncompliant With CHP Standards	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
31406 (b)	B	Installation of Seat or Seating System in Farm Labor Vehicle That Is Noncompliant With CHP Standards	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
31407	A	Farm Labor Vehicle in Motion With Sharp Tool Unsecured or Blocking Aisle or Exit	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	1
31407	B	Farm Labor Vehicle in Motion With Sharp Tool Unsecured or Blocking Aisle or Exit	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
31408	A	Failure to Light Both Headlamps on Farm Labor Vehicles During Operation	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	1
31408	B	Failure to Light Both Headlamps on Farm Labor Vehicles During Operation	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
31409	A	Failure of Public Transit System Operated for Transporting Farm Workers and/or any Farm Worker Transportation Program to Comply With Farm Labor Vehicle Regulations	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
31409	B	Failure of Public Transit System Operated for Transporting Farm Workers and/or any Farm Worker Transportation Program to Comply With Farm Labor Vehicle Regulations	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
31540 (b)	A	Regulations Governing Transportation of Tank Containers Specified	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	1
31540 (b)	B	Regulations Governing Transportation of Tank Containers Specified	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
34500.3 (a)	A	Noncompliance With CHP Cargo Regulations	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
34500.3 (a)	B	Noncompliance With CHP Cargo Regulations	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
34501.2 (b,c)		Driving Hours and Duty Status Limitations	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
34501.4		Failure to Produce Complete Driver's Logbook for the Last 24-hour Period	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
34501.8		Failure to Display CHP Certificate of Inspection on Paratransit Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
34506.3	<u>76</u>	Failure to Comply With Rules/Regulations--Driving Logs	150	150	105.00	75	75	30	30	4	619.00	40	35	1	0.00	695.00	4a 1
34506.3	A	Failure to Comply With Rules/Regulations--Other Safety/Maintenance Items	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
34506.3	B	Failure to Comply With Rules/Regulations--Other Safety/Maintenance Items	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
34507		Display of Distinctive Identification Symbol Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
34507.5		Failure to Display Carrier Identification Number	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
34510		Display of Shipping Papers on Demand Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
34517 (a)		Operation of Commercial Vehicle From Another Country Restricted	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	35	1	0.00	4,180.00	4a 0
34518 (a)	<u>77</u>	Violation of Foreign Motor Carrier and Private Foreign Motor Carrier Registration and Operation Requirements and Limitations	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	35	1	0.00	4,180.00	4a 0
34518 (b) (1-3)	<u>77</u>	Violation of Motor Carrier Registration and Operation Requirements	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	35	1	0.00	4,180.00	4a 0
35100 (a)		Outside Width of Vehicle or Load Exceeding 102 Inches	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
35100.5		Operation of Cotton Module Mover in Violation of Width Standards Set by the County Board of Supervisors	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
35101		Failure to Comply With CHP Width Standards of Vehicles Equipped With Pneumatic Tires	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0

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(Vehicle Code)

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			Fine /Fee	State PA*														
			10/10	7.00	5/10	5.00	20%	2.00	4		40	35	1	0.00				
35102		Carrying a Load of Loosely Loaded Agricultural Products on Racks More Than 120 Inches Wide	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
35104 (a,b)		Special Vehicles More Than 120 Inches Wide	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
35109		Motor Vehicle With Lights, Mirrors, or Other Devices Extending Beyond 10 Inches From Side of Vehicle	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
35110		Motor Vehicle With Door Handles, Hinges, Cable Cinchers, Chain Binders, Aerodynamic Devices, and/or Placard Holders Extending Beyond 3 Inches of Side of Vehicle	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
35111		Operating Passenger Vehicle With Load Exceeding Permissible Width Beyond Fenders	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
35250		Height Limits of Vehicle/Load Defined	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
35251 (a)		Hydraulic Boom or Mast Must Be Secured in Transit	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
35252 (a-c)		Failure to Use Vertical Clearance Measuring Device as Required	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
35400 (a)		Overlength-Single Vehicle Specifications	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
35400 (e)(1)		Improper or Unsafe Mounting of Bicycle on Bus	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
35401 (a)		Overlength-Vehicle Combination Specifications	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
35401 (b)		Overlength-Vehicle Combination Specifications	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
35406 (a,b)		Front Projections Defined	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
35407 (a-d)		Noncompliance With Boom and Mast Regulations	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

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(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points	
			Fine /Fee	State PA*														
			<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
35408		Installation of Front Bumper Projecting More Than 2 Feet Forward From Frontmost Part of Vehicle	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0	
35409 (a)		Use of Dismountable Photo or Motion Picture Device Extending Over 5 Feet in Front of the Cab Structure of Vehicle	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0	
35409 (b)		Use of Unauthorized Dismountable Platform for Purpose of Making Instructional Safe Driving Motion Pictures	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0	
35410		Rear Projections Defined	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0	
35411		Noncompliance With Maximum Length and Load Standards	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0	
35550 (a-c)	<u>78</u>	Maximum Weight on Single Axle or Wheels			[See Overweight Chart]												4a	0
35551 (a,b)	<u>78</u>	Computation of Allowable Gross Weight (Overweight)			[See Overweight Chart]												4a	0
35551.5	<u>78</u>	Violation of Gross Weight Computation Method Prescribed for Combinations Containing Trailer/Semitrailer by Less Than 4,500 Pounds			[See Overweight Chart]												4a	0
35552	<u>78</u>	Failure to Comply With Log Transportation Standards of the Christensen-Belotti Act	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0	
35554 (a)(1)		Weight in Excess of 20,500 Pounds on a Bus Axle			[See Overweight Chart]												4a	0
35554 (c)		Operation of Transit Bus in Excess of Federal Weight Limit			[See Overweight Chart]												4a	0
35600	<u>78</u>	Noncompliance With Solid Tire Gross Weight Limitation Standards by Less Than 4,501 Pounds			[See Overweight Chart]												4a	0
35601	<u>78</u>	Noncompliance With Metal Tire Gross Weight Limitation Standards by Less Than 4,501 Pounds			[See Overweight Chart]												4a	0

## TRAFFIC INFRACTION FIXED PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*													
			10/10		7.00	5/10	5.00	20%	2.00	4		40	35	1	0.00		
35655 (a)	<u>78</u>	Operation of Vehicle on Highway Containing Load Exceeding Maximum Weight Highway Is Designed to Sustain by Less Than 4,501 Pounds															4a 0
35712	<u>78</u>	Violation of County Ordinance Prohibiting Commercial Vehicles Exceeding Certain Weight Limitations by Less Than 4,501 Pounds in Residential Area															4a 0
35753 (a)	<u>78</u>	Operation of Vehicle Over Bridge, Causeway, Viaduct, Trestle, or Dam in Vehicle Containing Load Exceeding the Maximum Weight the Structures Will Safely Sustain by Less Than 4,501 Pounds															4a 0
35783		Failure to Present Valid Permit Upon Request	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
35783.5		Warning Signs Must Be Removed or Covered When Operating Without a Load	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
36300		Operating a Farm Tractor Drawing Trailer of Produce Without Valid Driver's License	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
36400		Operating Vehicle Designed Exclusively for Moving Implements of Husbandry at a Speed of More Than 35 MPH	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
36508		Moving New Implement of Husbandry at Speed Over 25 MPH Without "Slow Moving Vehicle Emblem" Displayed as Required	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
36510		Operating Implements of Husbandry Vehicles at Speed Beyond That Safely Required to Stop Within 32 Feet	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
36600		Transporting Implements of Husbandry That Exceed the Width Limitation of 120 Inches More Than 25 Miles From Their Point of Origin	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

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(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*													
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
36605		Noncompliance With Width Limitations Imposed on Trailers and Semi-trailers Not Used in the Exclusive Transportation of Implements of Husbandry	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
36606 (a)		Noncompliance With the Automatic Bale Wagon Width Limitation of 120 Inches	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
36705		Operation of Automatic Bale Wagon Exceeding 96 Inches in Width, or Carrying a Load in Excess of 100 Inches During Darkness	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
38020	<u>79</u>	Registration Required for Off-Highway Vehicle/Riding in Violation of Season Prohibited	50	50	35.00	25	25	10	10	4	209.00	40	35	1	0.00	285.00	4a 0
38300		Unlawful to Disobey Specified Sign, Signal, or Traffic Control Device	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
38301	<u>80</u>	Unlawful to Violate Off-Highway Vehicle Operation Regulations	50	50	35.00	25	25	10	10	4	209.00	40	35	1	0.00	285.00	4a 0
38301.3	<u>81</u>	Unlawful Entry of Motor Vehicle Into Federal or State Wilderness Area	150	150	105.00	75	75	30	30	4	619.00	40	35	1	0.00	695.00	4a 0
38301.5		Violation of Local Ordinance Prohibiting Entry Into Mountain Fire District	150	150	105.00	75	75	30	30	4	619.00	40	35	1	0.00	695.00	4a 0
38304.1		Knowingly Allowing Child to Operate Off-Highway Vehicle in Violation of Vehicle Code Section 38304	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	4a 0
38330	A	Unlawful to Operate Vehicle That Is Unsafe, Not Equipped as Required for an Off-Highway Vehicle, or Not Safely Loaded	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
38330	B	Unlawful to Operate Vehicle That Is Unsafe, Not Equipped as Required for an Off-Highway Vehicle, or Not Safely Loaded	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
38374 (a)	A	Off-Highway Motor Vehicle Equipped With Siren	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 0
38375 (a)	B	Off-Highway Motor Vehicle Equipped With Siren	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0

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			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>				
38375 (b)	A	Use of Siren While Driving an Off-Highway Motor Vehicle	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
38375 (b)	B	Use of Siren While Driving an Off-Highway Motor Vehicle	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
38390	A	Operating or Maintaining in a Condition of Readiness an Off-Highway Vehicle Without Proper Emission Control Equipment	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
38390	B	Operating or Maintaining in a Condition of Readiness an Off-Highway Vehicle Without Proper Emission Control Equipment	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	0.00	4a	0
38503		Conditions of Minor Operating All-Terrain Vehicle	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
38504.1 (a)	<u>82</u>	Allowing Child Under 14 Years of Age to Operate an All-Terrain Vehicle Without Safety Training/Supervision/Safety Certificate Required Under VC 38504	125	130	91.00	65	65	25	26	4	531.00	40	35	1	0.00	607.00	4a	0
38505	A	Operating or Riding All-Terrain Vehicle While Not Wearing Safety Helmet as Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
38505	B	Operating or Riding All-Terrain Vehicle While Not Wearing Safety Helmet as Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
38600		Operating a Recreational Off-Highway Vehicle by Person Under 16 Years of Age That Is Unsupervised by an Authorized Adult	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
38601	<u>83</u> A.	Operating or Riding in Recreational Off-Highway Vehicle <u>on Public Land</u> by Person While Not Wearing Safety Helmet as Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
38601	<u>83</u> B.	Operating or Riding in Recreational Off-Highway Vehicle <u>on Public Land</u> by Person While Not Wearing Safety Helmet as Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0

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(Vehicle Code)

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			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>					
38602	A	Operating or Riding in Recreational Off-Highway Vehicle by Person While Not Wearing Safety Belt or Harness as Required	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
38602	B	Operating or Riding in Recreational Off-Highway Vehicle by Person While Not Wearing Safety Belt or Harness as Required	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a	0
38603 (a)	<sup>85</sup>	Operating a Recreational Off-Highway Vehicle With a Model Year of 2014 or Later While Allowing a Passenger to Ride in Seat Location Not Provided by Manufacturer	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
38603 (b)	<sup>85</sup>	Operating a Recreational Off-Highway Vehicle With a Model Year of 2013 or Earlier While Allowing a Passenger to Ride in Seat Location That Is Not Contained Inside of the Rollover Protection Structure	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
38604 (a)	<sup>85</sup>	Operating a Recreational Off-Highway Vehicle While Allowing a Passenger to Ride Who Cannot Grasp Handhold When Belted or Harnessed as Required	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a	0
38604 (c)	<sup>85</sup>	Recreational Off-Highway Vehicle With Handhold That Interferes With Passenger Exit From the Vehicle	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	2a	0
39002 (b)	<sup>84</sup>	Illegal to Tamper With/Destroy Bicycle Identification	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
40001 (a,b)		Owner's Responsibility [Bail should be in accordance with the bail on the underlying offense.]																
40151 (a)		Failure to Bring Lighting Equipment Into Compliance or Comply With Removal Order Within 24 Hours of Inspection	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0
40151 (b)		Failure to Bring Lighting Equipment Into Compliance or Comply With Removal Order Within 48 Hours of Inspection	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a	0

## TRAFFIC INFRACTION FIXED PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points	
			Fine /Fee	State PA*														
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>			<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
40508 (a,b)	<u>85</u>	Violation of Promise to Appear, Promise to Pay	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	4a	0
42005 (i)	<u>86</u>	Failure to Attend Court-Ordered TVS	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	4a	0

### Notes

- <sup>A</sup> Violation cited on a notice to appear as not eligible for correction. (VC 40303.5, VC 40522, and VC 40610.) A citing officer may issue a noncorrectable notice to appear for an equipment, driver's license, or registration offense that is potentially eligible for correction if the officer determines that the violation presents an immediate safety hazard, there is evidence of fraud or persistent neglect, or the violator does not agree to, or cannot, promptly correct the violation. (See *California Highway Patrol v. Superior Court* (2008) 158 Cal.App.4th 726 [riding a motorcycle without wearing any helmet presents an "immediate safety hazard" when an officer makes that determination and issues a noncorrectable citation].) If a citation does not indicate that an offense is eligible for correction under VC 40522, a court may presume that the offense is cited as noncorrectable. (See also *id.* at p. 740 [a court may infer from the type of citation issued that the officer did or did not find disqualifying circumstances].)
- <sup>B</sup> Violation cited on a notice to appear as eligible for correction. (VC 40303.5, VC 40522, and VC 40610.) A potentially eligible equipment, driver's license, or registration offense may be cited as correctable on a notice to appear unless the citing officer determines that the violation presents an immediate safety hazard, there is evidence of fraud or persistent neglect, or the violator does not agree to, or cannot, promptly correct the violation. (See *California Highway Patrol v. Superior Court* (2008) 158 Cal.App.4th 726 [riding a motorcycle without wearing any helmet presents an "immediate safety hazard" when an officer makes that determination and issues a noncorrectable citation].)
- <sup>1</sup> Per VC 28(b): "Any person failing to notify the city police department, sheriff's department, or campus police department as required by this section is guilty of an infraction, and shall be fined a minimum of \$300, and up to \$500."
- <sup>2</sup> Minimum fine set by VC 42001.1.
- <sup>3</sup> Minimum fine set by VC 42001.8. (See VC 40152 regarding proof for adjudication.)
- <sup>4</sup> Per VC 4461.3, a city or county may adopt an ordinance or resolution to assess an additional penalty of \$100.
- <sup>5</sup> Per VC 4463(e): Fine "... not less than \$100 and not more than \$250 for a first offense ... ."
- <sup>6</sup> Per VC 5201.1(~~b~~)(d): "punishable by a fine of \$250 per item sold or per violation."
- <sup>7</sup> Per PC 19.8: VC 12500 charged as an infraction is subject to fine "... not to exceed \$250 ... ."
- <sup>8</sup> Per VC 12814.6(e)(1): "the court shall impose one of the following: (A) Not less than eight hours nor more than 16 hours of community service for a first offense ... (B) A fine of not more than \$35 for first offense ... ."
- <sup>9</sup> Per VC 14601.1(e), VC 14601.1 applies to the operation of an off-highway motor vehicle on those lands to which the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with VC 38000)) applies as to off-highway motor vehicles, as described in VC 38001. Per PC 19.8: VC 14601.1(a) charged as an infraction is subject to fine "... not to exceed \$250 ... ."
- <sup>10</sup> ~~Assem. Bill 2188 (Stats. 2012, ch. 670). Sen. Bill 788 (Stats. 2013, ch. 523).~~
- <sup>11</sup> ~~Assem. Bill 2188 (Stats. 2012, ch. 670). Per VC 14606(d): "in effect only until January 30, 2014 ... ."~~
- <sup>12</sup> ~~Sen. Bill 788 (Stats. 2013, ch. 523). Per VC 14606(d): "operative on January 30, 2014."~~
- <sup>13</sup> Per VC 14611: "a fine of not less than \$5,000 nor more than \$10,000."
- <sup>14</sup> ~~Assem. Bill 1047 (Stats. 2013, ch. 649). Per VC 15309.5(b): "A first conviction under this section is punishable as either an infraction or a misdemeanor ... . A second or subsequent conviction is punishable as a misdemeanor ... ."~~

## TRAFFIC INFRACTION FIXED PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
			Fine /Fee	State PA*													
			10/10	7.00	5/10	5.00	20%	2.00	4		40	35	1	0.00			

<sup>13</sup> VC 15620(b) permits the court to reduce or waive the fine if the defendant establishes to the satisfaction of the court that he or she is economically disadvantaged and the court, instead, refers the defendant to a community education program that includes education on the dangers of leaving young children unattended in motor vehicles, and provides certification of completion. Upon completion of that program, the defendant shall provide that certification to the court.

<sup>14</sup> Per VC 16025(b): "... fine not to exceed \$250 ... ."

<sup>15</sup> Per VC 16029(a): "...fine of not less than \$100 and not more than \$200 for first conviction. Per VC 16029(e): "(1) Except as provided in this subdivision, the court shall impose a fine that is greater than the minimum fine specified in subdivision (a) or (b), and may not reduce that fine to the minimum fine authorized under those provisions, unless the defendant has presented the court with evidence of financial responsibility, as defined in Section 16020, for the vehicle. In no event may the court impose a fine that is less than the minimum specified in subdivision (a) or (b), or impose a fine that exceeds the maximum fine authorized under those subdivisions. ... (2) Notwithstanding any other provisions of law, the imposition of the fine required under subdivision (a) or (b) is mandatory upon conviction of a violation of subdivision (a) of Section 16028 and may not be waived, suspended, reduced below the minimum fines, unless the court in its discretion reduces or waives the fine based on the defendant's ability to pay."

Per VC 16028(e): "A person ... may... provide written evidence of financial responsibility ... showing that the driver was in compliance...at the time the notice to appear for violating subdivision (a) was issued... [u]pon receipt by the clerk of written evidence of financial possibility ... further proceedings on the notice to appear for the violation of subdivision (a) shall be dismissed."

<sup>16</sup> Per VC 21070: "punishable as an infraction ... ." Per VC 42001.19: "a person convicted of a violation of Section 21070 is punishable as follows: (a) For a violation involving bodily injury, by a fine of \$70."

<sup>17</sup> Per VC 21070: "punishable as an infraction ... ." Per VC 42001.19: "a person convicted of a violation of Section 21070 is punishable as follows: ... (b) For a violation involving great bodily injury, as defined in Section 12022.7 of the Penal Code, by a fine of \$95."

<sup>18</sup> This code section also pertains to offenses that may be cited as a parking violation.

<sup>19</sup> Under VC 21212(d), a first charge under VC 21212(a) shall be dismissed when the person charged alleges in court, under oath, that the charge against the person is the first charge against that person under VC 21212(a), unless it is established in court that the charge is not the first charge against that person.

<sup>20</sup> Per VC 407.5: "(a) A "motorized scooter" is any two-wheeled device that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an electric motor that is capable of propelling the device with or without human propulsion. For purposes of this section, an electric personal assistive mobility device, as defined in Section 313, a motorcycle, as defined in Section 400, a motor-driven cycle, as defined in Section 405, a motorized bicycle or moped, as defined in Section 406, or a toy, as defined in Section 108550 of the Health and Safety Code, is not a motorized scooter. (b) A device meeting the definition in subdivision (a) that is powered by a source other than electrical power is also a motorized scooter."

<sup>21</sup> Per VC 42001.15: "... fine of one hundred dollars."

<sup>22</sup> Per VC 21464: "(e) Any willful violation of subdivision (a), (b), or (c) that does not result in injury to, or the death of, a person is punishable by a fine of not more than \$5,000. ... (f) The court shall allow the offender to perform community service designated by the court in lieu of all or part of any fine imposed under this section."

<sup>23</sup> Per VC 42001.11: "fine of not less than \$100 nor more than \$150."

<sup>24</sup> ~~Sen. Bill 286 (Stats. 2013, ch. 414)~~. Per VC 21655.9(e)(2): "This section shall become inoperative on January 1, 2019, or the date federal authorization pursuant to Section 166 of Title 23 of the United States Code expires, or the date the Secretary of State receives the notice described in subdivision (i) of Section 5205.5, whichever occurs first, and, as of January 1, 2019, is repealed ... ."

<sup>25</sup> Per VC 21712 (e): "fine of \$100" for a violation of VC 21712(c) or (d).

<sup>26</sup> Per VC 42001.16: "fine of \$100 ... ."

<sup>27</sup> ~~Assem. Bill 1371 (Stats. 2013, ch. 331)~~. Per VC 21760(f): "operative on September 16, 2014."

<sup>28</sup> Per VC 42001.12: "fine of not less than \$100 ... ."

<sup>29</sup> Per VC 21809(b): "fine of not more than \$50."

## TRAFFIC INFRACTION FIXED PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
			Fine /Fee	State PA*													
			10/10	7.00	5/10	5.00	20%	2.00	4		40	35	1	0.00			

<sup>30</sup> Per VC 42001.17: "fine of \$100."

<sup>31</sup> Violation expanded to include activity on expressway. Per VC 1803(b)(6), a violation by a pedestrian or by a person on a bicycle or motorized scooter is not reportable to DMV.

<sup>32</sup> Violation of VC 21451(a,b), VC 21453(b), VC 21950(a), or VC 21952 and causing bodily injury. VC 21971 serves as a citing section when cited in tandem with the primary offense to charge the additional element of causing bodily injury. Per VC 42001.18: "every person convicted of an infraction for a violation of Section 21971 shall be punished as follows: (a) For the first infraction, by a fine of \$220."

<sup>33</sup> Per VC 22348(b)(1), a first violation is punishable by a fine "not to exceed \$500."

<sup>36</sup> [Assem. Bill 707 \(Stats. 2013, ch. 240\)](#).

<sup>34</sup> Per VC 42000.5: "... fine not exceeding \$100 for a first conviction, except that if the person has exceeded the specified speed limit by 10 miles per hour or more, the fine shall not exceed \$250."

<sup>35</sup> VC 42000.5 specifies fine amounts for designated vehicles.

<sup>36</sup> Per VC 22406.5: "fine not less than \$500 ..."

<sup>37</sup> VC 42000.5 specifies fine amounts for designated vehicles.

<sup>38</sup> Per VC 42001.16(a)(1), for a first infraction: "fine of \$100 ..."

<sup>39</sup> Per VC 42001.16(a)(1), for a first infraction: "fine of \$100 ..."

<sup>40</sup> Per VC 42001.16(a)(1), for a first infraction: "fine of \$100 ..."

<sup>41</sup> Per VC 22454.5: "... fine of not less than \$150 ..."

<sup>42</sup> Per VC 42001.5: "(a) ... fine of not less than \$250. (b) No part of any fine imposed under this section may be suspended, except that the court may suspend that portion of the fine above \$100." GC 70372(b) imposes an additional state court construction penalty of \$4.50. Per GC 76000: "(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 \$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 \$2.50. (c) The county treasurer shall deposit \$1 of every \$2.50 collected pursuant to subdivision (b) into the general fund of the county. (d) The authority to impose the \$2.50 penalty authorized by subdivision (b) shall be reduced to \$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."

<sup>43</sup> Per VC 42001.13(b)(1): "fine of not less than \$250 and not more than \$500 for the first offense." GC 70372(b) imposes an additional state court construction penalty of \$4.50. PC 1465.5 allows a board of supervisors to impose an assessment of \$2 for every \$10 of every fine. PC 1465.6 requires imposition of an additional assessment equal to 10 percent of the fine imposed. GC 76000.3 imposes a \$3 penalty on every fine imposed for a parking infraction violation. Per GC 76000: "(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 \$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 \$2.50. (c) The county treasurer shall deposit \$1 of every \$2.50 collected pursuant to subdivision (b) into the general fund of the county. (d) The authority to impose the \$2.50 penalty authorized by subdivision (b) shall be reduced to \$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."

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*													
			10/10	7.00	5/10	5.00	20%	2.00	4		40	35	1	0.00			

<sup>44</sup> [Sen. Bill 286 \(Stats. 2013, ch. 414\)](#). Per VC 42001.6: "Every person convicted of an infraction for a violation of Section 22511.1 is punishable by a fine of \$100. No part of any fine imposed shall be suspended, except the court may suspend that portion of the fine above \$25 for a violation of Section 22511.1 if the person convicted possessed at the time of the offense, but failed to display, a valid zero-emission vehicle decal identification issued pursuant to subdivision (a) of Section 5205.5. The fine may be paid in installments if the court determines that the defendant is unable to pay the entire amount in one payment." GC 70372(b) imposes an additional state court construction penalty of \$4.50 penalty. GC 76000.3 imposes a \$3 penalty on every fine imposed for a parking infraction violation. Per GC 76000: "(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 \$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 \$2.50. (c) The county treasurer shall deposit \$1 of every \$2.50 collected pursuant to subdivision (b) into the general fund of the county. (d) The authority to impose the \$2.50 penalty authorized by subdivision (b) shall be reduced to \$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."

<sup>45</sup> Per VC 42001.5: "(a) . . . fine of not less than \$250. (b) No part of any fine imposed under this section may be suspended, except the court may suspend that portion of the fine above \$100." GC 70372(b) imposes an additional state court construction penalty of \$4.50. PC 1465.6 requires imposition of an additional assessment equal to 10 percent of the fine imposed. GC 76000.3 imposes a \$3 penalty on every fine imposed for a parking infraction violation committed on or after January 1, 2011. Per GC 76000: "(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 \$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 \$2.50. (c) The county treasurer shall deposit \$1 of every \$2.50 collected pursuant to subdivision (b) into the general fund of the county. (d) The authority to impose the \$2.50 penalty authorized by subdivision (b) shall be reduced to \$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."

<sup>46</sup> Per VC 22523(c): "... fine not less than \$100 ... ."

<sup>47</sup> Per VC 42001.1: "For a first conviction, a fine of not less than \$50 nor more than \$100." These code sections also pertain to offenses that may be cited as a parking violation.

<sup>48</sup> Per VC 42001.16(a)(1), for a first infraction: "fine of \$100 ... ."

<sup>49</sup> Per PC 19.8: VC 23109(c) charged as an infraction is subject to fine "... not to exceed \$250 ... ."

<sup>50</sup> Per VC 42001.7: "... fine not less than \$100 ... ." "The court shall in addition to the fines imposed ... order the offender to pick up litter or clean up graffiti at time and place within the jurisdiction of the court ... " pursuant to VC 42001.7(b).

<sup>51</sup> Per VC 42001.4: "...fine of not less than \$50 nor more than \$100."

<sup>52</sup> Per VC 23123(b): "fine of \$20 for a first offense and \$50 for each subsequent offense."

<sup>53</sup> [Sen. Bill 194 \(Stats. 2013, ch. 754\)](#). Per VC 23124(c): "fine of \$20 for a first offense and \$50 for each subsequent offense."

<sup>54</sup> Set per VC 42001.9.

<sup>55</sup> Per VC 42001.25: "fine of \$100 ... ." For defendants at least 18 years of age who are convicted of a first violation of VC 23140, VC 23502(a) requires a court order to attend a licensed driving-under-the-influence program.

<sup>56</sup> Per VC 23222(b): " ... fine of not more that \$100."

<sup>57</sup> Per VC 40000.20: a third or subsequent violation relating to "a driver of any vehicle used to provide transportation services on a prearranged services, operating under a valid certificate or permit pursuant to the Passenger Charter-party Carriers' Act (Chapter 8 (commencing with Section 5351) of Division 2 of the public Utilities Code), is a misdemeanor.

## TRAFFIC INFRACTION FIXED PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" ** / Fee	Category	DMV Points
			Fine /Fee	State PA*														
			10/10		7.00	5/10	5.00	20%	2.00	4		40	35	1	0.00			

<sup>58</sup> This code section also pertains to offenses that may be cited as a parking violation.

<sup>59</sup> When a violation of speeding is alleged, refer to the Speed Chart.

<sup>60</sup> Per VC 42001.20(a): "... fine of \$150." Per VC 42001.20(b): a second offense within one year is punishable by "a fine not exceeding \$200." Per VC 42001.20: a violation occurring within one year of two or more prior violations is punishable by "a fine not exceeding \$250."

<sup>61</sup> VC 27150.2 requires that a station providing referee functions under H&S 44036 only issue a certificate of compliance for vehicular exhaust systems for vehicles that have received a citation for violation of VC 27150 or VC 27151.

<sup>62</sup> Per PC 19.8: VC 27150.1 charged as an infraction is subject to fine "... not to exceed \$250 ... ."

<sup>63</sup> Per VC 42001(d): "... fine of \$250 ... ."

<sup>64</sup> Per VC 42001(d): "... fine of \$1,000 ... ."

<sup>65</sup> VC 27150.2 requires that a station providing referee functions under H&S 44036 issue a certificate of compliance for vehicular exhaust systems only for vehicles that have received a citation for violation of VC 27150 or VC 27151.

<sup>66</sup> Per VC 42001.2: "... fine not less than \$250 ... ."

<sup>67</sup> Per VC 42001.14: "... fine not less than \$50 or more than \$100." Per VC 27156(d): "If the court finds that a person has willfully violated this section, the court shall impose the maximum fine ... ." Per PC 7: "willfully" implies "... simply a purpose or willingness to commit the act, or make the omission referred to." Under VC 27156 (g) a notice to appear or complaint issued for violation of VC 27156 must require proof of correction pursuant to VC 40150 or proof of exemption pursuant to 40001.1 or 4000.2.

<sup>68</sup> Per VC 27315(h): "... fine of not more than \$20 for a first offense and \$50 for each subsequent offense. In lieu of the fine and any penalty assessment or court costs, the court, pursuant to Section 42005, may order that a person convicted of a first offense attend a school for traffic violators or another court-approved program in which the proper use of safety belts is demonstrated."

<sup>69</sup> Per VC 27360.6(a): "(1) ... a first offense is punishable by a fine of \$100, except that the court may reduce or waive the fine if the defendant establishes to the satisfaction of the court that he or she is economically disadvantaged, and the court, instead, refers the defendant to a community education program that includes, but is not limited to, education on the proper installation and use of a child passenger restraint system for children of all ages, and provides certification to the court of completion of that program. Upon completion of the program, the defendant shall provide proof of participation in the program. If an education program on the proper installation and use of a child passenger restraint system is not available within 50 miles of the residence of the defendant, the requirement to participate in that program shall be waived. If the fine is paid, waived, or reduced, the court shall report the conviction to the department pursuant to Section 1803. (2) The court may require a defendant described under paragraph (1) to attend an education program that includes demonstration of proper installation and use of a child passenger restraint system and provides certification to the court that the defendant has presented for inspection a child passenger restraint system that meets applicable federal safety standards."

<sup>70</sup> Set per VC 27365(c).

<sup>71</sup> [Sen. Bill 109 \(Stats. 2013, ch. 752\)](#); [Sen. Bill 611 \(Stats. 2014, ch. 860\)](#).

<sup>72</sup> [Sen. Bill 109 \(Stats. 2013, ch. 752\)](#); [Sen. Bill 611 \(Stats. 2014, ch. 860\)](#). Per 27375(d): "(1) Subdivision (a) shall apply to all modified limousines ~~modified or extended for purposes of increasing vehicle length in an amount sufficient to accommodate additional passengers~~ on or after July 1, 2015. (2) Subdivision (a) shall, beginning January 1, 2016, apply to all limousines ~~vehicles that met the definition of modified limousine, as described in subdivision (b) of Section 378, that were are modified or extended for purposes of increasing vehicle length in an amount sufficient to accommodate additional passengers~~ prior to July 1, 2015. (3) Except as provided in paragraph (4), subdivision (a) shall not apply to any limousine manufactured ~~prior to before~~ 1970 ~~and~~ that has an active transportation charter-party carrier (TCP) number that was issued by the commission as of August 15, 2013. (4) Subdivision (a) shall apply to any limousine manufactured ~~prior to before~~ 1970 if it is was ~~modified or extended for the purpose of increasing vehicle length in an amount sufficient to accommodate additional passengers~~ after August 15, 2013.

<sup>73</sup> [Sen. Bill 611 \(Stats. 2014, ch. 860\)](#).

## TRAFFIC INFRACTION FIXED PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base		DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess.	Night Court	TAP Fee	"Total Bail" / Fee	**	Category	DMV Points
			Fine /Fee	State PA*														
			10/10	7.00	5/10	5.00	20%	2.00	4		40	35	1	0.00				

<sup>74</sup> Per VC 28150(c). Per VC 28150(d): "When a person possesses four or more devices in violation of subdivision (b), the person is guilty of a misdemeanor."

<sup>75</sup> Per VC 31404: "Any person who operates, or any owner or farm labor contractor who knowingly allows the operation of, a farm labor vehicle in violation of subdivision (b) or (d) of Section 31401 or Section 31402 or 31403 is guilty of a misdemeanor. When a person has been convicted of willfully violating those provisions, the person shall, in addition, be fined not less than \$1,000 for each violation, and no part of the fine may be suspended. If passengers are in the vehicle at the time of the violation, the person shall, in addition, be fined \$500 for each passenger, not to exceed a total of \$5,000 for each violation, and no part of this fine may be suspended. As used in this section, the terms "knowingly" and "willfully" have the same meaning as prescribed in Section 7 of the Penal Code."

<sup>76</sup> Per VC 42001.3.

<sup>77</sup> Per VC 34518(c): "fine of \$1,000."

<sup>78</sup> Per VC 40000.23: "Violation ... a misdemeanor and not an infraction ... except where the amount of excess weight is less than 4,501 pounds."

<sup>79</sup> Per VC 42001.10: "... fine not less than \$50 ... ."

<sup>80</sup> Per VC 38301(b)(1), a first offense is: "punishable by a fine not exceeding \$50."

<sup>81</sup> Per VC 38301.3(a): A first offense is "punishable by a fine not exceeding \$150."

<sup>82</sup> Per VC 38504.1(b)(1): for a first conviction "... the court shall either impose a fine of \$125 or order the person to take or retake and complete an all-terrain safety training course pursuant to VC 38501."

<sup>83</sup> ~~Sen. Bill 234 (Stats. 2013, ch. 179)~~-Assem. Bill 1835 (Stats. 2014, ch. 355).

<sup>84</sup> For a violation of any ordinance or resolution adopted pursuant to VC 39002(a), per VC 39011 the fine shall not exceed \$10.

<sup>85</sup> Per PC 19.8: VC 40508 charged as an infraction is subject to a fine "... not to exceed \$250 ... ."

<sup>86</sup> Per PC 19.8: VC 42005 charged as an infraction is subject to a fine "... not to exceed \$250 ... ."

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

**OVERWEIGHT CHART (Per VC 42030)<sup>1</sup>**

Pounds of Excess Weight	Base Fine	State PA* 10/10	County PA*/10 7.00	DNA PA* 5/10	Court Const. PA* /10 5.00	Surcharge* 20%	EMS PA* /10 2.00	EMAT PA* 4	Fine Surcharge & PA Subtotal	Court OPS 40	Conv.Assess.	Night Court 1	TAP Fee 0.00	"Total Bail" **
0–1,000	\$20	\$20	\$14.00	\$10	\$10	\$4	\$4	\$4	\$86.00	\$40	\$35	\$1	\$0.00	\$162.00
1,001–1,500	30	30	21.00	15	15	6	6	4	127.00	40	35	1	0.00	203.00
1,501–2,000	40	40	28.00	20	20	8	8	4	168.00	40	35	1	0.00	244.00
2,001–2,500	55	60	42.00	30	30	11	12	4	244.00	40	35	1	0.00	320.00
2,501–3,000	85	90	63.00	45	45	17	18	4	367.00	40	35	1	0.00	443.00
3,001–3,500	105	110	77.00	55	55	21	22	4	449.00	40	35	1	0.00	525.00
3,501–4,000	125	130	91.00	65	65	25	26	4	531.00	40	35	1	0.00	607.00
4,001–4,500	145	150	105.00	75	75	29	30	4	613.00	40	35	1	0.00	689.00

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III(B)) (\*\*See Preface, Section IV)

(Vehicle Code)

4,501–5,000	\$175	\$180	\$126.00	\$90	\$90	\$35	\$36	\$4	\$736.00	\$40	\$30	\$1	\$0.00	\$807.00
5,001–6,000	\$0.04 each pound over limit													
6,001–7,000	0.06 each pound over limit													
7,001–8,000	0.08 each pound over limit													
8,001–10,000	0.15 each pound over limit													
10,001 and over	0.20 each pound over limit													

**Calculate Base Bail from the amount specified for over 5,001 pounds for each pound of excess weight and then calculate the Added Penalties and Surcharge to determine the Total Bail.**

<sup>1</sup> Per VC 42030(d): Court may exercise discretion with respect to the imposition of the fine under this section if any applicable local permit was obtained prior to the court hearing and, at the time of issuance of the notice to appear, the motor carrier was transporting construction equipment or materials and a valid extra-legal load permit from the Department of Transportation was in effect. Per VC 40000.23: "Violation ... a misdemeanor and not an infraction ... except in case of weight violations where the amount of excess weight is less than 4,501 pounds."

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Vehicle Code)

**WEIGHT CHART (Per VC 42030.1)<sup>1</sup>**

Pounds in Excess of Declared Gross Vehicle Weight	Base Fine	State PA* 10/10	County PA*/10 7.00	DNA PA* 5/10	Court Facility Const. PA*/10 5.00	Surcharge* 20%	EMS PA*/10 2.00	EMAT PA* 4	Fine Surcharge & PA Subtotal	Court OPS 40	Conv.Assess. 35	Night Court 1	TAP Fee 0.00	"Total Bail" **
1,001–1,500	\$250	\$250	\$175.00	\$125	\$125	\$50	\$50	\$4	\$1,029.00	\$40	\$35	\$1	\$0.00	\$1,105.00
1,501–2,000	300	300	210.00	150	150	60	60	4	1,234.00	40	35	1	0.00	1,310.00
2,001–2,500	350	350	245.00	175	175	70	70	4	1,439.00	40	35	1	0.00	1,515.00
2,501–3,000	400	400	280.00	200	200	80	80	4	1,644.00	40	35	1	0.00	1,720.00
3,001–3,500	450	450	315.00	225	225	90	90	4	1,849.00	40	35	1	0.00	1,925.00
3,501–4,000	500	500	350.00	250	250	100	100	4	2,054.00	40	35	1	0.00	2,130.00
4,001–4,500	550	550	385.00	275	275	110	110	4	2,259.00	40	35	1	0.00	2,335.00
4,501–5,000	600	600	420.00	300	300	120	120	4	2,464.00	40	35	1	0.00	2,540.00
5,001–6,000	700	700	490.00	350	350	140	140	4	2,874.00	40	35	1	0.00	2,950.00
6,001–7,000	800	800	560.00	400	400	160	160	4	3,284.00	40	35	1	0.00	3,360.00
7,001–8,000	900	900	630.00	450	450	180	180	4	3,694.00	40	35	1	0.00	3,770.00
8,001–10,000	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	35	1	0.00	4,180.00
10,001 and over	2,000	2,000	1,400.00	1,000	1,000	400	400	4	8,204.00	40	35	1	0.00	8,280.00

<sup>1</sup> VC 42030.1 establishes fines for violations of declared gross or combined gross vehicle weight limits, including VC 4000.6(d).

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

**SPEED CHART  
(FOR ALL SPEED LIMITS)**

<b>MPH Over Limit</b>	<b>Base Fine</b>	<b>State PA* 10/10</b>	<b>County PA*/10 7.00</b>	<b>DNA PA* 5/10</b>	<b>Court Facility Const. PA*/10 5.00</b>	<b>Surcharge* 20%</b>	<b>EMS PA* /10 2.00</b>	<b>EMAT PA* 4</b>	<b>Fine Surcharge &amp; PA Subtotal</b>	<b>Court OPS 40</b>	<b>Conv.Assess. 35</b>	<b>Night Court 1</b>	<b>TAP Fee 0.00</b>	<b>"Total Bail" **</b>
1-15	\$35	\$40	\$28.00	\$20	\$20	\$7	\$8	\$4	\$162.00	\$40	\$35	\$1	\$0.00	\$238.00
16-25	\$70	\$70	\$49.00	\$35	\$35	\$14	\$14	\$4	\$291.00	\$40	\$35	\$1	\$0.00	\$367.00
26 and over	\$100	\$100	\$70.00	\$50	\$50	\$20	\$20	\$4	\$414.00	\$40	\$35	\$1	\$0.00	\$490.00

## TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge*	EMS PA* /10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
20		Unlawful to Make False Statements	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	0
31		Unlawful to Give False Information to Officer	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	0
1808.1 (b)	1	Employer's Failure to Participate in DMV Pull-Notice System	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	0
1808.1 (f)	2	Employment of Driver After Notice of Disqualifying Action by DMV	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	0
1808.45		Unauthorized Disclosure of DMV Records	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
2468 (a)	3	Failure of Licensed Renderer to Keep Written Records of Inedible Kitchen Grease	<u>1,000</u>	<u>1,000</u>	<u>700.00</u>	<u>500</u>	<u>500</u>	<u>200</u>	<u>200</u>	<u>4</u>	<u>4,104.00</u>	<u>40</u>	<u>30</u>	<u>1</u>	<u>4,175.00</u>	0
2468 (b)	3	Refusal of Licensed Renderer or Registered Transporter to Exhibit Required Record or Destruction of Required Record	<u>1,000</u>	<u>1,000</u>	<u>700.00</u>	<u>500</u>	<u>500</u>	<u>200</u>	<u>200</u>	<u>4</u>	<u>4,104.00</u>	<u>40</u>	<u>30</u>	<u>1</u>	<u>4,175.00</u>	0
2800 (a)	4	Refusal to Obey Peace Officer	50	50	35.00	25	25	10	10	4	209.00	40	30	1	280.00	1
2800 (b)(1)		Refusal to Comply With Peace Officer's Out-of-Service Order	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	1
2800 (b)(2)		Refusal of Driver Transporting Hazardous Materials to Comply With Peace Officer's Out-of-Service Order	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	1
2800 (b)(3)		Refusal of Driver of Vehicle Designed to Transport 16 or more People to Comply With Peace Officer's Out-of-Service Order	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	1
2800 (c)		Refusal to Comply With U.S. Secretary of DOT's Out-of-Service Order	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	1
2800 (d)		Refusal to Comply With Out-of-Service Order by Specified Persons	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	1

## TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
2800.1 (a,b)		Fleeing Peace Officer Prohibited	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	1
2800.2 (a)		Fleeing Peace Officer–Reckless Driving With Disregard for Safety Involved	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	2
2800.3	5	Fleeing Peace Officer/Causing Injury	5,000	5,000	3,500.00	2,500	2,500	1,000	1,000	4	20,504.00	40	30	1	20,575.00	2
2800.4	6	Driving Opposite to Direction of Lawfully Moving Traffic While Fleeing Peace Officer	3,000	3,000	2,100.00	1,500	1,500	600	600	4	12,304.00	40	30	1	12,375.00	1
2801	7	Refusal to Obey Firefighter Prohibited	50	50	35.00	25	25	10	10	4	209.00	40	30	1	280.00	1
2803 (a)	8	Refusal to Adjust Unsafe or Unlawful Load	50	50	35.00	25	25	10	10	4	209.00	40	30	1	280.00	1
2803 (b)	8	Failure to Submit Weight Certificate or Bill of Lading to Officer	50	50	35.00	25	25	10	10	4	209.00	40	30	1	280.00	1
2813		Commercial Vehicle Inspection Required	25	30	21.00	15	15	5	6	4	121.00	40	30	1	192.00	0
4461 (b)	9	Improper Use of Disabled Person Placard	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
4461 (c)	10	Improper Display/Presentation of Disabled Person Placard	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
4461 (d)	10	Improper Use of Special Identification Plate	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
4462.5		Unlawful Display of Evidence of Registration With Intent to Avoid Compliance	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	0
4463 (b)(1-3)	11	Unlawful Forgery, Passing, Possession, or Sale of Disabled Person Placard With Fraudulent Intent	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	0
4463 (c)	12	Unlawful Display of Forged, Counterfeit, or False Disabled Person Placard With Fraudulent Intent	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0

## TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
5753 (a-d)	13	Failure of Commercial Dealer to Deliver Certificate of Ownership and Registration Card to Transferee	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	0
5753 (f)	14	Failure of Licensed Dealer Upon Written Request to Disclose Pertinent Information Regarding Payment or Documents Required for Release	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	0
5901 (a)	15	Failure of Dealer or Lessor-Retailer to Provide Notice of Transfer to DMV Within 5 Calendar Days of Sale	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	0
5901 (b)	15	Failure to Record Actual Mileage on DMV Notice of Transfer Form	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	0
5901 (c)	15	Noncompliance With Mileage Recording Requirement by Person Other Than Dealer in Possession of Vehicle	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	0
8802	15	Failure to Return Evidence of Registration to DMV Upon Cancelation, Suspension, or Revocation When Committed With Intent to Defraud	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	0
8804	16	Failure by California Resident to Pay California Registration Fees While Registering Vehicle in a Foreign Jurisdiction and Operating Vehicle in California	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	0
10501 (a)	17	False Report of Vehicle Theft With Intent to Deceive	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	0
10750 (a)	18	Unauthorized Alteration of Vehicle Numbers or Identification Marks	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
10751 (a)	19	Knowing Purchase, Sale, or Possession of Vehicle With Removed, Defaced, Altered, or Destroyed Registration or Identification Numbers	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	0
10851 (a)	20	Driving or Taking Vehicle Without Consent of Owner With Intent to Deprive Owner of Title or Possession of Vehicle	1,500	1,500	1,050.00	750	750	300	300	4	6,154.00	40	30	1	6,225.00	0
10851.5	21	Theft of Binder Chains	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
10852	22	Injuring or Tampering With Vehicle or Contents Without Consent of Owner	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	0
10853	22	Climbing Onto, Attempting to Manipulate, or Tampering With Unattended Vehicle With Intent to Commit Malicious Injury, Mischief, or Crime	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	0
10854	23	Tampering With, Driving, or Removing Any Part of Vehicle by Bailee	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	0
11500	24	Conducting Business as Automobile Dismantler Without Valid Permit/ License and Official Place of Business	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
11520 (a)	24	Failure of Licensed Auto Dismantler to Provide Required Notice to DMV and DOJ Within Required Time	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	0
11700	24	Acting as Dealer, Remanufacturer, Manufacturer, Transporter, or Distributor Without a Valid License	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
11713 (a-d)	24	False Advertising by Dealer	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
11713 (e)	24	Engage in Business Without Required Bond	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
11713 (f)	24	Engage in Business Without Maintaining Established Place of Business	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
11713 (g)	24	Failure to Include Fee for Licensing and Transfer of Title as Added Cost in Selling Price	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
11713 (h)	24	Employ or Fail to Report Unlicensed Salesperson	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
11713 (i)	24	Deliver Vehicle for Operation on California Highways That Fails to Meet Code Requirements	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
11713 (j)	24	Permit or Engage in the Unauthorized Use of Special Plates	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
11713 (k)	24	Falsely Advertise That No Down Payment Is Necessary	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
11713 (l)	24	Failure to Pay Full Sales Tax Due to IRS	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
11713 (m)	24	Permit Unauthorized Use of Dealer's License by Non-dealer	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
11713 (n)	24	Permit Unauthorized Use of Dealer's License by Non-dealer	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
11713 (o)	24	Disconnecting or Resetting Odometer by Dealer	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
11713 (p)	24	Acceptance of Deposit by Licensee Without Availability of Vehicle As Required	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
11713 (q)	24	Consignment of New Vehicle for Sale to Another Dealer	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
11713 (r)	24	Display of Vehicle for Sale at Place Not Authorized by DMV for Dealer	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
11713 (s)	24	Advertisement of Vehicle by Dealer Using Photo With Different Year, Make, Make, or Model	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
11713 (t)	24	Failure of Dealer to Disclose in Ad Previous Use of Vehicle	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
11713.17 (a,b)		Violation by Dealer, Manufacturer, or Distributor of Requirements for Securing Front License on Vehicle	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	0
11725 (a)	24	Removal of Vehicle to Foreign Jurisdiction for Registration	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	0
11725 (b)	24	Failure to Remove License Plates From Vehicle If Known That Vehicle Is to Be Exported to Foreign Jurisdiction	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	0
11800	24	Conduct of Business as Vehicle Salesperson Without Valid License	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
12110 (a)	25	Providing or Requesting a Commission, Gift, or Compensation Consideration of Arranging or Requesting the Services of a Tow Truck	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
12110 (c)	25	Exchange of Valuable Consideration Between Towing Service or Employee of Towing Service and Repair Shop or Employee of Repair Shop for the Delivery or Arranging of Delivery of a Vehicle for Storage or Repair	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
12500 (a)		Unlawful to Drive Unless Licensed	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	0
12515 (b)		Minor Under 21 Employed to Drive in Interstate Commerce or Carry Hazardous Materials	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
12517 (a)(2)	24	Operation of School Bus Without Certificate in Possession While Transporting Pupils	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0

## TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
12517 (b)	<sup>24</sup>	Operation of School Pupil Activity Bus Without Certificate in Possession While Transporting Pupils	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
12517.45 (a)		Unlawful Operation of Specified Vehicle Transporting Pupils	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
12519 (a)		Unlawful to Drive Without Farm Labor Vehicle License	80	80	56.00	40	40	16	16	4	332.00	40	30	1	403.00	0
12951 (b)		Refusal to Present License to Officer	50	50	35.00	25	25	10	10	4	209.00	40	30	1	280.00	0
13004 (a-g)		Identification Card–Unlawful Use	50	50	35.00	25	25	10	10	4	209.00	40	30	1	280.00	0
13004.1 (a)	<sup>26</sup>	Manufacture/Sale of Fraudulent ID	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
14601 (a)	<sup>27</sup>	Driving While Suspended or Revoked	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	2
14601.1 (a)	<sup>28</sup>	Driving While Suspended or Revoked for Offenses Not Relating to Driving Ability	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	2
14601.2 (a,b)	<sup>29</sup>	Driving While Suspended or Revoked for Driving Under Influence of Alcohol/Drugs	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	2
14601.3 (a)	<sup>30</sup>	Accumulation of Driver Record History by Habitual Traffic Offender During Period of License Suspension or After Revocation	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	2
14601.4 (a)	<sup>31</sup>	Causing Bodily Injury While Driving With Suspended License	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	2
14601.5 (a,b)	<sup>32</sup>	Driving When Privilege Suspended or Revoked for Refusing Chemical Test or Driving With Excessive Blood Alcohol	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	2
14602.6 (g)(4)		Knowingly Releasing Impounded Vehicle Prior to End of Impoundment Period	2,000	2,000	1,400.00	1,000	1,000	400	400	4	8,204.00	40	30	1	8,275.00	0

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**

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(Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
14604 (a)	33	Knowingly Allow Another to Drive Vehicle Without Valid Driver's License	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	0
14610 (a)(1-8)		Unlawful Use of License Defined	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	0
14610.1 (a)	34	Manufacture/Sale of Fraudulent ID/Driver's License Prohibited	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
15309.5 (a)(1)	35	Sell, Offer, Distribute, or Use Crib Sheet or Device for Commercial Driver's License Examination	350	350	245.00	175	175	70	70	4	1,439.00	40	30	1	1,510.00	0
15309.5 (a)(2)	35	Impersonate or Allow Impersonation of Applicant for Commercial Driver's License Examination	350	350	245.00	175	175	70	70	4	1,439.00	40	30	1	1,510.00	0
15309.5 (a)(3)	35	Provide or Use Unauthorized Assistance During Commercial Driver's License Examination	350	350	245.00	175	175	70	70	4	1,439.00	40	30	1	1,510.00	0
15501	36	Presentation of False Driver's License by Minor	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	0
16030 (a)	37	False Evidence of Financial Responsibility	750	750	525.00	375	375	150	150	4	3,079.00	40	30	1	3,150.00	0
16560 (a,b)		Violation of Interstate Highway Carrier Requirements	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	0
20001 (a)	38	Duty to Stop When Involved in Accident With Injury or Death	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	2
20002 (a,b)		Hit and Run-Property Damage	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	2
20003	39	Failure to Provide Required Information or Render Necessary Assistance to Occupants of Struck Vehicle With Accident Resulting in Injury or Death	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	1
21200.5		Bicyclist Riding Under the Influence	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	0
21464 (d)	40	Willful Interference With Traffic Device or Willful Use, Possession, or Distribution of Traffic Interference Device That Results in Injury or Death	5,000	5,000	3,500.00	2,500	2,500	1,000	1,000	4	20,504.00	40	30	1	20,575.00	0

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
21651 (b)	41	Driving Wrong Way on Divided Highway	80	80	56.00	40	40	16	16	4	332.00	40	30	1	403.00	2
21651 (c)	42	Willfully Driving Wrong Way on Divided Highway and Causing Injury or Death	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	2
21655.9 (c)	43	Operate or Own Vehicle That Displays Low-Emission Decal Not Issued for the Vehicle	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
21702 (a,b)	44	Limitation on Driving Hours	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	1
21713		Armored Car Without License	90	90	63.00	45	45	18	18	4	373.00	40	30	1	444.00	0
21963		Blind Pedestrians Right-of-Way	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	1
22406.1	45	Maximum Speed for Commercial Vehicles--In Excess of Speed Limit by 15 MPH or More	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	.5
22513 (b,c)		Tow Cars--Parking on Freeway Restricted	35	40	28.00	20	20	7	8	4	162.00	40	30	1	233.00	0
22658 (g)(1)(B)	46	Failure of Tow Company or Driver on Request by Owner or Owner's Agent to Release Vehicle Not Yet in Transit	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
22658 (i)(1)(B)	47	Failure to Make Rate Approved by CHP Available for Inspection Within 24 Hours of Request	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
22658 (j)(2)	47	Charging Excessive Rate for Towing Service or Storage	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
22658 (k)(1,2)	48	Refusal of Credit Card by Storage Facility for Payment of Charges for Towed Vehicle	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
22658 (l)	49	Violation by Tow Company of Requirements for Removal of Vehicle From Private Property	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA* & PA Subtotal	Fine Surcharge	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
22658 (m)(1)	46	Failure of Tow Company to Provide Notice of Removal of Vehicle As Required	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
23103 (a,b)	50	Reckless Driving	145	150	105.00	75	75	29	30	4	613.00	40	30	1	684.00	2
23104 (a)	51	Reckless Driving–Bodily Injury	350	350	245.00	175	175	70	70	4	1,439.00	40	30	1	1,510.00	2
23104 (b)	52	Reckless Driving–Great Bodily Injury	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	2
23105 (a)	53	Reckless Driving–Specific Injury	750	750	525.00	375	375	150	150	4	3,079.00	40	30	1	3,150.00	2
23109 (a)	54	Engaging in Speed Contests Prohibited	360	360	252.00	180	180	72	72	4	1,480.00	40	30	1	1,551.00	2
23109 (b)	55	Abetting Speed Contest Prohibited	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	1
23109 (c)	55	Engaging in or Abetting Exhibition of Speed Prohibited	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	2
23109 (d)	55	Placing Barricades or Obstructions Prohibited	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	1
23109 (e)(2)	56	Engaging in Speed Contest and Causing Bodily Injury	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	1
23109.1	57	Engaging in Speed Contest–Specific Injury	750	750	525.00	375	375	150	150	4	3,079.00	40	30	1	3,150.00	2
23110 (a)		Throwing Substance at Vehicle Prohibited	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
23112.5 (a)		Hazardous Materials–Notification of Agency Required	2,000	2,000	1,400.00	1,000	1,000	400	400	4	8,204.00	40	30	1	8,275.00	0
23118 (f)(4)		Release of Impounded Vehicle by Legal Owner or Agent Prior to End of Impoundment Period	2,000	2,000	1,400.00	1,000	1,000	400	400	4	8,204.00	40	30	1	8,275.00	0
23127		Motor Vehicle on Riding/Hiking Trails Prohibited	50	50	35.00	25	25	10	10	4	209.00	40	30	1	280.00	1
23152 (a,b)	58	Driving Under Influence of Alcohol	390	390	273.00	195	195	78	78	4	1,603.00	40	30	1	1,674.00	2
23152 (c)	58	Driving While Addicted to Drug	390	390	273.00	195	195	78	78	4	1,603.00	40	30	1	1,674.00	2
23152 (d)	58	Driving Commercial Vehicle Under Influence of Alcohol	450	450	315.00	225	225	90	90	4	1,849.00	40	30	1	1,920.00	3

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**

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				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
23152 (e)	58	Driving Under Influence of Drug	390	390	273.00	195	195	78	78	4	1,603.00	40	30	1	1,674.00	2
23152 (f)	58	Driving Under Influence of Alcohol and Drug	390	390	273.00	195	195	78	78	4	1,603.00	40	30	1	1,674.00	2
23153 (a,b)	59	Driving Under Influence of Alcohol While Causing Injury	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	2
23153 (d)	59	Driving Commercial Vehicle Under Influence of Alcohol While Causing Injury	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	3
23153 (e)	59	Driving Under Influence of Drug While Causing Injury	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	2
23153 (f)	59	Driving Under Influence of Alcohol and Drug While Causing Injury	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	2
23224 (a,b)	60	Possession of Alcohol by Minor Prohibited	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	0
23247 (a-e)	61	Unlawful to Rent/Loan Vehicle; Solicit Someone to Engage Required Interlock Device; Blow Into Device/Start; Tamper With Vehicle Requiring Interlock Device	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
23253		Failure to Obey CHP or DOT Officers at Vehicle Crossing	50	50	35.00	25	25	10	10	4	209.00	40	30	1	280.00	1
23332		Trespass on Vehicular Crossing Prohibited	50	50	35.00	25	25	10	10	4	209.00	40	30	1	280.00	0
23573 (i)	62	Willful Failure to Install Ignition Interlock Device Within Required 30 Days	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	0
24002.5 (a)	63	Unlawful Operation of a Farm Labor Vehicle	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	1
24011.3 (a)	64	Passenger Vehicle Manufacturer Willfully Fails to Affix Bumper Strength Notice or Willfully Misstates Information in the Notice	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0

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				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
24011.3 (c)(2)	65	Willful Defacement, Alteration, or Removal of New Vehicle Bumper Strength Notice Prior to Delivery of the Vehicle	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
27150.1	66	Sale of Exhaust Systems Restricted	50	50	35.00	25	25	10	10	4	209.00	40	30	1	280.00	0
27362 (a)	67	Sale of Nonapproved Child Restraint System Prohibited	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
28050	65	Advertisement, Sale, Use, or Installation of Device Causing Motor Vehicle Odometer to Register Mileage Other Than True Mileage Driven	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
28050.5	65	Operation of Motor Vehicle Knowing the Odometer Is Disconnected or Nonfunctional With Intent to Defraud	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
28051	65	Disconnecting, Turning Back, or Resetting Odometer of Motor Vehicle	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
28051.5	65	Advertisement, Sale, or Use of Device Designed for Purpose of Turning Back or Resetting Odometer of Motor Vehicle to Reduce Mileage Indicated	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
28150 (d)	65	Possession of Four or More Radar Jamming Devices	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
31303 (b-e)		Violating Requirements for Transportation of Hazardous Waste	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	1
31401 (b)		Farm Labor Buses and Trucks—Inspection Required	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	0
31401 (d)	68	Willful Rental or Use by Owner or Contractor of Farm Labor Vehicle Without CHP Inspection per VC 31401(b)	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0

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				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
31402 (a)	<sup>69</sup>	Operation of Unsafe Farm Labor Vehicle Prohibited	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	1
31403		Mechanic Certification of Farm Labor Vehicle Required	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	0
31602 (a-c)		Transportation of Explosives—License, Routes to Be Used, Stopping Specified	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	2
31607 (a)		Inspection of Vehicle Required	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
31609		Record of Inspection Required	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
31610 (a-e)		Proper Equipment, Maintenance of Vehicle Required	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
31611		Proper Maps of Route of Vehicle Required	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
31612		Carry and Display Shipping Instructions	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
31613		Prohibited Explosive Cargoes Defined	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
31614 (a,b,d,e,h)		Transport Explosives Through Local Route; Congested Areas; With Unenclosed, Uncovered Loads; While Smoking or With Open Flame	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	1
31614 (c,g)		Loading Explosives Without Motor Stopped, Brakes Set; Vehicle Transporting Explosives Left Unattended	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
31614 (f,i)		Driving With Explosives in Vehicle Near/Through Fires in Passenger Vehicle	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	1
32000.5 (a)		Hazardous Materials Transportation—Company Unlicensed	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
32000.5 (d)		Fireworks Transportation—Failure to Carry License or Present as Required	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0

## TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
32001 (c)		Hazardous Material–Motor Carrier Directing Transportation Unlawfully	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
32002 (a)		Violations of Division 14.1 Regulations	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
32002 (b)	70	Unlicensed Transportation of Hazardous Materials	2,000	2,000	1,400.00	1,000	1,000	400	400	4	8,204.00	40	30	1	8,275.00	0
33000	71	Violation of Shipment Regulations for the Transportation of Radioactive Materials	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
34100		Illegal Operation of Tank Vehicle Transporting Hazardous Waste or Flammable and Combustible Liquids on a Public Highway	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1	4,175.00	0
34501 (e)		Operation of Bus Without Current Inspection by CHP	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
34501.3 (a)	72	Unlawful Scheduling of Runs by Motor Carriers	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
34501.12 (f)	73	Unlawful Operation of Vehicle by Motor Carrier Without Submitting Required Application and Fees	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	0
34505 (a-c)	74	Violation of Tour Bus Inspection and Repair Requirements	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
34505.5 (a-c)	74	Violation of Motor Carrier Vehicle Inspection and Repair Requirements	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
34505.9 (a)(4)(D)	74	Violation of Intermodal Roadability Inspection Program	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
34506 (a)	75	Driver's Hours of Service	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	1
34506 (b)	76	Failure to Comply With Specified Regulation of Hazardous Material Transportation	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
34506 (c)	76	Failure to Comply With Specified Regulation of School Buses	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**

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(Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
34506 (d)	76	Failure to Comply With Specified Regulation of Youth Buses	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
34506 (e)	76	Failure to Comply With Specified Regulation of Tour Buses	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
34506 (f)	76	Failure to Comply With Specified Regulation of Described Vehicles	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
34506 (g)	76	Failure to Comply With Specified Regulation of School Pupil Activity Buses	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
34623 (h)	77	Motor Carrier of Property Operating Vehicle While Permit Suspended	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
34623 (i)(1)	77	Motor Carrier of Property With Suspended Permit Allowing Any Vehicles Subject to Suspension Based on Failure to Maintain to Be Operated by Another Carrier	500	500	350.00	250	250	100	100	4	2,054.00	40	30	1	2,125.00	0
34623 (i)(2)	76	Motor Carrier of Property Knowingly Utilizing a Vehicle From a Motor Carrier Whose Permit Is Suspended Based on a Failure to Maintain Any Vehicle	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	0
35550 (a)	78	Maximum Weight on Single Axle or Wheels														0
35551 (a,b)	78	Computation of Allowable Gross Weight														0
35551.5 (b-d)	78	Violation of Gross Weight Computation Method Prescribed for Combinations Containing Trailer/Semitrailer by More Than 4,500 Pounds														0

## TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
				10/10	7.00	5/10	5.00	20%	2.00	4		40	30	1		
35554 (a)(1)	79	Gross Weight More Than 20,500 Pounds on Any One Axle of a Bus and More Than 4,500 Pounds Over Weight Limit						[See Overweight Chart]								0
35554 (c)	79	Operation of Transit Bus in Excess of Federal Weight Limit and and More Than 4,500 Pounds Over Weight Limit						[See Overweight Chart]								0
35600	78	Noncompliance With Solid Tire Gross Weight Limitation Standards by More Than 4,500 Pounds						[See Overweight Chart]								0
35601	78	Noncompliance With Metal Tire Gross Weight Limitation Standards by More Than 4,500 Pounds						[See Overweight Chart]								0
35655 (a)	78	Operation of Vehicle on Highway Containing Load Exceeding Maximum Weight Highway Is Designed to Sustain by More Than 4,500 Pounds						[See Overweight Chart]								0
35712	78	Violation of County Ordinance Prohibiting Commercial Vehicles Exceeding Certain Weight Limitations by More Than 4,500 Pounds in Residential Area						[See Overweight Chart]								0
35753 (a)	78	Operation of Vehicle Over Bridge, Causeway, Viaduct, Trestle, or Dam in Vehicle Containing Load Exceeding the Maximum Weight the Structures Will Safely Sustain by More Than 4,500 Pounds						[See Overweight Chart]								0
35784 (a)		Failure to Obey Permit Terms and Designated Route for Extra-legal Load	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	1

## TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE

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(Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
35784 (b)	80	Violation of Special Permit Requirements	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	1
35784 (c)		Extra-legal Load Not on Designated Route	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	0
35784.5 (a)	81	Transportation of Extra-legal Load Without Permit	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	1
35785 (b)		Violation of Single Saw Log Hauling Speed Limit of 15 MPH Over Bridge or Causeway or 25 MPH on Highway	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	0
35786 (b)	82	Operation of Truck Booster Power Unit in Noncompliance With Route Specifications and Time Limitations Set by Permit	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	0
35790 (g)	82	Failure to Carry Appropriate Permits, Certificates, and Notices Required for Movement of Manufactured Homes	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	0
35790 (h)	83	Violation of Terms, Conditions, or Limitations Specified in Manufactured-Home Transportation Permits	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	0
38316 (a)	83	Reckless Driving of Off-Highway Motor Vehicle	150	150	105.00	75	75	30	30	4	619.00	40	30	1	690.00	0
38317	84	Reckless Driving of Off-Highway Motor Vehicle Causing Injury	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	0
38318 (a)	85	Throwing Substance at Off-Highway Motor Vehicle	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	0
38318.5	85	Malicious Removal or Alteration of Markers or Signs	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	0
38319	86	Operation of Off-Highway Motor Vehicle Likely to Cause Damage	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	0
40001 (c)	86	Violation by Employer of Out-of-Service Order	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	0

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**

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(Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
40001 (d)	87	Employer Allows, Permits, Requires, or Authorizes Driver to Operate Commercial Motor Vehicle in Violation of Railroad-Highway Grade Crossing Statute or Regulation	2,000	2,000	1,400.00	1,000	1,000	400	400	4	8,204.00	40	30	1	8,275.00	0
40005	88	Employer Undertakes Responding to Employee Driver's Citation and Inaction by Employer Results in Issuance of Warrant for Employee	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	0
40008 (a)	89	Violation of Section 21701 or 21703 With Intent to Capture Physical Impression of Another Person for Commercial Purpose	750	750	525.00	375	375	150	150	4	3,079.00	40	30	1	3,150.00	1
40008 (a)	89	Violation of Section 23103 With Intent to Capture Physical Impression of Another Person for Commercial Purpose	750	750	525.00	375	375	150	150	4	3,079.00	40	30	1	3,150.00	2
40008 (b)	90	Violation of Section 21701 or 21703 With Intent to Capture Physical Impression of Another Person for Commercial Purpose and Causing Endangerment of Minor	1,500	1,500	1,050.00	750	750	300	300	4	6,154.00	40	30	1	6,225.00	1
40008 (b)	90	Violation of Section 23103 With Intent to Capture Physical Impression of Another Person for Commercial Purpose and Causing Endangerment of Minor	1,500	1,500	1,050.00	750	750	300	300	4	6,154.00	40	30	1	6,225.00	2
40504 (b)		Signing Written Promise to Appear With False Name	250	250	175.00	125	125	50	50	4	1,029.00	40	30	1	1,100.00	0
40508 (a-c)		Violation of Promise to Appear, Promise to Pay	50	50	35.00	25	25	10	10	4	209.00	40	30	1	280.00	0

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**

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				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
40519 (c)	<sup>88</sup>	Failure to Appear at Time of Trial After Pleading Not Guilty in Writing	50	50	35.00	25	25	10	10	4	209.00	40	30	1	280.00	0
40614		Use of Fictitious Name Prohibited	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	0
40616		Violation of Promise to Correct	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	0
42005 (i)		Failure to Attend Court-Ordered TVS	75	80	56.00	40	40	15	16	4	326.00	40	30	1	397.00	0

**(California Code of Regulations, Title 13, Article 3)**

**HAZARDOUS MATERIALS TRANSPORTATION**

1160.4 (e)		Inspection by Department	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	
1160.4 (g)		Hazardous Material Transportation License Not in Vehicle	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	
1161 (a,b)		Shipping Papers	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	
1162 (a,c)		Placards	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	
1162.1		Fire Extinguishers	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	
1163 (a,b)		Shipment Preparation, Unauthorized Packing	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	
1163 (d)		Leaking Package	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	
1163 (e)		Maintenance of Containers	100	100	70.00	50	50	20	20	4	414.00	40	30	1	485.00	
1163.1		Prohibited Transportation	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	
1164		Vehicle Loading	200	200	140.00	100	100	40	40	4	824.00	40	30	1	895.00	
1166		Reporting of Accident	300	300	210.00	150	150	60	60	4	1,234.00	40	30	1	1,305.00	

**Notes**

<sup>1</sup> Per VC 40000.6(a): "a misdemeanor and not an infraction."

<sup>2</sup> Per VC 40000.6(b): "a misdemeanor and not an infraction." Per VC 1808.1(f): "punished by confinement in a county jail for not more than six months, by a fine of not more than \$1,000, or by both that confinement and fine."

<sup>3</sup> [Assem. Bill 1566 \(Stats. 2014, ch. 595\)](#). Per VC 2468(c)(1): "For a first offense, by a fine of not less than \$~~500~~ 1,000 ... ."

<sup>4</sup> Per VC 42002.1(a): "fine not exceeding \$50 or imprisonment in the county jail not exceeding 5 days."

<sup>5</sup> Per VC 2800.3(a): "fine of not less than \$2,000 nor more than \$10,000 ... ."

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**  
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			10/10	7.00	5/10	5.00	20%	2.00	4		40	30	1			
6		Fine "not less than \$1,000 nor more than \$10,000."														
7		Per VC 42002.1(a): "fine not exceeding \$50 or imprisonment in the county jail not exceeding 5 days."														
8		Per VC 40000.7: "Violation ... a misdemeanor and not an infraction." Per VC 42002.1(a): "fine not exceeding \$50 or imprisonment in the county jail not exceeding 5 days."														
9		Per VC 4461.3 a city or county may adopt an additional penalty of \$100. PC 1465.6 requires imposition of an assessment equal to 10 percent of the fine imposed.														
10		Per VC 4461.3 a city or county may adopt an additional penalty of \$100. PC 1465.6 requires imposition of an assessment equal to 10 percent of the fine imposed. VC 4461.5 authorizes a civil penalty of not more than \$1,500 in addition to or instead of any fine imposed.														
11		VC 4463.3 authorizes a civil penalty of not more than \$1,500 in addition to or instead of any fine imposed. Per VC 4463(b): "A person who, with intent to prejudice, damage, or defraud, commits any of the following acts is guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in a county jail for six months, a fine of not less than \$500 and not more than \$1,000, or both that fine and imprisonment, which penalty shall not be suspended: (1) Forges, counterfeits, or falsifies a disabled person placard or a comparable placard relating to parking privileges for disabled persons provided for by a foreign jurisdiction, or forges, counterfeits, or falsifies a disabled person placard with intent to represent it as issued by the department. (2) Passes, or attempts to pass, as true and genuine, a false, forged, or counterfeit disabled person placard knowing it to be false, forged, or counterfeited. (3) Acquires, possesses, sells, or offers for sale a genuine or counterfeit disabled person placard."														
12		Per VC 4463(c): "A person who, with fraudulent intent, displays or causes or permits to be displayed a forged, counterfeited, or false disabled person placard, ... is guilty of a misdemeanor punishable by imprisonment in a county jail for six months, a fine of not less than \$250 and not more than \$1,000, or both that fine and imprisonment, which penalty shall not be suspended." PC 1465.6 requires imposition of an assessment equal to 10 percent of the fine imposed.														
13		Per VC 40000.7: "Violation ... a misdemeanor and not an infraction ... when committed by a dealer or any person while a dealer within the last 12 months." Per VC 5753(e), failure of licensed dealer to comply with subdivisions (c) and (d) shall result in payment to the transferee of \$25 per day for each day that the requirements of subdivisions (c) and (d) remain unsatisfied, not to exceed a maximum payment of \$2,500. If the legal owner or lessor fails to pay this amount within 60 days following written demand by the transferee, the amount shall be trebled, not to exceed a maximum payment of \$7,500, and the transferee shall be entitled to costs and reasonable attorney's fees incurred in any court action brought to collect the payment. The right to recover these payments is cumulative with and is not in substitution or derogation of any remedy otherwise available at law or equity.														
14		Per VC 40000.7: "Violation ... a misdemeanor, and not an infraction ... when committed by a dealer or any person while a dealer within the last 12 months."														
15		Per VC 40000.7: "Violation ... a misdemeanor and not an infraction."														
16		Per VC 40000.7: "Violation ... is a misdemeanor and not an infraction ... when committed by any person with intent to defraud."														
17		Per VC 40000.9: "Violation ... a misdemeanor and not an infraction." Per VC 10501(b): "If a person has been previously convicted of a violation of subdivision (a), he or she is punishable by imprisonment in the state prison for 16 months or two or three years, or in a county jail for not to exceed one year."														
18		Per VC 40000.9: "Violation ... a misdemeanor and not an infraction."														
19		Per VC 40000.9: "Violation ... a misdemeanor and not an infraction." VC 10751 authorizes seizure, impoundment, sale, or destruction of vehicle.														
20		Per VC 10851(a): " ... punished by imprisonment in a county jail for not more than one year or in the state prison or by a fine of not more than \$5,000, or by both the fine and imprisonment."														
21		Per VC 10851.5: "any person who is a party or accessory to or an accomplice in an unauthorized taking or stealing is guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not less than six months or by a fine of not less than \$1,000 or by both such fine and imprisonment."														
22		Per VC 40000.9: "Violation ... a misdemeanor and not an infraction."														

## TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE

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(Vehicle Code)

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			10/10		7.00	5/10	5.00	20%	2.00	4		40	30	1		
23		Per VC 10854: "fine of not exceeding \$1,000 or imprisonment in the county jail for not exceeding 1 year or by both."														
24		Per VC 40000.11: "Violation ... a misdemeanor and not an infraction."														
25		Per VC 12110(d)(1): "... fine of not more than \$5,000 ... ."														
26		Per VC 13004.1(b): "(1) ... fine of not less than \$250 and not more than \$1,000 and 24 hours of community service to be served when the person is not employed or is not attending school. No part of the fine or community service shall be suspended or waived. (2) In lieu of the penalties imposed under paragraph (1), the court, in its discretion, may impose a jail term of up to one year and a fine of up to \$1,000. In exercising its discretion the court shall consider the extent of the defendant's commercial motivation for the offense."														
27		Per VC 14601(f), VC 14601 applies to the operation of an off-highway motor vehicle on those lands to which the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with VC 38000)) applies as to off-highway motor vehicles, as described in VC 38001. Fine of \$300 to \$1,000 set per VC 14601(b)(1). VC 14601(e) requires that, except in the interest of justice, when the court finds it would be inappropriate, the court shall, pursuant to VC 23575, require a person convicted of violating VC 14601(a), when the prosecution agrees to a plea of guilty or nolo contendere to a charge of violating VC 14601 in satisfaction of, or as a substitute for, an original charge of a violation of VC 14601.2, to install, for a period not to exceed three years, a certified ignition interlock device on any vehicle the person owns or operates.														
28		Per VC 14601.1(e), VC 14601.1 applies to the operation of an off-highway motor vehicle on those lands to which the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with VC 38000)) applies as to off-highway motor vehicles, as described in VC 38001. Fine of \$300 to \$1,000 set per VC 14601.1(b)(1). VC 14601.1(d) requires that, except in the interest of justice, when the court finds it would be inappropriate, the court shall, pursuant to VC 23575, require a person convicted of violating VC 14601.1(a), when the prosecution agrees to a plea of guilty or nolo contendere to a charge of violating VC 14601.1 in satisfaction of, or as a substitute for, an original charge of a violation of VC 14601.2, to install, for a period not to exceed three years, a certified ignition interlock device on any vehicle the person														
29		Per VC 14601.2(j), VC 14601.2 applies to the operation of an off-highway motor vehicle on those lands to which the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with VC 38000)) applies as to off-highway motor vehicles, as described in VC 38001. Fine of \$300 to \$1,000 set per VC 14601.2(d)(1). VC 14601.2(h) requires that, pursuant to VC 23575, the court shall require a person convicted of a violation of VC 14601.2 to install a certified ignition interlock device on a vehicle the person owns or operates.														
30		Per VC 14601.3(f), VC 14601.3 applies to the operation of an off-highway motor vehicle on those lands to which the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with VC 38000)) applies as to off-highway motor vehicles, as described in VC 38001. Per VC 14601.3(e): "Any person convicted under this section of being an habitual traffic offender shall be punished as follows: (1) Upon first conviction, by imprisonment in the county jail for 30 days and by a fine of \$1,000. (2) Upon second conviction or any subsequent offense within seven years of a prior conviction under this section, by imprisonment in the county jail for 180 days and by a fine of \$2,000. (3) Any habitual traffic offender . . . who is convicted of a violation of Section 14601.2 shall be punished by imprisonment in the county jail for 180 days and by a fine of \$2,000. The penalty in this paragraph shall be consecutive to that imposed for the violation of any other law."														
31		Per VC 14601.4(d), VC 14601.4 applies to the operation of an off-highway motor vehicle on those lands to which the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with VC 38000)) applies as to off-highway motor vehicles, as described in VC 38001. Per 14601.4(b): "A person convicted under this section shall be imprisoned in the county jail and shall not be released upon work release, community service, or any other release program before the minimum period of imprisonment prescribed in Section 14601.2 is served." VC 14601.4(c) requires that, except in the interest of justice, when the court finds it would be inappropriate, the court shall, pursuant to VC 23575, require a person who is convicted of violating VC 14601.4 after the prosecution agrees to a plea of guilty or nolo contendere to a charge of violating VC 14601.4 in satisfaction of, or as a substitute for, an original charge of a violation of VC 14601.2 to install, for a period not to exceed three years, a certified ignition interlock device on a vehicle the person owns or operates.														

## TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*	Surcharge*	EMS PA*	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
			10/10		7.00	5/10	5.00	20%	2.00	4		40	30	1		
32		Per VC 14601.5(h), VC 14601.5 applies to the operation of an off-highway motor vehicle on those lands to which the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with VC 38000)) applies as to off-highway motor vehicles, as described in VC 38001. Fine of \$300 to \$1,000 set per VC 14601.5(d)(1). VC 14601.5(g) requires that, except in the interest of justice, when the court finds it would be inappropriate, the court shall, pursuant to VC 23575, require a person who is convicted of violating VC 14601.5(a) or VC 14601.5(b) after the prosecution agrees to a plea of guilty or nolo contendere to a charge of violating VC 14601.5(a) or VC 14601.5(b) in satisfaction of, or as a substitute for, an original charge of a violation of VC 14601.2 to install, for a period not to exceed three years, a certified ignition interlock device on a vehicle the person owns or operates.														
33		Per VC 40000.11: "Violation ... a misdemeanor and not an infraction."														
34		Per VC 14610.1(b): "(1) ... fine of not less than \$250 and not more than \$1,000 and 24 hours of community service to be served when the person is not employed or is not attending school. No part of the fine or community service shall be suspended or waived. (2) In lieu of the penalties imposed under paragraph (1), the court, in its discretion, may impose a jail term of up to one year and a fine of up to \$1,000. In exercising its discretion the court shall consider the extent of the defendant's commercial motivation for the offense."														
35		<del>Assem. Bill 1047 (Stats. 2013, ch. 649)</del> Per VC 15309.5(b): "A first conviction under this section is punishable as either an infraction or a misdemeanor ... . A second or subsequent conviction is punishable as a misdemeanor ... ."														
36		Per VC 40000.11: "Violation ... a misdemeanor and not an infraction."														
37		Per VC 16030: "... punishable by a fine not exceeding \$750 or imprisonment in the county jail not exceeding 30 days, or by both ... ." Court shall suspend or restrict the driver's license for one year of persons convicted of this offense.														
38		Per VC 20001(b)(1): "... punished by imprisonment in the state prison, or in a county jail for not more than one year, or by a fine of not less than \$1,000 nor more than \$10,000, or by both that imprisonment and fine."														
39		Per VC 40000.13: "Violation ... a misdemeanor and not an infraction."														
40		Per VC 21464: "(d) Any willful violation of subdivision (a), (b), or (c) that results in injury to, or the death of a person is punishable by imprisonment in the state prison, or by imprisonment in a county jail for a period of not more tahn six months, and by a fine of not less than \$5,000 nor more than \$10,000. ... (f) The court shall allow the offender to perform community service designated by the court in lieu of all or part of any fine imposed under this section."														
41		Per VC 40000.13: "Violation ... a misdemeanor and not an infraction."														
42		Per VC 40000.13: "Violation ... a misdemeanor and not an infraction." Per VC 21651(c): "Punished by imprisonment in the state prison or imprisonment in a county jail for a period of not more than six months."														
43		<del>Sen. Bill 286 (Stats. 2013, ch. 414)</del> Per VC 21655.9(e): "This section shall become inoperative on January 1, 2019, or the date the federal authorization pursuant to Section 166 of Title 23 of the United States Code expires, or the date the Secretary of State receives the notice described in subdivision (i) of Section 5205.5, whichever occurs first, and, as of January 1, 2019, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2019, deletes or extends the dates on which it becomes inoperative and is repealed."														
44		Per VC 21702(e).														

**TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
			10/10	7.00	5/10	5.00	20%	2.00	4		40	30	1			
45		A "serious traffic violation" as defined in VC 15210 and subject to sanctions under VC 15306 or VC 15308. Per VC 15306: "No driver may operate a commercial motor vehicle for a period of 60 days if the person is convicted, on or after January 1, 1992, of a serious traffic violation involving a commercial motor vehicle and the offense occurred within three years of a separate offense of a serious traffic violation which resulted in a conviction." Per VC 15308: "No person may operate a commercial motor vehicle for a period of 120 days if the person is convicted, on or after January 1, 1992, of a serious traffic violation involving a commercial motor vehicle and the offense occurred within three years of two or more separate offenses of serious traffic violations which resulted in convictions."														
46		Per VC 40000.15: "Violation ... a misdemeanor and not an infraction."														
47		Per VC 40000.15: "Violation ... a misdemeanor and not an infraction." Sen. Bill 752 (Stats. 2013, ch. 605). Per VC 22658(j)(2): "punishable by a fine of not more than \$2,500, or by imprisonment in a county jail for not more than three months, or by both that fine and imprisonment."														
48		Per VC 40000.15: "Violation ... a misdemeanor and not an infraction." Sen. Bill 752 (Stats. 2013, ch. 605). Per VC 22658(k)(3): "punishable by a fine of not more than \$2,500, or by imprisonment in a county jail for not more than three months, or by both that fine and imprisonment."														
49		Per VC 40000.15: "Violation ... a misdemeanor and not an infraction." Sen. Bill 752 (Stats. 2013, ch. 605). Per VC 22658( l)(4): "punishable by a fine of not more than \$2,500, or by imprisonment in a county jail for not more than three months, or by both that fine and imprisonment."														
50		Per VC 23103(c): "Except as provided in section 40008, ... punished by imprisonment in a county jail for not less than five days nor more than 90 days or by a fine of not less than \$145 nor more than \$1,000, or by both that fine and imprisonment, except as provided in Section 23104 or 23105."														
51		Per VC 23104(a): "imprisonment in the county jail for not less than 30 days nor more than six months or by a fine of not less than \$220 nor more than \$1,000, or by both the fine and imprisonment" for reckless driving causing bodily injury.														
52		Per VC 23104(b): "Any person convicted of reckless driving which proximately causes great bodily injury, as defined in Section 12022.7 of the Penal Code, to any person other than the driver, who previously has been convicted of a violation of Section 23103, 23104, 23109, 23152, or 23153, shall be punished by imprisonment in the state prison, by imprisonment in the county jail for not less than 30 days nor more than six months or by a fine of not less than \$220 nor more than \$1,000 or by both the fine and imprisonment."														
53		Per VC 23105(a): Reckless driving causing loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of a bodily member or organ, a wound requiring extensive suturing, a serious disfigurement, brain injury, or paralysis is "punished by imprisonment in the state prison or imprisonment in a county jail for not less than 30 days nor more than six months, or by a fine of not less than \$220 nor more than \$1,000, or by both that fine and imprisonment."														
54		Per VC 23109(e)(1): "A person convicted of a violation of subdivision (a) shall be punished by imprisonment in a county jail for not less than 24 hours nor more than 90 days or by a fine of not less than \$355 nor more than \$1,000, or by both that fine and imprisonment. The person shall also be required to perform 40 hours of community service."														
55		Per VC 23109(i): "punished by imprisonment in a county jail for not more than 90 days or by a fine of not more than \$500 or by both that fine and imprisonment."														
56		Per VC 23109(e)(2): "punishable by imprisonment in a county jail for not less than 30 days nor more than six months or by a fine of not less than \$500 nor more than \$1000, or by both the fine and imprisonment."														
57		Per VC 23109.1(a): a speed contest causing loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of a bodily member or organ, a wound requiring extensive suturing, a serious disfigurement, brain injury, or paralysis is "punished by imprisonment in the state prison or imprisonment in a county jail for not less than 30 days nor more than six months, or by a fine of not less than \$500 nor more than \$1,000, or by both that fine and imprisonment."														
58		Assem. Bill 2552 (Stats. 2012, ch. 753), effective January 1, 2014. Per PC 1463.14(b), the county board of supervisors may authorize an additional penalty in the amount equal to the cost of testing, less \$50 deposited with the county treasurer per PC 1463.14(a). \$390 minimum base fine per VC 23536 and VC 23538. The "Total Bail" must be distributed in accordance with statutory distribution pursuant to PC 1463.001, 1463.14, 1463.16, 1463.18, 1464, and 1465.7; GC 70372, 70375, 76000, 76000.5, 76104.6, and 76104.7; and the accounting guidelines contained in Chapter 5, "Revenue Distribution," of the California State Controller's <i>Manual of Accounting and Auditing Guidelines for Trial Courts</i> .														

## TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **	DMV Points
			10/10	7.00	5/10	5.00	20%	2.00	4		40	30	1			
59		<del>Assem. Bill 2552 (Stats. 2012, ch. 753), effective January 1, 2014.</del> Base fine for first offense per VC 23554 and VC 23556. Per PC 1463.14(b), the county board of supervisors may authorize an additional penalty in the amount equal to the cost of testing, less \$50 deposited with the county treasurer per PC 1463.14(a).														
60		Per VC 23224(e): "Any person convicted for a violation of subdivision (a) or (b) ... shall be punished upon conviction by a fine of not more than \$1,000 or by imprisonment in the county jail for not more than six months, or by both the fine and imprisonment."														
61		Per VC 23247(f): Punishment shall be imprisonment for not more than six months or by a fine of not more than \$5,000 or both.														
62		Per VC 23573(i): "... punished by imprisonment in the county jail for not more than six months or by a fine of not more than \$5,000 or by both that fine and imprisonment."														
63		Per VC 40000.15: "Violation ... a misdemeanor and not an infraction." Per VC 24002.5(b): " ... a fine of not less than \$1,000 and not more than \$5,000 ... . No part of any fine imposed ... may be suspended."														
64		Per VC 40000.15: "Violation ... a misdemeanor and not an infraction." Per VC 24011.3(c)(1): "fine of not more than \$500."														
65		Per VC 40000.15: "Violation ... a misdemeanor and not an infraction."														
66		Vehicle Code section 27150.1 authorizes citation as a misdemeanor. Penal Code sections 17 and 19.8 allow charging VC 27150.1 as an infraction with a fine of up to \$250.														
67		Per VC <del>27360(a)</del> ; 27362(a)(1): "... fine not exceeding \$400 ...."														
68		Per VC 31404: "Any person who operates, or any owner or farm labor contractor who knowingly allows the operation of, a farm labor vehicle in violation of subdivision (b) or (d) of Section 31401 or Section 31402 or 31403 is guilty of a misdemeanor. When a person has been convicted of willfully violating those provisions, the person shall, in addition, be fined not less than \$1,000 for each violation, and no part of the fine may be suspended. If passengers are in the vehicle at the time of the violation, the person shall, in addition, be fined \$500 for each passenger, not to exceed a total of \$5,000 for each violation, and no part of this fine may be suspended. As used in this section, the terms 'knowingly' and 'willfully' have the same meaning as prescribed in Section 7 of the Penal Code."														
69		Per VC 31402(b): " ... fine of not less than \$1,000 and not more than \$5,000 ... . No part of any fine imposed ... may be suspended."														
70		Per VC 32002(b): "... a violation of this subdivision shall be punished ... by a fine of not less than \$2,000 ... ."														
71		Per VC 40000.19: "Violation ... a misdemeanor and not an infraction."														
72		Per VC 40000.21: Violation "... a misdemeanor and not an infraction." Per VC 34501.3(c) : "For a violation of paragraph (2) of subdivision (a), a first offense is punishable by a fine of not more than \$1,000; a second offense by a fine of not more than \$2,500, and a third or subsequent offense by a fine of not more than \$5,000."														
73		<del>Assem. Bill 529 (Stats. 2013, ch. 500)</del> . Per VC 40000.22(a): A violation of "subdivision (f) of Section 34501.12 ... relating to applications for inspections is a misdemeanor and not an infraction. ... (c)This section shall remain in effect only until January 1, 2016 ... ."														
74		Per VC 40000.21: Violation "... a misdemeanor and not an infraction."														
75		Per VC 42001.3(b).														
76		Per VC 40000.21: Violation "... a misdemeanor and not an infraction."														
77		Per VC 40000.22(b): Violation "... a misdemeanor and not an infraction."														
78		Per VC 40000.23: "Violation ... a misdemeanor and not an infraction ... except in case of weight violations where the amount of excess weight is less than 4,501 pounds."														
79		Per VC 40000.23: "Violation ... a misdemeanor and not an infraction ... except in case of weight violations where the amount of excess weight is less than 4,501 pounds."														

## TRAFFIC MISDEMEANOR BAIL AND PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*	Surcharge*	EMS PA*	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess.	Night Court	"Total Bail" **	DMV Points
			10/10		7.00	5/10	5.00	20%	2.00	4		40	30	1		

80 Per VC 35784, the penalty for violation is as follows:

"(e) A violation of equipment requirements contained in Division 12 (commencing with Section 24000), by any person operating a pilot car shall not be considered a violation of any terms or conditions of a special permit under subdivision (a); (f) (1) Any person convicted of a violation of the terms and conditions of a special permit shall be punished by a fine not exceeding \$500 or by imprisonment in the county jail for a period not exceeding six months, or by both that fine and imprisonment. (2) In addition, if the violation involves weight in excess of that authorized by the permit, an additional fine shall be levied as specified in Section 42030 on the amount of weight in excess of the amount authorized by the permit."

81 Per VC 35784.5(a): "Any person convicted of transporting an extralegal load on a highway, or causing or directing the operation of or driving on a highway any vehicle or combination of vehicles for which a permit is required pursuant to this article, without having obtained a permit issued in accordance with this article, shall be punished by a fine not exceeding \$500 or by imprisonment in the county jail for a period not exceeding six months, or by both that fine and imprisonment. (b) If the violation involves excess weight, an additional fine shall be levied as specified in Section 42030 on the amount of weight in excess of that authorized pursuant to this chapter."

82 Fine specified by VC 42030. Per VC 40000.23: "Violation ... a misdemeanor and not an infraction."

83 Per VC 38316(b): "... fine of not less than \$50 ... ."

84 Fine of: "... not less than \$100 nor more than \$1,000 ... ."

85 Fine of: "... not more than \$1,000 ... ."

86 Per VC 4000.24, violation is: "... a misdemeanor and not an infraction ... ."

87 Fine of "... not more than \$10,000."

88 Per VC 40000.25: "Violation ... a misdemeanor and not an infraction."

89 Per VC 40008(a): "... shall be punished by imprisonment in a county jail for not more than six months and by a fine of not more than \$2,500."

90 Per VC 40008(b): "... shall be punished by imprisonment in a county jail for not more than one year and by a fine of not more than \$5,000."

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42009  
 VIOLATIONS COMMITTED IN HIGHWAY CONSTRUCTION OR MAINTENANCE AREA  
 (\*See Preface, Sections III and IV.C.2) (\*\*See Preface, Section IV)  
 (Vehicle Code)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge*	EMS PA* /10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>	<b>40</b>	<b>1</b>	<b>0.00</b>						
21367	(b,c)	I	Failure to Obey Traffic Control/Devices at Construction Site	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21451	(a,b)	I	"Green" Signal-Vehicular Responsibilities	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21453	(a,c)	I	"Red" Signal-Vehicular Responsibilities	135	140	98.00	70	70	27	28	4	572.00	40	35	1	0.00	648.00	4b	1
21453	(b)	I	"Red" Signal-Vehicular Responsibilities With Right Turn	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21454	(c)	I	Lane Use-Red Control Signals	135	140	98.00	70	70	27	28	4	572.00	40	35	1	0.00	648.00	4b	1
21454	(d)	I	Lane Use-Flashing Yellow Control Signals	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21455		I	Traffic Control Signal at Other Than Intersection	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21457	(a)	I	Actions Required at Flashing Red Signals	135	140	98.00	70	70	27	28	4	572.00	40	35	1	0.00	648.00	4b	1
21457	(b)	I	Actions Required at Flashing Yellow Signals	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21460	(a,b)	I	Improper Turn Over Double Lines Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21460.5	(c)	I	Improper Turn From Two-Way Left-Turn Lane	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21461	(a)	I	Driver Failure to Obey Signs/Signals	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21462		I	Disobedience of Driver or Streetcar Motorman to Traffic Control Signals	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21464	(a)	I	Unauthorized Interference With Traffic Device Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	0
21464	(b)	I	Unauthorized Use of Traffic Interference Device	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	0
21464	(c)	I	Unauthorized Possession of Traffic Interference Device	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	0
21464	(e)	I	Willful Interference With Traffic Device or Willful Use, Possession, or Distribution of Traffic Interference Device That Does Not Result in Injury	535	540	378.00	270	270	107	108	4	2,212.00	40	35	1	0.00	2,288.00	4b	0
21466.5		I	Light Impairing Driver's Vision Prohibited	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	1b	0

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42009  
VIOLATIONS COMMITTED IN HIGHWAY CONSTRUCTION OR MAINTENANCE AREA**

(\*See Preface, Sections III and IV.C.2) (\*\*See Preface, Section IV)

(Vehicle Code)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge*	EMS PA* /10	EMAT PA*	Fine Surcharg e & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>	<b>40</b>	<b>1</b>	<b>0.00</b>						
21650	I	Failure to Keep to Right Side of Road	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21651	(a)	I Driving Across Dividing Section on Freeway Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21652	I	Improperly Entering Highway From Service Road	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21654	(a)	I Slow-Moving Vehicles—Keep to Right Edge of Roadway	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21655	(b)	I Failure to Use Designated Lanes	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21655.5	(b)	I Improper Use of Preferential Lanes	135	140	98.00	70	70	27	28	4	572.00	40	35	1	0.00	648.00	4b	0
21655.8	(a)	I Driving Over Double Lines of Preferential Lanes	135	140	98.00	70	70	27	28	4	572.00	40	35	1	0.00	648.00	4b	1
21656	I	Failure of Slow-Moving Vehicles to Turn Out	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21657	I	Driving Against One-Way Traffic Patterns	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21658	(a,b)	I Lane Straddling/Failure to Use Specified Lanes	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21659	I	Unsafe Driving on Three-Lane Highway	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21660	I	Failure of Approaching Vehicles to Pass to the Right	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21661	I	Right-of-Way Rule—Narrow Grades	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21662	(a,b)	I Mountains—Keep to Right—Use Horn	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21663	I	Driving on Sidewalk Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21664	I	Failure to Use Designated Freeway On-/Off-ramp Properly	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21700	I	Load/Passengers Not to Obstruct Driver's View	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21703	I	Following Too Closely Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21704	(a)	I Trucks/Trailers Following Too Closely Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21705	I	Caravans Following Too Closely Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1

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Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge*	EMS PA* /10	EMAT PA*	Fine Surcharg & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>1</b>	<b>0.00</b>					
21706	I	Following Emergency Vehicles Too Closely Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21706.5 (b)	I	Operation of Vehicle in Unsafe Manner in an Emergency Incident Zone	105	110	77.00	55	55	21	22	4	449.00	40	35	1	0.00	525.00	4b	1
21707	I	Driving Within 300 Feet of Fire Areas Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21708	I	Running Over Unprotected Fire/Chemical Hose Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	0
21709	I	Driving Within Safety Zone Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21710	I	Coasting in Neutral on Downgrade Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	0
21711	I	Whipping or Swerving Towed Vehicle Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21712 (a)	I	Allowing Riding on Portion of Vehicle Not Designed for Passenger Use Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21712 (b)	I	Unlawful Riding on Vehicle Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	0
21712 (c)	I	Driver Permitting Riding in Trunk of Vehicle	135	140	98.00	70	70	27	28	4	572.00	40	35	1	0.00	648.00	4b	1
21712 (d)	I	Riding in Trunk of Vehicle	135	140	98.00	70	70	27	28	4	572.00	40	35	1	0.00	648.00	4b	0
21712 (g)	I	Towing Trailer Coach, Camp Trailer, or Trailer Carrying Vessel That Contains Passenger	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21712 (h)	I	Driving While Towing Person Riding on Motorcycle, Motorized Bicycle, Bicycle, Coaster, Roller Skates, Sled, Skis, or Toy Vehicle	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21714 (a)	I	Use of Three-Wheeled Vehicle in HOV Lane	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21714 (b)	I	Use of Three-Wheeled Vehicle in Lane Adjacent to Striping or Area Between Two or More Vehicles Traveling in Adjacent Traffic Lanes	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1

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				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>1</b>	<b>0.00</b>					
21715	(a,b)	I	Exceeding Passenger Vehicle Towing Combination Limits	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21720		I	Unlawful Operation of Pocket Bike	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2b	0
21750		I	Overtaking and Passing Unsafely	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21751		I	Passing Without Sufficient Clearance	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21752	(a,b,d)	I	Driving Left of Center Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21752	(c)	I	Driving Left of Center--Within 100 Feet or When Traversing Railroad Grade Crossing--Prohibited	135	140	98.00	70	70	27	28	4	572.00	40	35	1	0.00	648.00	4b	1
21753		I	Failure to Yield to Overtaking Vehicle	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21754	(a-e)	I	Improper Passing on Right Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21755		I	Unsafe Passing on Right Shoulder	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21758		I	Unsafe Passing on Grades Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21760	(b)	<sup>1</sup>	I Overtaking or Passing Bicycle Unsafely	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	4b	1
21760	(b)	<sup>1</sup>	I Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle Unsafely	255	260	182.00	130	130	51	52	4	1,064.00	40	35	1	0.00	1,140.00	4b	1
21760	(c)	<sup>1</sup>	I Overtaking or Passing Bicycle at Distance of Less Than Three Feet	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	4b	1
21760	(c)	<sup>1</sup>	I Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle at Distance of Less Than Three Feet	255	260	182.00	130	130	51	52	4	1,064.00	40	35	1	0.00	1,140.00	4b	1
21760	(d)	<sup>1</sup>	I Overtaking or Passing Bicycle Without Slowing to Reasonable Speed	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	4b	1
21760	(d)	<sup>1</sup>	I Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle Without Slowing to Reasonable Speed	255	260	182.00	130	130	51	52	4	1,064.00	40	35	1	0.00	1,140.00	4b	1
21800	(a-c)	I	Violation of Right-of-Way/Uncontrolled Intersection	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1

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				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>1</b>	<b>0.00</b>					
21800	(d)(1,2)	I	Violation of Right-of-Way/Controlled Intersection With Inoperative Control Signals	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21801	(a,b)	I	Violation of Right-of-Way--Left Turn	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21802	(a,b)	I	Violation of Right-of-Way--Entering Through Highway	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21803	(a,b)	I	Violation of "Yield" Sign	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21804	(a,b)	I	Entering Highway From Alley or Driveway	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21806	(a,b)	I	Failure to Yield to Emergency Vehicle	135	140	98.00	70	70	27	28	4	572.00	40	35	1	0.00	648.00	4b	1
21807		I	Driving Authorized Emergency Vehicle Without Due Regard for Safety of Persons and Property	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
21809	(a)	I	Failure to Slow Down or Change Lane When Approaching and Passing Stationary Emergency Vehicle or Tow Truck Displaying Specific Lights	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
22100	(a,b)	I	Turn at Intersection From Wrong Position	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
22100.5		I	U-Turn at Controlled Intersection	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
22101	(d)	I	Violating Special Traffic Control Markers	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
22102		I	Illegal U-Turn in Business District	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
22103		I	Illegal U-Turn in Residential District	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
22104		I	Illegal U-Turn Near Fire Station	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
22105		I	Illegal U-Turn on Highway Without Unobstructed View	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
22106		I	Unsafe Starting or Backing on Highway	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
22107		I	Unsafe Turn or Lane Change Prohibited	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
22108		I	Signal Required Before Turning or Changing Lanes	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
22109		I	Sudden Stopping Without Signaling	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1

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				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>1</b>	<b>0.00</b>					
22110	(a,b)	I	Hand/Lamp Signal Not Given	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
22348	(b)	I	Speeding Over 100 MPH Prohibited	235	240	168.00	120	120	47	48	4	982.00	40	35	1	0.00	1,058.00	4b	2
22348	(c)	I	Failure of Vehicles Subject to VC 22406 to Use Designated Lane	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
22349	(a)	I	Exceeding Maximum Speed Limit of 65 MPH															4b	1
22349	(b)	I	Exceeding Maximum Speed Limit of 55 MPH on a Two-Lane Undivided Highway															4b	1
22350		I	Unsafe Speed for Prevailing Condition															4b	1
22351	(a,b)	I	Driving in Excess of Prima Facie Speed Limits Established in VC 22352															4b	1
22352	(a)(1) <sup>2</sup>	I	Operating Vehicle in Excess of 15 MPH at Railroad Crossing															4b	1
22352	(a)(2) <sup>2</sup>	I	Operating Vehicle in Excess of 15 MPH at Freeway Intersection With No Clear Field of Vision															4b	1
22352	(a)(3) <sup>2</sup>	I	Operating Vehicle in Excess of 15 MPH on Any Alley															4b	1
22352	(b)(1) <sup>2</sup>	I	Operation Vehicle in Excess of 25 MPH in Business District															4b	1
22352	(b)(2) <sup>2</sup>	I	Operating Vehicle in Excess of 25 MPH by School															4b	1
22352	(b)(3) <sup>2</sup>	I	Operating Vehicle in Excess of 25 MPH by Senior Center															4b	1
22354		I	Failure to Abide by Speed Limits Set by the State Department of Transportation (DOT) on State Highways															4b	1
22355		I	Failure to Abide by Variable Speed Limits Set by the State Department of Transportation (DOT)															4b	1

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				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>1</b>	<b>0.00</b>					
22357	I		Violation of Prima Facie Local Speed Limit															4b	1
22358	I		Violation of Local Speed Limit															4b	1
22358.3	I		Violation of Local Speed Limit on Narrow Street															4b	1
22358.4	I		Violation of Prima Facie Local Speed Limit															4b	1
22360	I		Violation of Local Speed Limits Between Business and Residence Districts															4b	1
22361	I		Violation of Speed Limit on Multiple Lane Highways															4b	1
22362	I		Violation of Speed Limit Surrounding Special Work Crews															4b	1
22363	I		Violation of DOT or Local Speed Limit Set for Snow or Ice															4b	1
22364	I		Violation of Speed Limit Set by DOT on State Highways															4b	1
22406	(a)	I	Truck or Tractor 1–9 MPH Over 55 MPH Limit	85	90	63.00	45	45	17	18	4	367.00	40	35	1	0.00	443.00	4b	1
22406	(a)	I	Truck or Tractor 10 MPH or More Over 55 MPH Limit	135	140	98.00	70	70	27	28	4	572.00	40	35	1	0.00	648.00	4b	1
22407		I	Posted Speed for Designated Vehicles–In Excess of Speed Limit by 10 MPH or More	135	140	98.00	70	70	27	28	4	572.00	40	35	1	0.00	648.00	4b	1
22409		I	Speed Limit for Solid Tire Vehicle															4b	1
22410		I	Exceeding Speed Limit for Metal Tire Vehicles	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
22413		I	Violation of Speed Limit Set by Local Authority for Steep Grades															4b	1
22450	(a)	I	Failure to Stop at Stop Sign	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	1
22450	(b)	I	Failure to Stop at Stop Sign at Railroad Grade Crossing	135	140	98.00	70	70	27	28	4	572.00	40	35	1	0.00	648.00	4b	1

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					<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>	<b>40</b>	<b>1</b>	<b>0.00</b>					
22451	(a,b)	I	Failure to Stop for Train Signals/Closed Gates	135	140	98.00	70	70	27	28	4	572.00	40	35	1	0.00	648.00	4b	1
22452	(b)	I	Failure of Certain Vehicles to Stop at Railroad Crossings	135	140	98.00	70	70	27	28	4	572.00	40	35	1	0.00	648.00	4b	1
22452	(c)	I	Failure of Commercial Vehicle to Stop at Railroad Crossings	135	140	98.00	70	70	27	28	4	572.00	40	35	1	0.00	648.00	4b	1
22454	(a)	I	Passing School Bus With Flashing Signals	185	190	133.00	95	95	37	38	4	777.00	40	35	1	0.00	853.00	4b	1
22455	(a)	I	Vending From Vehicle Without Coming to a Complete Stop or Parking the Vehicle Lawfully	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	0
22456	(e)(1-3)	I	Vending From an Ice Cream Truck Under Prohibited Conditions	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	2b	0
23109	(c)	<sup>2</sup> -	I Engaging In/Abetting Exhibition of Speed Prohibited	110	110	77.00	55	55	22	22	4	455.00	40	35	1	0.00	531.00	2b	2
23154	(a)	I	Driving With Blood Alcohol Level of .01 or Greater While on Probation for Violation of VC 23152 or VC 23153	105	110	77.00	55	55	21	22	4	449.00	40	35	1	0.00	525.00	3b	0
23220	(a)	I	Drinking Alcoholic Beverage While Driving Prohibited	105	110	77.00	55	55	21	22	4	449.00	40	35	1	0.00	525.00	3b	1
23221	(a)	I	Drinking Alcoholic Beverage by Driver Prohibited	105	110	77.00	55	55	21	22	4	449.00	40	35	1	0.00	525.00	3b	0
23221	(b)	I	Drinking Alcoholic Beverage by Passenger Prohibited	105	110	77.00	55	55	21	22	4	449.00	40	35	1	0.00	525.00	3b	0
23222	(a)	I	Possession of Open Container While Driving Prohibited	105	110	77.00	55	55	21	22	4	449.00	40	35	1	0.00	525.00	3b	1
23222	(b)	I	Possession of Marijuana by Driver	105	110	77.00	55	55	21	22	4	449.00	40	35	1	0.00	525.00	3b	1
23223	(a)	<sup>3</sup> -	I Possession of Open Container by Driver Prohibited	105	110	77.00	55	55	21	22	4	449.00	40	35	1	0.00	525.00	3b	0
23223	(b)	<sup>3</sup> -	I Possession of Open Container by Passenger Prohibited	105	110	77.00	55	55	21	22	4	449.00	40	35	1	0.00	525.00	3b	0
23225	(a)(1)	<sup>3</sup> -	I Storage of Open Container Restricted	105	110	77.00	55	55	21	22	4	449.00	40	35	1	0.00	525.00	3b	0
23226	(a)	I	Storage by Driver of Open Container in Passenger Compartment Prohibited	105	110	77.00	55	55	21	22	4	449.00	40	35	1	0.00	525.00	3b	0

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42009  
 VIOLATIONS COMMITTED IN HIGHWAY CONSTRUCTION OR MAINTENANCE AREA  
 (\*See Preface, Sections III and IV.C.2) (\*\*See Preface, Section IV)  
 (Vehicle Code)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge*	EMS PA* /10	EMAT PA*	Fine Surcharg & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
					<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>		<b>1</b>	<b>0.00</b>			
23226	(b)	I	Storage by Passenger of Open Container in Passenger Compartment Prohibited	105	110	77.00	55	55	21	22	4	449.00	40	35	1	0.00	525.00	3b	0
22406.1		M	Maximum Speed for Commercial Vehicles-- In Excess of Speed Limit by 15 MPH or More	600	600	420.00	300	300	120	120	4	2,464.00	40	30	1		2,535.00		1.5
23103	(a,b)	M	Reckless Driving	290	290	203.00	145	145	58	58	4	1,193.00	40	30	1		1,264.00		2
23104	(a)	M	Reckless Driving--Bodily Injury	700	700	490.00	350	350	140	140	4	2,874.00	40	30	1		2,945.00		2
23104	(b)	M	Reckless Driving--Great Bodily Injury	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1		4,175.00		2
23105	(a)	M	Reckless Driving--Specific Injury	1,500	1,500	1,050.00	750	750	300	300	4	6,154.00	40	30	1		6,225.00		2
23109	(a)	M	Engaging in Speed Contests Prohibited	720	720	504.00	360	360	144	144	4	2,956.00	40	30	1		3,027.00		2
23109	(b)	M	Abetting Speed Contest Prohibited	200	200	140.00	100	100	40	40	4	824.00	40	30	1		895.00		1
23109	(c)	M	Engage In/Abet Exhibition of Speed Prohibited	200	200	140.00	100	100	40	40	4	824.00	40	30	1		895.00		2
23109	(d)	M	Placing Barricades or Obstructions Prohibited	200	200	140.00	100	100	40	40	4	824.00	40	30	1		895.00		1
23109	(e)(2)	<sup>4</sup> -	M Engaging in Speed Contest and Causing Bodily Injury	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1		4,175.00		2
23109.1		M	Engaging in Speed Contest--Specific Injury	1,500	1,500	1,050.00	750	750	300	300	4	6,154.00	40	30	1		6,225.00		2
23152	(a,b)	<sup>6</sup>	M Driving Under Influence of Alcohol	780	780	546.00	390	390	156	156	4	3,202.00	40	30	1		3,273.00		2
23152	(c)	<sup>6</sup>	M Driving While Addicted to Drug	780	780	546.00	390	390	156	156	4	3,202.00	40	30	1		3,273.00		2
23152	(d)		M Driving Commercial Vehicle Under Influence of Alcohol	900	900	630.00	450	450	180	180	4	3,694.00	40	30	1		3,765.00		3
23152	(e)	<sup>6</sup>	M Driving Under Influence of Drug	780	780	546.00	390	390	156	156	4	3,202.00	40	30	1		3,273.00		2
23152	(f)	<sup>6</sup>	M Driving Under Influence of Alcohol and Drug	780	780	546.00	390	390	156	156	4	3,202.00	40	30	1		3,273.00		2
23153	(a,b)	<sup>6</sup>	M Driving Under Influence of Alcohol While Causing Injury	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1		4,175.00		2
23153	(d)		M Driving Commercial Vehicle Under Influence of Alcohol While Causing Injury	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1		4,175.00		3

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42009  
 VIOLATIONS COMMITTED IN HIGHWAY CONSTRUCTION OR MAINTENANCE AREA  
 (\*See Preface, Sections III and IV.C.2) (\*\*See Preface, Section IV)  
 (Vehicle Code)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharg & PA Subtotal	Court OPS	Conv.Assess	Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
					<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>	<b>0.00</b>			
23153	(e)	<sup>6</sup>	M Driving Under Influence of Drug While Causing Injury	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1		4,175.00		2
23153	(f)	<sup>6</sup>	M Driving Under Influence of Alcohol and Drug While Causing Injury	1,000	1,000	700.00	500	500	200	200	4	4,104.00	40	30	1		4,175.00		2
23224	(a,b)		M Possession of Alcohol by Minor Prohibited	200	200	140.00	100	100	40	40	4	824.00	40	30	1		895.00		0

**Notes**

<sup>1</sup> ~~Assem. Bill 1371 (Stats. 2013, ch. 331).~~ Per VC 21760(f): "operative on September 16, 2014."

<sup>2</sup> ~~Assem. Bill 707 (Stats. 2013, ch. 240).~~

<sup>2</sup> Per PC 19.8: VC 23109(c) charged as an infraction is subject to fine "... not to exceed \$250 ... ."

<sup>3</sup> Per VC 40000.20: a third or subsequent violation relating to "a driver of any vehicle used to provide transportation services on a prearranged services, operating under a valid certificate or permit pursuant to the Passenger Charter-party Carriers' Act (Chapter 8 (commencing with Section 5351) of Division 2 of the public Utilities Code), is a

<sup>4</sup> Per VC 23109(e)(2): "punishable by imprisonment in a county jail for not less than 30 days nor more than six months or by a fine of not less than \$500 nor more than \$1000, or by both the fine and imprisonment."

<sup>6</sup> ~~Assem. Bill 2552 (Stats. 2012, ch. 753), effective January 1, 2014.~~

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
 (\*See Preface, Sections III and IV.C.2) (\*\*See Preface, Section IV)  
 (Vehicle Code)

**ENHANCED PENALTY SPEED CHART AMOUNTS PER VEHICLE CODE SECTION 42009  
 VIOLATIONS COMMITTED IN HIGHWAY CONSTRUCTION OR MAINTENANCE AREA  
 (FOR ALL SPEED LIMITS)**

<b>MPH Over Limit</b>	<b>Base Fine</b>	<b>State PA*</b>	<b>County PA*/10</b>	<b>DNA PA*</b>	<b>Court Facility Const. PA*/10</b>	<b>Surcharge*</b>	<b>EMS PA* /10</b>	<b>EMAT PA*</b>	<b>Fine Surcharge &amp; PA Subtotal</b>	<b>Court OPS</b>	<b>Conv.Assess.</b>	<b>Night Court</b>	<b>TAP Fee</b>	<b>"Total Bail" **</b>
		<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>	
1–15	\$70	\$70	\$49.00	\$35	\$35	\$14	\$14	\$4	\$291.00	\$40	\$35	\$1	\$0.00	\$367.00
16–25	\$105	\$110	\$77.00	\$55	\$55	\$21	\$22	\$4	\$449.00	\$40	\$35	\$1	\$0.00	\$525.00
26 and over <sup>1</sup>	\$135	\$140	\$98.00	\$70	\$70	\$27	\$28	\$4	\$572.00	\$40	\$35	\$1	\$0.00	\$648.00

<sup>1</sup> Per VC 42000.5: "Every person convicted of an infraction for a violation of Section 22350, 22406, or 22407 while operating a bus, motor truck, or truck tractor having three or more axles, or any motor truck or truck tractor drawing any other vehicle, shall be punished by a fine not exceeding \$100 for a first conviction, except that if a person has exceeded the specified speed limit by 10 miles per hour or more, the fine shall not exceed \$200 for a first conviction and not exceeding \$300 for a second or subsequent conviction."

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42010  
VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT-DOUBLE FINE ZONES**

(\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)

Vehicle Code Section	Notes Level	Offense	County		Court		Surcharge*	EMS PA*	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
			Base Fine	State PA*	PA* /10	DNA PA*											
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>		<b>1</b>	<b>0.00</b>			
21650	I	Failure to Keep to Right Side of Road	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21651 (a)	I	Driving Across Dividing Section on Freeway Prohibited	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21652	I	Improperly Entering Highway From Service Road	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21654 (a)	I	Slow-Moving Vehicles Keep to Right Edge of Roadway	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21655 (b)	I	Failure to Use Designated Lanes	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21655.5 (b)	I	Improper Use of Preferential Lanes	135	100	70.00	50	50	27	20	4	456.00	40	35	1	0.00	532.00	4b 0
21655.8 (a)	I	Driving Over Double Lines of Preferential Lanes	135	100	70.00	50	50	27	20	4	456.00	40	35	1	0.00	532.00	4b 1
21656	I	Failure of Slow-Moving Vehicles to Turn Out	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21657	I	Driving Against One-Way Traffic Patterns	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21658 (a,b)	I	Lane Straddling/Failure to Use Specified Lanes	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21659	I	Unsafe Driving on Three-Lane Highway	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21660	I	Failure of Approaching Vehicles to Pass to the Right	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21661	I	Right-of-Way Rule-Narrow Grades	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21662 (a,b)	I	Mountains-Keep to Right-Use Horn	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21663	I	Driving on Sidewalk Prohibited	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21664	I	Failure to Use Designated Freeway On-/Off-ramp Properly	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21700	I	Load/Passengers Not to Obstruct Driver's View	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21703	I	Following Too Closely Prohibited	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21704 (a)	I	Trucks/Trailers Following Too Closely Prohibited	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21705	I	Caravans Following Too Closely Prohibited	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42010  
VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT-DOUBLE FINE ZONES**

(\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)

Vehicle Code Section	Notes Level	Offense	County		Court		Surcharge*	EMS PA*	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
			Base Fine	State PA*	PA* /10	DNA PA*											
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>		<b>1</b>	<b>0.00</b>			
21706	I	Following Emergency Vehicles Too Closely Prohibited	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21706.5 (b)	I	Operation of Vehicle in Unsafe Manner in an Emergency Incident Zone	105	70	49.00	35	35	21	14	4	333.00	40	35	1	0.00	409.00	2b 1
21707	I	Driving Within 300 Feet of Fire Areas Prohibited	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21708	I	Running Over Unprotected Fire/Chemical Hose Prohibited	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 0
21709	I	Driving Within Safety Zone Prohibited	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21710	I	Coasting in Neutral on Downgrade Prohibited	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 0
21711	I	Whipping or Swerving Towed Vehicle Prohibited	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21712 (a)	I	Allowing Riding on Portion of Vehicle Not Designed for Passenger Use Prohibited	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21712 (c)	I	Driver Permitting Riding in Trunk of Vehicle	135	100	70.00	50	50	27	20	4	456.00	40	35	1	0.00	532.00	4b 1
21712 (d)	I	Riding in Trunk of Vehicle	135	100	70.00	50	50	27	20	4	456.00	40	35	1	0.00	532.00	4b 0
21712 (g)	I	Towing Trailer Coach, Camp Trailer, or Trailer Carrying Vessel That Contains Passenger	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21712 (h)	I	Driving While Towing Person Riding on Mortorcycle, Motorized Bicycle, Bicycle, Coaster, Roller Skates, Sled, Skis, or Toy Vehicle	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21714 (a)	I	Use of Three-Wheeled Vehicle in HOV Lane	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21714 (b)	I	Use of Three-Wheeled Vehicle in Lane Adjacent to Striping or Area Between Two or More Vehicles Traveling in Adjacent Traffic Lanes	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42010  
VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT-DOUBLE FINE ZONES**

(\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)

Vehicle Code Section	Notes Level	Offense	County		Court		Surcharge*	EMS PA*	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
			Base Fine	State PA*	PA* /10	DNA PA*											
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>		<b>1</b>	<b>0.00</b>			
21715 (a,b)	I	Exceeding Passenger Vehicle Towing Combination Limits	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21716	I	Golf Cart Operation Restricted	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 0
21717	I	Turning Across Bicycle Lane	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21720	I	Unlawful Operation of Pocket Bike	35	30	21.00	0	15	7	0	4	112.00	40	35	1	0.00	188.00	1b 0
21750	I	Overtaking and Passing Unsafely	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21751	I	Passing Without Sufficient Clearance	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21752 (a,b,d)	I	Driving Left of Center Prohibited	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21752 (c)	I	Driving Left of Center-Within 100 Feet or When Traversing Railroad Grade Crossing-Prohibited	135	100	70.00	50	50	27	20	4	456.00	40	35	1	0.00	532.00	4a 1
21753	I	Failure to Yield to Overtaking Vehicle	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21754	I	Improper Passing on Right Prohibited	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21755	I	Unsafe Passing on Right Shoulder	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21758	I	Unsafe Passing on Grades Prohibited	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
21760 (b)	<sup>1</sup>	I Overtaking or Passing Bicycle Unsafely	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	4b 1
21760 (b)	<sup>1</sup>	I Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle Unsafely	255	220	154.00	110	110	51	44	4	948.00	40	35	1	0.00	1,024.00	4b 1
21760 (c)	<sup>1</sup>	I Overtaking or Passing Bicycle at Distance of Less Than Three Feet	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	4b 1
21760 (c)	<sup>1</sup>	I Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle at Distance of Less Than Three Feet	255	220	154.00	110	110	51	44	4	948.00	40	35	1	0.00	1,024.00	4b 1
21760 (d)	<sup>1</sup>	I Overtaking or Passing Bicycle Without Slowing to Reasonable Speed	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	4b 1
21760 (d)	<sup>1</sup>	I Causing Bodily Injury to a Bicycle Operator From Collision While Overtaking or Passing Bicycle Without Slowing to Reasonable Speed	255	220	154.00	110	110	51	44	4	948.00	40	35	1	0.00	1,024.00	4b 1
22348 (b)	I	Speeding Over 100 MPH Prohibited	235	200	140.00	100	100	47	40	4	866.00	40	35	1	0.00	942.00	4b 2

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42010  
 VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT-DOUBLE FINE ZONES**

(\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)

Vehicle Code Section	Notes Level	Offense	County		Court		Surcharge*	EMS PA*	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
			Base Fine	State PA*	PA* /10	DNA PA*											
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>	<b>40</b>	<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>			
22348 (c)	I	Failure of Vehicles Subject to VC 22406 to Use Designated Lane	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
22349 (a)	I	Exceeding Maximum Speed Limit of 65 MPH														[See Speed Chart]	4b 1
22349 (b)	I	Exceeding Maximum Speed Limit of 55 MPH on a Two-Lane Undivided Highway														[See Speed Chart]	4b 1
22350	I	Unsafe Speed for Prevailing Conditions														[See Speed Chart]	4b 1
22351 (a,b)	I	Driving in Excess of Prima Facie Speed Limits Established in VC 22352														[See Speed Chart]	4b 1
22352 (a)(1) <sup>2</sup>	I	Operating Vehicle in Excess of 15 MPH at Railroad Crossing														[See Speed Chart]	4b 1
22352 (a)(2) <sup>2</sup>	I	Operating Vehicle in Excess of 15 MPH at Freeway Intersection With No Clear Field of Vision														[See Speed Chart]	4b 1
22352 (a)(3) <sup>2</sup>	I	Operating Vehicle in Excess of 15 MPH on Any Alley														[See Speed Chart]	4b 1
22352 (b)(1) <sup>2</sup>	I	Operation Vehicle in Excess of 25 MPH in Business District														[See Speed Chart]	4b 1
22352 (b)(2) <sup>2</sup>	I	Operating Vehicle in Excess of 25 MPH by School														[See Speed Chart]	4b 1
22352 (b)(3) <sup>2</sup>	I	Operating Vehicle in Excess of 25 MPH by Senior Center														[See Speed Chart]	4b 1
22354	I	Failure to Abide by Speed Limits Set by the State Department of Transportation (DOT) on State Highways														[See Speed Chart]	4b 1
22355	I	Failure to Abide by Variable Speed Limits Set by the State Department of Transportation (DOT)														[See Speed Chart]	4b 1
22356 (b)	I	Exceeding Maximum Speed Limit of 70 MPH Where Posted														[See Speed Chart]	4b 1

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42010  
 VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT–DOUBLE FINE ZONES  
 (\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)**

Vehicle Code Section	Notes Level	Offense	County		Court		Surcharge*	EMS PA*	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
			Base State PA*	PA* /10	DNA PA*	PA* /10											
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>		<b>1</b>	<b>0.00</b>			
22357	I	Violation of Prima Facie Local Speed Limit															4b 1
22358	I	Violation of Local Speed Limit															4b 1
22358.3	I	Violation of Local Speed Limit on Narrow Street															4b 1
22358.4	I	Violation of Prima Facie Local Speed Limit															4b 1
22360	I	Violation of Local Speed Limits Between Business and Residence Districts															4b 1
22361	I	Violation of Speed Limit on Multiple Lane Highways															4b 1
22362	I	Violation of Speed Limit Surrounding Special Work Crews															4b 1
22363	I	Violation of DOT or Local Speed Limit Set for Snow or Ice															4b 1
22364	I	Violation of Speed Limit Set by DOT on State Highways															4b 1
22400 (a,b)	I	Minimum Speed Law–Impeding Traffic Flow	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
22405 (a)	I	Exceeding Maximum Posted Speeds on Bridge or in Tube or Tunnel															4b 1
22406 (a)	I	Truck or Tractor 1–9 MPH Over 55 MPH Limit	85	50	35.00	25	25	17	10	4	251.00	40	35	1	0.00	327.00	4b 1
22406 (a)	I	Truck or Tractor 10 MPH or More Over 55 MPH Limit	135	100	70.00	50	50	27	20	4	456.00	40	35	1	0.00	532.00	4b 1
22406 (b-f)	I	Maximum Speed for Designated Vehicles	85	50	35.00	25	25	17	10	4	251.00	40	35	1	0.00	327.00	4b 1
22406 (b-f)	I	Maximum Speed for Designated Vehicles–In Excess of Speed Limit by 10 MPH or More	135	100	70.00	50	50	27	20	4	456.00	40	35	1	0.00	532.00	4b 1
22406.5	I	Driving Tank Vehicle at Excessive Speed	535	500	350.00	250	250	107	100	4	2,096.00	40	35	1	0.00	2,172.00	4b 1
22407	I	Posted Speed for Designated Vehicles	85	50	35.00	25	25	17	10	4	251.00	40	35	1	0.00	327.00	4b 1

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42010**

**VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT-DOUBLE FINE ZONES**

(\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)

Vehicle Code Section	Notes Level	Offense	County		Court		Surcharge*	EMS PA*	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
			Base Fine	State PA*	PA* /10	DNA PA*											
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>		<b>1</b>	<b>0.00</b>			
22407	I	Posted Speed for Designated Vehicles– In Excess of Speed Limit by 10 MPH or More	135	100	70.00	50	50	27	20	4	456.00	40	35	1	0.00	532.00	4b 1
22409	I	Speed Limit for Solid Tire Vehicle															4b 1
22410	I	Exceeding Speed Limit for Metal Tire Vehicle	70	40	28.00	20	20	14	8	4	204.00	40	35	1	0.00	280.00	2b 1
22413	I	Violation of Speed Limit Set by Local Authority for Steep Grades															4b 1
23109 (c)	I	Engage in/Abet Exhibition of Speed Prohibited	110	80	56.00	40	40	22	16	4	368.00	40	35	1	0.00	444.00	2b 2
23154 (a)	I	Driving With Blood Alcohol Level of .01 or Greater While on Probation for Violation of VC 23152 or VC 23153	105	70	49.00	35	35	21	14	4	333.00	40	35	1	0.00	409.00	3b 0
23220 (a)	I	Drinking Alcoholic Beverage While Driving Prohibited	105	70	49.00	35	35	21	14	4	333.00	40	35	1	0.00	409.00	3b 1
23221 (a)	I	Drinking Alcoholic Beverage by Driver Prohibited	105	70	49.00	35	35	21	14	4	333.00	40	35	1	0.00	409.00	3b 0
23221 (b)	I	Drinking Alcoholic Beverage by Passenger Prohibited	105	70	49.00	35	35	21	14	4	333.00	40	35	1	0.00	409.00	3b 0
23222 (a)	I	Possession of Open Container While Driving Prohibited	105	70	49.00	35	35	21	14	4	333.00	40	35	1	0.00	409.00	3b 1
23222 (b)	I	Possession of Marijuana by Driver	105	70	49.00	35	35	21	14	4	333.00	40	35	1	0.00	409.00	3b 1
23223 (a)	<u>2</u> I	Possession of Open Container by Driver Prohibited	105	70	49.00	35	35	21	14	4	333.00	40	35	1	0.00	409.00	3b 0
23223 (b)	I	Possession of Open Container by Passenger Prohibited	105	70	49.00	35	35	21	14	4	333.00	40	35	1	0.00	409.00	3b 0
23225 (a)(1)	<u>2</u> I	Storage of Open Container While Driving Restricted	105	70	49.00	35	35	21	14	4	333.00	40	35	1	0.00	409.00	3b 0
23226 (a)	I	Storage by Driver of Open Container in Passenger Compartment Prohibited	105	70	49.00	35	35	21	14	4	333.00	40	35	1	0.00	409.00	3b 0
23226 (b)	I	Storage by Passenger of Open Container in Passenger Compartment Prohibited	105	70	49.00	35	35	21	14	4	333.00	40	35	1	0.00	409.00	3b 0

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42010  
VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT-DOUBLE FINE ZONES**

(\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)

Vehicle Code Section	Notes Level	Offense	County				Court	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
			Base Fine	State PA*	PA*/10	DNA PA*	PA*/10											
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>		<b>1</b>	<b>0.00</b>				
22406.1	M	Maximum Speed for Commercial Vehicles-In Excess of Speed Limit by 15 MPH or More	600	300	210.00	150	150	120	60	4	1,594.00	40	30	1	1,665.00	2		
23103 (a,b)	M	Reckless Driving	290	150	105.00	75	75	58	30	4	787.00	40	30	1	858.00	2		
23104 (a)	M	Reckless Driving-Bodily Injury	700	350	245.00	175	175	140	70	4	1,859.00	40	30	1	1,930.00	2		
23104 (b)	M	Reckless Driving-Great Bodily Injury	1,000	500	350.00	250	250	200	100	4	2,654.00	40	30	1	2,725.00	2		
23105 (a)	M	Reckless Driving-Specific Injury	1,500	750	525.00	375	375	300	150	4	3,979.00	40	30	1	4,050.00	2		
23109 (a)	M	Engaging in Speed Contests Prohibited	720	360	252.00	180	180	144	72	4	1,912.00	40	30	1	1,983.00	2		
23109 (b)	M	Abetting Speed Contest Prohibited	200	100	70.00	50	50	40	20	4	534.00	40	30	1	605.00	1		
23109 (c)	M	Engage In/Abet Exhibition of Speed Prohibited	200	100	70.00	50	50	40	20	4	534.00	40	30	1	605.00	2		
23109 (d)	M	Placing Barricades or Obstructions Prohibited	200	100	70.00	50	50	40	20	4	534.00	40	30	1	605.00	1		
23109 (e)	M	Engaging in Speed Contest and Causing Bodily Injury	1,000	500	350.00	250	250	200	100	4	2,654.00	40	30	1	2,725.00	1		
23109.1	M	Engaging in Speed Contest-Specific Injury	1,500	750	525.00	375	375	300	150	4	3,979.00	40	30	1	4,050.00	2		
23152 (a,b)	<sup>4</sup>	M Driving Under Influence of Alcohol	780	390	273.00	195	195	156	78	4	2,071.00	40	30	1	2,142.00	2		
23152 (c)	<sup>4</sup>	M Driving While Addicted to Drug	780	390	273.00	195	195	156	78	4	2,071.00	40	30	1	2,142.00	2		
23152 (d)	M	Driving Commercial Vehicle Under Influence of Alcohol	900	450	315.00	225	225	180	90	4	2,389.00	40	30	1	2,460.00	3		
23152 (e)	<sup>4</sup>	M Driving Under Influence of Drug	780	390	273.00	195	195	156	78	4	2,071.00	40	30	1	2,142.00	2		
23152 (f)	<sup>4</sup>	M Driving Under Influence of Alcohol and Drug	780	390	273.00	195	195	156	78	4	2,071.00	40	30	1	2,142.00	2		
23153 (a,b)	<sup>4</sup>	M Driving Under Influence of Alcohol While Causing Injury	1,000	500	350.00	250	250	200	100	4	2,654.00	40	30	1	2,725.00	2		
23153 (d)	M	Driving Commercial Vehicle Under Influence of Alcohol While Causing Injury	1,000	500	350.00	250	250	200	100	4	2,654.00	40	30	1	2,725.00	3		
23153 (e)	<sup>4</sup>	M Driving Under Influence of Drug While Causing Injury	1,000	500	350.00	250	250	200	100	4	2,654.00	40	30	1	2,725.00	2		

**APPENDIX OF ENHANCED PENALTY AMOUNTS PER VEHICLE CODE SECTION 42010  
VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT-DOUBLE FINE ZONES**

(\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)

Vehicle Code Section	Notes Level	Offense	County		Court		Surcharge*	EMS PA*	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	TAP Fee	"Total Bail" **	Category	DMV Points
			Base Fine	State PA*	PA* /10	DNA PA*										
			<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>1</b>	<b>0.00</b>			
23153 (f)	<sup>4</sup>	M Driving Under Influence of Alcohol and Drug While Causing Injury	1,000	500	350.00	250	250	200	100	4	2,654.00	40	30	1	2,725.00	2
23224 (a,b)		M Possession of Alcohol by Minor Prohibited	200	100	70.00	50	50	40	20	4	534.00	40	30	1	605.00	0

<sup>1</sup> ~~Assem. Bill 1371 (Stats. 2013, ch. 331)~~. Per VC 21760(f): "operative on September 16, 2014."

<sup>2</sup> ~~Assem. Bill 707 (Stats. 2013, ch. 240)~~.

<sup>2</sup> Per VC 40000.20: a third or subsequent violation relating to "a driver of any vehicle used to provide transportation services on a prearranged services, operating under a valid certificate or permit pursuant to the Passenger Charter-party Carriers' Act (Chapter 8 (commencing with Section 5351) of Division 2 of the public Utilities Code), is a misdemeanor.

<sup>4</sup> ~~Assem. Bill 2552 (Stats. 2012, ch. 753), effective January 1, 2014.~~

**TRAFFIC INFRACTION FIXED PENALTY SCHEDULE**  
 (\*See Preface, Sections III and IV.C.3) (\*\*See Preface, Section IV)  
 (Vehicle Code Sections)

**ENHANCED PENALTY SPEED CHART AMOUNTS PER VEHICLE CODE SECTION 42010<sup>1</sup>**  
**VIOLATIONS COMMITTED IN SAFETY ENHANCEMENT-DOUBLE FINE ZONES**  
**(FOR ALL SPEED LIMITS)**

<b>MPH Over Limit</b>	<b>Base Fine</b>	<b>State PA*</b>	<b>County PA*/10</b>	<b>DNA PA*</b>	<b>Court Const. PA*/10</b>	<b>Surcharge*</b>	<b>EMS PA*/10</b>	<b>EMAT PA*</b>	<b>Fine Surcharge &amp; PA Subtotal</b>	<b>Court OPS</b>	<b>Conv.Assess.</b>	<b>Night Court</b>	<b>TAP Fee</b>	<b>"Total Bail" **</b>
		<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>35</b>	<b>1</b>	<b>0.00</b>	
1-15	\$70	\$40	\$28.00	\$20	\$20	\$14	\$8	\$4	\$204.00	\$40	\$35	\$1	\$0.00	\$280.00
16-25	\$105	\$70	\$49.00	\$35	\$35	\$21	\$14	\$4	\$333.00	\$40	\$35	\$1	\$0.00	\$409.00
26 and over <sup>2</sup>	\$135	\$100	\$70.00	\$50	\$50	\$27	\$20	\$4	\$456.00	\$40	\$35	\$1	\$0.00	\$532.00

<sup>1</sup> Per VC 42010(d)(2), any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall not be based on the amount of the enhanced fine imposed per VC 42010.

<sup>2</sup> Per VC 42000.5: "... if a person has exceeded the specified speed limit by 10 miles per hour or more, the fine shall not exceed \$200 for a first conviction ... ."

**BOATING BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge* 20%	EMS PA*/10	EMAT PA* 4	Fine Surcharge & PA Subtotal	Court OPS 40	Conv.Assess. Night Court 1	"Total Bail" **
				10/10	7.00	5/10	5.00	20%	2.00	4			40	1	
<b>(Harbors and Navigation Code)</b>															
131	1	M	Obstructing Navigable Waters	250	250	175.00	125	125	50	50		1,025.00	40	30	1,095.00
133	2	M	Discharging Oil	250	250	175.00	125	125	50	50		1,025.00	40	30	1,095.00
300	3	M	Willful Damage to or Setting Adrift a Vessel Under 10 Tons	250	250	175.00	125	125	50	50		1,025.00	40	30	1,095.00
301	3	M	Willful Damage to or Setting Adrift a Vessel of 10 Tons or More	500	500	350.00	250	250	100	100		2,050.00	40	30	2,120.00
303	3	M	Damage to or Setting Adrift Log/Lumber Raft	250	250	175.00	125	125	50	50		1,025.00	40	30	1,095.00
<u>307</u>	<u>(a)</u>	<u>4</u>	<u>I</u> <u>Mooring to or <del>Damaging</del> Hanging on With a Vessel to Buoy or Beacon</u>	<u>50</u>	<u>50</u>	<u>35.00</u>	<u>25</u>	<u>25</u>	<u>10</u>	<u>10</u>		<u>205.00</u>	<u>40</u>	<u>35</u>	<u>280.00</u>
307	<u>(b)</u>	3	M <u><del>Mooring to or Damaging</del> Removing, Damaging, or Destroying</u> Buoy or Beacon	250	250	175.00	125	125	50	50		1,025.00	40	30	1,095.00
308		3	M Mooring to or Damaging Federal Buoy or Beacon	500	500	350.00	250	250	100	100		2,050.00	40	30	2,120.00
505.5	<u>(b-c)</u>	<u>5</u>	M Obtaining Possession of Vessel by Fraud, Trick, or Device	250	250	175.00	125	125	50	50		1,025.00	40	30	1,095.00
525	<u>(a)</u>	<u>6</u>	I Abandonment of Vessel	1,000	1,000	700.00	500	500	200	200		4,100.00	40	35	4,175.00
571		<u>7</u>	M Unlawful Taking or Possession of Wrecked Property	250	250	175.00	125	125	50	50		1,025.00	40	30	1,095.00
652	<u>(c)</u>	<u>8</u>	I Vessel Does Not Meet Standards	50	50	35.00	25	25	10	10		205.00	40	35	280.00
652	<u>(d)</u>	<u>9</u>	M Failure to Obey Termination Order	250	250	175.00	125	125	50	50		1,025.00	40	30	1,095.00
652.5	<u>(c)</u>	<u>10</u>	<u>I</u> Blue Light–Unauthorized Use	<u>50</u>	<u>50</u>	<u>35.00</u>	<u>25</u>	<u>25</u>	<u>10</u>	<u>10</u>		<u>205.00</u>	<u>40</u>	<u>35</u>	<u>280.00</u>
652.5	<u>(d)</u>	<u>10</u>	<u>I</u> Failure to Yield to Blue Light or Siren	<u>50</u>	<u>50</u>	<u>35.00</u>	<u>25</u>	<u>25</u>	<u>10</u>	<u>10</u>		<u>205.00</u>	<u>40</u>	<u>35</u>	<u>280.00</u>
652.5	<u>(e)</u>	<u>10</u>	<u>I</u> Failure of Cable Ferry Operator to Provide Clear Course for Law Enforcement	<u>50</u>	<u>50</u>	<u>35.00</u>	<u>25</u>	<u>25</u>	<u>10</u>	<u>10</u>		<u>205.00</u>	<u>40</u>	<u>35</u>	<u>280.00</u>
654	<u>(b)</u>	<u>11</u>	I Improper Mufflers/Use of Cutouts	50	50	35.00	25	25	10	10		205.00	40	35	280.00
654.05	<u>(a)(1-3)</u>	<u>11</u>	I Motorized Vessel–Noise Level	50	50	35.00	25	25	10	10		205.00	40	35	280.00
654.06		<u>11</u>	I Motorized Vessel for Sale–Noise Level	50	50	35.00	25	25	10	10		205.00	40	35	280.00
<u>655</u>	<u>(a)</u>	<u>12</u>	<u>I</u> <u>Reckless or Negligent Operation by Riding on Bow, Gunwale, or Transom of Vessel Propelled by Machinery</u>	<u>50</u>	<u>50</u>	<u>35.00</u>	<u>25</u>	<u>25</u>	<u>10</u>	<u>10</u>		<u>205.00</u>	<u>40</u>	<u>35</u>	<u>280.00</u>
655	<u>(a)</u>	<u>13</u>	M Reckless or Negligent Operation	300	300	210.00	150	150	60	60		1,230.00	40	30	1,300.00

**BOATING BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*Preface, Section IV)

Section		Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>	<b>30</b>	<b>1</b>		
655	(b)	<u>14</u>	M Reckless or Negligent Operation—Under Influence of Liquor or Drugs	650	650	455.00	325	325	130	130		2,665.00	40	30		2,735.00
655	(c)	<u>14</u>	M Operation of Recreation Vessel or Manipulation of Skis/Aquaplane If Blood Alcohol .08 or More	500	500	350.00	250	250	100	100		2,050.00	40	30		2,120.00
655	(d)	<u>14</u>	M Operation of Vessel Other Than Recreational Vessel If Blood Alcohol .04 or More	300	300	210.00	150	150	60	60		1,230.00	40	30		1,300.00
655	(e)	<u>14</u>	M Operation of Vessel/Manipulation of Water Skis/Aquaplane and Addicted to Drug	300	300	210.00	150	150	60	60		1,230.00	40	30		1,300.00
655	(f)	<u>15</u>	M Operation of Vessel/Manipulation of Water Skis/ Aquaplane While Under Influence of Alcohol or Any Drug	250	250	175.00	125	125	50	50		1,025.00	40	30		1,095.00
655.05		<u>16</u>	M Violation of 24-hour Nonoperation of Vessel Order	250	250	175.00	125	125	50	50		1,025.00	40	30		1,095.00
655.2	(a)	<u>17</u>	<u>I</u> Power Boats—Speed Restrictions	<u>50</u>	<u>50</u>	<u>35.00</u>	<u>25</u>	<u>25</u>	<u>10</u>	<u>10</u>		<u>205.00</u>	<u>40</u>	<u>35</u>		<u>280.00</u>
655.3		<u>18</u>	<u>I</u> Equipment on Vessels	50	50	35.00	25	25	10	10		205.00	40	35		280.00
655.3		<u>19</u>	<u>M</u> Use of Vessels	75	80	56.00	40	40	15	16		322.00	40	30		392.00
655.4		<u>20</u>	<u>M</u> Crew Member Under Influence of Liquor/Drugs Causes Death/Serious Injury	400	400	280.00	200	200	80	80		1,640.00	40	30		1,710.00
655.7	(a-d)	<u>21</u>	<u>I</u> Operation of Personal Watercraft	50	50	35.00	25	25	10	10		205.00	40	35		280.00
656	(a)	<u>22</u>	<u>M</u> Hit and Run/Assist at Collision	300	300	210.00	150	150	60	60		1,230.00	40	30		1,300.00
656	(d)	<u>22</u>	<u>M</u> Accident or Collision Report Required	200	200	140.00	100	100	40	40		820.00	40	30		890.00
656.1		<u>22</u>	<u>M</u> Operator of Vessel Involved in Accident Resulting in Property Damage	250	250	175.00	125	125	50	50		1,025.00	40	30		1,095.00
656.2		<u>23</u>	<u>M</u> Operator of Vessel Involved in Accident Resulting in Personal Injury	1,000	1,000	700.00	500	500	200	200		4,100.00	40	30		4,170.00
656.3		<u>23</u>	<u>M</u> Operator of Vessel Involved in Accident Resulting in Death or Disappearance	2,000	2,000	1,400.00	1,000	1,000	400	400		8,200.00	40	30		8,270.00
658	(a)	<u>24</u>	<u>I</u> Operation of Vessels Towing Persons on Water Skis or Aquaplanes—Requirement for Person 12 Years of Age or Older to Be Aboard in Addition to Driver	80	80	56.00	40	40	16	16		328.00	40	30		398.00
658	(b)	<u>24</u>	<u>I</u> Prohibited Hours	80	80	56.00	40	40	16	16		328.00	40	30		398.00
658	(d)	<u>25</u>	<u>M</u> Cause Collision	400	400	280.00	200	200	80	80		1,640.00	40	30		1,710.00

**BOATING BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	EMAT PA* /10	Fine Surcharg e & PA Subtotal	Court OPS	Conv.Assess. Night Court	"Total Bail" **
				10/10	7.00	5/10	5.00	20%	2.00	4		40	30	1	
658	(e)	<u>25</u>	M Dangerous Operation	400	400	280.00	200	200	80	80		1,640.00	40	30	1,710.00
658.3	(a)	<u>26</u>	I Children Under 13 Years Required to Wear Personal Flotation Device	50	50	35.00	25	25	10	10		205.00	40	35	280.00
658.5	(a)	<u>27</u>	I Person Under 16 Years of Age Operating a Motor Vessel as Prohibited	50	50	35.00	25	25	10	10		205.00	40	35	280.00
658.5	(b)	<u>27</u>	I Person Under 16 Years of Age Operating a Vessel as Prohibited	50	50	35.00	25	25	10	10		205.00	40	35	280.00
658.5	(d)	<u>27</u>	I Permitting Person Under 16 Years of Age to Operate a Vessel as Prohibited	50	50	35.00	25	25	10	10		205.00	40	35	280.00
658.7	(a)		I Ski Flag Requirement	15	20	14.00	10	10	3	4		76.00	40	35	151.00
659		<u>28</u>	I Unlawful Marking of Waters	50	50	35.00	25	25	10	10		205.00	40	35	280.00
660	(b)	<u>29</u>	M Violation of Special Rules and Regulations	250	250	175.00	125	125	50	50		1,025.00	40	30	1,095.00
660	(c)(1)	<u>29</u>	M Violation of Local Emergency Rules and Regulations	250	250	175.00	125	125	50	50		1,025.00	40	30	1,095.00
663.6		<u>29</u>	M Vessel to Stop on Lawful Order	300	300	210.00	150	150	60	60		1,230.00	40	30	1,300.00
665		<u>29</u>	M Violation of Promise to Appear	100	100	70.00	50	50	20	20		410.00	40	30	480.00
673		<u>30</u>	I Boat Livery Recordkeeping	50	50	35.00	25	25	10	10		205.00	40	35	280.00
674		<u>30</u>	I Livery Boat Equipment Requirements	50	50	35.00	25	25	10	10		205.00	40	35	280.00
681	(a)	<u>31</u>	I Operation or Idling of Motorized Vessel While Person Is Teak Surfing, Platform Dragging, or Bodysurfing Behind the Vessel	50	50	35.00	25	25	10	10		205.00	40	35	280.00
681	(b)	<u>31</u>	I Operation or Idling of Motorized Vessel While Person Is on or Holding Onto Swim Platform, Swim Deck, Swim Step, or Swim Ladder of the Vessel	50	50	35.00	25	25	10	10		205.00	40	35	280.00
754		<u>30</u>	I Record of Stored Vessels	50	50	35.00	25	25	10	10		205.00	40	35	280.00
761			M License Required-For-Hire Vessel	100	100	70.00	50	50	20	20		410.00	40	30	480.00
780	(a)	<u>32</u>	M Illegal Discharge of Sewage	300	300	210.00	150	150	60	60		1,230.00	40	30	1,300.00
780	(b)(1-2)	<u>33</u>	I Illegal Discharge of Sewage in No-discharge Area	150	150	105.00	75	75	30	30		615.00	40	35	690.00
780	(b)(1-2)	<u>34</u>	M Illegal Discharge of Sewage in No-discharge Area	300	300	210.00	150	150	60	60		1,230.00	40	30	1,300.00

**BOATING BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*	Surcharg e*	EMS PA*	EMAT PA*	Fine Surcharg e & PA Subtotal	Court OPS	Conv.Assess. Night Court	"Total Bail" **	
				10/10	7.00	5/10	5.00	20%	2.00	4		40	35	1		
<b>(California Code of Regulations, Title 13)</b>																
190.00	(a,b)	I	Number Display	25	30	21.00	15	15	5	6		117.00	40	35	192.00	
190.01		I	Registration Stickers	25	30	21.00	15	15	5	6		117.00	40	35	192.00	
190.08	(c)	I	Dealer Number Display	25	30	21.00	15	15	5	6		117.00	40	35	192.00	
190.15		I	Hull Identification Numbers	25	30	21.00	15	15	5	6		117.00	40	35	192.00	
<b>(California Code of Regulations, Title 14)</b>																
6555-6575		I	Equipment Requirements	35	40	28.00	20	20	7	8		158.00	40	35	233.00	
6576		I	Use of Liquefied Petroleum Gas	35	40	28.00	20	20	7	8		158.00	40	35	233.00	
6600.1	<u>35</u>	<u>I</u>	<u>Pilot Rules/Rules of the Road</u>	<u>50</u>	<u>50</u>	<u>35.00</u>	<u>25</u>	<u>25</u>	<u>10</u>	<u>10</u>		<u>205.00</u>	<u>40</u>	<u>35</u>	<u>280.00</u>	
6692		I	Visual Distress Signals Required	35	40	28.00	20	20	7	8		158.00	40	35	233.00	
<u>6695</u>	<u>36</u>	<u>I</u>	<u>Blinding Lights</u>	<u>50</u>	<u>50</u>	<u>35.00</u>	<u>25</u>	<u>25</u>	<u>10</u>	<u>10</u>		<u>205.00</u>	<u>40</u>	<u>35</u>	<u>280.00</u>	
7003		I	Unlawful Placement of Diver Precaution Markers	50	50	35.00	25	25	10	10		205.00	40	35	280.00	
7008	(c)	I	Diver Markers–Precaution	50	50	35.00	25	25	10	10		205.00	40	35	280.00	
7008	(d)	I	Diver Markers–Improper Display	25	30	21.00	15	15	5	6		117.00	40	35	192.00	
7009	(c)	I	Ski Flag–Precaution	50	50	35.00	25	25	10	10		205.00	40	35	280.00	
7009	(d)	I	Ski Flag–Improper Display	25	30	21.00	15	15	5	6		117.00	40	35	192.00	
<b>(California Code of Regulations, Title 14)</b>																
7504	(a)	M	For-Hire Operator's License Terms and Conditions of Use	100	100	70.00	50	50	20	20		410.00	40	30	480.00	
7504	(b)	M	For-Hire Operator's License Terms and Conditions of Use–Change of Address	35	40	28.00	20	20	7	8		158.00	40	30	228.00	
7504	(c)	M	For-Hire Operator's License Terms and Conditions of Use–Possession	35	40	28.00	20	20	7	8		158.00	40	30	228.00	
<b>(Vehicle Code)</b>																
9850	<u>37</u>	<u>I</u>	<u>Numbering of Undocumented Vessel</u>	25	30	21.00	15	15	5	6	4	121.00	40	35	1	197.00

**BOATING BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	Night Court	"Total Bail" **
				<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>	<b>4</b>		<b>40</b>		<b>1</b>	
9853	(a)	<u>38</u>	I Application for/Display of Number	25	30	21.00	15	15	5	6	4	121.00	40	35	1	197.00
9853.2		<u>37</u>	I Number Display/Certificate of Number	25	30	21.00	15	15	5	6	4	121.00	40	35	1	197.00
9853.3		<u>37</u>	I Retention of Certificate	25	30	21.00	15	15	5	6	4	121.00	40	35	1	197.00
9853.8		<u>39</u>	I Illegal Operation of Vessel Without Required Numbering or in Noncompliance With Emission Standards	250	250	175.00	125	125	50	50	4	1,029.00	40	35	1	1,105.00
9855		<u>37</u>	I Change of Ownership	25	30	21.00	15	15	5	6	4	121.00	40	35	1	197.00
9864		<u>37</u>	I Wrecking/Junking/Destruction/Abandonment of Undocumented Vessel	25	30	21.00	15	15	5	6	4	121.00	40	35	1	197.00
9865		<u>37</u>	I Change of Address	25	30	21.00	15	15	5	6	4	121.00	40	35	1	197.00
9866		<u>37</u>	I Display of Other Numbers	25	30	21.00	15	15	5	6	4	121.00	40	35	1	197.00
9871		<u>37</u>	I Hull Identification Number	25	30	21.00	15	15	5	6	4	121.00	40	35	1	197.00
9872		<u>38</u>	M Defacing, Destroying, or Altering Hull Identification Number	80	80	56.00	40	40	16	16	4	332.00	40	30	1	403.00

**Notes**

- <sup>1</sup> Per H&N 131(b): Fine: "... not to exceed \$1,000 ... ."
- <sup>2</sup> Per H&N 133(c): Fine: "... not to exceed \$1,000 ... ."
- <sup>3</sup> Per H&N 309: Fine: "... not to exceed \$1,000 ... ."
- <sup>4</sup> [Sen. Bill 1162 \(Stats. 2014, ch. 67\)](#). Per H&N 307(a): Fine "... not more than \$100."
- <sup>5</sup> Per H&N 505.5(d): Fine: "... not to exceed \$1,000 ... ."
- <sup>6</sup> Per H&N 525(c): Fine: "... not less than \$1,000 nor more than \$3,000."
- <sup>7</sup> Per H&N 571(b): Fine: "... not to exceed \$1,000 ... ."
- <sup>8</sup> Per H&N 668 (a): Fine "... not more than \$250."
- <sup>9</sup> [Sen. Bill 1162 \(Stats. 2014, ch. 67\)](#). Per H&N ~~652(e)~~668(b)(3)(A): Fine "... not more than \$1,000."
- <sup>10</sup> [Sen. Bill 1162 \(Stats. 2014, ch. 67\)](#). Per H&N 668(b)(~~3~~)(4): Fine "... not more than ~~\$1,000~~\$100."
- <sup>11</sup> Per H&N 668 (a): Fine "... not more than \$250."
- <sup>12</sup> [Sen. Bill 1162 \(Stats. 2014, ch. 67\)](#). Per H&N 668(b)(3)(B): Fine "... not more than \$250."
- <sup>13</sup> [Sen. Bill 1162 \(Stats. 2014, ch. 67\)](#). Per H&N 668(b)(3)(A): Fine "... not more than \$1,000."
- <sup>14</sup> Per H&N 668(e) or 668(f): Fine "... not more than \$1,000."
- <sup>15</sup> Per H&N 668(g) or 668(h): Fine "... not less than \$250 or more than \$5,000."
- <sup>16</sup> [Sen. Bill 1162 \(Stats. 2014, ch. 67\)](#). Per H&N 668(b)(3)(A): Fine "... not more than \$1,000."

**BOATING BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*Preface, Section IV)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*	Surcharge*	EMS PA*	EMAT PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess. Night Court	"Total Bail" **
			10/10	7.00	5/10	5.00	20%	2.00	4		40	1		
17		<a href="#">Sen. Bill 1162 (Stats. 2014, ch. 67)</a> . Per H&N 668(b)( <del>4</del> )(5): Fine "... not more than \$100."												
18		<a href="#">Sen. Bill 1162 (Stats. 2014, ch. 67)</a> . Per H&N 668( <del>a</del> )(b)(1)(A): Fine "... not more than \$ <del>250</del> 100."												
19		<a href="#">Sen. Bill 1162 (Stats. 2014, ch. 67)</a> . Per H&N 668(b)(1)(A): Fine "... not more than \$100."												
20		Per H&N 668(e): Fine "... not more than \$1,000."												
21		Per H&N 668(a): Fine "... not more than \$250."												
22		<a href="#">Sen. Bill 1162 (Stats. 2014, ch. 67)</a> . Per H&N 668(b)(3)(A): Fine "... not more than \$1,000."												
23		Per H&N 668(c)(1): Fine "... not less than \$1,000 or more than \$10,000 ... ." Per H&N 668(c)(2): "In imposing the minimum fine ... the court shall take into consideration the defendant's ability to pay the fine and, in the interests of justice for reasons stated in the record, may reduce the amount of that minimum fine to less than the amount otherwise required by this subdivision."												
24		<a href="#">Sen. Bill 1162 (Stats. 2014, ch. 67)</a> . Per H&N 668(b)(2): Fine "... not more than \$200."												
25		<a href="#">Sen. Bill 1162 (Stats. 2014, ch. 67)</a> . Per H&N 668(b)(3)(A): Fine "... not more than \$1,000."												
26		Per H&N 668(a): Fine "... not more than \$250."												
27		Per H&N 668(d): Fine "... not more than \$100."												
28		Per H&N 668(a): Fine "... not more than \$250."												
29		<a href="#">Sen. Bill 1162 (Stats. 2014, ch. 67)</a> . Per H&N 668(b)(3)(A): Fine "... not more than \$1,000."												
30		Per H&N 668(a): Fine "... not more than \$250."												
31		Per H&N 681(g): Fine of "... up to \$100."												
32		Per H&N 780(c): Fine: "... not to exceed \$1,000 ... ."												
33		Per H&N 780(b): "The first violation of this subdivision is an infraction punishable by a fine of up to \$500."												
34		Per H&N 780(b): "A second or subsequent violation of this subdivision by any one person is a misdemeanor." Per H&N 780(c): Fine: "... not to exceed \$1,000 ... ."												
35		<a href="#">Sen. Bill 1162 (Stats. 2014, ch. 67)</a> . Per H&N 668( <del>a</del> )(b)(1)(C): Fine "... not more than \$ <del>250</del> 100."												
36		<a href="#">Sen. Bill 1162 (Stats. 2014, ch. 67)</a> . Per H&N 668(b)(1)(B): Fine "... not more than \$100."												
37		Per VC 9875, VC 42001(a): Fine "... not exceeding \$100." Per GC 76000.10(c)(1): "... penalty of \$4 shall be imposed upon every conviction of a violation of the Vehicle Code ... ."												
38		Per GC 76000.10(c)(1): "... penalty of \$4 shall be imposed upon every conviction of a violation of the Vehicle Code ... ."												
39		Per VC 9853.8(b): "fine of \$250." Per GC 76000.10(c)(1): "... penalty of \$4 shall be imposed upon every conviction of a violation of the Vehicle Code ... ."												

**FORESTRY BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Public Resources Code)

Section	Notes	Level	Offense	Base Fine	State PA	County PA/10	DNA PA*	Court PA* /10	Surcharge*	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
					<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
4154		M	Failure to Obey Summons to Suppress Forest Fire	150	150	105.00	75	75	30	30	615.00	40	30	685.00
4165	(a-e)	M	Unlawful Conduct at Forest Fire	150	150	105.00	75	75	30	30	615.00	40	30	685.00
4255	(a)	M	Smoking or Building Fires in Hazardous Fire Area	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4291	(a-f)	I	Clearance, etc., Required Around Structure	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4292		M	Clearance Required–Power Pole	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4293	(a-c)	M	Clearance Required–Power Line	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4297	<sup>1</sup>	M	Violation of Proclamation Closing Area to Hunting and Fishing	200	200	140.00	100	100	40	40	820.00	40	30	890.00
4331		M	Permit and Tools Required for Smoking and Building Campfires on National Forest Lands	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4373 /4374	<sup>2</sup>	M	Clearance Required–Solid Waste Facility	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4421		M	Burning Lands of Another	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4422	(a,b)	M	Allowing Fire to Escape	150	150	105.00	75	75	30	30	615.00	40	30	685.00
4423		M	Permit Required for Burning	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4423.2	(b)	M	Violation of Terms of Restricted Temporary Burning Permit	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4423.5		M	Restricted Use of Fire	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4426		M	Setting Backfire Without Supervision	150	150	105.00	75	75	30	30	615.00	40	30	685.00
4427	(a,b)	M	Clearance and Tool Requirements	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4428	(a-c)	M	Tool Box and Seal Requirements for Industrial Operations	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4429		M	Tools for Industrial and Agricultural Camps	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4430		M	Force Pump/Water Requirement for Steam-Operated Equipment, etc.	100	100	70.00	50	50	20	20	410.00	40	30	480.00

**FORESTRY BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Public Resources Code)

Section	Notes	Level	Offense	Base Fine	State PA	County PA/10	DNA PA*	Court PA* /10	Surcharge*	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
					<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
4431		M	Tool Requirement–Portable Gasoline-Powered Tools	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4432		M	Neglecting a Campfire	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4433		M	Permit Required for Campfire	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4435		M	Causing Fire With Equipment	150	150	105.00	75	75	30	30	615.00	40	30	685.00
4436		M	Refusing to Fight Forest Fire	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4437		M	Flammable Mill Waste–Disposal Required	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4438		M	Burning Mill Waste in Enclosed Device, Permit/Clearance Required	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4439		M	Mill Waste–Open Burning Permit and Clearance Required	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4440	(a,b)	M	Flammable Forest Product Residue Accumulation–Clearance Required	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4442	(a,b)	M	Spark Arrester Required, Internal Combustion Engines	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4442.5		M	Spark Arrester Required, Public Notice Required for Sales, Lease, and Rent	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4442.6 (a)	<sup>3</sup>	I	Sell, Offer to Sell, Lease, or Rent Specified Equipment With Internal Combustion Engine Without Required Warning Label	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4442.6 (b)	<sup>3</sup>	I	Manufacture of Specified Equipment With Internal Combustion Engine Without Attaching Required Warning Label	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4443		M	Internal Combustion Engines–Handheld, Portable, and Multiposition; Construction Requirements for Use	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4445		M	Tracer Ammunition, Restricted Use	150	150	105.00	75	75	30	30	615.00	40	30	685.00
4446	(a-c)	M	Incinerator Standards	100	100	70.00	50	50	20	20	410.00	40	30	480.00

**FORESTRY BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Public Resources Code)

Section	Notes	Level	Offense	Base Fine	State PA	County PA/10	DNA PA*	Court PA*/ /10	Surcharge*	EMS PA*/ /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		

**Notes**

- <sup>1</sup> Per PRC 4299: "... punished by a fine of not less than \$100 nor more than \$2,000 or by imprisonment in the county jail for not less than 10 days nor more than 90 days or both that fine and imprisonment."
- <sup>2</sup> Per PRC 4376: "A person who maintains a solid waste facility in violation of this chapter is guilty of a misdemeanor, and shall be punished for a first conviction by a fine of not to exceed \$500, and, for a second or subsequent conviction within five years of a prior conviction of a violation of this chapter, by a fine not less than \$250 or more than \$1,000 or imprisonment in the county jail for a period not to exceed 30 days, or both that fine and imprisonment. Each and every day of violation is a separate and distinct offense."
- <sup>3</sup> Per PRC 4442.6(c): "... an infraction punishable by a fine of not more than \$100."

**FISH AND GAME BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				10/10		7.00	5/10	5.00	20%	2.00		40		
<b>(Fish and Game Code)</b>														
<b>GENERAL LICENSE PROVISIONS</b>														
1052	(a-f)	M	Unlawful Use of License or Tag	200	200	140.00	100	100	40	40	820.00	40	30	890.00
1054		M	False Statement to Obtain License	200	200	140.00	100	100	40	40	820.00	40	30	890.00
1059	(a)	<sup>1</sup> M	Failure of License Agent to Account for Licenses, Stamps, Tags, or Fees	300	300	210.00	150	150	60	60	1,230.00	40	30	1,300.00
<b>TAKING AND POSSESSING</b>														
2000		M	Unlawful Taking or Possessing of Fish or Wildlife	200	200	140.00	100	100	40	40	820.00	40	30	890.00
2001	(a-c)	M	Unlawful Possession After Season	200	200	140.00	100	100	40	40	820.00	40	30	890.00
2001	(a, c)	<sup>2</sup> M	Unlawful Possession of Trophy Deer, Elk, Antelope, or Bighorn Sheep After Season	5,000	5,000	3,500.00	2,500	2,500	1,000	1,000	20,500.00	40	30	20,570.00
2001	(b)	<sup>3</sup> M	Unlawful Possession of Wild Turkey After Season	2,000	2,000	1,400.00	1,000	1,000	400	400	8,200.00	40	30	8,270.00
2004		M	Property Damage While Hunting or Fishing	200	200	140.00	100	100	40	40	820.00	40	30	890.00
2005	(a-c)	M	Unlawful Use of Artificial Light	300	300	210.00	150	150	60	60	1,230.00	40	30	1,300.00
2005	(a-c)	<sup>2</sup> M	Unlawful Use of Artificial Light to Assist in Taking of Trophy Deer, Elk, Antelope, or Bighorn Sheep	5,000	5,000	3,500.00	2,500	2,500	1,000	1,000	20,500.00	40	30	20,570.00
2005	(a, c)	<sup>3</sup> M	Unlawful Use of Artificial Light to Assist in Taking of Wild Turkey	2,000	2,000	1,400.00	1,000	1,000	400	400	8,200.00	40	30	8,270.00
2006	(a)	M	Loaded Gun in Vehicle	100	100	70.00	50	50	20	20	410.00	40	30	480.00
2010		M	Unlawful Possession or Use of a Shotgun	100	100	70.00	50	50	20	20	410.00	40	30	480.00
2011.5		<sup>4</sup> M	Unlawful Removal of Hunting Dog Collar	200	200	140.00	100	100	40	40	820.00	40	30	890.00
2012		M	Failure to Show License, Equipment, or Game	100	100	70.00	50	50	20	20	410.00	40	30	480.00
2015		M	Unlawful Possession of Bird, Fish, Etc., in Restaurant or Eating Establishment	300	300	210.00	150	150	60	60	1,230.00	40	30	1,300.00
2016		M	Trespass While Hunting	200	200	140.00	100	100	40	40	820.00	40	30	890.00
2018		M	Unlawful Posting or Destruction of Signs	200	200	140.00	100	100	40	40	820.00	40	30	890.00

**FISH AND GAME BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
			<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
2080	M	Importing/Taking/Possessing Any Rare or Endangered Animal	300	300	210.00	150	150	60	60	1,230.00	40	30	1,300.00
<b>INFORMATION, TRANSPORTATION, AND SHELTERING OF RESTRICTED LIVE WILD ANIMALS</b>													
2118	M	Unlawful Possession of Prohibited Species	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
2121	M	Allowing a Legally Imported Wild Animal to Escape	200	200	140.00	100	100	40	40	820.00	40	30	890.00
2361	M	Importation of Salmon	200	200	140.00	100	100	40	40	820.00	40	30	890.00
2576	M	Capturing or Transporting for Sale, or Selling Wild Rodents	100	100	70.00	50	50	20	20	410.00	40	30	480.00
<b>METHODS OF TAKING</b>													
3000	M	Hunting During Closed Hours	200	200	140.00	100	100	40	40	820.00	40	30	890.00
3001	M	Hunting While Intoxicated	350	350	245.00	175	175	70	70	1,435.00	40	30	1,505.00
3002	M	Shooting From Boat, Vehicle, or Airplane	200	200	140.00	100	100	40	40	820.00	40	30	890.00
3003	(a) 5	M Unlawful Hunting With a Gun or Device Accessed Via an Internet Connection	350	350	245.00	175	175	70	70	1,435.00	40	30	1,505.00
3003	(b)(1) 5	M Owning or Operating Online Shooting Range, Site, or Gallery	350	350	245.00	175	175	70	70	1,435.00	40	30	1,505.00
3003	(b)(2) 5	M Create, Maintain, or Utilize Internet Web Site or Service by Other Means for Purpose of Online Hunting	350	350	245.00	175	175	70	70	1,435.00	40	30	1,505.00
3003	(c) 5	M Possession or Confinement of Bird or Mammal for Online Hunting	350	350	245.00	175	175	70	70	1,435.00	40	30	1,505.00
3003	(d) 5	M Import or Export of Bird or Mammal Killed by Online Hunting	350	350	245.00	175	175	70	70	1,435.00	40	30	1,505.00
3004	(a) 6	M Shooting Within 150 Yards of Dwelling	150	150	105.00	75	75	30	30	615.00	40	30	685.00
3004	(b) 6	M Unlawful Discharge of Firearm, Arrow, or Crossbow Bolt Across a Public Road or Way	150	150	105.00	75	75	30	30	615.00	40	30	685.00
3004.5	(a)(1) 7	I Use of Unlawful Rifle or Pistol Ammunition	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
3005	M	Taking Birds or Mammals With Unlawful Devices	150	150	105.00	75	75	30	30	615.00	40	30	685.00

**FISH AND GAME BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
			<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
3012	M	Use of Amplified Animal Sounds to Assist in Taking	100	100	70.00	50	50	20	20	410.00	40	30	480.00
<b>DOMESTICATED GAME BREEDING</b>													
3200	M	License for Breeding	100	100	70.00	50	50	20	20	410.00	40	30	480.00
<b>GENERAL PROVISIONS</b>													
3501	M	Unlawful Driving of Game Birds	100	100	70.00	50	50	20	20	410.00	40	30	480.00
3503	<sup>8</sup> M	Taking, Possessing, or Destroying the Nest or Eggs of Any Birds	400	400	280.00	200	200	80	80	1,640.00	40	30	1,710.00
<b>FULLY PROTECTED BIRDS</b>													
3511	(a) M	Taking or Possession of Fully Protected Birds	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
<b>NONGAME BIRDS</b>													
3800	<sup>8</sup> M	Taking of One Nongame Bird	400	400	280.00	200	200	80	80	1,640.00	40	30	1,710.00
		(Each Additional Nongame Bird)	100	100	70.00	50	50	20	20	410.00	0	0	410.00
<b>GAME MAMMALS</b>													
3960	(b) M	Unlawful to Allow Dog to Pursue Big Game Mammal During Closed Season; Protected, Rare, or Endangered Mammal; Bear or Bobcat; or Any Mammal in Game Refuge or Ecological Reserve	400	400	280.00	200	200	80	80	1,640.00	40	30	1,710.00
<b>TRAPPING PROVISIONS</b>													
4004	(a,b, d-g) <sup>9</sup> M	Trapping Violations	<u>150</u>	<u>150</u>	<u>105.00</u>	<u>75</u>	<u>75</u>	<u>30</u>	<u>30</u>	<u>615.00</u>	<u>40</u>	<u>30</u>	<u>685.00</u>

**FISH AND GAME BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
<u>4004</u>	<u>(c)</u>	<sup>9</sup> -	<u>M <a href="#">Setting or Maintaining Trap Without Required Identifying Mark</a></u>	<u>300</u>	<u>300</u>	<u>210.00</u>	<u>150</u>	<u>150</u>	<u>60</u>	<u>60</u>	<u>1,230.00</u>	<u>40</u>	<u>30</u>	<u>1,300.00</u>

**TAKING DEER**

4304			M Waste of Game Meat	150	150	105.00	75	75	30	30	615.00	40	30	685.00
4304		<sup>10</sup>	M Waste of Trophy Deer Meat	5,000	5,000	3,500.00	2,500	2,500	1,000	1,000	20,500.00	40	30	20,570.00
4330			M No Deer License Tag	150	150	105.00	75	75	30	30	615.00	40	30	685.00
4330		<sup>10</sup>	M No License Tag for Trophy Deer	5,000	5,000	3,500.00	2,500	2,500	1,000	1,000	20,500.00	40	30	20,570.00
4336	(a,b)		M Untagged Deer	150	150	105.00	75	75	30	30	615.00	40	30	685.00

**BURRO**

4600	(a)		M Unlawful Killing or Capture of Undomesticated Burro	300	300	210.00	150	150	60	60	1,230.00	40	30	1,300.00
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**WILD PIG**

4657			M Wild Pig License Tag Violation	150	150	105.00	75	75	30	30	615.00	40	30	685.00
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**FULLY PROTECTED MAMMALS**

4700	(a)(1)	<sup>11</sup>	M Taking or Possession of Fully Protected Mammal	5,000	5,000	3,500.00	2,500	2,500	1,000	1,000	20,500.00	40	30	20,570.00
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**BEAR**

4753			M Bear Tag License Violation	150	150	105.00	75	75	30	30	615.00	40	30	685.00
4758		<sup>12</sup>	M Sale or Purchase of Bear Meat or Parts	3,250	3,250	2,275.00	1,625	1,625	650	650	13,325.00	40	30	13,395.00
4758		<sup>13</sup>	M Possession of Three or More Bear Gall Bladders	10,000	10,000	7,000.00	5,000	5,000	2,000	2,000	41,000.00	40	30	41,070.00

**FISH AND GAME BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge* 20%	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS 40	Conv.Assess.	"Total Bail" **
<b>FULLY PROTECTED REPTILES AND AMPHIBIANS</b>													
5000	M	Selling, Purchasing, Harming, Possessing, Transporting, or Shooting Desert Tortoises	300	300	210.00	150	150	60	60	1,230.00	40	30	1,300.00
5050	(a) M	Taking or Possession of Fully Protected Reptile or Amphibian	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
<b>FISH-GENERAL PROVISIONS</b>													
5508	<sup>14</sup> M	Fish of Indeterminate Size (For Each Additional Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
<b>FULLY PROTECTED FISH</b>													
5515	(a) M	Taking or Possession of Fully Protected Fish	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
5521- 5521.5	(a) <sup>15</sup> M	Taking, Possessing, or Landing Abalone for Commercial or Recreational Purposes From Designated Waters	15,000	15,000	10,500.00	7,500	7,500	3,000	3,000	61,500.00	40	30	61,570.00
<b>WATER POLLUTION-GENERAL PROVISIONS</b>													
5650	<sup>16</sup> M	Depositing/Permitting to Pass Into Waters Deleterious Materials	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
5652	(a) M	Littering Within 150 Feet of Water	100	100	70.00	50	50	20	20	410.00	40	30	480.00
<b>FISH PLANTING AND PROPAGATION</b>													
6400	<sup>17</sup> M	Unlawful Placing of Fish, Animal, or Plant in Waters	15,000	15,000	10,500.00	7,500	7,500	3,000	3,000	61,500.00	40	30	61,570.00
<b>SPORT FISHING-GENERAL PROVISIONS</b>													
7121	M	Unlawful Sale or Purchase of Fish	2,000	2,000	1,400.00	1,000	1,000	400	400	8,200.00	40	30	8,270.00
7121	<sup>18</sup> M	Unlawful Sale or Purchase of Abalone	15,000	15,000	10,500.00	7,500	7,500	3,000	3,000	61,500.00	40	30	61,570.00

**FISH AND GAME BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surchage*	EMS PA*/10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
<b>SPORT FISHING LICENSES</b>														
7145	(a)	<sup>19</sup>	I Fishing Without a License	100	100	70.00	50	50	20	20	410.00	40	35	485.00
			-With Proof of Valid License to Court	25	30	21.00	15	15	5	6	117.00	40	35	192.00
<b>COMMERCIAL SALMON TROLLERS ENHANCEMENT AND RESTORATION</b>														
7860		<sup>20</sup>	M No Commercial Fishing Stamps for Salmon	200	200	140.00	100	100	40	40	820.00	40	30	890.00
8603			M Unlawful Use of Net, Trap, or Line	400	400	280.00	200	200	80	80	1,640.00	40	30	1,710.00
<b>COMMERCIAL FISHING-NETS</b>														
8670		<sup>21</sup>	M Unlawful Use or Possession of Net for Taking Certain Fish	400	400	280.00	200	200	80	80	1,640.00	40	30	1,710.00
<b>GILL AND TRAMMEL NETS</b>														
8685.5			M Prohibited Use of Gill Nets to Take Certain Fish	2,000	2,000	1,400.00	1,000	1,000	400	400	8,200.00	40	30	8,270.00
8685.6			M Prohibited Possession/Sale of Fish Taken With Gill Net	2,000	2,000	1,400.00	1,000	1,000	400	400	8,200.00	40	30	8,270.00
8685.7			M Prohibited Purchase of Fish Taken by Gill Net	2,000	2,000	1,400.00	1,000	1,000	400	400	8,200.00	40	30	8,270.00
<b>REFUGES</b>														
10500	(a-g)	<sup>21</sup>	M Acts Unlawful in Refuge	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
<b>GENERAL PROVISIONS</b>														
12003.1	(a)	<sup>22</sup>	M Unlawful Taking of Animal	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
12012	(a)	<sup>23</sup>	M Illegal Poaching of Wildlife for Profit	10,000	10,000	7,000.00	5,000	5,000	2,000	2,000	41,000.00	40	30	41,070.00
12013	(a)	<sup>24</sup>	M Taking or Possessing More than Three Times the Bag or Possession Limit	10,000	10,000	7,000.00	5,000	5,000	2,000	2,000	41,000.00	40	30	41,070.00

**FISH AND GAME BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA*	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
12013.5	(a)	25	M Violation Committed With Use of Signal Emitting Device for Taking of Bear for Purpose of Selling or Trafficking in Bear Parts	10,000	10,000	7,000.00	5,000	5,000	2,000	2,000	41,000.00	40	30	41,070.00
<b>AQUACULTURE</b>														
15202			M Placement of Prohibited Species in Designated Waters	3,000	3,000	2,100.00	1,500	1,500	600	600	12,300.00	40	30	12,370.00
15509			M Violation of Established Aquatic Quarantine	3,000	3,000	2,100.00	1,500	1,500	600	600	12,300.00	40	30	12,370.00
<b>(California Code of Regulations, Title 14)</b>														
1.17		26	I Excess of Bag Limit–Fish (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
1.17			M Excess of Bag Limit–Fish (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
1.62		26	I Undersize Fish (For Each Undersize Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
1.62			M Undersize Fish (For Each Undersize Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
1.74		26	I Sport Fishing Report Card and Tagging Requirements	100	100	70.00	50	50	20	20	410.00	40	35	485.00
1.74		27	M Sport Fishing Report Card and Tagging Requirements	300	300	210.00	150	150	60	60	1,230.00	40	30	1,300.00
2.00		26	I Fishing Methods–With 2 Poles –With Net	100 150	100 150	70.00 105.00	50 75	50 75	20 30	20 30	410.00 615.00	40 40	35 35	485.00 690.00
2.00			M Fishing Methods–With 2 Poles –With Net	200 300	200 300	140.00 210.00	100 150	100 150	40 60	40 60	820.00 1,230.00	40 40	30 30	890.00 1,300.00
2.10		26	I Fishing Methods–Hooks	100	100	70.00	50	50	20	20	410.00	40	35	485.00
2.10			M Fishing Methods–Hooks	200	200	140.00	100	100	40	40	820.00	40	35	895.00
5.80		27	I White Sturgeon (For Each Over-Limit or Illegal Size Fish)	250 50	250 50	175.00 35.00	125 25	125 25	50 10	50 10	1,025.00 205.00	40 0	35 0	1,100.00 205.00

## FISH AND GAME BAIL AND PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge*	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
5.80	27	M	White Sturgeon (For Each Over-Limit or Illegal Size Fish)	500 100	500 100	350.00 70.00	250 50	250 50	100 20	100 20	2,050.00 410.00	40 0	30 0	2,120.00 410.00
7.50	27	I	Waters With Special Fishing Regulations	100	100	70.00	50	50	20	20	410.00	40	35	485.00
7.50	27	M	Waters With Special Fishing Regulations	300	300	210.00	150	150	60	60	1,230.00	40	30	1,300.00
27.60	27	I	Fin Fish Limits (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
27.60	27	M	Fin Fish Limits (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
27.65	27	I	Filleting of Fish on Vessels (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
27.65	27	M	Filleting of Fish on Vessels (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
27.67	27	I	Transport of Recreational Finfish Through a Restricted Fishing Area Without Permit	100	100	70.00	50	50	20	20	410.00	40	35	485.00
27.67	27	M	Transport of Recreational Finfish Through a Restricted Fishing Area Without Permit	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
27.70	27	I	Trout in the Ocean (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
27.70	27	M	Trout in the Ocean (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
27.75	27	I	Salmon Closures (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
27.75	27	M	Salmon Closures (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
27.80	27	I	Salmon (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
27.80	27	M	Salmon (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00

**FISH AND GAME BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
					<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
27.82	27	I	Management Areas, Seasons, Depths, Exceptions, and Fishery Closure Process Described  (For Each Over-Limit Fish)	100	100	70.00	50	50	20	20	410.00	40	35	485.00
				20	20	14.00	10	10	4	4	82.00	0	0	82.00
27.82	27	M	Management Areas, Seasons, Depths, Exceptions, and Fishery Closure Process Described  (For Each Over-Limit Fish)	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
				20	20	14.00	10	10	4	4	82.00	0	0	82.00
27.83	27	I	California Rockfish Conservation Area (For Each Over-Limit Fish)	100	100	70.00	50	50	20	20	410.00	40	35	485.00
				20	20	14.00	10	10	4	4	82.00	0	0	82.00
27.83	27	M	California Rockfish Conservation Area (For Each Over-Limit Fish)	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
				20	20	14.00	10	10	4	4	82.00	0	0	82.00
27.85	27	I	Striped Bass (For Each Over-Limit Fish)	100	100	70.00	50	50	20	20	410.00	40	35	485.00
				20	20	14.00	10	10	4	4	82.00	0	0	82.00
27.85	27	M	Striped Bass (For Each Over-Limit Fish)	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
				20	20	14.00	10	10	4	4	82.00	0	0	82.00
27.90	27	I	White Sturgeon (For Each Over-Limit or Illegal Size Fish)	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
				50	50	35.00	25	25	10	10	205.00	0	0	205.00
27.90	27	M	White Sturgeon (For Each Over-Limit or Illegal Size Fish)	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
				100	100	70.00	50	50	20	20	410.00	0	0	410.00
27.92	27	I	White Sturgeon Reporting and Tagging Requirements for Ocean Waters	100	100	70.00	50	50	20	20	410.00	40	35	485.00
27.92	27	M	White Sturgeon Reporting and Tagging Requirements for Ocean Waters	300	300	210.00	150	150	60	60	1,230.00	40	30	1,300.00
27.95	27	I	Sturgeon Closure (For Each Over-Limit Fish)	100	100	70.00	50	50	20	20	410.00	40	35	485.00
				20	20	14.00	10	10	4	4	82.00	0	0	82.00
27.95	27	M	Sturgeon Closure (For Each Over-Limit Fish)	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
				20	20	14.00	10	10	4	4	82.00	0	0	82.00
28.00	27	I	Grunion, California (For Each Over-Limit Fish)	100	100	70.00	50	50	20	20	410.00	40	35	485.00
				20	20	14.00	10	10	4	4	82.00	0	0	82.00

**FISH AND GAME BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
28.00	27	M Grunion, California (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.05	27	I Garibaldi (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
28.05	27	M Garibaldi (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.06	27	I White Shark (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
28.06	27	M White Shark (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.10	27	I Giant (Black) Sea Bass (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
28.10	27	M Giant (Black) Sea Bass (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.12	27	I Gulf Grouper and Broomtail Grouper (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
28.12	27	M Gulf Grouper and Broomtail Grouper (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.15	27	I Halibut, California (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
28.15	27	M Halibut, California (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.20	27	I Halibut, Pacific (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
28.20	27	M Halibut, Pacific (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.25	27	I Barracuda, California (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
28.25	27	M Barracuda, California	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00

## FISH AND GAME BAIL AND PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
					<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
			(For Each Over-Limit Fish)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
28.26	27	I	California Sheephead	100	100	70.00	50	50	20	20	410.00	40	35	485.00
			(For Each Over-Limit Fish)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
28.26	27	M	California Sheephead	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
			(For Each Over-Limit Fish)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
28.27	27	I	Lingcod	100	100	70.00	50	50	20	20	410.00	40	35	485.00
			(For Each Over-Limit Fish)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
28.27	27	M	Lingcod	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
			(For Each Over-Limit Fish)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
28.28	27	I	Cabazon	100	100	70.00	50	50	20	20	410.00	40	35	485.00
			(For Each Over-Limit Fish)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
28.28	27	M	Cabazon	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
			(For Each Over-Limit Fish)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
28.29	27	I	Kelp Greenling, Rock Greenling	100	100	70.00	50	50	20	20	410.00	40	35	485.00
			(For Each Over-Limit Fish)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
28.29	27	M	Kelp Greenling, Rock Greenling	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
			(For Each Over-Limit Fish)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
28.30	27	I	Kelp Bass, Barred Sand Bass, and Spotted Sand Bass	100	100	70.00	50	50	20	20	410.00	40	35	485.00
			(For Each Over-Limit Fish)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
28.30	27	M	Kelp Bass, Barred Sand Bass, and Spotted Sand Bass	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
			(For Each Over-Limit Fish)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
28.32	27	I	Pacific Bonito	100	100	70.00	50	50	20	20	410.00	40	35	485.00
			(For Each Over-Limit Fish)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
28.32	27	M	Pacific Bonito	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
			(For Each Over-Limit Fish)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
28.35	27	I	White Seabass	100	100	70.00	50	50	20	20	410.00	40	35	485.00
			(For Each Over-Limit Fish)	20	20	14.00	10	10	4	4	82.00	0	0	82.00

**FISH AND GAME BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge*	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
28.35	27	M	White Seabass (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.37	27	I	Yellowtail (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
28.37	27	M	Yellowtail (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.40	27	I	Broadbill Swordfish (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
28.40	27	M	Broadbill Swordfish (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.45	27	I	Surf Smelt (Night Smelt, Day Fish, Whitebait Smelt) (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
28.45	27	M	Surf Smelt (Night Smelt, Day Fish, Whitebait Smelt) (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.50	27	I	Marlin (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
28.50	27	M	Marlin (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.54	27	I	California Scorpionfish (Sculpin) (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
28.54	27	M	California Scorpionfish (Sculpin) (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.55	27	I	Rockfish (Sebastes) (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
28.55	27	M	Rockfish (Sebastes) (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.56	27	I	Leopard Shark (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00

**FISH AND GAME BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA*	Fine Surchage & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
					<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
28.56	27	M	Leopard Shark (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.58	27	I	Ocean Whitefish (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
28.58	27	M	Ocean Whitefish (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.59	27	I	Surfperch (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
28.59	27	M	Surfperch (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.60	27	I	Herring Eggs (For Each Pound Over Limit)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
28.60	27	M	Herring Eggs (For Each Pound Over Limit)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.62	27	I	Herring (For Each Over-Limit Fish)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
28.62	27	M	Herring (For Each Over-Limit Fish)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
28.65	27	I	Fin Fish—General Gear Restrictions	100	100	70.00	50	50	20	20	410.00	40	35	485.00
28.65	27	M	Fin Fish—General Gear Restrictions	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
28.70	27	I	Weight, Power Driven Gurdies, or Power Driven Winches	100	100	70.00	50	50	20	20	410.00	40	35	485.00
28.70	27	M	Weight, Power Driven Gurdies, or Power Driven Winches	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
28.75	27	I	Baited Traps for Shiner Surfperch, Pacific Staghorn Sculpin, and Longjaw Mudsuckers	100	100	70.00	50	50	20	20	410.00	40	35	485.00
28.75	27	M	Baited Traps for Shiner Surfperch, Pacific Staghorn Sculpin, and Longjaw Mudsuckers	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
28.80	27	I	Dip Nets and Hawaiian-Type Throw Nets	100	100	70.00	50	50	20	20	410.00	40	35	485.00
28.80	27	M	Dip Nets and Hawaiian-Type Throw Nets	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00

**FISH AND GAME BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
28.85	27	I	Beach Nets	100	100	70.00	50	50	20	20	410.00	40	35	485.00
28.85	27	M	Beach Nets	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
28.90	27	I	Diving, Spearfishing	100	100	70.00	50	50	20	20	410.00	40	35	485.00
28.90	27	M	Diving, Spearfishing	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
28.91	27	I	Slurp Guns	100	100	70.00	50	50	20	20	410.00	40	35	485.00
28.91	27	M	Slurp Guns	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
28.95	27	I	Spears, Harpoons, and Bow and Arrow Fishing Tackle	100	100	70.00	50	50	20	20	410.00	40	35	485.00
28.95	27	M	Spears, Harpoons, and Bow and Arrow Fishing Tackle	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
29.00	27	I	Gear Used in Taking Grunion	100	100	70.00	50	50	20	20	410.00	40	35	485.00
29.00	27	M	Gear Used in Taking Grunion	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
29.05	27	I	Invertebrates-General	100	100	70.00	50	50	20	20	410.00	40	35	485.00
29.05	27	M	Invertebrates-General	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
29.10	27	I	Invertebrates-General	100	100	70.00	50	50	20	20	410.00	40	35	485.00
29.10	27	M	Invertebrates-General	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
29.15	27	I	Abalone	100	100	70.00	50	50	20	20	410.00	40	35	485.00
			(For Each Over-Limit Abalone)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
29.15	27	M	Abalone	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
			(For Each Over-Limit Abalone)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
29.20	27	I	Clams-General	100	100	70.00	50	50	20	20	410.00	40	35	485.00
			(For Each Over-Limit Clam)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
29.20	27	M	Clams-General	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
			(For Each Over-Limit Clam)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
29.25	27	I	Gaper Clams and Washington Clams	100	100	70.00	50	50	20	20	410.00	40	35	485.00
			(For Each Over-Limit Clam)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
29.25	27	M	Gaper Clams and Washington Clams	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
			(For Each Over-Limit Clam)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
29.30	27	I	Geoduck Clams	100	100	70.00	50	50	20	20	410.00	40	35	485.00
			(For Each Over-Limit Clam)	20	20	14.00	10	10	4	4	82.00	0	0	82.00

**FISH AND GAME BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge*	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
					<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
29.30	27	M	Geoduck Clams (For Each Over-Limit Clam)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
29.35	27	I	Littleneck Clams, Soft-Shell Clams, Chiones, Northern Quahogs, and Cockles (For Each Over-Limit Clam)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
29.35	27	M	Littleneck Clams, Soft-Shell Clams, Chiones, Northern Quahogs, and Cockles (For Each Over-Limit Clam)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
29.40	27	I	Pismo Clams (For Each Over-Limit Clam)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
29.40	27	M	Pismo Clams (For Each Over-Limit Clam)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
29.45	27	I	Razor Clams (For Each Over-Limit Clam)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
29.45	27	M	Razor Clams (For Each Over-Limit Clam)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
29.55	27	I	Mussels (For Each Over-Limit Mussel)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
29.55	27	M	Mussels (For Each Over-Limit Mussel)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
29.60	27	I	Rock Scallops	100	100	70.00	50	50	20	20	410.00	40	35	485.00
29.60	27	M	Rock Scallops	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
29.65	27	I	Speckled (Bay) Scallops	100	100	70.00	50	50	20	20	410.00	40	35	485.00
29.65	27	M	Speckled (Bay) Scallops	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
29.70	27	I	Squid	100	100	70.00	50	50	20	20	410.00	40	35	485.00
29.70	27	M	Squid	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
29.71	27	I	Moon Snails	100	100	70.00	50	50	20	20	410.00	40	35	485.00
29.71	27	M	Moon Snails	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
29.80	27	I	Crustacean Gear Restrictions	100	100	70.00	50	50	20	20	410.00	40	35	485.00
29.80	27	M	Crustacean Gear Restrictions	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00

**FISH AND GAME BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
29.85	27	I	Crabs (For Each Over-Limit Crab)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
29.85	27	M	Crabs (For Each Over-Limit Crab)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
29.86	27	I	Bay Shrimp (Grass Shrimp)	100	100	70.00	50	50	20	20	410.00	40	35	485.00
29.86	27	M	Bay Shrimp (Grass Shrimp)	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
29.87	27	I	Ghost Shrimp and Blue Mud Shrimp	100	100	70.00	50	50	20	20	410.00	40	35	485.00
29.87	27	M	Ghost Shrimp and Blue Mud Shrimp	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
29.88	27	I	Coonstripe Shrimp	100	100	70.00	50	50	20	20	410.00	40	35	485.00
29.88	27	M	Coonstripe Shrimp	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
29.90	27	I	Spiny Lobsters (For Each Over-Limit Lobster)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
29.90	27	M	Spiny Lobsters (For Each Over-Limit Lobster)	250 20	250 20	175.00 14.00	125 10	125 10	50 4	50 4	1,025.00 82.00	40 0	30 0	1,095.00 82.00
30.00	27	I	Kelp-General	100	100	70.00	50	50	20	20	410.00	40	35	485.00
30.00	27	M	Kelp-General	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
30.10	27	I	Prohibited Marine Plant Species	100	100	70.00	50	50	20	20	410.00	40	35	485.00
30.10	27	M	Prohibited Marine Plant Species	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
100	15	M	Abalone-Unlawful Taking for Commercial Purposes	15,000	15,000	10,500.00	7,500	7,500	3,000	3,000	61,500.00	40	30	61,570.00
106-182.1		M	Violation of Commercial Fishing Regulations	200	200	140.00	100	100	40	40	820.00	40	30	890.00
300		M	Pheasants-Season and Area (For Each Over-Limit Bird)	200 20	200 20	140.00 14.00	100 10	100 10	40 4	40 4	820.00 82.00	40 0	30 0	890.00 82.00
307	27	I	Tree Squirrels-Season and Area (For Each Over-Limit Animal)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
307	27	M	Tree Squirrels-Season and Area (For Each Over-Limit Animal)	200 20	200 20	140.00 14.00	100 10	100 10	40 4	40 4	820.00 82.00	40 0	30 0	890.00 82.00
<a href="#">308</a>	27	I	Rabbits-Season and Area (For Each Over-Limit Animal)	100 20	100 20	70.00 14.00	50 10	50 10	20 4	20 4	410.00 82.00	40 0	35 0	485.00 82.00
308	27	M	Rabbits-Season and Area	200	200	140.00	100	100	40	40	820.00	40	30	890.00

## FISH AND GAME BAIL AND PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
			10/10		7.00	5/10	5.00	20%	2.00		40		
		(For Each Over-Limit Animal)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
310		M Shooting Hours–Small Game Animal	200	200	140.00	100	100	40	40	820.00	40	30	890.00
310.5		M Shooting Hours–Game Birds	200	200	140.00	100	100	40	40	820.00	40	30	890.00
311	<sup>27</sup>	I Weapons or Methods Authorized	100	100	70.00	50	50	20	20	410.00	40	35	485.00
311	<sup>27</sup>	M Weapons or Methods Authorized	200	200	140.00	100	100	40	40	820.00	40	30	890.00
352		M Shooting Hours–Big Game	200	200	140.00	100	100	40	40	820.00	40	30	890.00
353		M Methods–Big Game	200	200	140.00	100	100	40	40	820.00	40	30	890.00
360	(a,b)	M Deer–Season and Area	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
360	(c)	M (For Each Over-Limit Deer)	200	200	140.00	100	100	40	40	820.00	0	0	820.00
365	(a,b)	M Bear–Season and Area	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
365	(c)	M (For Each Over-Limit Bear)	250	250	175.00	125	125	50	50	1,025.00	0	0	1,025.00
365	(e)	M Method of Take	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
502	(a)	M Migratory Waterfowl–Season and Area	200	200	140.00	100	100	40	40	820.00	40	30	890.00
502	(b)	M (For Each Over-Limit Bird)	20	20	14.00	10	10	4	4	82.00	0	0	82.00
506		M Waterfowl–Shooting	200	200	140.00	100	100	40	40	820.00	40	30	890.00
507	<sup>27</sup>	I Waterfowl–Method of Take	100	100	70.00	50	50	20	20	410.00	40	35	485.00
507	<sup>27</sup>	M Waterfowl–Method of Take	200	200	140.00	100	100	40	40	820.00	40	30	890.00
700	(a)	M Display of Fishing License	10	10	7.00	5	5	2	2	41.00	40	30	111.00
700	(b)	M Hunting License in Possession	200	200	140.00	100	100	40	40	820.00	40	30	890.00
700	(b)	M Hunting License in Possession–Without Proof of Correction	300	300	210.00	150	150	60	60	1,230.00	40	30	1,300.00

### Notes

1 Per F&G 12002(b): "... fine of not more than \$2,000, imprisonment in the county jail for not more than one year, or both the fine and imprisonment."

2 Per F&G 12013.3(a): "... fine of not lessan \$5,000, nor more than \$40,000 ... ."

3 Per F&G 12013.3(a): "... fine of not less than \$2,000, nor more than \$5,000 ... ."

4 Per F&G 12002(a): "... fine of not more than \$1,000, imprisonment in the county jail for not more than six months, or by both that fine and imprisonment."

5 Per F&G 12002(a): "... fine of not more than \$1,000, imprisonment in the county jail for not more than six months, or by both that fine and imprisonment."

6 Per F&G 12002(a): "... fine of not more than \$1,000, imprisonment in the county jail for not more than six months, or by both that fine and imprisonment."

## FISH AND GAME BAIL AND PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*	Surcharge*	EMS PA*/10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
			<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
7		<a href="#">Assem. Bill 711 (Stats. 2013, ch. 742)</a> . Per F&G 3004.5(g): "A person who violates any provision of this section is guilty of an infraction punishable by a fine of \$500."											
8		Per F&G 12002(c), except as specified in F&G 12001 and 12010: "... a fine of not more than \$5,000."											
9		<a href="#">Assem. Bill 789 (Stats. 2013, ch. 155)</a> ; <a href="#">Sen. Bill 1461 (Stats. 2014, ch. 54)</a> . Per F&G 12002(a): "... punishment for a violaion of this code that is a misdemeanor is a fine of not more than \$1,000, imprisonment in the county jail for not more than six months, or by both the fine and imprisonment." Per F&G 12002(b): punishment for a violation of subdivision (c) of Section 4004 is "... a fine of not more than \$2,000, imprisonment in the county jail for not more than one year, or both the fine and imprisonment"											
10		Per F&G 12013.3(a): "fine of not less than \$5,000, nor more than \$40,000 ... ."											
11		Per F&G 12003.2: "fine of not more than \$25,000 per unlawful taking, imprisonment in the county jail for the period prescribed in sections 12002 or 12008, or both the fine and imprisonment."											
12		Per F&G 12005(a): "punishment for each violation of Section 4758 shall include both of the following: (1) A fine of \$250 for each bear part. (2) An additional fine of not more than \$5,000, imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in a county jail for not more than one year, or both that fine and imprisonment."											
13		Per F&G 12005(c)(1), punishment for each violation of section 4758 that includes the possession of three or more bear gall bladders is punishable by both a fine of \$250 for each bear part, as required by F&G 12005(a)(1), and an additional fine of not more than \$10,000 dollars, imprisonment in a county jail for not more than one year, or both that fine and imprisonment. Per F&G 12005(c)(1)(B)(2): "If probation is granted, or execution or imposition of sentence is suspended, it shall be a condition thereof that the minimum term of three months shall be served in a county jail."											
14		Per F&G 12003.1: punishment "... not less than \$250 ... ."											
15		Per F&G 12009(a): "... except as provided in Section 12006.6, the punishment for a violation of any provision of Section 5521 or 5521.5 ... is a fine of not less than \$15,000 or more than \$40,000 and imprisonment in the county jail for a period not to exceed one year. The court shall permanently revoke any commercial fishing license, commercial fishing permit, or sport fishing license issued by the department." Per F&G 12006.6: "... in addition to Section 12009, and notwithstanding the type of fishing license or permit held, if any person is convicted of a violation of Section 5521 or 5521.5, and the offense occurs in an area closed to the taking of abalone for commercial purposes, and the person takes or possesses more than 12 abalone at one time or takes abalone in excess of the annual bag limit, that person shall be punished by ... A fine of not less than \$15,000 or more than \$40,000."											
16		Per F&G 12002(b): " ... fine of not more than \$2,000, imprisonment in the county jail for not more than one year, or both the fine and imprisonment."											
17		Per F&G 12023: " ... punishable by all of the following: (1) Imprisonment in the county jail for not less than six months or more than one year, a fine of not more than \$50,000 for each violation, or both that imprisonment and fine ... ."											
18		Per F&G 12009(a): "... except as provided in Section 12006.6, the punishment for a violation ... of Section 7121, involving abalone, is a fine of not less than \$15,000 or more than \$40,000 and imprisonment in the county jail for a period not to exceed one year. The court shall permanently revoke any commercial fishing license, commercial fishing permit, or sport fishing license issued by the department." Per F&G 12006.6: "... in addition to Section 12009, and notwithstanding the type of fishing license or permit held, if any person is convicted of a violation of Section 5521 or 5521.5, and the offense occurs in an area closed to the taking of abalone for commercial purposes, and the person takes or possesses more than 12 abalone at one time or more than 100 abalone during a calendar year, that person shall be punished by ... A fine of not less than \$15,000 or more than \$40,000."											
19		Per F&G 12002.2(a): " ... fine of not less than \$100 or more than \$1,000 ... ." Per F&G 12002.2(b), a court may reduce the fine for conviction to \$25 with proof of a license valid at time of arrest.											
20		<a href="#">Sen. Bill 197 (Stats. 2013, ch. 368)</a> . Per F&G 7863, the section shall remain in effect until 1/1/19.											

## FISH AND GAME BAIL AND PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge*	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
			<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
21		Per F&G 12002(b): "... fine of not more than \$2,000, imprisonment in the county jail for not more than one year, or both the fine and imprisonment."											
22		Per F&G 12003.1(a): "... not less than \$500 and imprisonment in county jail for not less than 30 days for a second subsequent violation."											
23		Per F&G 12012(a): "... fine of not less than \$5,000, nor more than \$40,000 ... ."											
24		Per F&G 12013(a): "... fine of not less than \$5,000, nor more than \$40,000 ... ."											
25		Per F&G 12013.5(a): "fine of \$10,000 per bear part."											
26		Per F&G 12000(b): "... infraction punishable by a fine of not less than \$100 and not to exceed \$1,000 ... ."											
27		Per F&G 12000: "(a) Except as expressly provided otherwise in this code, any violation of this code, or of any rule, regulation, or order made or adopted under this code, is a misdemeanor. (b) Notwithstanding subdivision (a), any person who violates any of the following statutes or regulations is guilty of an infraction punishable by a fine of not less than \$100 or more than \$1,000, or of a misdemeanor: (1) Subdivision (a) of Section 6596. (2) Section 7149.8. (3) Section 7360. (4) Sections 1.14, 1.17, 1.18, 1.62, 1.63, and 1.74 of Title 14 of the California Code of Regulations. (5) Sections 2.00 to 5.95, inclusive, and 7.00 to 8.00, inclusive, of Title 14 of the California Code of Regulations. (6) Sections 27.56 to 30.10, inclusive, of Title 14 of the California Code of Regulations. (7) Sections 40 to 43, inclusive, of Title 14 of the California Code of Regulations. (8) Sections 307, 308, and 311 to 313, inclusive, of Title 14 of the California Code of Regulations. (9) Sections 505, 507 to 510, inclusive, and 550 to 553, inclusive, of Title 14 of the California Code of Regulations. (10) Sections 630 to 630.5, inclusive, of Title 14 of the California Code of Regulations."											

**PUBLIC UTILITIES BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Public Utilities Code)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
			<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>	<b>30</b>	
1038.5	M	Identification of Equipment, Passenger Stage Corporations	200	200	140.00	100	100	40	40	820.00	40	30	890.00
4669	M	Failure to Secure Liability Insurance Protection by For-Hire Vessel Operator	450	450	315.00	225	225	90	90	1,845.00	40	30	1,915.00
5132	M	Identification of Equipment, Household Goods Carrier	200	200	140.00	100	100	40	40	820.00	40	30	890.00
5133	(a) <sup>1</sup>	M Operation as a Household Goods Carrier Without a Permit and Operating Authority as Required	1,500	1,500	1,050.00	750	750	300	300	6,150.00	40	30	6,220.00
5311	(a) <sup>2</sup>	M Noncompliance or Procuring, Aiding, or Abetting Specified Violation of a Household Goods Carrier or Agent	750	750	525.00	375	375	150	150	3,075.00	40	30	3,145.00
5311	(a) <sup>3</sup>	M Willful Noncompliance or Procuring, Aiding, or Abetting a Violation of a Household Goods Carrier or Agent	1,500	1,500	1,050.00	750	750	300	300	6,150.00	40	30	6,220.00
5314.5	M	Advertising as a Household Goods Carrier Without a Permit	450	450	315.00	225	225	90	90	1,845.00	40	30	1,915.00
5371	M	Operations as a Charter-Party Carrier Without Certificate or Permit	450	450	315.00	225	225	90	90	1,845.00	40	30	1,915.00
5385	M	Identification of Equipment, Charter-Party Carrier of Passengers	200	200	140.00	100	100	40	40	820.00	40	30	890.00
5386	M	Advertising as a Charter-Party Carrier of Passengers Without Stating Identification Symbol	450	450	315.00	225	225	90	90	1,845.00	40	30	1,915.00
5386.5	M	Charter-Party Carrier of Passengers Advertising Its Services as a Taxicab	450	450	315.00	225	225	90	90	1,845.00	40	30	1,915.00
5387	(a)	M Charter-Party Carrier Operating Without Permit, Vehicle Identification, and Accident Liability Protection	450	450	315.00	225	225	90	90	1,845.00	40	30	1,915.00
5411	<sup>4</sup>	M Violation of Charter-Party Carrier Order, Decision, Rule, Regulation, Direction, Demand, Requirement, or Operating Permit or Certificate	1,000	1,000	700.00	500	500	200	200	4,100.00	40	30	4,170.00

**PUBLIC UTILITIES BAIL AND PENALTY SCHEDULE**  
 (\*See Preface, Section III) (\*\*See Preface, Section IV)  
 (Public Utilities Code)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>	<b>30</b>	
5411.3	<sup>5</sup>	M Display of Improper Vehicle Identifying Symbol	750	750	525.00	375	375	150	150	3,075.00	40	30	3,145.00
5412	<sup>6</sup>	M Violation of Charter-Party Carrier Order, Decision, Rule, Regulation, Direction, Demand, Requirement, or Operating Permit or Certificate by Corporation or Person	450	450	315.00	225	225	90	90	1,845.00	40	30	1,915.00
5412.2 (a)		M Operating as a Charter-Party Carrier of Passengers or Taxicab Without Valid Certificate/Permit	750	750	525.00	375	375	150	150	3,075.00	40	45	3,160.00
5414.5		M Advertising as a Charter-Party Carrier of Passengers Without Certificate or Permit	450	450	315.00	225	225	90	90	1,845.00	40	46	1,931.00
5513 (a)		M Failure to Secure Required Liability Insurance Protection by Hot Air Balloon Operator	450	450	315.00	225	225	90	90	1,845.00	40	47	1,932.00
5513 (b)		M Operating as a Hot Air Balloon Operator Without a Local Permit When Required	1,000	1,000	700.00	500	500	200	200	4,100.00	40	48	4,188.00

**Notes**

- <sup>1</sup> Per PU 5311(b): " ... fine of not more than \$10,000 ... ."
- <sup>2</sup> Per PU 5311(a): " ... fine of not more than \$2,500... ."
- <sup>3</sup> Per PU 5311(a): "for a willful violation ... fine of not more than \$10,000 ... ."
- <sup>4</sup> Per PU 5411: "... fine of not less than \$1,000 and not more than \$5,000 ... ."
- <sup>5</sup> Per PU 5411.3: "... fine of not more than \$2,500 ... ."
- <sup>6</sup> Per PU 5412: "... fine of not more than \$2,000 ... ."

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(California Code of Regulations, Title 14)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
4302	I	Payment of Fee for Use of Facilities Required	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4302	M	Payment of Fee for Use of Facilities Required	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4304	I	No Aircraft Landing or Takeoff Without Authorization	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4304	M	No Aircraft Landing or Takeoff Without Authorization	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4305 (a)	I	No Hunting or Fishing in a State Park	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4305 (a)	M	No Hunting or Fishing in a State Park	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4305 (b)	I	No Taking, Killing, or Injuring Wildlife in a State Park	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4305 (b)	M	No Taking, Killing, or Injuring Wildlife in a State Park	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4305 (e)	I	No Feeding of Posted Wildlife	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4305 (e)	M	No Feeding of Posted Wildlife	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4306	I	No Collecting/Destroying Vegetation in a State Park	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4306	M	No Collecting/Destroying Vegetation in a State Park	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4307	I	No Destruction of Geological Features in a State Park + Damages	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4307	M	No Destruction of Geological Features in a State Park + Damages	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4308	I	No Destruction of Archaeological Features in a State Park + Damages	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4308	M	No Destruction of Archaeological Features in a State Park + Damages	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4310	I	No Littering in a State Park	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4310	<sup>1</sup> M	No Littering in a State Park	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4311 (a)	I	No Fires Except in Appropriate Stove/ Fireplaces	50	50	35.00	25	25	10	10	205.00	40	35	280.00

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

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Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
4311 (a)	M	No Fires Except in Appropriate Stove/ Fireplaces	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4311 (b)	I	No Unsafe Fires	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4311 (b)	M	No Unsafe Fires	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
4311 (c)	I	No Fire or Smoking Where Posted	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4311 (c)	M	No Fire or Smoking Where Posted	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4312 (a,b,d)	I	No Dog or Animal Running Loose	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4312 (a,b,d)	M	No Dog or Animal Running Loose	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4312 (c)	I	Keeping Noisy, Vicious, or Dangerous Dogs or Animals	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4312 (c)	M	Keeping Noisy, Vicious, or Dangerous Dogs or Animals	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4312 (e)	I	No Dogs or Cats in Area Unless on a Leash	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4312 (e)	M	No Dogs or Cats in Area Unless on a Leash	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4312 (f)	I	No Animals in a Unit Except Under Control	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4312 (f)	M	No Animals in a Unit Except Under Control	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4312 (h)	I	No Grazing Without Authorization + \$30 Per Head	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4312 (h)	M	No Grazing Without Authorization + \$30 Per Head	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4313	I	No Weapons or Traps Except Where Authorized	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4313	M	No Weapons or Traps Except Where Authorized	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4314	I	No Fireworks Allowed	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4314	M	No Fireworks Allowed	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4316	I	No Photography/Filming for Commercial Purposes Without Authorization	100	100	70.00	50	50	20	20	410.00	40	35	485.00

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

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Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
4316	M	No Photography/Filming for Commercial Purposes Without Authorization	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
4317	I	No Juvenile Shall Violate Posted Curfew Hours	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4317	M	No Juvenile Shall Violate Posted Curfew Hours	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4318	I	No Loitering About Park Restrooms, Showers, etc.	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4318	M	No Loitering About Park Restrooms, Showers, etc.	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4319	I	No Dangerous Recreational Activities	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4319	M	No Dangerous Recreational Activities	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4320 (a)	I	Observation of Quiet Hours Required	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4320 (a)	M	Observation of Quiet Hours Required	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4320 (b)	I	No Outside Machinery Operated Without Permission	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4320 (b)	M	No Outside Machinery Operated Without Permission	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4320 (c)	I	No Noisy Disturbance During Specified Hours	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4320 (c)	M	No Noisy Disturbance During Specified Hours	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4321	I	Restrictions on Assembly	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4321	M	Restrictions on Assembly	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4322	I	No Nudity Except Where Authorized	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4322	M	No Nudity Except Where Authorized	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4323 (a)	I	Restrictions on Recreational Equipment	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4323 (a)	M	Restrictions on Recreational Equipment	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4323 (b)	I	Restrictions on Food Storage	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4323 (b)	M	Restrictions on Food Storage	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4323 (c)	I	Restrictions on Tents on Beaches	35	40	28.00	20	20	7	8	158.00	40	35	233.00

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(California Code of Regulations, Title 14)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
4323 (c)	M	Restrictions on Tents on Beaches	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4324 (a-c)	I	Requirements for Sanitation	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4324 (a-c)	M	Requirements for Sanitation	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4326	I	Violation of Posted Orders/Special Permits Prohibited	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4326	M	Violation of Posted Orders/Special Permits Prohibited	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4330	I	Restrictions for Use of Pesticides	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4330	M	Restrictions for Use of Pesticides	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
4331	I	No Soliciting Without Authorization	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4331	M	No Soliciting Without Authorization	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4333	I	Restriction of Glass Containers Except as Authorized	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4333	M	Restriction of Glass Containers Except as Authorized	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4351	I	Restrictions in State Wilderness/Natural Preserves	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4351	M	Restrictions in State Wilderness/Natural Preserves	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
4352	I	No Off-Highway Vehicles/Snowmobiles Unless Authorized	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4352	M	No Off-Highway Vehicles/Snowmobiles Unless Authorized	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4353	I	No Violations of Posted Speed Limits											[See Speed Chart]
4353	M	No Violations of Posted Speed Limits											[See Speed Chart]
4354	I	No Vehicle Operations That Endanger Persons/Animals	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4354	M	No Vehicle Operations That Endanger Persons/Animals	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4355	I	Restrictions on Vehicle Operation	50	50	35.00	25	25	10	10	205.00	40	35	280.00

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

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Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
4355	M	Restrictions on Vehicle Operation	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4357	I	License Requirements to Operate Vehicle	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4357	M	License Requirements to Operate Vehicle	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4359 (b)	I	No Horses/Pack Animals Except in Designated Areas	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4359 (b)	M	No Horses/Pack Animals Except in Designated Areas	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4359 (c)	I	No Riding Horses/Pack Animals in Reckless Manner	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4359 (c)	M	No Riding Horses/Pack Animals in Reckless Manner	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4359 (e)	I	Gate Requirements When Riding	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4359 (e)	M	Gate Requirements When Riding	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4360	I	Regulations for Operation of Bicycles	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4360	M	Regulations for Operation of Bicycles	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4451 (a)	I	Camping in Designated Areas Only	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4451 (a)	M	Camping in Designated Areas Only	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4452	I	Limits on Number Occupying Camp Sites; per Extra	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4452	M	Limits on Number Occupying Camp Sites; per Extra	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4453	I	Camping Fees Due at Certain Times	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4453	M	Camping Fees Due at Certain Times	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4454	I	Occupancy Authorized Only After Fees Are Paid	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4454	M	Occupancy Authorized Only After Fees Are Paid	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4455	I	Camping Time Limits—Days per Year	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4455	M	Camping Time Limits—Days per Year	75	80	56.00	40	40	15	16	322.00	40	30	392.00

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**

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Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* Surchage*	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
4456	I	Vacating Campsite Requirements	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4456	M	Vacating Campsite Requirements	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4457	I	No Camping in Day-Use Areas Unless Authorized	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4457	M	No Camping in Day-Use Areas Unless Authorized	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4458	I	Nighttime Closure Requirements	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4458	M	Nighttime Closure Requirements	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4501 (a)	I	Hunting Requirements–Picacho State Recreational Area	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4501 (a)	M	Hunting Requirements–Picacho State Recreational Area	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4501 (b)	I	Hunting Requirements–Auburn State Recreational Area	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4501 (b)	M	Hunting Requirements–Auburn State Recreational Area	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4501 (c)	I	Hunting Requirements–San Luis Reservoir State Recreational Area	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4501 (c)	M	Hunting Requirements–San Luis Reservoir State Recreational Area	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4501 (d)	I	Hunting Requirements–Providence Mountain State Recreational Area	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4501 (d)	M	Hunting Requirements–Providence Mountain State Recreational Area	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4501 (e)	I	Hunting Requirements–Lake Oroville State Recreational Area	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4501 (e)	M	Hunting Requirements–Lake Oroville State Recreational Area	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4501 (f)	I	Hunting Requirements–Lake Perris State Recreational Area	100	100	70.00	50	50	20	20	410.00	40	35	485.00

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**

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Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
4501 (f)	M	Hunting Requirements–Lake Perris State Recreational Area	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4501 (g)	I	Hunting Requirements–Harry A. Merlo State Recreation Area	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4501 (g)	M	Hunting Requirements–Harry A. Merlo State Recreation Area	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4501 (h)	I	Hunting Requirements–Franks Tract State Recreational Area	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4501 (h)	M	Hunting Requirements–Franks Tract State Recreational Area	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4600 (a)	I	Restrictions–San Simeon Historical Monument–Tours	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4600 (a)	M	Restrictions–San Simeon Historical Monument–Tours	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4600 (b)	I	Restrictions–San Simeon Historical Monument–Objects + Damages	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4600 (b)	M	Restrictions–San Simeon Historical Monument–Objects + Damages	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4600 (c)	I	Restrictions–San Simeon Historical Monument–Food + Damages	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4600 (c)	M	Restrictions–San Simeon Historical Monument–Food + Damages	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4600 (d)	I	Restrictions–San Simeon Historical Monument–Cameras	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4600 (d)	M	Restrictions–San Simeon Historical Monument–Cameras	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4601 (a)	I	Restrictions–Torrey Pines, Point Lobos State Reserves, and Penasquitos Marsh Natural State Recreational Areas–Picnics	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4601 (a)	M	Restrictions–Torrey Pines, Point Lobos State Reserves, and Penasquitos Marsh Natural State Recreational Areas–Picnics	75	80	56.00	40	40	15	16	322.00	40	30	392.00

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Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
4601 (b)	I	Restrictions–Torrey Pines, Point Lobos State Reserves, and Penasquitos Marsh Natural State Recreational Areas–Designated Trails	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4601 (b)	M	Restrictions–Torrey Pines, Point Lobos State Reserves, and Penasquitos Marsh Natural State Recreational Areas–Designated Trails	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4603 (a)	I	Restrictions–Angel Island State Park–Boat Docking	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4603 (a)	M	Restrictions–Angel Island State Park–Boat Docking	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
4604	I	Restrictions–Carrizo Impact Area	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4604	M	Restrictions–Carrizo Impact Area	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
4608	I	Restrictions–Mt. San Jacinto State Wilderness	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4608	M	Restrictions–Mt. San Jacinto State Wilderness	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4609 (b)	I	Restrictions–Pismo Dunes State Vehicular Recreational Area–Towing	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4609 (b)	M	Restrictions–Pismo Dunes State Vehicular Recreational Area–Towing	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4609 (b)(3)	I	Restrictions–Pismo Dunes–Off-Highway Vehicles	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4609 (b)(3)	M	Restrictions–Pismo Dunes–Off-Highway Vehicles	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4609 (b)(4)	I	Restrictions–Pismo Dunes–Safety Equipment	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4609 (b)(4)	M	Restrictions–Pismo Dunes–Safety Equipment	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4610 (a)	I	Unlicensed Driver Off-Highway Requirements	50	50	35.00	25	25	10	10	205.00	40	35	280.00

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(California Code of Regulations, Title 14)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
4610 (a)	M	Unlicensed Driver Off-Highway Requirements	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4610 (b)	I	Unlicensed Driver Off-Highway Capabilities	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4610 (b)	M	Unlicensed Driver Off-Highway Capabilities	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4611 (c)	I	Rockhounding–Commercial Restrictions	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4611 (c)	M	Rockhounding–Commercial Restrictions	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4611 (d)	I	Rockhounding–Maximum Take Allowed 15 Pounds per Day	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4611 (d)	M	Rockhounding–Maximum Take Allowed 15 Pounds per Day	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4611 (e)	I	Rockhounding–Use of Tools	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4611 (e)	M	Rockhounding–Use of Tools	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4611 (f)	I	Rockhounding–Prohibited in Swimming/Boating Areas	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4611 (f)	M	Rockhounding–Prohibited in Swimming/Boating Areas	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4611 (g)	I	Rockhounding–Areas for Collecting Limited	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4611 (g)	M	Rockhounding–Areas for Collecting Limited	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4611 (h)	I	Rockhounding–Indian Artifact Removal Prohibited	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4611 (h)	M	Rockhounding–Indian Artifact Removal Prohibited	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4611 (i)	I	Rockhounding–Panning for Gold	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4611 (i)	M	Rockhounding–Panning for Gold	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4612	I	Restrictions–Crystal Cove Historic District	100	100	70.00	50	50	20	20	410.00	40	35	485.00

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(California Code of Regulations, Title 14)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
4612	M	Restrictions–Crystal Cove Historic District	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
4613 (a)	I	Restrictions–CA State Railroad Museum–Capacities	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4613 (a)	M	Restrictions–CA State Railroad Museum–Capacities	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4613 (b)	I	Restrictions–CA State Railroad Museum–Photography	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4613 (b)	M	Restrictions–CA State Railroad Museum–Photography	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4613 (c)	I	Restrictions–CA State Railroad Museum–Artifacts + Damages	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4613 (c)	M	Restrictions–CA State Railroad Museum–Artifacts + Damages	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4613 (d)	I	Restrictions–CA State Railroad Museum–Climbing + Damages	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4613 (d)	M	Restrictions–CA State Railroad Museum–Climbing + Damages	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4613 (e)	I	Restrictions–CA State Railroad Museum–Food/Drink + Damages	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4613 (e)	M	Restrictions–CA State Railroad Museum–Food/Drink + Damages	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4650	I	No Swimming Except in Designated Areas	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4650	M	No Swimming Except in Designated Areas	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4651	I	No Boating/Water Skiing in Designated Swimming Areas	100	100	70.00	50	50	20	20	410.00	40	35	485.00
4651	M	No Boating/Water Skiing in Designated Swimming Areas	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
4656	I	No Diving Allowed	50	50	35.00	25	25	10	10	205.00	40	35	280.00

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(California Code of Regulations, Title 14)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
4656	M	No Diving Allowed	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4657	I	No Boat Launching Where Posted	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4657	M	No Boat Launching Where Posted	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4658	I	No Exceeding Posted Speed Limits in Boats	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4658	M	No Exceeding Posted Speed Limits in Boats	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4659	I	Speed Restrictions for Nighttime Boat Operation	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4659	M	Speed Restrictions for Nighttime Boat Operation	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4660 (a)	I	Vessel Overnight Stay Prohibited Except Where Permitted	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4660 (a)	M	Vessel Overnight Stay Prohibited Except Where Permitted	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4660 (b)	I	Vessel Restrictions Apply if Posted	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4660 (b)	M	Vessel Restrictions Apply if Posted	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4660 (c)	I	Abandoned Vessels Must Be Removed by Registered Owner of Notification	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4660 (c)	M	Abandoned Vessels Must Be Removed by Registered Owner of Notification	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4661	I	Restrictions for Disposal of Waste From Boats	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4661	M	Restrictions for Disposal of Waste From Boats	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4662 (a)	I	Vessel Inspection Requirements—Any Time	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4662 (a)	M	Vessel Inspection Requirements—Any Time	100	100	70.00	50	50	20	20	410.00	40	30	480.00
4662 (b)	I	Vessel Inspection Requirements—Continued Use	35	40	28.00	20	20	7	8	158.00	40	35	233.00

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(California Code of Regulations, Title 14)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge*	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv.Assess.	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
4662 (b)	M	Vessel Inspection Requirements-- Continued Use	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4664 (a)	I	Restrictions on Underwater Activities-- Entry Areas	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4664 (a)	M	Restrictions on Underwater Activities-- Entry Areas	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4700	I	Requirements for Runaway Snow Skis	35	40	28.00	20	20	7	8	158.00	40	35	233.00
4700	M	Requirements for Runaway Snow Skis	75	80	56.00	40	40	15	16	322.00	40	30	392.00
4701	I	Winter Sports Allowed Only in Designated Areas	50	50	35.00	25	25	10	10	205.00	40	35	280.00
4701	M	Winter Sports Allowed Only in Designated Areas	100	100	70.00	50	50	20	20	410.00	40	30	480.00

**Notes**

<sup>1</sup> Per PR 5008.7: fine of "not less than \$100 nor more than \$1,000" for violation of any rule or regulation adopted by the Department of Parks and Recreation prohibiting the leaving, depositing, dropping, or scattering of bottles, broken glass, ashes, wastepaper, cans, or other rubbish in a state park.

**PARKS AND RECREATION BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(California Code of Regulations, Title 14)

**SPEED CHART  
(FOR ALL SPEED LIMITS)**

<b>MPH Over Limit</b>	<b>Base Fine</b>	<b>State PA*</b>	<b>County PA*/10</b>	<b>DNA PA*</b>	<b>Court Facility Const. PA*/10</b>	<b>Surcharge*</b>	<b>EMS PA* /10</b>	<b>Fine Surcharge &amp; PA Subtotal</b>	<b>Court OPS</b>	<b>Conv.Assess.</b>	<b>"Total Bail" **</b>
		<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>	<b>35</b>	
1-15	\$35	\$40	\$28.00	\$20	\$20	\$7	\$8	\$158.00	\$40	\$35	\$233.00
16-25	\$70	\$70	\$49.00	\$35	\$35	\$14	\$14	\$287.00	\$40	\$35	\$362.00
26 and over	\$100	\$100	\$70.00	\$50	\$50	\$20	\$20	\$410.00	\$40	\$35	\$485.00

**BUSINESS LICENSING BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

**(Business and Professions Code)**

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage* /10	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess.	"Total Bail" **
					<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
725	(a)	1	M Excessive Prescribing or Administering of Drugs or Treatment	100	100	70.00	50	50	20	20	410.00	40	30	480.00
2225.5	(c)	2	M Multiple Failures of Licensee or Health-Care Facility to Comply With Court Order to Enforce Subpoena Mandating Release of Records	1,500	1,500	1,050.00	750	750	300	300	6,150.00	40	30	6,220.00
2570.3		3	M License Required to Practice Occupational Therapy	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
2630		4	I License Required to Operate as a Physical Therapist	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
2630		5	M License Required to Operate as a Physical Therapist	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
2903		4	I License Required to Operate as a Psychologist	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
2903		6	M License Required to Operate as a Psychologist	1,000	1,000	700.00	500	500	200	200	4,100.00	40	30	4,170.00
3535	(a)	7	M Violation by Physician or Surgeon of Physician's Assistant Employment Requirements	300	300	210.00	150	150	60	60	1,230.00	40	30	1,300.00
3660	(a,b)	4	I License Required to Claim to Be or Practice as a Naturopathic Doctor	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
3660	(a,b)	8	M License Required to Claim to Be or Practice as a Naturopathic Doctor	1,500	1,500	1,050.00	750	750	300	300	6,150.00	40	30	6,220.00
3760		4	I Unauthorized Practice or Use of Title in Providing Respiratory Care	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
3760		9	M Unauthorized Practice or Use of Title in Providing Respiratory Care	1,000	1,000	700.00	500	500	200	200	4,100.00	40	30	4,170.00
3761		4	I License Required to Provide Respiratory Care	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
3761		9	M License Required to Provide Respiratory Care	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
4825		4	I License Required to Practice Veterinary Medicine	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00

**BUSINESS LICENSING BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

**(Business and Professions Code)**

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge*	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess.	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
4825	10 M	License Required to Practice Veterinary Medicine	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
4980	4 I	License Required to Practice as a Marriage, Family, and Child Counselor	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
4980	11 M	License Required to Practice as a Marriage, Family, and Child Counselor	1,000	1,000	700.00	500	500	200	200	4,100.00	40	30	4,170.00
4996	4 I	License Required to Practice as a Clinical Social Worker	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
4996	M	License Required to Practice as a Clinical Social Worker	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
5536	(a-c) 4 I	License Required to Operate as an Architect	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
6451	12 I	Unsupervised Performance of Services for Consumer by Paralegal	500	500	350.00	250	250	100	100	2,050.00	40	35	2,125.00
6452	12 I	Unlawful Advertisement by Paralegal	500	500	350.00	250	250	100	100	2,050.00	40	35	2,125.00
6704	(a) I	License Required to Operate as an Engineer	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
6704	(a) 13 M	License Required to Operate as an Engineer	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
6980.10	4 I	License Required to Operate as a Locksmith	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
6980.10	14 M	License Required to Operate as a Locksmith	10,000	10,000	7,000.00	5,000	5,000	2,000	2,000	41,000.00	40	30	41,070.00
7028	(a) 15 M	License Required to Operate as a Contractor	1,500	1,500	1,050.00	750	750	300	300	6,150.00	40	30	6,220.00
7028.16	16 M	Contractor License Required to Repair Damage From Natural Disaster	1,000	1,000	700.00	500	500	200	200	4,100.00	40	30	4,170.00
7317	4 I	License Required to Operate as a Barber or Cosmetologist or to Perform Electrolysis	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
7317	17 M	License Required to Operate as a Barber or Cosmetologist or to Perform Electrolysis	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00

## BUSINESS LICENSING BAIL AND PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Business and Professions Code)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess.	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
7502	4	I License Required to Operate a Repossession Agency	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
7502	18	M License Required to Operate a Repossession Agency	5,000	5,000	3,500.00	2,500	2,500	1,000	1,000	20,500.00	40	30	20,570.00
7592	4	I License Required to Provide Service as an Alarm Company Operator	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
7592	19	M License Required to Provide Service as an Alarm Company Operator	1,000	1,000	700.00	500	500	200	200	4,100.00	40	30	4,170.00
7617	4	I License Required to Operate as a Funeral Director	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
7617	20	M License Required to Operate as a Funeral Director	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
7641	4	I License Required to Operate as an Embalmer	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
7641	20	M License Required to Operate as an Embalmer	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
7872	(a) 4	I License Required to Operate as a Geologist	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
7872	(a) 21	M License Required to Operate as a Geologist	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
8016	4	I License Required to Operate as a Shorthand Reporter	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
8016	22	M License Required to Operate as a Shorthand Reporter	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
8550	23	M License Required to Practice Structural Pest Control	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
8725	4	I License Required to Operate as a Land Surveyor	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
8725	24	M License Required to Operate as a Land Surveyor	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
9681	4	I License Required to Operate as a Cemetery Broker or Salesman	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
9681	25	M License Required to Operate as a Cemetery Broker or Salesman	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00

**BUSINESS LICENSING BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Business and Professions Code)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess.	"Total Bail" **
				<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
9749.3	M	Storage of Cremated Remains in a Reckless Manner	1,500	1,500	1,050.00	750	750	300	300	6,150.00	40	30	6,220.00
9840	<sup>4</sup> I	License Required to Operate as an Electronic or Appliance Repair Dealer	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
9840	<sup>26</sup> M	License Required to Operate as an Electronic or Appliance Repair Dealer	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
9884.6	<sup>27</sup> M	License Required to Operate as an Automotive Repair Dealer	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
10085.5 (a)	<sup>28</sup> M	Advance Fee for Loan Secured Before Borrower Becomes Obligated to Complete Loan	3,000	3,000	2,100.00	1,500	1,500	600	600	12,300.00	40	30	12,370.00
10085.6 (a)	<sup>29</sup> M	Advance Fee to Provide Services for Loan Modification or Forbearance	3,000	3,000	2,100.00	1,500	1,500	600	600	12,300.00	40	30	12,370.00
10147.6 (a)	<sup>30</sup> M	Offering Services for Loan Modification or Forbearance Services Without Making Required Written Disclosure	3,000	3,000	2,100.00	1,500	1,500	600	600	12,300.00	40	30	12,370.00
17550.19 (a)	<sup>31</sup> M	Violation of Provision Regulating Sellers of Travel	3,000	3,000	2,100.00	1,500	1,500	600	600	12,300.00	40	30	12,370.00
19049	<sup>4</sup> I	License Required to Operate as a Furniture, Bedding, and Thermal Insulation Manufacturer, Wholesaler, Distributor, Retailer, or Rehabilitator	250	250	175.00	125	125	50	50	1,025.00	40	35	1,100.00
19049	<sup>32</sup> M	License Required to Operate as a Furniture, Bedding, and Thermal Insulation Manufacturer, Wholesaler, Distributor, Retailer, or Rehabilitator	500	500	350.00	250	250	100	100	2,050.00	40	30	2,120.00
21804	<sup>33</sup> M	Failure to Permanently Mark Optical Disc (Identification Mark)	5,000	5,000	3,500.00	2,500	2,500	1,000	1,000	20,500.00	40	30	20,570.00
21805	M	Purchase or Sale of Optical Disc With Identification Mark Removed or False Mark	3,000	3,000	2,100.00	1,500	1,500	600	600	12,300.00	40	30	12,370.00
21806	M	Destroying Optical Disc Identification Mark	3,000	3,000	2,100.00	1,500	1,500	600	600	12,300.00	40	30	12,370.00

**BUSINESS LICENSING BAIL AND PENALTY SCHEDULE**

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Business and Professions Code)

Section	Notes	Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surchage*	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS	Conv. Assess.	"Total Bail" **
					<b>10/10</b>	<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>		
22972	(a,b)	<sup>34</sup>	M License Required for Retailer to Sell Cigarettes or Tobacco Products	1,500	1,500	1,050.00	750	750	300	300	6,150.00	40	30	6,220.00
22975	(a)	<sup>34</sup>	M License Required for Wholesaler or Distributor to Engage in Sale of Cigarettes or Tobacco Products	1,500	1,500	1,050.00	750	750	300	300	6,150.00	40	30	6,220.00
22979.21		<sup>35</sup>	M License Required for Manufacturer or Importer of Tobacco Products to Engage in Sale of Tobacco Products	1,500	1,500	1,050.00	750	750	300	300	6,150.00	40	30	6,220.00
23300		<sup>36</sup>	M Sale of Alcoholic Beverage Without a License	1,000	1,000	700.00	500	500	200	200	4,100.00	40	35	4,175.00
25612.5	(c)(9)	<sup>37</sup>	I Failure of Licensed Retailer to Create and Label "Adults Only" Area for Sale or Rental of Video Recordings of Harmful Matter	100	100	70.00	50	50	20	20	410.00	40	35	485.00
25658	(a)	<sup>38</sup>	M Furnishing an Alcoholic Beverage to a Minor	1,000	1,000	700.00	500	500	200	200	4,100.00	40	30	4,170.00
25658	(b)	<sup>39</sup>	M Purchase of Alcohol, or Consumption of Alcohol, in On-sale Premises by Someone Under 21	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
25658	(c)	<sup>40</sup>	M Furnishing an Alcoholic Beverage to a Minor (Great Bodily Injury or Death)	1,000	1,000	700.00	500	500	200	200	4,100.00	40	30	4,170.00
25658	(d)	<sup>41</sup>	M On-sale License Knowingly Permits a Person Under the Age of 21 to Consume Alcohol in the On-sale Premises	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00
25662	(a)		M Possession of Alcoholic Beverage by Person under the Age of 21 in a Public Place	250	250	175.00	125	125	50	50	1,025.00	40	30	1,095.00

**Notes:**

<sup>1</sup> Per B&P 733: "fine of not less than \$100 nor more than \$600 ... ."

<sup>2</sup> "Multiple acts by a licensee ... shall be punishable by a fine not to exceed \$5,000, or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Multiple acts by a health care facility ... shall be punishable by a fine not to exceed \$5,000, and reported to the State Department of Health Services and shall be considered as grounds for disciplinary action with respect to licensure, including suspension or revocation of the license or certificate."

<sup>3</sup> Per B&P 2570.23: "fine of not more than \$5,000 ... ."

## BUSINESS LICENSING BAIL AND PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Business and Professions Code)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge*	EMS PA* /10	Fine Surcharge & PA Subtotal	Court OPS Conv.Assess.	"Total Bail" **
			<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>	
		<sup>4</sup> Per B&P 146(d), a violation charged as an infraction under B&P 146(c) is subject to a fine of not less than \$250 and not more than \$1,000. No portion of the minimum fine may be suspended by the court unless as a condition of that suspension the defendant is required to submit proof of a current valid license, registration, or certificate for the profession or vocation which was the basis for his or her conviction.										
		<sup>5</sup> Per B&P 2670, a misdemeanor violation is punishable by a fine not exceeding \$1,000 or imprisonment in a county jail not exceeding 6 months, or by both.										
		<sup>6</sup> Per B&P 2970, a misdemeanor violation is punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding \$2,000, or by both.										
		<sup>7</sup> Per B&P 3535(b): "fine not to exceed \$1,000 ... ."										
		<sup>8</sup> Per B&P 3664: " ... fine of not more than \$5,000 ... ."										
		<sup>9</sup> Per B&P 3763, a misdemeanor violation is punishable by a fine not exceeding \$1,000 or imprisonment in a county jail not exceeding 6 months, or by both.										
		<sup>10</sup> Per B&P 4831, a misdemeanor violation is punishable by a fine not less than \$500, nor more than \$2,000, or imprisonment in a county jail for not less than 30 days nor more than one year, or by both the fine and imprisonment.										
		<sup>11</sup> Per B&P 4983, a misdemeanor violation is punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding \$2,500, or by both.										
		<sup>12</sup> Per B&P 6455: "fine of up to \$2,500 as to each consumer with respect to whom a violation occurs."										
		<sup>13</sup> Per B&P 146(e), a violation charged as an infraction under B&P 146(c) is subject to a fine of not less than \$250 and not more than \$1,000. No portion of the minimum fine may be suspended by the court unless as a condition of that suspension the defendant is required to submit proof of a current valid license, registration, or certificate for the profession or vocation that was the basis for his or her conviction.										
		<sup>14</sup> A misdemeanor violation per B&P 6980.13 is punishable by a fine of \$10,000, or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment.										
		<sup>15</sup> Per B&P 7028: Fine " ... not exceeding \$5,000 ... ."										
		<sup>16</sup> Per B&P 7028.16: Fine "... up to \$10,000, or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, or for two or three years, or by both that fine and imprisonment, or by a fine up to \$1,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment."										
		<sup>17</sup> A misdemeanor violation per B&P 7317 is punishable under PC 19 by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both.										
		<sup>18</sup> Per B&P 7502.1, a misdemeanor violation is punishable by a fine of \$5,000, or by imprisonment in a county jail for not more than one year, or by both the fine and imprisonment.										
		<sup>19</sup> Per B&P 7592.2, a misdemeanor violation is punishable by a fine of \$1,000, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.										
		<sup>20</sup> A misdemeanor violation per B&P 7715 is punishable under PC 19 by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both.										
		<sup>21</sup> Per B&P 7872, a misdemeanor violation is punishable by a fine of not more than \$1,000, or by imprisonment not to exceed 3 months, or by both fine and imprisonment.										
		<sup>22</sup> A misdemeanor violation per B&P 8019 is punishable under PC 19 by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both.										
		<sup>23</sup> Per B&P 8553, a misdemeanor violation is punishable by a fine of not less than \$100, nor more than \$1,000, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.										
		<sup>24</sup> A misdemeanor violation per B&P 8792 is punishable under PC 19 by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both.										

## BUSINESS LICENSING BAIL AND PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Business and Professions Code)

Section	Notes Level	Offense	Base Fine	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge*	EMS PA*/10	Fine Surcharge & PA Subtotal	Court OPS Conv.Assess.	"Total Bail" **
			<b>10/10</b>		<b>7.00</b>	<b>5/10</b>	<b>5.00</b>	<b>20%</b>	<b>2.00</b>		<b>40</b>	
25		A misdemeanor violation per B&P 9681 is punishable under PC 19 by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both. Per B&P 9681, a corporation shall be punished by a fine not to exceed \$5,000.										
26		Per B&P 9850, a misdemeanor violation is punishable by a fine not exceeding \$1,000, or by imprisonment not exceeding six months, or by both such fine and imprisonment.										
27		Assem. Bill 1560 (Stats. 2001, ch. 357) amended B&P 145 and B&P 145.5 to delete B&P 9884.6 from the list of offenses that are infractions.										
28		Per B&P 10085.5(c): "punishable by a fine not exceeding \$10,000, by imprisonment in the county jail for a term not to exceed six months, or by both that fine and imprisonment, or if by a corporation, the violation is punishable by a fine not to exceed \$50,000."										
29		Per B&P 10085.6(b): Fine " ... not exceeding \$10,000 ... or if by a corporation, the violation is punishable by a fine not exceeding \$50,000."										
30		Per B&P 10147.6 (c): Fine " ... not exceeding \$10,000 ... ."										
31		Violation punishable "by a fine of not more than \$10,000, by imprisonment in a county jail for not more than one year, or by both ... ."										
32		Per B&P 19220, a misdemeanor violation is punishable by a fine of not less than \$500 nor more than \$1,500 or by imprisonment for not less than three nor more than six months or by both such fine and imprisonment.										
33		Per B&P 21804: " ... fine of not less than \$500 and not more than \$25,000 for a first offense."										
34		Per B&P 22981: " ... fine not to exceed \$5,000 ... ."										
35		Per B&P 22981: " ... fine not to exceed \$5,000 ... ."										
36		Per B&P 25617: "... fine of not more than \$1,000 ... ."										
37		Per B&P 25612.5(c)(9), failure to create and label the "adults only" area is an infraction punishable by a fine of not more than \$100.										
38		Per B&P 25658(e)(2): "fine of \$1,000, no part of which shall be suspended, and the person shall be required to perform not less than 24 hours of community service during hours when the person is not attending school."										
39		Per B&P 25658(e)(1): "fine of \$250, no part of which shall be suspended, or the person shall be required to perform not less than 24 hours or more than 32 hours of community service during hours when the person is not employed and is not attending school, or a combination of fine and community service as determined by the court."										
40		Per B&P 25658(e)(3): "punished by imprisonment in a county jail for a minimum term of six months not to exceed one year, by a fine of \$1,000, or by both imprisonment and fine."										
41		Per B&P 25658(e)(1): "fine of \$250, no part of which shall be suspended, or the person shall be required to perform not less than 24 hours or more than 36 hours of community service during hours when the person is not employed and is not attending school, or a combination of fine and community service as determined by the court."										



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 11, 2014

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**Title**

Judicial Workload Assessment: 2014 Update of Judicial Needs Assessment and Proposed Revision to Methodology Used to Prioritize New Judgeships

**Agenda Item Type**

Action Required

**Effective Date**

December 11, 2014

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

November 7, 2014

**Recommended by**

Workload Assessment Advisory Committee  
Hon. Lorna A. Alksne, Chair  
Leah Rose-Goodwin, Manager, Court  
Operations Services

**Contact**

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### Executive Summary

The Workload Assessment Advisory Committee recommends that the Judicial Council approve the *Need for New Judgeships in the Superior Courts: 2014 Update of the Judicial Needs Assessment* for transmission to the Legislature and the Governor. This report, which fulfills the requirements of Government Code section 69614(c)(1), shows that nearly 270 new judicial officers are needed to meet the workload-based need for new judgeships. This report also includes information about the conversion of additional subordinate judicial officers to fulfill the reporting requirement of Government Code section 69614(c)(3). The advisory committee further recommends that the Judicial Council adopt a revision to the current methodology that is used to prioritize any new judgeships that may be authorized and funded by the Legislature for the trial courts. The proposed revision to the Judicial Council's methodology will allow smaller courts whose workload need is substantial, but less than the one full-time equivalent threshold currently required, to be eligible for consideration for a new judgeship.

## Recommendation

The Workload Assessment Advisory Committee recommends that the Judicial Council, effective October 27, 2014:

1. Approve the attached report, *The Need for New Judgeships in the Superior Courts: 2014 Update of the Judicial Needs Assessment*, for transmission to the Legislature and the Governor; and
2. Approve a modification to the methodology used to prioritize any new judgeships that may be authorized and funded for the trial courts.

## Previous Council Action

The methodology for determining the number of judgeships needed in the trial courts was approved by the Judicial Council in August 2001.<sup>1</sup> At that meeting, the Judicial Council also directed staff to assess statewide judicial needs using workload standards developed by the National Center for State Courts. That initial needs assessment and priority ranking was approved by the Judicial Council at its October 26, 2001, meeting.<sup>2</sup>

At its August 9, 2004, meeting, the council approved technical modifications to the judicial workload methodology and modified the priority ranking of the new judgeships.<sup>3</sup> At its February 23, 2007, meeting, after the state Legislature created 50 new judgeships,<sup>4</sup> the council approved a subsequent reranking of the remaining 100 top-priority judgeships to reflect changes in workload since the 2004 report. The council also approved the methodology for identifying the number and location of subordinate judicial officer positions that should be converted to judgeships.

In October 2007, Assembly Bill 159 (Stats. 2007, ch. 722) was enacted, authorizing 50 additional new judgeships; these positions, however, remain unfunded and unfilled. AB 159 also authorized the conversion of 162 vacant subordinate judicial officer positions, identified according to the council-approved methodology, at a rate of no more than 16 per year. Assembly Bill 2763 (Stats. 2010, ch. 690) authorized 10 additional conversions per year if the conversions were to result in judges being assigned to family or juvenile law calendars previously presided over by SJOs.

Updates of the assessed judicial need were approved by the Judicial Council, as directed by statute, in 2008, 2010, and 2012.<sup>5</sup>

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<sup>1</sup> <http://www.courts.ca.gov/documents/judneedsreview.pdf>

<sup>2</sup> <http://www.courts.ca.gov/documents/stateassess.pdf>

<sup>3</sup> <http://www.courts.ca.gov/documents/0804item6.pdf>

<sup>4</sup> In September 2006, Senate Bill 56 was enacted (Stats. 2006, ch. 390), authorizing 50 new judgeships; funding in fiscal year 2006–2007 was provided for one month and ongoing thereafter.

<sup>5</sup> <http://www.courts.ca.gov/documents/100808item1.pdf> (2008);

<http://www.courts.ca.gov/documents/20101029infojudge.pdf> (2010); and <http://www.courts.ca.gov/documents/jc-20121026-item2.pdf> (2012)

The council has made two recent revisions to the methodology used to calculate judicial need. In December 2011, the council approved updated caseweights that measure the amount of time that judicial officers need for case processing work.<sup>6</sup> And, in December 2013, the council adopted a recommendation that any judgeships approved and funded be based on the most recent Judicial Needs Assessment approved by the council.<sup>7</sup>

## **Rationale for Recommendation**

The ability to have a critical criminal, family law, domestic violence, or civil matter addressed by the court should not be based on the judicial resources in the county in which one happens to reside. Access to the courts is fundamentally compromised by judicial shortages, and securing adequate judicial resources for the courts is a top priority for the Judicial Council. Reports on the critical shortage of judicial officers have been submitted to the council since 2001 and, since that time, have formed the basis of council requests to the Legislature to create new judgeships.

Government Code section 69614(c)(1) requires that the Judicial Needs Assessment be updated biennially in even-numbered years. The 2014 Needs Assessment, which reports on the filings-based need for judicial officers in the trial courts, shows that 269.8 FTE judicial officers are needed in 35 courts.<sup>8</sup> Without these needed resources, courts that have been determined to have a critical need for new judgeships will have to continue to try to process their caseloads with an insufficient number of judicial and support staff.

In addition to updating the Judicial Needs Assessment, the Workload Assessment Advisory Committee (WAAC) is charged with making periodic updates to the models used to assess the need for judicial officers and to allocate any new judgeships that may be authorized and funded for trial courts. The methodology for prioritizing judgeships has remained unchanged since its adoption. When the Judicial Workload Study was updated in 2009–2011, the SB 56 Working Group (the precursor to WAAC) discussed the need to review the methodology, but tabled it for review until after the workload study was updated. WAAC's approved 2014 Annual Agenda called for reviewing the prioritization methodology and determining if changes should be made.

Courts whose assessed judicial need, as measured in the biennial Judicial Needs Assessment, is greater than those courts' number of authorized judicial positions are each eligible for consideration for a new judgeship. Currently, courts must have a need for at least 1.0 FTE judicial officer to become eligible for a new judgeship.

Eligible courts are then ranked in priority order using a methodology based on the same process used to allocate congressional seats following the decennial census. The methodology applies a

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<sup>6</sup> <http://www.courts.ca.gov/documents/jc-121211-item3.pdf>

<sup>7</sup> Assembly Bill 2745 (Stats. 2014, ch. 311) amends Government Code section 69614.2 to reflect this change.

<sup>8</sup> The 2014 Needs Assessment is based on a three-year average of filings from FY 2010–2011 through FY 2012–2013.

percentage factor to a court’s net need (difference between authorized positions and workload-based need). A subsequent adjustment is made to the list to evaluate the need for subsequent judgeships in the same court, based on the relative need in other courts. A ranking score is assigned to each judgeship needed in each court on the basis of these criteria and then a priority list is generated based on the ranking score assigned to each needed judgeship.

To illustrate, Table 1 shows the first 10 courts, in rank order of need, that appear on the ranking list that is based on the 2014 Judicial Needs Assessment. The Superior Court of San Bernardino County has the highest rank score and is thus assigned the first judgeship to be allocated; the Superior Court of Riverside County has the second highest score and thus received the second judgeship. Courts can appear on the list multiple times; in the list shown below, the Superior Courts of San Bernardino and Riverside Counties each occupy three positions on the list because the judicial need in those courts is so acute.

**Table 1: Portion of Priority Ranking for New Judgeships**

County	2014 Judicial Need	Authorized and funded Judgeships and Authorized SJO Positions	Net need	Rank Score	Priority Ranking for New Judgeship
San Bernardino	143.0	86	57.0	1,242,691.5	1
Riverside	127.4	76	51.4	1,134,909.4	2
San Bernardino	143.0	86	57.0	352,438.0	3
Riverside	127.4	76	51.4	321,246.0	4
Kern	58.0	43	15.0	211,234.7	5
Los Angeles	629.5	585.3	44.2	169,732.4	6
San Bernardino	143.0	86	57.0	163,172.9	7
Riverside	127.4	76	51.4	148,432.0	8
Stanislaus	32.6	24	8.6	125,034.3	9
Fresno	60.7	49	11.7	124,270.1	10

The proposed modification would reduce the eligibility threshold from the current 1.0 FTE needed to get on the list for a new judgeship to 0.8 FTE. The lower threshold would benefit smaller courts with relatively low numbers of authorized judicial positions and workload need that falls just below the 1.0 FTE threshold. Those courts are disadvantaged by the current policy, even though their workload need, expressed as a percent of total available judicial resources, may exceed that of larger courts. To illustrate, a court with 2.3 FTE authorized judicial positions and a judicial workload need equivalent to 3.1 FTEs has a need for 0.8 FTE judicial officers (3.1 minus 2.3). That difference represents a 35 percent shortfall over the number of authorized positions (0.8 over 2.3); put another way, the court is operating with 35 percent fewer judicial resources than their workload-based need.

Lowering the threshold to qualify for a new judgeship to 0.8 FTE does not mean that the court would be authorized or funded for a partial judgeship. Judges are authorized in whole number

increments, and any court receiving a judgeship under this revised policy would receive a full-time judge.

The next few tables compare the current methodology to the proposed policy. Table 2 shows the list of courts that would be eligible for consideration for a judgeship using the results of the 2014 Judicial Needs Assessment. The list is sorted by the number in the far right column—the number of judgeships needed based on the 2014 Judicial Workload Assessment. Under the current prioritization methodology, all of the courts in the non-shaded area of the chart (San Bernardino through Butte) would be eligible to get on the ranking list for a new judgeship because the net judicial need is greater than 1.0 FTE.

If the proposed 0.8 FTE threshold were approved, then three additional courts would qualify for consideration for a new judgeship: the Superior Courts of Del Norte, Lassen, and El Dorado Counties. Each of these courts needs at least 0.8 FTE of a judicial officer, but less than 1.0 FTE. And, in each of these courts, that judicial officer FTE need translates to a significant shortfall in judicial resources compared to authorized positions. For Del Norte, that need is 34 percent above authorized positions (0.9 divided by 2.8); for Lassen, 40 percent; and El Dorado, 10 percent.

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**Table 2: Courts Eligible for Consideration for a New Judgeship Based on 2014 Assessed Judicial Need**

	A	B	C	D
County	Authorized and funded Judgeships and Authorized SJO Positions	2014 Assessed Judicial Need	Funded AJN- AJP (B-A)	% need over AJP (C/B)
San Bernardino	86.0	143.0	57.0	66%
Riverside	76.0	127.4	51.4	68%
Los Angeles	585.3	629.5	44.2	8%
Kern	43.0	58.0	15.0	35%
Fresno	49.0	60.7	11.7	24%
Orange	144.0	155.6	11.6	8%
Sacramento	72.5	81.8	9.3	13%
San Joaquin	33.5	42.3	8.8	26%
Stanislaus	24.0	32.6	8.6	36%
Ventura	33.0	40.4	7.4	22%
Placer	14.5	19.4	4.9	34%
Merced	12.0	16.7	4.7	39%
Shasta	12.0	16.4	4.4	36%
Sonoma	23.0	26.1	3.1	14%
Tulare	23.0	25.9	2.9	13%
San Luis Obispo	15.0	17.9	2.9	19%
Kings	8.6	11.4	2.8	33%
Humboldt	8.0	10.6	2.6	33%
Imperial	11.3	13.8	2.5	22%
Solano	23.0	25.0	2.0	9%
Madera	9.3	10.9	1.6	17%
Tehama	4.3	5.8	1.5	34%
Sutter	5.3	6.7	1.4	27%
Butte	13.0	14.2	1.2	9%
Del Norte	2.8	3.7	0.9	34%
Lassen	2.3	3.2	0.9	40%
El Dorado	9.0	9.9	0.9	10%
Santa Cruz	13.5	14.2	0.7	5%
Monterey	21.2	21.8	0.6	3%
San Benito	2.3	2.8	0.5	23%
Calaveras	2.3	2.8	0.5	20%
Amador	2.3	2.7	0.4	19%
Lake	4.8	5.2	0.4	9%
Yuba	5.3	5.6	0.3	5%
Napa	8.0	8.2	0.2	3%
<b>Total need:</b>			269.8	

Though revising the threshold to a lower number increases the number of courts that qualify for a new judgeship, getting on the qualification list does not guarantee that a court will receive a judgeship if fewer than the full number of needed judicial positions were allocated to the courts. Previous requests for new judgeships have been based on only the first 150 new judgeships needed. If the new methodology were adopted, a court could qualify for a new judgeship, but have a lower position on the priority list and therefore not receive a new judgeship until enough new judgeships were authorized.

The following tables show how the proposed change in methodology would affect the prioritization of new judgeships. To evaluate the effect of the proposed policy change, the following two tables compare how new judgeships would be allocated based on the 2014 Judicial Needs Assessment under both the current and proposed methodology.<sup>9</sup>

Table 3 shows the allocation using the current methodology and qualifying threshold, whereas Table 4 shows how the new judgeships would be allocated if the threshold were lowered to 0.8 FTE. Judges are allocated in whole-number increments (e.g. the Superior Court of Riverside County would be allocated 51 judgeships, even though their need is 51.4 FTE, and the Superior Court of Tulare County would be allocated 2 judgeships, even though their need is 2.9 FTE). Therefore, the total judgeships allocated in Table 3 is 250, which is the total number of whole-number judgeships needed for all courts who need at least 1.0 FTE judicial officer. Table 4 shows the allocation for all courts who need at least 0.8 FTE of a judicial officer. Three additional courts qualify using this threshold; therefore, Table 4 shows the allocation of 253 new judgeships.

As a means of illustrating the effect of the proposed policy, the shaded boxes in Tables 3 and 4 show changes in the allocation list over the first 100 judgeships. For example, if the new methodology were adopted, the Superior Court of Lassen County would receive one of the judgeships in the first group of 50 allocated, while San Bernardino would lose one. In the second set of 50 judgeships shown (judgeships 51-100), the Superior Courts of Kern and Tulare Counties would lose judgeships, and the Superior Courts of Del Norte and El Dorado Counties would each gain a judgeship.

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<sup>9</sup> The first 50 judgeships shown would be those that were authorized but never funded under AB 159 (Stats. 2007, ch. 722). In 2013, the Judicial Council adopted a recommendation that any new judgeships authorized and *funded* by the Legislature would be allocated according to the most recent judicial needs assessment. The statute was updated as part of AB 2745 (Stats. 2014, ch. 311).

**Table 3: Allocation of Judgeships Using 2014 Judicial Needs Assessment and Current Allocation Methodology (1.0 FTE threshold)**

	1-50 (Also referred to as second set of 50, or AB 159 judgeships)	51-100 (third set of 50)	101-150	151-200	201-250	Total
San Bernardino	10	9	11	13	13	56
Riverside	9	8	11	12	11	51
Los Angeles	3	4	6	10	21	44
Kern	3	4	3	3	1	14
Fresno	2	3	3	2	1	11
Orange	1	2	3	3	2	11
Sacramento	2	1	3	2	1	9
San Joaquin	2	2	2	2	0	8
Stanislaus	2	3	2	1	0	8
Ventura	2	2	1	2	0	7
Merced	2	1	1	0	0	4
Placer	2	1	1	0	0	4
Shasta	2	1	1	0	0	4
Sonoma	1	1	1	0	0	3
Humboldt	1	1	0	0	0	2
Imperial	1	1	0	0	0	2
Kings	1	1	0	0	0	2
San Luis Obispo	1	1	0	0	0	2
Solano	0	1	1	0	0	2
Tulare	1	1	0	0	0	2
Butte	0	1	0	0	0	1
Madera	0	1	0	0	0	1
Sutter	1	0	0	0	0	1
Tehama	1	0	0	0	0	1
<b>Total</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>250</b>

**Table 4: Allocation of First 250 judgeships Using the 2014 Judicial Needs Assessment and Proposed New Allocation Methodology (0.8 FTE threshold)**

	1-50 (Also referred to as second set of 50, or AB 159 judgeships)	51-100 (third set of 50)	101-150	151-200	201-250	Total
San Bernardino	9	9	11	14	13	56
Riverside	9	8	10	12	12	51
Los Angeles	3	4	6	9	22	44
Kern	3	3	4	3	1	14
Fresno	2	3	3	2	1	11
Orange	1	2	3	2	3	11
Sacramento	2	1	2	3	1	9
San Joaquin	2	2	2	2	0	8
Stanislaus	2	3	2	1	0	8
Ventura	2	2	1	2	0	7
Merced	2	1	1	0	0	4
Placer	2	1	1	0	0	4
Shasta	2	1	1	0	0	4
Sonoma	1	1	1	0	0	3
Humboldt	1	1	0	0	0	2
Imperial	1	1	0	0	0	2
Kings	1	1	0	0	0	2
San Luis Obispo	1	1	0	0	0	2
Solano	0	1	1	0	0	2
Tulare	1	0	1	0	0	2
Butte	0	1	0	0	0	1
Del Norte	0	1	0	0	0	1
El Dorado	0	1	0	0	0	1
Lassen	1	0	0	0	0	1
Madera	0	1	0	0	0	1
Sutter	1	0	0	0	0	1
Tehama	1	0	0	0	0	1
<b>Total</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>53</b>	<b>253</b>

## **Comments, Alternatives Considered, and Policy Implications**

### **Comments**

This proposal was discussed at the March 13, 2014 WAAC meeting. Since the methodology for allocating new judgeships is a function that is statutorily delegated to the Judicial Council, the proposal was not circulated for public comment. Smaller courts have spoken informally with the Trial Court Liaison office in support of such an adjustment.

### **Alternatives Considered**

WAAC members discussed alternatives to the 0.8 FTE threshold, considering higher and lower options. After discussion, the committee reached a consensus that setting the threshold at 0.8 FTE struck the right balance between creating an opportunity for smaller courts with high workload need and allocating any new judicial resources as effectively as possible.

### **Policy Implications**

The committee considered the timing of making this recommendation to the council, given that the branch has not received any new judgeships since 2007 when the second 50 judgeships were authorized (though not funded) with AB 159. While the lack of new authorized judgeships makes discussion of an allocation methodology somewhat abstract, the committee decided to move forward with its recommendation because it presented an opportunity to make a policy change at a more neutral time when new resources aren't at stake. Also, since the Chief Justice's Blueprint for a Fully Functioning Judicial Branch and the Trial Court Budget Advisory Committee have prioritized funding of new judgeships, the committee felt it made sense to do this work now in preparation for a future funding request.

### **Implementation Requirements, Costs, and Operational Impacts**

There are no costs to the branch associated with these recommendations, other than the staff time needed to prepare said reports and analyses. The funding associated with any new judgeships that may be authorized for the judicial branch as a result of this analysis is incorporated into the budget change proposals and/or the legislation that is sponsored to request new judgeships.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The workload study update is consistent with Goal II, Independence and Accountability, of the strategic plan, and related operational plan Objective II.B.2.d, in that a statewide workload model creates —nonpartisan mechanisms for creating new judgeships” (Objective II.B.2.d).

### **Attachments**

1. *The Need for New Judgeships in the Superior Courts: 2014 Update of the Judicial Needs Assessment*

# **The Need for New Judgeships in the Superior Courts: 2014 Update of the Judicial Needs Assessment**

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REPORT TO THE LEGISLATURE UNDER  
GOVERNMENT CODE SECTION  
69614(C)(1)&(3)

NOVEMBER 2014



JUDICIAL COUNCIL  
OF CALIFORNIA

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WORKLOAD ASSESSMENT  
ADVISORY COMMITTEE



DRAFT

Please address inquiries to:

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**JUDICIAL COUNCIL OF CALIFORNIA**

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**OPERATIONS AND PROGRAMS DIVISION**

**Curtis L. Child**  
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**Donna S. Hershkowitz**  
Director

**Leah Rose-Goodwin**  
Manager, Office of Court Research  
Primary Author of Report

## **Access to Justice Requires Having Sufficient Judicial Resources**

Government Code section 69614(c)(1) requires the Judicial Council to report to the Legislature and the Governor on or before November 1 of every even-numbered year on the need for new judgeships in each superior court, using the uniform criteria for the allocation of judgeships described in Government Code section 69614(b). Government Code section 69614(c)(3) requires the Judicial Council to report on the status of the conversion of additional subordinate judicial officer positions to family or juvenile assignments.

The public's right to timely access to justice is contingent on having adequate judicial resources in every jurisdiction. The number of judgeships authorized and funded by the Legislature has not kept pace with workload, leaving many courts with serious shortfalls—as high as nearly 70 percent—between the number of judgeships needed and the number that have been authorized and filled.

Securing new judgeships is one of the core elements of the Chief Justice's Three-Year Blueprint for a Fully Functioning Judicial Branch and has been a top priority for the Judicial Council for many years.<sup>1</sup>

## **Quantifying the Need for New Judgeships in the Superior Courts**

California is a pioneer in the measurement of judicial workload-based need, having been the first state to use a weighted caseload methodology to assess the need for judicial officers, beginning in 1963.<sup>2</sup> Since then, weighted caseload has become a nationally accepted methodology for measuring judicial workload. The current methodology used to assess the need for judicial officers in the superior courts is based on a time study conducted in 2010, in which over 500 judicial officers in 15 courts participated. The time study findings resulted in the development of a set of caseweights that quantify the amount of case processing time needed for different case types, taking into account the full range of possible case processing outcomes and their relative probability of occurrence. The caseweights that resulted from the 2010 time study were approved by the Judicial Council in December 2011.

The caseweights are used to estimate judicial officer need by multiplying each caseweight by a three-year rolling average of filings for that casetype and dividing by the available time in minutes that judicial officers have to hear cases. The result is expressed in full-time equivalent judicial positions (FTEs).

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<sup>1</sup> See, for example, Judicial Council reports from August 24, 2001; October 26, 2001; August 27, 2004; February 23, 2007; October 24, 2008; October 29, 2010; and October 25, 2012.

<sup>2</sup> Henry O. Lawson and Barbara J. Glente, *Workload Measures in the Courts* (Williamsburg, VA: National Center for State Courts, 1980).

## 2014 Statewide Judicial Need Shows a Critical Need for New Judgeships

Consistent with reports submitted in previous years, the 2014 Judicial Needs Assessment shows that there is a critical shortage of judges relative to the workload needs in California's trial courts. Table 1 summarizes the statewide judicial need compared to available resources based on a three-year average of filings from fiscal years 2010–2011 through 2012–2013, showing that 2,171.3 FTE judicial officers are needed statewide, compared to 1,963.3 FTE authorized and funded positions. While Assembly Bill 159 (Stats. 2007, ch. 722) authorized 50 new judgeships for the superior courts, those positions have neither been funded nor filled.

Table 1 shows the total assessed statewide need for judicial officers has declined by 5 percent since the 2012 Judicial Needs Assessment. Lower overall filings counts in recent years account for the slight decline in statewide assessed judicial need.

**Table 1: Statewide Need for Judicial Officers, 2012 and 2014 Judicial Needs Assessments**

Year	Authorized Judicial Positions (AJP) <sup>1</sup>	Authorized and Funded Judgeships and Authorized Subordinate Judicial Officer Positions	Assessed Judicial Need (AJN)
2012	2,022	1,972	2,286.1
2014 <sup>2</sup>	2,013.3	1,963.3	2,171.3
<b>Change (2012 to 2014)</b>	<b>-8.7</b>	<b>-8.7</b>	<b>-114.8</b>

<sup>1</sup> Includes the 50 judgeships that were authorized by AB 159 (Stats. 2007, ch. 722) but never funded nor filled.

<sup>2</sup> AJP changed since the last assessment because the Superior Court of California, County of San Bernardino, was authorized to add two SJO positions in FY 2011–2012 based on workload need. Also, several courts requested that the Judicial Council's Executive and Planning (E&P) Committee approve changes in the number of authorized commissioner FTEs following a refresh of that data in September 2014. These changes, which are reflected in the table, are mostly requests for reductions in FTEs and were confirmed by E&P at its October 9, 2014 meeting.

## Nearly 270 Judicial Officers Needed Statewide to Meet Workload Demand

Judicial need is calculated by taking the difference between the assessed judicial need in each court and the number of authorized/funded positions in each court. The assessed judicial need in each court compared to the number of authorized and filled positions is shown in Appendix A. Calculating the *statewide* need for judgeships is not as simple as subtracting the number of authorized and funded positions from the assessed judicial need. That calculation would show a need of just over 200 judgeships; however, net statewide calculations of judicial need do not accurately identify the branch's need for new judgeships because judgeships are not allocated at the statewide level but are allocated to individual trial courts.

By way of illustration, the branch's smallest courts are statutorily provided with a minimum of two judgeships and are authorized to have at least 0.3 FTE of a federally funded child support commissioner, for a total of 2.3 FTE judicial officers, even though the workload need in those courts may translate to a much smaller number of judge FTEs. As Appendix A shows, under a pure workload analysis, one of California's two-judge courts would need only 0.2 FTE judicial officers, but it has 2.3 FTE authorized positions. That court thus shows a negative number in the

need for new judicial officers. This negative number does not and should not offset the 57 judicial officers that San Bernardino needs to meet its workload-based need. In other words, the fact that some courts may have more authorized positions than assessed judicial need under a pure application of the weighted caseload methodology does not take away from the needs in other courts. As a result, a net calculation of need, adding these positives and negatives, provides an artificially low estimate of judicial need in California courts.

The actual statewide need for new judgeships is calculated by adding the judicial need among only the courts that have fewer judgeships than their workload demands. Based on the 2014 Judicial Needs Assessment, 35 courts need new judgeships, for a total need of 269.8 FTEs (Table 2). This is nearly 14 percent higher than the 1,963.3 authorized and funded judicial positions. The need estimate does not include judicial vacancies, resulting from retirements, elevations, or other changes, that have not yet been filled.<sup>3</sup>

**Table 2: Need for New Judgeships, by Court**

	A	B	C	D
County	Authorized Judicial Positions <sup>1</sup>	2014 Assessed Judicial Need	Funded AJN-AJP (B-A)	% need over AJP (C/B)
Amador	2.3	2.7	0.4	19%
Butte	13.0	14.2	1.2	9%
Calaveras	2.3	2.8	0.5	20%
Del Norte	2.8	3.7	0.9	34%
El Dorado	9.0	9.9	0.9	10%
Fresno	49.0	60.7	11.7	24%
Humboldt	8.0	10.6	2.6	33%
Imperial	11.3	13.8	2.5	22%
Kern	43.0	58.0	15.0	35%
Kings	8.6	11.4	2.8	33%
Lake	4.8	5.2	0.4	9%
Lassen	2.3	3.2	0.9	40%
Los Angeles	585.3	629.5	44.2	8%
Madera	9.3	10.9	1.6	17%
Merced	12.0	16.7	4.7	39%
Monterey	21.2	21.8	0.6	3%
Napa	8.0	8.2	0.2	3%
Orange	144.0	155.6	11.6	8%
Placer	14.5	19.4	4.9	34%
Riverside	76.0	127.4	51.4	68%
Sacramento	72.5	81.8	9.3	13%
San Benito	2.3	2.8	0.5	23%
San Bernardino	86.0	143.0	57.0	66%
San Joaquin	33.5	42.3	8.8	26%
San Luis Obispo	15.0	17.9	2.9	19%
Santa Cruz	13.5	14.2	0.7	5%
Shasta	12.0	16.4	4.4	36%
Solano	23.0	25.0	2.0	9%
Sonoma	23.0	26.1	3.1	14%
Stanislaus	24.0	32.6	8.6	36%
Sutter	5.3	6.7	1.4	27%
Tehama	4.3	5.8	1.5	34%
Tulare	23.0	25.9	2.9	13%
Ventura	33.0	40.4	7.4	22%
Yuba	5.3	5.6	0.3	5%
<b>Total need:</b>			269.8	

<sup>1</sup> Includes authorized and funded judgeships, not including judgeships that were authorized under AB 159. Also includes authorized subordinate judicial officer positions.

<sup>3</sup> Judicial vacancies are reported monthly here: <http://www.courts.ca.gov/15893.htm>

## **Status of Conversion of Additional SJO Positions to Family and Juvenile Assignments**

As directed by Government Code section 69614(c)(3), this report also addresses the implementation of conversions of additional subordinate judicial officer (SJO) positions (above the 16 authorized per year) that result in judges being assigned to family or juvenile assignments previously held by SJOs (as authorized by Gov. Code, § 69615(c)(1)(C)).

Conversions of additional positions were authorized for fiscal year 2011–2012 (Gov. Code, § 69616). Under this authority, four SJO positions were converted to judgeships—one each in the Superior Courts of Alameda (June 2012), Los Angeles (January 2012), Orange (January 2012), and Sacramento (March 2012) Counties. At the time of the 2012 Judicial Needs Assessment, the Governor had not yet appointed judges to fill those newly created judgeships; however, the courts in which the conversions took place committed to assigning judges (whether the newly appointed judges or other sitting judges) to either family or juvenile calendars that were previously presided over by subordinate judicial officers. The courts who converted those positions have confirmed that those family and juvenile calendars are now presided over by judges.

Conversions of 10 additional positions were authorized for fiscal year FY 2013–2014 (Gov. Code, § 69617). No SJO positions were converted under this authority.

## **Lack of Adequate Judicial Resources Is a Barrier to Access to Justice**

The public's right to timely access to justice should not be contingent on the resource levels in the county in which they reside or bring their legal disputes. All Californians deserve to have the proper number of judicial officers for the workload in their jurisdiction. This report highlights the critical and ongoing need for new judgeships in the superior courts.

## Appendix A: Assessed Judicial Need Compared to Authorized Positions

	A	B	C	D
County	Authorized Judicial Positions <sup>1</sup>	2014 Assessed Judicial Need	Funded AJN-AJP (B-A)	% need over AJP (C/B)
Alameda	85.0	70.1	-14.9	n/a
Alpine	2.3	0.2	-2.1	n/a
Amador	2.3	2.7	0.4	19%
Butte	13.0	14.2	1.2	9%
Calaveras	2.3	2.8	0.5	20%
Colusa	2.3	1.6	-0.7	n/a
Contra Costa	46.0	42.5	-3.5	n/a
Del Norte	2.8	3.7	0.9	34%
El Dorado	9.0	9.9	0.9	10%
Fresno	49.0	60.7	11.7	24%
Glenn	2.3	2.0	-0.3	n/a
Humboldt	8.0	10.6	2.6	33%
Imperial	11.3	13.8	2.5	22%
Inyo	2.3	1.6	-0.7	n/a
Kern	43.0	58.0	15.0	35%
Kings	8.6	11.4	2.8	33%
Lake	4.8	5.2	0.4	9%
Lassen	2.3	3.2	0.9	40%
Los Angeles	585.3	629.5	44.2	8%
Madera	9.3	10.9	1.6	17%
Marin	12.7	11.8	-0.9	n/a
Mariposa	2.3	1.3	-1.0	n/a
Mendocino	8.4	7.3	-1.1	n/a
Merced	12.0	16.7	4.7	39%
Modoc	2.3	0.8	-1.5	n/a
Mono	2.3	1.1	-1.2	n/a
Monterey	21.2	21.8	0.6	3%
Napa	8.0	8.2	0.2	3%
Nevada	7.6	5.4	-2.2	n/a
Orange	144.0	155.6	11.6	8%
Placer	14.5	19.4	4.9	34%
Plumas	2.3	1.4	-0.9	n/a
Riverside	76.0	127.4	51.4	68%
Sacramento	72.5	81.8	9.3	13%
San Benito	2.3	2.8	0.5	23%
San Bernardino	86.0	143.0	57.0	66%
San Diego	154.0	153.3	-0.7	n/a
San Francisco	55.9	53.8	-2.1	n/a
San Joaquin	33.5	42.3	8.8	26%
San Luis Obispo	15.0	17.9	2.9	19%
San Mateo	33.0	31.1	-1.9	n/a
Santa Barbara	24.0	23.4	-0.6	n/a
Santa Clara	89.0	69.6	-19.4	n/a
Santa Cruz	13.5	14.2	0.7	5%
Shasta	12.0	16.4	4.4	36%
Sierra	2.3	0.2	-2.1	n/a
Siskiyou	5.0	3.4	-1.6	n/a
Solano	23.0	25.0	2.0	9%
Sonoma	23.0	26.1	3.1	14%
Stanislaus	24.0	32.6	8.6	36%
Sutter	5.3	6.7	1.4	27%
Tehama	4.3	5.8	1.5	34%
Trinity	2.3	1.6	-0.7	n/a
Tulare	23.0	25.9	2.9	13%
Tuolumne	4.8	4.3	-0.5	n/a
Ventura	33.0	40.4	7.4	22%
Yolo	12.4	11.2	-1.2	n/a
Yuba	5.3	5.6	0.3	5%

<sup>1</sup> Authorized judicial positions include both judgeships and subordinate judicial officer positions. Authorized judgeships consist of those codified in Government Code sections 69580 through 69611 plus the 50 judgeships that were authorized and funded with SB 56 (stats. 2006, ch. 390) but not the 50 judgeships that were authorized with AB 159 but never funded. Since 2006, there have been a few changes to AJP resulting from changes in authorized subordinate judicial officers. In FY 11-12, the Superior Court of California, County of San Bernardino was authorized to add two SJO positions based on workload need. Also, in September 2014, Judicial Council staff refreshed the authorized commissioner FTE, and several courts have requested that the Executive and Planning Committee of the Judicial Council approve changes—mostly reductions—in the number of authorized commissioner FTE. The table has been updated to reflect those requested changes, which were approved by E&P at their October 9, 2014 meeting.



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title	Agenda Item Type
Judicial Council Legislative Priorities: 2015	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	December 12, 2014
Recommended by	Date of Report
Policy Coordination and Liaison Committee	October 29, 2014
Hon. Kenneth K. So, Chair	Contact
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### Executive Summary

Each year, the Judicial Council authorizes sponsorship of legislation to further key council objectives and establishes priorities for the upcoming legislative year. For the 2014 legislative year, the council's legislative priorities focused on reinvestment in the judicial branch, securing critically needed judgeships and expanding access to interpreters in civil cases.

Governmental Affairs recommends a similar approach for the 2015 legislative year, following the Chief Justice's Access 3D framework. Staff recommends that the Policy Coordination and Liaison Committee adopt the following as Judicial Council legislative priorities in 2015: 1) Advocate for a robust reinvestment in our justice system to avoid further reductions and to preserve access to justice for all Californians, including a method to provide stable and reliable funding, including growth funding; 2) Advocate to secure new judgeships and ratify the authority of the council to convert vacant subordinate judicial officer positions to judgeships in eligible courts; and 3) Advocate for legislation to expand access to interpreters.

These legislative priorities support the Chief Justice’s Access 3D framework for increased access to the courts and the Three-year Blueprint for a Fully Functioning Judicial Branch (Blueprint).

Access 3D seeks to ensure access to the justice system through:

- Improved physical access by keeping courts open and operating during hours that benefit the public.
- Increased remote access by increasing the ability of court users to conduct branch business online.
- Enhanced equal access by serving people of all languages, abilities and needs, reflecting California’s diversity.

The Blueprint outlines a plan to restore and improve access to justice in California by focusing on four core elements:

1. Implementing Access 3D
2. Closing the trial court funding gap
3. Providing critically needed judgeships
4. Modernizing court technology

## **Recommendation**

Staff recommends that the Policy Coordination and Liaison Committee (PCLC) consider the following as legislative priorities for the Judicial Council in 2015:

Advocate budget stability for the judicial branch based on the Three-Year Blueprint for a Fully Functioning Judicial Branch, including advocating for sufficient fund balances allowing courts to manage cash flow challenges, a method for stable and reliable growth funding for courts to address annual cost increases in baseline operations, sufficient additional resources to allow courts to improve physical access to the courts by keeping courts open, to expand access by increasing the ability of court users to conduct branch business online, and to restore programs and services that were reduced or eliminated in the past few years. This advocacy includes sponsorship or support of proposals that provide operational efficiencies, cost recovery, or new revenue. This includes seeking the extension of sunset date on increased fees implemented in the FY 2012–2013 budget. The sunset date is July 1, 2015 unless noted otherwise.

- \$40 increase to first paper filing fees for unlimited civil cases where the amount in dispute is more than \$25K (GC 70602.6)
- \$40 increase to various probate and family law fees (GC 70602.6)
- \$20 increase to various motion fees (GC 70617, GC 70657, GC 70677)
- \$450 increase to the complex case fee. (GC 70616)
- \$15 or \$20 fee for various services to be distributed to the Trial Court Trust Fund (Sargent Shriver project). Sunset expires on 7/1/17. (GC 68085.1)
- \$40 probate fee enacted in 2013, sunsets on 1/1/19. (GC 70662)

(see recommendation section for details regarding revenues from the listed fees).

### Judgeships and Subordinate Judicial Officers

- a) Secure funding for critically needed judgeships. Seek funding for 10 of the remaining 50 unfunded judgeships that will be assigned to the courts with the greatest need based on the most recently approved Judicial Needs Assessment. (See alternatives in the comments section.)
- b) Secure funding for two additional justices in Division Two of the Fourth Appellate District (Riverside/San Bernardino). Seek funding for one additional justice in FY 2015–2016 and the second additional justice in FY 2016–2017.
- c) Advocate, as is done each year, for legislative ratification of the Judicial Council’s authority to convert 16 subordinate judicial officer (SJO) positions in eligible courts to judgeships, and sponsor legislation for legislative ratification of the council’s authority to convert up to 10 additional SJO positions to judgeships if the conversion will result in an additional judge sitting in a family or juvenile law assignment that was previously presided over by an SJO.

Support legislation to increase access, fairness, and diversity, as well as the quality of justice and service to the public, by allowing courts to provide services for litigants who face challenges accessing the courts due to language barriers and the lack of interpreter services. Support or sponsor legislation to implement the recommendations of the statewide Language Access Plan.

### **Previous Council Action**

The council has taken a variety of actions over the past years related to the above recommendations. Recent key actions in these areas include:

Budget: In 2009 and 2010, the council adopted as a key legislative priority for the following year, advocate to secure sufficient funding for the judicial branch to allow the courts to meet their constitutional and statutory obligations and provide appropriate and necessary services to the public. In December 2011, the council adopted as a key legislative priority for 2012, advocating against further budget reductions and for sufficient resources to allow courts to be in a position to re-open closed courts and restore critical staff, programs, and services that were reduced or eliminated in the past several years. A key legislative priority adopted for 2012 also included advocating for a combination of solutions to provide funding restorations for a portion of the funding eliminated from the branch budget since 2008. The combination of solutions included general fund restoration, legislation to implement cost savings and efficiencies, new revenues, and the use of existing revenues, to be able to restore services to the public and keep courts open.

Additionally, in 2012, the council approved sponsorship of 17 proposals for trial court operational efficiencies, cost savings, and new revenue measures. An additional 6 efficiency proposals were approved for sponsorship in the first quarter of 2013.

In 2013, the council adopted a key legislative priority of advocating to achieve budget stability for the judicial branch, including advocating against further budget reductions and for sufficient resources to allow courts to be in a position to re-open closed courts, restore court facilities construction and maintenance projects, and restore critical staff, programs and services that were reduced or eliminated in the past four years. Again in 2014, the council has a similar priority to advocate budget stability for the judicial branch, including advocating for sufficient fund balances allowing courts to manage cash flow challenges, a method for stable and reliable growth funding for courts to address annual cost increases in baseline operations, sufficient additional resources to allow courts to improve physical access to the courts by keeping courts open, to expand access by increasing the ability of court users to conduct branch business online, and to restore programs and services that were reduced or eliminated in the past few years. This advocacy also included continued sponsorship of the remaining proposals for operational efficiencies, cost savings and new revenue that were approved for sponsorship in 2012 and 2013.

Judgeships and SJO conversions: The council has consistently sponsored legislation in recent years to secure the 150 most critically needed judgeships. In December 2011, the council authorized continued sponsorship of AB 1405 (Assembly Judiciary Comm.), to establish the third set of 50 new judgeships. In 2012, however, the council chose not to sponsor legislation seeking the additional judgeships, and instead chose to focus on other more urgent budgetary concerns for 2013. In 2014, the Judicial Council again sponsored legislation (SB 1190, Jackson) to secure funding for the second set of 50 new judgeships, which was approved in 2007 (AB 159 [Jones]; Stats. 2007, ch. 722), but has yet to be funded and to authorize a third set of 50 new judgeships to be allocated consistent with the council's most recent Judicial Needs Assessment.

The council also has annually directed staff to take action to secure legislative ratification of 16 SJO conversions to judgeships, as authorized by Government Code section 69615. In December 2013, the council additionally directed staff to pursue legislation to secure ratification of the authority to convert 10 additional vacant SJO positions to judgeships. Such legislation, similar to the efforts for the 16 conversions, must be pursued annually.

Increasing access, fairness, and diversity: the council's strategic plan Goal I provides "California's courts will treat everyone in a fair and just manner. All persons will have equal access to the courts and court proceedings and programs. Court procedures will be fair and understandable to court users. Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds." In 2014, the council adopted a legislative priority to sponsor legislation to increase access, fairness, and diversity, as well as the quality of justice and service to the public, by allowing courts to provide interpreters in civil cases for litigants who face challenges accessing the courts due to language barriers and the lack of interpreter services. (SB 1657, Stats. 2014, ch. 721).

## **Rationale for Recommendation**

The mission of the Judicial Council includes providing the leadership for improving the quality, and advancing consistent, independent, impartial, and accessible administration of justice.

Among the guiding principles underlying this mission is a commitment to meet the needs of the public, which includes the reinvestment in our justice system to avoid further reductions and to preserve access to justice that Californians expect and deserve.

Further, the Chief Justice has proposed a framework to increase public access to the courts. Her vision, entitled Access 3D, combines strategies from the courts—actions that will ensure greater public access—with a reasonable reliance on reinvested funds to the judicial branch. Access 3D is a multi-dimensional approach to ensuring Californians have access to the justice system they demand and deserve. The three dimensions of access are:

- Improved physical access by keeping courts open and operating during hours that benefit the public.
- Increased remote access by increasing the ability of court users to conduct branch business online.
- Enhanced equal access by serving people of all languages, abilities and needs, reflecting California's diversity.

The key to the success of the Blueprint and Access 3D is a robust reinvestment in the courts. The proposed 2015 legislative priorities support the goals of Access 3D and the Blueprint.

## **Budget**

State General Fund support for the judicial branch has been reduced significantly, from a high of 56 percent of the total branch budget in 2008–09, to just 36 percent in the current year (2014–15). Over this same period, to prevent debilitating impacts on public access to justice, user fees and fines were increased, local court fund balances were swept, and statewide project funds as well as \$1.7 billion in courthouse construction funds, were diverted to court operations or to the General Fund. The council has spent considerable time over the past several years addressing the impacts of budget cuts on the branch, redirecting resources to provide much needed support to trial court operations, advocating for new revenues and other permanent solutions, and looking inward at cost savings and efficiencies that could be implemented to allow the courts to serve the public effectively with fewer resources.

The \$63 million reinvestment in the judicial branch in FY 2013–14 and the \$136 million baseline adjustment in current year FY 2014–15 are important steps that enable the courts to begin to address service impacts resulting from past budget cuts. Nevertheless, in its budget analysis, the Legislative Analyst indicated that budget reductions will increase by more than \$200 million in the current year, given that there will be fewer resources available to the courts (such as trial court reserves) to offset them. As a result, courts are being closed, services curtailed, and staff levels reduced.

In an effort to address the budget crisis faced by the branch, in April 2012, the Judicial Council approved for sponsorship 17 legislative proposals for trial court operational efficiencies, cost recovery, and new revenue. An additional six efficiency proposals were approved for sponsorship in April 2013. Several non-controversial and relatively minor measures were successful as the following efficiency measures were enacted into law.

In FY 2012–2013 temporary fee increases were approved by the Legislature (SB 1021, Stats. 2012, ch. 41) to help address some of the fiscal issues faced by the courts. Given that the courts are not fully-funded, it is necessary to seek an extension on the temporary fee increases. See table below for actual and projected revenues from the SB 1021 fees.

Description	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 (10R for Gov's May Budget) Projected
\$40 increase to first paper filing fees for unlimited civil cases where the amount in dispute is more than \$25K (GC 70602.6)	\$ 12,646,017	\$ 12,399,908	\$ 11,813,955
\$40 increase to various probate and family law fees (GC 70602.6)	\$ 7,788,795	\$ 7,745,554	\$ 7,515,262
\$20 increase to various motion fees (GC 70617, GC 70657, GC 70677)	\$ 7,641,569	\$ 7,332,651	\$ 6,907,267
\$450 increase to the complex case fee (GC 70616)	\$ 11,253,455	\$ 11,830,217	\$ 11,830,217
<b>Total</b>	<b>\$ 39,329,837</b>	<b>\$ 39,308,330</b>	<b>\$ 38,066,700</b>

**Other Fees that will Sunset on 7/1/17 or 1/1/19**

Description	FY 2012-13 Actual	FY 2013-14 Actual	FY 2014-15 (10R for Gov's May Budget) Projected
<b>July 1, 2017 sunset -- Sargent Shriver Project</b>			
\$10 increase to GC 70626(a) - miscellaneous post-judgment fee	\$ 8,655,059	\$ 8,692,493	\$ 8,391,323
\$10 increase to GC 70626(b) - miscellaneous post-judgment fee	\$ 253,422	\$ 315,743	\$ 304,803
<b>January 1, 2019 sunset</b>			
New \$40 probate fee (GC 70662) -- effective 1/1/14	n/a	\$ 57,740	\$ 190,000
<b>Total</b>	<b>\$ 8,908,480</b>	<b>\$ 9,065,976</b>	<b>\$ 8,886,126</b>

SB 75 (Stats. 2013, ch. 31), the Courts Trailer Bill of the Budget Act of 2013, contained the following efficiency proposals:

- Increases the statutory fee from \$10 to \$15 for a clerk mailing service of a claim and order on a defendant in small claims actions.
- Prohibits the Franchise Tax Board (FTB) and the State Controller from conditioning submission of court-ordered debt to the Tax Intercept Program on the court or county providing the defendant's social security number, while still allowing the social security number if FTB believes it would be necessary to provide accurate information.

- Increases the fee from \$20 to \$50 for exemplification of a record or other paper on file with the court.
- Modifies the process for evaluating the ability of a parent or guardian to reimburse the court for the cost of court-appointed counsel in dependency matters.

AB 619 (Stats. 2013, ch. 452) – Court facilities: Revises the formula for assessing interest and penalties for delinquent payments to the State Court Facilities Construction Fund to conform to existing statute governing interest and penalties for late payments to the Trial Court Trust Fund by utilizing the Local Agency Investment Fund (LAIF) rate.

AB 648 (Stats. 2013, ch. 454) – Court reporter fee clean-up: Clarifies language from the prior year that created a new \$30 fee for court reporters in civil proceedings lasting one hour or less.

AB 1004 (Stats. 2013, ch. 460) – Electronic signatures on arrest warrants: Allows magistrates' signatures on arrest warrants to be in the form of digital signatures.

AB 1293 (Stats. 2013, ch. 382) – Special notice fee in probate: A new \$40 probate fee for filing a request for special notice in certain proceedings.

AB 1352 (Stats. 2013, ch. 274) – Court records retention: Streamlines court record retention provisions.

SB 378 (Stats. 2013, ch. 150) – Official record of conviction: admissibility of electronically digitized copy: Provides that an electronically digitized copy of an official record of conviction is admissible to prove a prior criminal act.

The remaining two dozen efficiency proposals, that are more substantial, and consequently, more controversial, were rejected by the Legislature in both 2013 and 2014 (see attachment).

### **Judgeships and SJO conversions**

In 2005, the Judicial Council sponsored Senate Bill 56 (Dunn; Stats. 2006, ch. 390), which authorized the first 50 of the 150 critically needed judgeships. Full funding was provided in the 2007 Budget Act, and judges were appointed to each of the 50 judgeships created by SB 56.

In 2007, the council secured the second set of 50 new judgeships of the 150 critically needed judgeships. (AB 159 [Jones]; Stats 2007, ch. 722.) Initially, funding for the second set of new judgeships would have allowed appointments to begin in June 2008. However, due to budget constraints the funding was delayed until July 2009. The delay allowed the state to move the fiscal impact from FY 2007–2008 to FY 2009–2010. The Governor included funding for the second set of judgeships in the proposed 2009 Budget Act, but the funding ultimately was made subject to what has been called the “federal stimulus trigger.” This trigger was “pulled” and the funding for the new judgeships and the various other items made contingent on the trigger was not provided.

In 2008, the council sponsored SB 1150 (Corbett) to authorize the third set of new judgeships. With the delay of the funding for the second set of judgeships and the state's worsening fiscal condition, SB 1150 was held in the Senate Appropriations Committee. At its October 25, 2008, meeting, the council approved the 2008 update of the Judicial Needs Assessment. At the same time, the council confirmed the need for the Legislature to create the third set of 50 judgeships, completing the initial request for 150 new judgeships, based on the allocation list approved by the Judicial Council in 2007. The council also sponsored SB 377 (Corbett) in 2009 to authorize the third set of judgeships to become effective when funding was provided for that purpose. That legislation was also held in the Senate Appropriations Committee.

In 2011 and 2012, the council sponsored AB 1405 to establish the third set of 50 judgeships. Even though the legislation did not provide funding for those positions, the state's continuing fiscal crisis, and the fact that the second set of 50 judgeships had yet to be appointed due to lack of funding, resulted in the legislation not moving forward. The Judicial Council chose not to sponsor similar legislation in 2012 and, instead, chose to focus on other critical budgetary concerns.

In 2014, the council sponsored SB 1190 (Jackson) which sought to secure funding for the second set of 50 new judgeships approved in 2007 but not yet funded and to authorize a third set of 50 new judgeships to be allocated consistent with the council's most recent Judicial Needs Assessment. This bill also would have authorized the two additional justices in Division Two of the Fourth Appellate District. The bill was held on the Senate Appropriations Committee.

With regard to subordinate judicial officer conversions, existing law allows the Judicial Council to convert a total of 162 subordinate judicial officer positions, upon vacancy, to judgeships. The statute caps the number that may be converted each year at 16 and requires the council to seek legislative ratification to exercise its authority to convert positions in any given year. For the past five years, that legislative ratification took the form of language included in the annual budget act.

The council converted the maximum 16 positions in 2007–2008, 2008–2009, 2009–2010, 2010–2011, and 2011–12, 13 in 2012–13, and 11 in 2013–2014. For FY 2014–2015, as of October 2, 2014, seven SJO positions have been converted.

Additionally, legislation enacted in 2010 (AB 2763, Stats. 2010, ch. 690), expedites conversions by authorizing up to 10 additional conversions per year, if the conversion results in a judge being assigned to a family or juvenile law assignment previously presided over by an SJO. This legislation requires that the ratification for these additional 10 positions be secured through legislation separate from the budget. In 2011, the council sponsored SB 405 (Stats. 2011, ch. 745) to secure legislative ratification of these additional SJO conversions, and 4 additional SJO positions were converted. In 2013, AB 1403 (Stats. 2013, ch. 510) included the ratification of the council's authority to convert ten subordinate judicial officer positions to judgeships in the 2013–

14 fiscal year. In 2014, the council sponsored AB 2745 (Stats. 2014, ch. 311) which again provided the ratification for the conversion of the additional 10 SJOs.

In total, 115 SJO positions have been converted, leaving only 47 of the total 162 positions still needing to be converted.

### **Expanding Language Access**

In accordance with Access 3D, expanding access to interpreter services will increase access, fairness, and diversity in the California courts. This will also improve the quality of justice and service to the public by aiding all Californians, regardless of language barriers, to interact directly with the courts.

In 2014, the council sponsored AB 1657 (Stats. 2014, ch. 721) which clarifies the ability of courts to provide foreign language interpreters in all cases, regardless of the income of the parties involved.

### **Comments, Alternatives Considered, and Policy Implications**

The council has consistently sponsored legislation in recent years to secure the most critically needed judgeships. In December 2011, the council authorized continued sponsorship of AB 1405 (Assembly Judiciary Comm.), to establish the third set of 50 new judgeships. In 2012, however, the council chose not to sponsor legislation seeking the additional judgeships, and instead chose to focus on other more urgent budgetary concerns for 2013.

For 2015, there are multiple options in pursuing funding for the second set of 50 judgeships.

- Considered not pursuing funding for this year. The lack of judicial resources, however, is continuing to significantly impair the ability to deliver justice, and failure to move forward will only further deny Californians access to justice.
- Continuing recent requests and pursuing funding for the 50 judgeships already authorized. This is the highest cost option and has not been successful with the Legislature or the Governor.
- Request funding over multiple years. The costs for each option are outlined below.
  - Request the funding of new judgeships over two years, with 25 judgeships being funded each year.
  - Request the funding over three years, with 10 the first year, 15 the second year, and 25 the third year. This is the recommended option.
  - Request the funding over five years, with ten judgeships funded each year.

<b>(dollars in thousands)</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	<b>On-Going</b>
50 Judgeships	\$ 111,774	\$ 75,421	\$ 75,421	\$ 75,421	\$ 75,421	\$ 75,421
2-Year Phase-In 25/25	\$ 55,887	\$ 111,774	\$ 75,421	\$ 75,421	\$ 75,421	\$ 75,421
3-Year Phase-In 10/15/25	\$ 14,813	\$ 37,303	\$ 74,742	\$ 75,421	\$ 75,421	\$ 75,421
5-Year Phase-In 10/10/10/10/10	\$ 14,813	\$ 29, 897	\$ 44,981	\$ 66,065	\$ 75,421	\$ 75,421
	50 Judges	Per Judge				
One-Time Costs (estimate)*	\$ 36,353	\$ 727				
On-Going Costs	\$ 75,421	\$ 1,508				

Initial costs in year one may vary depending on the amount of time it takes to fill each new judgeship position. Additionally, one-time costs are an estimate and may vary from court to court.

### **Implementation Requirements, Costs, and Operational Impacts**

The public expects and deserves access to the California Courts. Providing high quality and timely access to justice is the cornerstone of the judicial branch Blueprint and Access 3D. The key to the success of Access 3D is a robust reinvestment in the courts. Adoption of the proposed legislative priorities will allow Judicial Council staff to support the goals of Access 3D and the Blueprint for reinvesting in our justice system.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The recommendations support many of the council’s strategic plan goals, including Goal I, Access, Fairness, and Diversity, by seeking to secure funding to provide access to the courts for all Californians; Goal II, Independence and Accountability, by seeking to secure sufficient judicial branch resources to ensure accessible, safe, efficient, and effective services to the public; and Goal IV, Quality of Justice and Service to the Public, by seeking funding to continue critical programs to meet the needs of court users.

### **Attachment**

1. Efficiency and Cost-Recovery Proposals Rejected by the Legislature in 2013 and 2014, at page 11

## Efficiency and Cost-Recovery Proposals Rejected by the Legislature in 2013 and 2014

- **Administrative assessment for maintaining records of convictions under the Vehicle Code:** Clarifies that courts are required to impose the \$10 administrative assessment for each conviction of a violation of the Vehicle Code, not just upon a “subsequent” violation.
- **Audits:** Defers 2011 required audit until trial courts and the Judicial Council receive specified funding to cover the cost of the audits.
- **Bail bond reinstatement:** Authorizes courts to charge a \$65 administrative fee to reinstate a bail bond after it has been revoked.
- **Collections:** Allows courts to retain and distribute collections rather than transferring collected funds to county treasuries with distribution instructions.
- **Court costs for deferred entry of judgment:** Clarifies that the court can recoup its costs in processing a request or application for diversion or DEJ.
- **Court reporter requirement in non-mandated case types:** Repeals Government Code sections 70045.1, 70045.2, 70045.4, 70045.6, 70045.75, 70045.77, 70045.8, 70045.10, 70046.4, 70050.6, 70056.7, 70059.8, 70059.9, and 70063 to eliminate the unfunded mandate that the enumerated courts (Trinity, Modoc, Merced, Kern, Nevada, El Dorado, Butte, Tehama, Lake, Tuolumne, Monterey, Solano, San Luis Obispo, and Mendocino) use court reporters in specified non-mandated case types.
- **Destruction of records relating to possession or transportation of marijuana:** Eliminates the requirement that courts destroy infraction records relating to possession or transport of marijuana.
- **File search fee for commercial purposes:** Allows courts to charge a \$10 fee to commercial enterprises, except media outlets that use the information for media purposes, for any file, name, or information search request.
- **Marijuana possession infractions:** Amends Penal Code section 1000(a) to exclude marijuana possession, per Health and Safety Code section 11357(b), from eligibility for deferred entry of judgment.
- **Notice of mediation:** Amends Family Code section 3176 to eliminate the requirement for service by certified, return receipt postage prepaid mail for notice of mediation and clarifies that the court is responsible for sending the notice.
- **Notice of subsequent DUI:** Repeals Vehicle Code section 23622(c) to eliminate the court’s responsibility to provide notification of a subsequent DUI to courts that previously convicted the defendant of a DUI.
- **Penalty Assessments:** Revises and redirects the \$7 penalty assessment from court construction funds to State Court Facilities Trust Fund.
- **Preliminary hearing transcripts:** Clarifies that preliminary hearing transcripts must be produced only when a defendant is held to answer the charge of homicide.
- **Trial by written declaration:** Eliminates the trial de novo option when the defendant in a Vehicle Code violation has not prevailed on his or her trial by written declaration.

DRAFT



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title  
Judicial Council: Implementation of Judicial  
Council Directives on Judicial Council Staff  
Restructuring

Agenda Item Type  
Information Only

Date of Report  
November 7, 2014

Submitted by  
Executive and Planning Committee  
Hon. Douglas P. Miller, Chair

Contact  
Martin Hoshino  
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### **Executive Summary**

The chair of the Executive and Planning Committee (E&P) presents this informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31, 2012. The Judicial Council Staff Restructuring Directives specifically direct the Administrative Director to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

### **Previous Council Action**

The Judicial Council approved directives presented by E&P on August 31, 2012. These directives reaffirmed Judicial Council authority over the staff to the Judicial Council, restructured the staff agency, and endorsed a plan for monthly monitoring of the implementation of the directives by E&P. The last report to the Judicial Council on implementation efforts was provided by E&P at the October 28, 2014, Judicial Council meeting.

### **Implementation Progress**

The staff to the Judicial Council offices continue to progress in implementing the Restructuring Directives in accordance with the timelines for implementation approved by the Judicial Council.

Since the October 2014 council meeting, the following directives were reported as complete:

- Directive 101—The Technology Committee developed a unified, long-term plan to achieve funding stability for court technology. The *Court Technology Governance and Strategic Plan* was approved by the Judicial Council in August 2014, and was updated and approved at the October 2014 council meeting, with revised language regarding language access. Information Technology staff have begun implementation of the recommendations.
- Directive 133—Information Technology and Trial Court Administrative Services staff conducted an analysis to determine if it would be cost-beneficial to expend resources to consolidate the Phoenix Financial System and Oracle Financial System into a single platform and determined that doing so is cost prohibitive at this time. Also, there is no monetary benefit to separating from the State Controller’s Office. However, there is an argument for future consideration that the branch would be better able to manage its resources if accounting for the state entities and the trial courts were in one system.
- Directive 136—Real Estate & Facilities Management evaluated the scope of the former Office of Court Construction and Management including the structure of its facility management organization, facility service delivery models, and changes to the facility program since the publication of the Strategic Evaluation Committee report and adoption of the Judicial Council Restructuring Directives. Based on the evaluation, it was determined that engaging a consultant to evaluate the cost-effectiveness of the court construction and management operations would not be cost-effective and would also reduce funding available to support court facilities.

## **Attachments**

1. *Status Report: Judicial Council Directives on Staff Restructuring*

**STATUS REPORT**  
**JUDICIAL COUNCIL DIRECTIVES**  
**ON STAFF RESTRUCTURING**

December 12, 2014

#	Directive *	Timeline	Status	Status Updates
1	<p>The Administrative Director of the Courts operates subject to the oversight of the Judicial Council. E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to report to E&amp;P before each Judicial Council meeting on each item on this chart approved by the Judicial Council.</p> <p><a href="#">SEC Recommendation</a>  The Administrative Director must operate subject to the oversight of the Judicial Council and will be charged with implementing the recommendations in this report if so directed.</p>	For immediate implementation (Ongoing)	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
2	<p>E&amp;P recommends that the Judicial Council take an active role in overseeing and monitoring the AOC to ensure transparency, accountability, and efficiency in the AOC's operations and practices.</p> <p><a href="#">SEC Recommendation</a>  The Judicial Council must take an active role in overseeing and monitoring the AOC and demanding transparency, accountability, and efficiency in the AOC's operations and practices.</p>	For immediate implementation (Ongoing)	Ongoing	

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
3	<p>E&amp;P recommends that the Judicial Council promote the primary role and orientation of the AOC as a service provider to the Judicial Council and the courts for the benefit of the public.</p> <p><a href="#">SEC Recommendation</a></p> <p>The primary role and orientation of the AOC must be as a service provider to the Judicial Council and the courts.</p>	For immediate implementation (Ongoing)	Ongoing	
4	<p>E&amp;P recommends that the Judicial Council, in exercising its independent and ultimate governance authority over the operations and practices of the AOC, must ensure that the AOC provide it with a comprehensive analysis, including a business case analysis, a full range of options and impacts and pros and cons, before undertaking any branch-wide project or initiative. In exercising its authority over committees, rules, grants, programs and projects, the Judicial Council must ensure that the AOC provide it with a full range of options and impacts, including fiscal, operational, and other impacts on the courts.</p> <p><a href="#">SEC Recommendation</a></p> <p>In exercising its independent and ultimate governance authority over the operations and practices of the AOC, the Judicial Council must demand that the AOC provide it with a business case analysis, including a full range of options and impacts, before undertaking any branch-wide project or initiative. In exercising its authority over committees, rules, grants, programs, and projects, the Judicial Council must demand that the AOC provide it with a full range of options and impacts, including fiscal, operational, and other impacts on the courts.</p>	For immediate implementation (Ongoing)	Ongoing	

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
5	<p>E&amp;P recommends that the Judicial Council conduct an annual review of the performance of the Administrative Director of the Courts (ADOC). The review must take into consideration input submitted by persons inside and outside the judicial branch.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Judicial Council must conduct periodic reviews of the performance of the Administrative Director of the Courts. These reviews must take into consideration input submitted by persons inside and outside the judicial branch.</p> <hr/>	For initiation October 2013	Ongoing	

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
6	E&P recommends that the Judicial Council direct the Rules and Projects Committee, consistent with its responsibility under rule 10.13 of the California Rules of Court, to establish and maintain a rule-making process that is understandable and accessible to justice system partners and the public, to consider SEC Recommendation 6-8 and report on any changes to the rule-making process to the Judicial Council.	RUPRO to propose a timeline to return to the council to present its recommendations.	Completed	<p>RUPRO will continue to address this directive on an ongoing basis. Most recently, on behalf of RUPRO, Justice Hull attended the meetings of the executive committees of the Trial Court Presiding Judges and Court Executives Advisory Committees to summarize RUPRO's actions to address this directive and seek their input on the effect of the changes. As it does annually, through the process for review and approval of annual agendas, RUPRO applied priority levels to rules and forms proposals when RUPRO approved annual agendas of advisory groups that it oversees. RUPRO considered whether there is an urgent need for proposals and whether they will provide significant benefits to the courts and public. Since January 2013, actions by RUPRO related to this directive include directing two advisory groups to submit proposals to the Presiding Judges and Court Executive Officers for early input on the proposals, including requesting information about fiscal and operational impacts.</p> <p>RUPRO will, as part of annual agenda review, continue to review all advisory body proposals for rules and forms under RUPRO policies in effect at that time (the current policy is to give priority to proposals that are statutorily required or promote cost savings or efficiencies). The RUPRO Chair will continue to meet with TCPJAC Executive Committee on an ongoing basis to discuss the issues identified in this directive.</p>

#### SEC Recommendation

The AOC must develop a process to better assess the fiscal and operational impacts of proposed rules on the courts, including seeking earlier input from the courts before proposed rules are submitted for formal review. The AOC should establish a process to survey judges and court executive officers about the fiscal and operational impacts of rules that are adopted, and recommend revisions to the rules where appropriate. The AOC should

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
	recommend changes in the rules process, for consideration by the Judicial Council, to limit the number of proposals for new rules, including by focusing on rule changes that are required by statutory changes.			

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
7	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to propose a procedure to seek the fully informed input and collaboration of the courts before undertaking significant projects or branchwide initiatives that affect the courts. The AOC should also seek the input of all stakeholder groups, including the State Bar.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

SEC Recommendation

The AOC must seek the fully informed input and collaboration of the courts before undertaking significant projects or branch-wide initiatives that affect the courts.

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\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
8	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to first employ a comprehensive analysis, including an appropriate business case analysis of the scope and direction of significant projects or initiatives, taking into account the range of fiscal, operational, and other impacts to the courts and stakeholders.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>
	<a href="#">SEC Recommendation</a> The AOC must first employ an appropriate business case analysis of the scope and direction of significant projects or initiatives, taking into account the range of fiscal, operational, and other impacts to the courts.			

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#	Directive *	Timeline	Status	Status Updates
9	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure for developing and communicating accurate cost estimates for projects, programs, and initiatives.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

SEC Recommendation

The AOC must develop and communicate accurate cost estimates for projects, programs, and initiatives.

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#	Directive *	Timeline	Status	Status Updates
10	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to apply proper cost and contract controls and monitoring, including independent assessment and verification, for significant projects and programs.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>
	<a href="#">SEC Recommendation</a> The AOC must apply proper cost and contract controls and monitoring, including independent assessment and verification, for significant projects and programs.			

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#	Directive *	Timeline	Status	Status Updates
11	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to maintain proper documentation and records of its decision making process for significant projects and programs.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>
	<p><a href="#">SEC Recommendation</a></p> <p>The AOC must maintain proper documentation and records of its decision making process for significant projects and programs.</p> <hr/>			

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#	Directive *	Timeline	Status	Status Updates
12	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to identify and secure sufficient funding and revenue streams necessary to support projects and programs, before undertaking them.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

SEC Recommendation

The AOC must identify and secure sufficient funding and revenue streams necessary to support projects and programs, before undertaking them.

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#	Directive *	Timeline	Status	Status Updates
13	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to develop a procedure to accurately report and make available information on potential costs of projects and impacts on the courts.	ADOC to propose a procedure for Judicial Council approval at the October 2013 council meeting.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>
	<a href="#">SEC Recommendation</a> The AOC must accurately report and make available information on potential costs of projects and impacts on the courts.			

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#	Directive *	Timeline	Status	Status Updates
14	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to conduct a comprehensive review of the AOC position classification system as soon as possible. The focus of the review must be on identifying and correcting misallocated positions, particularly in managerial classes, and on achieving efficiencies by consolidating and reducing the number of classifications.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p data-bbox="1440 168 2011 354">On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p data-bbox="1440 393 1965 513">In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p data-bbox="1440 552 2011 831">In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p data-bbox="1440 870 2011 1055">In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p data-bbox="1440 1094 2011 1182">In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p data-bbox="1440 1221 2011 1373">In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p data-bbox="1440 1412 2011 1438">In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p>

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#	Directive *	Timeline	Status	Status Updates
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As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification & Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."

SEC Recommendation

The Executive Leadership Team must direct that a comprehensive review of the AOC position classification system begin as soon as possible. The focus of the review should be on identifying and correcting misallocated positions, particularly in managerial classes, and on achieving efficiencies by consolidating and reducing the number of classifications. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.

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#	Directive *	Timeline	Status	Status Updates
15	The Administrative Office of the Courts must also undertake a comprehensive review of the AOC compensation system as soon as possible. The AOC must review all compensation-related policies and procedures, including those contained in the AOC Personnel Policies and Procedures Manual.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p data-bbox="1440 168 2011 350">On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p data-bbox="1440 391 1965 513">In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p data-bbox="1440 553 2011 829">In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p data-bbox="1440 870 2011 1057">In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p data-bbox="1440 1097 2011 1187">In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p data-bbox="1440 1227 2011 1373">In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p data-bbox="1440 1414 2011 1438">In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p>

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As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification & Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."

SEC Recommendation

The Executive Leadership Team must direct that a comprehensive review of the AOC compensation system be undertaken as soon as possible. All compensation-related policies and procedures must be reviewed, including those contained in the AOC personnel manual. AOC staff should be used to conduct this review to the extent possible. If outside consultants are required, such work could be combined with the classification review that is recommended above. The Chief Administrative Officer should be given lead responsibility for implementing this recommendation.

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#	Directive *	Timeline	Status	Status Updates
16	<p>The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:</p> <p>(a) A comprehensive review of the classification and compensation systems should be undertaken as soon as possible, with the goal of consolidating and streamlining the classification system.</p>	<p>After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.</p>	In Progress	<p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p>

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As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification & Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."

SEC Recommendation

The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following:

(a) A comprehensive review of the classification and compensation systems should be undertaken as soon as possible, with the goal of consolidating and streamlining the classification system.

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#	Directive *	Timeline	Status	Status Updates
17	<p>The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:</p> <p>(b) Priority should be placed on reviewing all positions classified as supervisors or managers, as well as all attorney positions, to identify misclassified positions and take appropriate corrective actions.</p>	<p>After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.</p>	In Progress	<p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following:</p> <p>(b) Priority should be placed on reviewing all positions classified as supervisors or managers, as well as all attorney positions, to identify misclassified positions and take appropriate corrective actions.</p> <hr/>			<p>As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification &amp; Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."</p>

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#	Directive *	Timeline	Status	Status Updates
18	<p>The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:</p> <p>(c) The manner in which the AOC applies its geographic salary differential policy (section 4.2 of the AOC Personnel Policies and Procedures Manual) should be reviewed and, if maintained, applied consistently.</p>	<p>After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.</p>	In Progress	<p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following:</p> <p>(c) The manner in which the AOC applies its geographic salary differential policy (section 4.2 of the AOC personnel manual) should be reviewed and, if maintained, applied consistently.</p> <hr/>			<p>As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification &amp; Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."</p>

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#	Directive *	Timeline	Status	Status Updates
19	<p>The AOC must overhaul current practices for its classification and compensation systems. The AOC must develop and consistently apply policies for classification and compensation of employees, by actions including the following:</p> <p>(d) Given current HR staffing and expertise levels, the Administrative Director of the Courts is directed to consider whether an outside entity should conduct these reviews and return to the Judicial Council with an analysis and a recommendation.</p> <p><a href="#">SEC Recommendation</a></p> <p>The AOC must commit to overhauling current practices for its classification and compensation systems. The AOC then must develop and consistently apply policies for classification and compensation of employees by actions including the following:</p> <p>(d) Given current HR staffing and expertise levels, an outside entity should be considered to conduct these reviews.</p>	<p>Due date will be modified after September 2013 after the selection of a vendor for the AOC Classification and Compensations study as directed by the Judicial Council.</p>	Completed	<p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest-scored bidder. The AOC is working with the successful bidder to develop and execute an agreement, expected to be finalized no later than October 31, 2013. If the parties are able to reach agreement, the contract start date will begin in October 2013 with an estimated end date of November 24, 2014. The study is expected to commence following the contract start date.</p> <p>In October 2013, E&amp;P will provide an update to the Judicial Council on the results of the Classification and Compensation study RFP, and outline next steps for the commencement of the organization-wide AOC Classification and Compensation study.</p>

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#	Directive *	Timeline	Status	Status Updates
20	E&P also recommends that the Judicial Council direct the Administrative Director of the Courts to assess the results of the compensation and classification studies to be completed and propose organizational changes that take into account the SEC recommendation 7-75 and the analysis of the classification and compensation studies.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p data-bbox="1440 168 2007 354">On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p data-bbox="1440 391 1965 513">In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p data-bbox="1440 553 2007 829">In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p data-bbox="1440 870 2007 1057">In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p data-bbox="1440 1097 2007 1187">In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p data-bbox="1440 1227 2007 1373">In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p data-bbox="1440 1414 2007 1437">In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p>

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#	Directive *	Timeline	Status	Status Updates
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As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification & Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."

[SEC Recommendation](#)

The Administrative Director should make an AOC-wide assessment to determine whether attorneys employed across the various AOC divisions are being best leveraged to serve the priority legal needs of the organization and court users.

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#	Directive *	Timeline	Status	Status Updates
21	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to implement a formalized system of program and project planning and monitoring that includes, at minimum, a collaborative planning process that requires an analysis of impacts on the judicial branch at the outset of all projects; use of workload analyses where appropriate; and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated.	Completion by December 2013.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

#### SEC Recommendation

The AOC Executive Leadership Team must begin to implement a formalized system of program and project planning and monitoring that includes, at minimum, a collaborative planning process that requires an analysis of impacts on the judicial branch at the outset of all projects; use of workload analyses where appropriate;

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#	Directive *	Timeline	Status	Status Updates
	and development of general performance metrics for key AOC programs that allow expected performance levels to be set and evaluated.			
22	E&P recommends that the Judicial Council direct the AOC to renegotiate or terminate, if possible, its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and, if possible, renegotiated to reflect actual usage of the office space. The AOC should explore lower cost lease options in San Francisco, recognizing that the State Department of General Services would have to find replacement tenants for its space.	ADOC recommendations to the council at the 10/26/12, council meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
	<p><a href="#">SEC Recommendation</a></p> <p>The AOC should renegotiate or terminate its lease in Burbank. The lease for the Sacramento North spaces should be reviewed and renegotiated to reflect actual usage of the office space. The AOC should explore lower cost lease options in San Francisco, recognizing that DGS would have to find replacement tenants for its space.</p>			

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#	Directive *	Timeline	Status	Status Updates
23	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to identify legislative requirements that impose unnecessary reporting or other mandates on the courts and the AOC. Appropriate efforts should be made to revise or repeal such requirements.	ADOC report to E&P identifying legislative requirements by December 2013.	Completed	<p>The Office of Governmental Affairs continues to identify statutory requirements that impose unnecessary reporting or other mandates and, on behalf of and at the direction of the Judicial Council, advocate for revising and/or repealing such requirements.</p> <p>OGA continues to work with Judicial council staff to identify legislatively mandated reporting requirements for the Judicial Council, AOC and the courts that are unnecessary, outdated, or overly burdensome. In 2012, OGA worked with AOC divisions to identify several such reporting requirements. OGA then recommended to the legislature that these requirements be repealed. One such reporting requirement was eliminated. OGA has once again asked AOC divisions to identify additional unnecessary, outdated, or overly burdensome reporting requirements. OGA will continue to take ideas for eliminating unnecessary reporting requirements to the PCLC to seek legislative action to eliminate these requirements. This is a ongoing duty that will continue on beyond the life of the directive.</p>

SEC Recommendation

The Office of Governmental Affairs should be directed to identify legislative requirements that impose unnecessary reporting or other mandates on the AOC. Appropriate efforts should be made to revise or repeal such requirements.

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#	Directive *	Timeline	Status	Status Updates
24	On August 9, 2012, E&P directed the interim Administrative Director of the Courts and incoming Administrative Director of the Courts to consider the SEC recommendations on AOC organizational structure (recommendations 5-1–5-6, 6-1) and present their proposal for an organizational structure for the consideration of the full Judicial Council at the August 31, 2012, council meeting.	Interim and incoming ADOC to present proposed organizational chart and implementation proposal to the council for consideration at the 8/31/12, council meeting.  With council approval, an organizational design will be implemented by October 2012.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

#### SEC Recommendation

5-1. The AOC should be reorganized. The organizational structure should consolidate programs and functions that primarily provide operational services within the Judicial and Court Operations Services Division. Those programs and functions that primarily provide administrative services should be consolidated within the Judicial and Court Administrative Services Division. Other programs and functions should be grouped within an Executive Office organizational unit. The Legal Services Office also should report directly to the Executive Office but no longer should be accorded divisional status.

5-2. The Chief Operating Officer should manage and direct the Judicial and Court Operations Services Division, consisting of functions located in the Court Operations Special Services Office; the Center for Families, Children and the Courts; the Education Office/Center for Judicial Education and Research; and the Office of Court Construction and Facilities Management.

5-3. The Chief Administrative Officer should manage and direct the Judicial and Court Administrative Services Division, consisting of functions located in the Fiscal Services Office, the Human Resources Services Office, the Trial Court Administrative Services Office, and the Information and Technology Services Office.

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#	Directive *	Timeline	Status	Status Updates
	<p>5-4. Other important programs and functions should be consolidated within an Executive Office organizational unit under the direction of a Chief of Staff. Those functions and units include such functions as the coordination of AOC support of the Judicial Council, Trial Court Support and Liaison Services, the Office of Governmental Affairs, the Office of Communications, and a Special Programs and Projects Office.</p>			
	<p>5-5. The Chief Counsel, manager of the Legal Services Office (formerly the Office of the General Counsel) should report directly to the Administrative Director depending on the specific issue under consideration and depending on the preferences of the Administrative Director.</p>			
	<p>5-6. The Chief Deputy Administrative Director position must be eliminated. If the absence of the Administrative Director necessitates the designation of an Acting Administrative Director, the Chief Operating Officer should be so designated.</p>			
	<p>6-1. The Administrative Director, the Chief Operations Officer, the Chief Administrative Officer, and the Chief of Staff should be designated as the AOC Executive Leadership Team, the primary decision making group in the organization.</p>			

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#	Directive *	Timeline	Status	Status Updates
25	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to require immediate compliance with the requirements and policies in the AOC Personnel Policies and Procedures Manual, including formal performance reviews of all employees on an annual basis; compliance with the rules limiting telecommuting; and appropriate utilization of the discipline system.</p> <p><a href="#">SEC Recommendation</a></p> <p>The AOC Executive Leadership Team must order immediate compliance with the requirements and policies in the AOC personnel manual, including formal performance reviews of all employees on an annual basis; compliance with the rules limiting telecommuting; and appropriate utilization of the discipline system.</p>	<p>Administrative Director of the Courts to provide final report to the council at the June 2013 Judicial Council meeting.</p>	Completed	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
26	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the AOC adheres to its telecommuting policy consistently and identifies and corrects all existing deviations and violations of the existing policy. The Administrative Director of the Courts must review the AOC telecommuting policy and provide the council with a report proposing any recommendations on amendments to the policy, by the December 13-14, 2012, council meeting. Based on a recommendation from the Executive and Planning Committee, the Judicial Council added an additional directive to the existing telecommute directives at the December 14, 2012, meeting to consider and report on alternatives for the telecommute policy, including whether this policy should remain in force and directed the ADOC to return to the council with a report and recommendations for the council's February 2013 meeting.</p> <p><a href="#">SEC Recommendation</a></p> <p>The AOC must adhere to its telecommuting policy (Section 8.9 of the AOC personnel manual). It must apply the policy consistently and must identify and correct all existing deviations and violations of the existing policy.</p> <hr/>	<p>Administrative Director of the Courts to report to the Executive &amp; Planning Committee on the use of the amended telecommute policy for the period of June 2013 - August 2013. The Administrative Director of the Courts will provide a year-end report/evaluation to the Judicial Council once a final timeline has been determined by the Committee.</p>	Completed	<p>Judicial Council report presented to the Judicial Council for consideration at the April 25, 2014, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
27	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that, with an appropriate individual employee performance planning and appraisal system in place, the AOC utilizes the flexibility provided by its at-will employment policy to address employee performance issues. The AOC's at-will employment policy provides management with maximum hiring and firing flexibility, and should be exercised when appropriate.</p> <p><u>SEC Recommendation</u></p> <p>6-4. With an appropriate individual employee performance planning and appraisal system in place, the AOC must utilize the flexibility provided by its at-will employment policy to address serious employee performance issues.</p> <p>7-36. The AOC's at-will employment policy provides management with maximum hiring and firing flexibility, and should be exercised when appropriate.</p>	<p>ADOC report to the council at the April 2013 meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.</p>
28	<p>E&amp;P recommends that the Judicial Council direct that the Administrative Director of the Courts require compliance with the AOC's existing policy calling for annual performance appraisals of all AOC employees (AOC Personnel Policies and Procedures Manual, section 3.9) and that performance appraisals are uniformly implemented throughout the AOC as soon as possible.</p> <p><u>SEC Recommendation</u></p> <p>The AOC's existing policy calling for annual performance appraisals of all AOC employees (AOC personnel manual, section 3.9) must be implemented uniformly throughout the AOC as soon as possible.</p>	<p>Administrative Director of the Courts to provide final report to the council at the June 2013 Judicial Council meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
29	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to develop an employment discipline policy to be implemented consistently across the entire AOC that provides for performance improvement plans.</p> <p><a href="#">SEC Recommendation</a></p> <p>A consistent employment discipline policy must accompany the employee performance appraisal system. Section 8.1B of the AOC personnel manual discusses disciplinary action, but is inadequate. A policy that provides for performance improvement plans and for the actual utilization of progressive discipline should be developed and implemented consistently across the entire AOC.</p>	<p>Administrative Director of the Courts to provide final report to the council at the June 2013 Judicial Council meeting.</p>	Completed	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.</p>
30	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to utilize the AOC's layoff process to provide management with a proactive way to deal with significant reductions in resources.</p> <p><a href="#">SEC Recommendation</a></p> <p>The AOC must utilize its layoff process to provide management with a proactive way to deal with significant reductions in resources.</p>	<p>Revised policy adopted May 18, 2012.</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
31	E&P recommends that the Judicial Council direct that the Administrative Director of the Courts require the AOC leadership to develop, maintain, and support implementation of effective and efficient human resources policies and practices uniformly throughout the AOC.	The Administrative Director of the Courts will provide a report to the Judicial Council at the August 2014 meeting.	Completed	<p>The Human Resources Services Office (HRSO) has concluded its review of the Personnel Policies and Procedures Manual (Manual). In conducting its review, the HRSO focused on updating policies to reflect legislative and organizational changes to the Judicial Council since July 2011, while simultaneously addressing issues raised by related Judicial Council Directives. All policies were reviewed within different areas of the HRSO. The office also received feedback from the Legal Services Office.</p> <p>The Manual has been and continues to be a living document. While this review is comprehensive and is intended to be inclusive of recent changes to the organization and state/federal employment law, the HRSO fully expects to make continuing adjustments as it relates to business needs/practices, and constantly changing legal environments while ensuring that policies remain relevant and accurate.</p> <p>The updated Policy Manual will be presented to the Executive and Planning Committee for final review.</p>
<p><a href="#">SEC Recommendation</a></p> <p>The AOC leadership must recommit itself to developing and maintaining effective and efficient HR policies and practices. The new Administrative Director, among other priority actions, must reestablish the AOC's commitment to implement sound HR policies and practices.</p> <hr/>				

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#	Directive *	Timeline	Status	Status Updates
32	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that a gradual, prioritized review of all HR policies and practices, including all those incorporated in the AOC Personnel Policies and Procedures Manual, should be undertaken to ensure they are appropriate and are being applied effectively and consistently throughout the AOC.	The Administrative Director of the Courts will provide a report to the Judicial Council at the August 2014 meeting.	Completed	<p>The Human Resources Services Office (HRSO) has concluded its review of the Personnel Policies and Procedures Manual (Manual). In conducting its review, the HRSO focused on updating policies to reflect legislative and organizational changes to the Judicial Council since July 2011, while simultaneously addressing issues raised by related Judicial Council Directives. All policies were reviewed within different areas of the HRSO. The office also received feedback from the Legal Services Office.</p> <p>The Manual has been and continues to be a living document. While this review is comprehensive and is intended to be inclusive of recent changes to the organization and state/federal employment law, the HRSO fully expects to make continuing adjustments as it relates to business needs/practices, and constantly changing legal environments while ensuring that policies remain relevant and accurate.</p> <p>The updated Policy Manual will be presented to the Executive and Planning Committee for final review.</p>
	<p><a href="#">SEC Recommendation</a></p> <p>A gradual, prioritized review of all HR policies and practices, including all those incorporated in the AOC personnel manual should be undertaken to ensure they are appropriate and are being applied effectively and consistently throughout the AOC.</p> <hr/>			

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#	Directive *	Timeline	Status	Status Updates
33	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the budget and fiscal management measures implemented by the AOC to ensure that the AOC's fiscal and budget processes are transparent.</p> <p>The Administrative Director of the Courts should develop and make public a description of the AOC fiscal and budget process, including a calendar clearly describing how and when fiscal and budget decisions are made. The AOC should produce a comprehensive, publicly available midyear budget report, including budget projections for the remainder of the fiscal year and anticipated resource issues for the coming year.</p>	<p>Final report on measures taken to implement a new approach to the budget process by December 2014.</p>	<p>In Progress</p>	<p>The JCC Finance Office has already implemented various improvements to the JCC's budgeting process, but additional improvements are still being developed. JCC staff are also working to implement other fiscal and budget processes, such as improved budget &amp; allocation reports and developing enhanced training options for division/office budget liaisons. As part of this process, the Finance Office staff will confer with other state entities on their respective practices. In addition, the Finance Office will build upon the DOF annual budget development calendar to more fully document the JCC fiscal and budget processes.</p> <p>A budget process survey was distributed to 23 executive branch departments as a tool to gather information regarding their internal budget and fiscal processes. A total of 16 departments/agencies responded to the survey including 7 which utilize CALSTARS. JCC Finance Office will review, evaluate and summarize the survey results and also develop recommendations for improvements that can be made to JCC processes. We expect this phase of the process will take until the June 2014 reporting period to be completed.</p> <p>Staff progress has been delayed due to workload associated with the audit of the Judicial Council authorized by the Joint Legislative Audit Committee and conducted by the California State Auditor. Additionally, process and schedule changes related to Department of Finance's implementation of the Financial Information System for California (also known as FI\$CAL) have contributed to the delay.</p> <p>It is anticipated the California State Auditor's JCC (AOC) Audit Report may include findings and recommendations related to internal budget processes. Additional time is necessary for staff to compare and consolidate the SEC and CSA</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>The AOC's fiscal and budget processes must be transparent. The Executive Leadership Team should require the Fiscal Services Office to immediately develop and make public a description of the fiscal and budget process, including a calendar clearly describing how and when fiscal and budget decisions are made. The Fiscal Services Office should be required to produce a comprehensive, publicly available midyear budget report, including budget projections for the remainder of the fiscal year and anticipated resource issues for the coming year. The Chief Administrative Officer should be given lead responsibility for developing and implementing an entirely new approach to fiscal processes and fiscal information for the AOC.</p>			<p>recommendations, which along with the budget survey responses, will provide the basis for defining the budget process and development of the budget calendar. It is requested that the timeline for this directive be modified to read: "Final report on measures taken to implement a new approach to the budget process by April 2015."</p>
34	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to require that all fiscal information must come from one source within the AOC, and that single source should be what is currently known as the Finance Division.</p> <p><a href="#">SEC Recommendation</a></p> <p>All fiscal information must come from one source within the AOC, and that single source should be what is currently known as the Finance Division (to become the Fiscal Services Office under the recommendations in this report).</p>	<p>Immediate implementation with ADOC report to the council at the 10/26/2012, meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
35	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to require that budget and fiscal tracking systems be in place so that timely and accurate information on resources available and expenditures to date are readily available.</p> <p><u>SEC Recommendation</u> Tracking systems need to be in place so that timely and accurate information on resources available and expenditures to date are readily available. Managers need this information so they do not spend beyond their allotments.</p>	<p>ADOC interim report to the council at the February 2013 meeting and final report at the June 2013 council meeting.</p>	Completed	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.</p>
36	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to require that budget and fiscal information displays be streamlined and simplified so they are clearly understandable.</p> <p><u>SEC Recommendation</u> Information displays need to be streamlined and simplified so they are clearly understandable.</p>	<p>ADOC interim report to the council at the February 2013 meeting and final report at the June 2013 council meeting.</p>	Completed	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
37	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the Finance Division track appropriations and expenditures by fund, and keep a historical record of both so that easy year-to-year comparisons can be made. This can be done by unit, division, or by program, whichever provides the most informed and accurate picture of the budget.	ADOC interim report to the council at the February 2013 meeting and final report at the October 2013 meeting.	Completed	<p>This directive is considered complete as AOC FSO staff currently tracks appropriations and expenditures by fund. As required by Department of Finance and to comply with State of California Legal Basis Accounting, the Oracle financial system maintains all of this information dating back to 1996-97. Additionally, the Judicial Branch display in the annual Governor's Budget and supporting schedules provide appropriations and expenditures by fund.</p> <p>Also, the AOC FSO conducts regular reviews of budget and expenditure information to ensure divisions/offices are functioning within available resources. This includes monthly budget forecasting for the remainder of the fiscal year as well as year-end planning activities. AOC staff also provides these budget support services to the Supreme Court, Courts of Appeal, and the Habeas Corpus Resource Center.</p> <p>Finally, after the end of this fiscal year, FSO will review existing reports and develop a standard year-end summary to facilitate comparative year-to-year funding changes. AOC staff will continue to review existing processes and procedures to determine what improvements can be implemented on an ongoing basis.</p>
<u>SEC Recommendation</u>				
The Finance Division (Fiscal Services Office) should track appropriations and expenditures by fund, and keep a historical record of both so that easy year-to-year comparisons can be made. This can be done by unit, division or by program — whichever provides the audience with the most informed and accurate picture of the budget.				

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#	Directive *	Timeline	Status	Status Updates
38	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that expenditures be split into those for state operations and local assistance (funds that go to the trial courts) so it is clear which entity benefits from the resources. State operations figures must be further broken down as support for the Supreme Court and Appellate Courts. The AOC should adopt the methodology of distributing the administrative costs among programs.	ADOC interim report to the council at the February 2013 meeting and the final report at the December 2014 meeting.	In Progress	<p>The JCC Finance Office does track expenditures split into those for state operations and local assistance. Local assistance expenditures are tracked by trial court (if an individual trial court directly benefited) and state-wide (for expenditures that benefits more than one trial court). State operations expenditure tracking is further broken down by the program and entity specified in each year's Budget Act.</p> <p>With respect to the distribution of administrative costs, JCC Finance Office staff will be evaluating methodologies employed by other state-funded entities to determine which method should be applied at the JCC.</p> <p>A budget process survey was distributed to 23 executive branch departments as a tool to gather information regarding their internal budget and fiscal processes. A total of 16 departments/agencies responded to the survey including 7 which utilize CALSTARS. JCC Finance Office staff will review, evaluate and summarize the survey results and also develop recommendations for improvements that can be made to JCC processes. We expect this phase of the process will take until the June 2014 reporting period to be completed.</p> <p>Staff progress has been delayed due to workload associated with the audit of the Judicial Council authorized by the Joint Legislative Audit Committee and conducted by the California State Auditor. Additionally, process and schedule changes related to Department of Finance's implementation of the Financial Information System for California (also known as FI\$CAL) have contributed to the delay.</p> <p>It is anticipated the California State Auditor's JCC (AOC) Audit Report may include findings and recommendations related to internal budget processes. Additional time is necessary for staff to</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>Expenditures should be split into those for state operations and local assistance (funds that go to the trial courts) so it is clear which entity benefits from the resources. State operations figures should be further broken down as support for the Supreme Court and Appellate Courts. In most state departments, administrative costs are distributed among programs. The AOC should adopt this methodology.</p>			compare and consolidate the SEC and CSA recommendations, which along with the budget survey responses, will provide the basis for defining the budget process and development of the budget calendar. It is requested that the timeline for this directive be modified to read: "Administrative Director interim report to the council at the February 2013 meeting and the final report at the April 2015 meeting."
39	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the AOC schedule its budget development and budget administration around the time frames used by all state entities.</p> <p><a href="#">SEC Recommendation</a></p> <p>The AOC should schedule its budget development and budget administration around the time frames used by all state entities. Assuming the budget for any fiscal year is enacted by July 1, the AOC should immediately allocate its budgeted resources by fund among programs, divisions, units.</p>	Administrative Director of the Courts to provide update to Judicial Council at the October 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
40	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that requests for additional resources be presented to the Judicial Council at its August meeting, identify the increased resources requested, and be accompanied by clear statements of the need and use of the resources and the impact on the AOC, as well as the impact on the judicial branch, if any. A cost-benefit analysis should be part of any request and there should be a system to prioritize requests.	Immediate implementation	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>

#### SEC Recommendation

Requests for additional resources are presented to the Judicial Council at its August meeting. These requests identify increased resources requested and should be accompanied by clear statements of need and use of the resources and the impact on the AOC, as well as the impact on the judicial branch, if any. A cost-benefit

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#	Directive *	Timeline	Status	Status Updates
	analysis should be part of any request, and there should be a system to prioritize requests.			
41	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that, after the Governor's Budget is released in January, the AOC should present a midyear update of the judicial branch budget at the next scheduled Judicial Council meeting. All figures provided by the AOC should tie back to the Governor's Budget or be explained in footnotes.	Immediate implementation. ADOC report to the council at the February 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.
	<p data-bbox="128 508 365 531"><u>SEC Recommendation</u></p> <p data-bbox="128 548 747 732">After the Governor's Budget is released in January, the AOC should present a midyear update of the judicial branch budget at the next scheduled Judicial Council meeting. This presentation should tie to the figures in the Governor's Budget so that everyone has the same understanding of the budget.</p>			
42	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that, except for budget changes that must be made to comply with time requirements in the state budget process, the AOC not change the numbers in the budget statements it presents. All figures provided by the AOC must tie back to the Governor's budget or be explained in footnotes.	Immediate implementation (Ongoing)	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the December 14, 2012, Judicial Council Meeting.
	<p data-bbox="128 1032 365 1055"><u>SEC Recommendation</u></p> <p data-bbox="128 1073 730 1224">Except for changes that must be made to comply with time requirements in the state budget process, the AOC should not change the numbers it presents – continual changes in the numbers, or new displays, add to confusion about the budget.</p>			

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#	Directive *	Timeline	Status	Status Updates
43	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to perform internal audits upon completion of the restructuring of the AOC.	Judicial Council Administrative Director to report to council at the February 2015 council meeting.	In Progress	<p data-bbox="1440 168 2022 483">Audit Services (AS) balances its audit activities between the branch and the Judicial Council based on staffing availability. Historically, AS had an authorized staff high of 17 positions and actual of 15 positions in Fiscal Year (FY) 2006-2007 and has a current authorized and actual staff of 14 in FY 2014-2015. These staffing levels do not reflect the external audit contract that was in place from FY 2001-2002 through FY 2012-2013 that provided up to six supplemental auditors.</p> <p data-bbox="1440 521 2022 992">With this staffing, AS conducts superior court audits and internal audits of the Judicial Council. The primary focus of the AS work at the Judicial Council has been in facilities where AS has audited the work of the external facilities maintenance vendors and capital construction. AS continues to perform work in this area and in FY 2014-2015 it plans on auditing facilities areas including the: 1) documentation and operational process concerning the delegated facilities maintenance program; 2) Computer Aided Facilities Management (CAFM) system for logical and physical security access controls and data integrity testing; and 3) Court Facilities Architecture Revolving Fund established under Government Code Section 70379.</p> <p data-bbox="1440 1029 2022 1344">Other AS internal audit work at the Judicial Council planned for fiscal year 2014-2015 includes: 1) Review of certain general and application controls over Oracle Financials including: (a) data integrity testing of information in the database used for decision making purposes and financial reporting; (b) logical and physical access controls to the system; and 2) Review of the overall logical access to the Judicial Council's network as a follow-up to the CSA audit of December 2013.</p> <p data-bbox="1440 1382 2022 1437">Significantly impacting the audit plan for fiscal year 2014-2015 are external audits of the Judicial Council</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>and the A&amp;E Advisory Committee activities that have recently been performed or are in process. AS has been involved in the work and will evaluate it as part of its on-going risk assessment and work plans.</p> <p>AS work is subject to change based upon changes occurring in the Judicial Branch and within the Judicial Council. The Executive Office of the Judicial Council can also review and request work based upon these changes that will affect the plan for fiscal year 2014-2015 with trade-offs if new work is prioritized.</p> <p>Beyond 2014-2015, AS will work with the Executive Office to continue to identify and include internal audit activities for those offices believed to have higher risk profile (i.e., accounting functions, Phoenix financials, etc.) as part of its future audit plans while balancing this workload with audit services provided to the superior courts.</p>
	<p><a href="#">SEC Recommendation</a></p> <p>The AOC must perform internal audits. This will allow the leadership team and the Judicial Council to know how a particular unit or program is performing. An audit can be both fiscal and programmatic so that resources are tied to performance in meeting program goals and objectives.</p>			

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#	Directive *	Timeline	Status	Status Updates
44	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to require that the leadership team must develop and employ budget review techniques so that the budget of an individual unit is aligned with its program responsibilities.	The Administrative Director of the Courts to report to the council at the December 2014 meeting.	Completed	<p>In 2013, the JCC staff Executive Office retained an individual with extensive departmental budget experience with both the judicial and executive branch to undertake a review of the JCC office's budget and forecast processes. Budget and forecasting recommendations from this effort were received and are planned for implementation in July 2014. These process improvements along with periodic reviews of individual JCC offices' budgets will provide the framework upon which budget allocations are based beginning in FY 2014-15 as well as a structure for ensuring that unit budgets are aligned with program responsibilities.</p> <p>Following the JCC's determination of staff services and workload priorities the Finance Office will work with the Executive Office to align individual units with their program responsibilities.</p> <p>Although process improvements will be implemented in July 2014 with the first financial forecast under the new process occurring in November 2014, the FSO will continue to make modifications to its budget review techniques as part of an ongoing process of continuous improvement.</p>
<u>SEC Recommendation</u>				
As part of the reorganization and downsizing of the AOC, the leadership team should employ budget review techniques (such as zero-based budgeting) so that the budget of an individual unit is aligned with its program responsibilities. In the future, there should be periodic reviews of units and or programs to make sure funding is consistent with mandated requirements.				

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#	Directive *	Timeline	Status	Status Updates
45	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that the total staff size of the AOC must be reduced significantly and must not exceed the total number of authorized positions. The consolidation of divisions, elimination of unnecessary and overlapping positions, and other organizational changes should reduce the number of positions.</p> <p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to require that staffing levels of the AOC be made more transparent and understandable. Information on staffing levels must be made readily available, including posting the information online. All categories of staffing — including, but not limited to, authorized positions, “909” staff, employment agency temporary employees and contract staff — must be accounted for in a manner understandable to the public.</p> <p><a href="#">SEC Recommendation</a></p> <p>9-1. The total staff size of the AOC should be reduced significantly.</p> <p>9-2. The total staff size of the AOC must be reduced significantly and should not exceed the total number of authorized positions. The current number of authorized positions is 880. The consolidation of divisions, elimination of unnecessary and overlapping positions and other organizational changes recommended in this report should reduce the number of positions by an additional 100 to 200, bringing the staff level to approximately 680 to 780.</p> <p>9-5. The staffing levels of the AOC must be made more transparent and understandable. Information on staffing levels must be made readily available, including posting the information online. All categories of staffing—including, but not limited to, authorized positions, “909” staff, employment agency temporary employees and contract staff—must be accounted for in</p>	Immediate implementation (Ongoing)	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
	a manner understandable to the public.			
46	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report to the Judicial Council vacant authorized positions if they have remained unfilled for six months.	(Ongoing) ADOC to provide updates to the council for each council meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
	<p><a href="#">SEC Recommendation</a></p> <p>Vacant authorized positions should be eliminated if they have remained unfilled for six months.</p>			
47	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the employment of temporary or other staff to circumvent a hiring freeze is not permitted. The Administrative Director must review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such as in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.	Completion by June 2013	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.
	<p><a href="#">SEC Recommendation</a></p> <p>Employment of temporary or other staff to circumvent a hiring freeze should not be permitted. The Executive Leadership Team should immediately review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.</p>			

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#	Directive *	Timeline	Status	Status Updates
48	E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the council's long-term strategic planning, to evaluate the location of the AOC main offices based on a cost-benefit analysis and other considerations.	For long term consideration	Completed	A series of real estate transactions resulted in an expense reduction of nearly \$8.6 million in rent and a space contraction of 82,761 SF (25%) through FY 2014-15. These were subsequently approved in fulfillment of Directive 22, which represents the initial phase implementation of Directive 48. The Directive's full implementation to occur as part of the Council's long-term strategic planning, evaluating the location of the Judicial Council main offices based on a cost-benefit analysis and other considerations.
	<p><u>SEC Recommendation</u></p> <p>As part of its long-term planning, the AOC should consider relocation of its main offices, based on a cost-benefit analysis of doing so.</p>			
49	E&P recommends that the Judicial Council support SEC Recommendation 7-2 with no further action. The AOC has terminated special consultants hired on a continuous basis.	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
	<p><u>SEC Recommendation</u></p> <p>The practice of employing a special consultant on a continuous basis should be reevaluated and considered for termination taking into account the relative costs, benefits, and other available resources.</p>			

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#	Directive *	Timeline	Status	Status Updates
50	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-3 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new</p>

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#	Directive *	Timeline	Status	Status Updates
	<a href="#">SEC Recommendation</a> The Center for Families, Children and the Courts should be an office reporting to the Chief Operating Officer in the AOC's Judicial and Court Operations Services Division, rather than a stand-alone division. The CFCC manager position should be compensated at its current level.			<p>structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p> <p>As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification &amp; Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."</p>

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#	Directive *	Timeline	Status	Status Updates
51	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(a) and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of this directive is directly tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new</p>

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#	Directive *	Timeline	Status	Status Updates
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structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.

As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification & Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."

SEC Recommendation

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:

(a) CFCC has a one-over-one management structure with a Division Director and an Assistant Division Director position. The Assistant Division Director position should be eliminated.

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#	Directive *	Timeline	Status	Status Updates
52	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(b) and (c) and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p data-bbox="1440 168 2007 354">On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p data-bbox="1440 391 1965 513">In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p data-bbox="1440 553 2007 829">In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p data-bbox="1440 870 2007 1057">In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p data-bbox="1440 1097 2007 1187">In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p data-bbox="1440 1227 2007 1373">In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p data-bbox="1440 1414 2007 1437">In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p>

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#	Directive *	Timeline	Status	Status Updates
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As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification & Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."

SEC Recommendation

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:

(b) There are nearly 30 attorney positions in CFCC, including 7 attorneys who act as Judicial Court Assistance Team Liaisons. All attorney position allocations should be reviewed with a goal of reducing their numbers and/or reallocating them to nonattorney classifications.

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#	Directive *	Timeline	Status	Status Updates
52.1	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(b) and (c) and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	Administrative Director of the Courts to provide an Interim Report to the council at the June 2013 Judicial Council meeting.	Completed	<p>CFCC reports that this directive is completed. The total number of authorized CFCC positions has been reduced by 32%. The percentage of reductions was nearly equivalent in positions funded by CFCC's general fund allocation (33%) and other funding sources (27%).</p> <p>Additionally, CFCC reports the following:</p> <ul style="list-style-type: none"> <li>* CFCC's Rules and Forms Unit has been eliminated.</li> <li>* CFCC follows the new guidance from the Judicial Council Rules and Projects Committee (RUPRO) regarding the production of new and revised rules and forms proposals. This new guidance has not resulted in staffing reductions in CFCC.</li> <li>* This directive has been tied to directive 145 which includes a proposed process and policy for pursuing competitive grants for the council at the August 2013 council meeting. CFCC external funding sources come from long-standing state and federal allocations which are not subject to competitive grant process. As such, the proposed grant process and policy referenced in directive 145 is not applicable to current CFCC external funding and will not result in a reduction in CFCC staffing.</li> </ul> <p>For these reasons, no further staffing reductions are anticipated as a result of implementation of Judicial Council Directives regarding grants and rule-making.</p>

#### SEC Recommendation

CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:

(c) The CFCC has numerous grant-funded positions, including five in its Rules and Forms Unit. Implementation of our recommendations for the AOC's Grants and Rule-making Processes could result in some reductions in these positions.

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#	Directive *	Timeline	Status	Status Updates
53	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-4(d) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	Administrative Director of the Courts to present a report of available options regarding the study's implementation to the Judicial Council for their consideration at the July 2013 Judicial Council meeting.	Completed	Since the end of FY 10-11, the number of AOC employees in research classifications has declined by approximately 45%. To improve the efficiency and effectiveness of research in support of the Judicial Council and the courts, and consistent with Judicial Council Directives 53 and 72.1, all research analysts currently at the AOC have been consolidated into offices within the Judicial and Court Operations Division. Managers overseeing research in those offices began discussions in October 2012 and have implemented a protocol to manage workforce reduction and address staffing current and future projects.
	<p><a href="#">SEC Recommendation</a></p> <p>CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(d) The CFCC has a number of positions devoted to research programs, as do other offices to be placed within the Judicial and Court Operations Services Division, presenting opportunities for efficiencies by consolidating divisional research efforts.</p>			

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#	Directive *	Timeline	Status	Status Updates
54	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>After the completion of the AOC Classification and Compensation Study, the Executive Team will have more information necessary for determining staffing needs and resources for committee support. As such, this directive will be addressed after the completion of the Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p>

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#	Directive *	Timeline	Status	Status Updates
	<a href="#">SEC Recommendation</a> CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:  (e) CFCC staff members provide support to a number of Judicial Council committees and task forces. The recommended consolidation of this support function under the direction of the Chief of Staff will present opportunities for efficiencies and resource reduction.			<p>In late January 2015, employees are expected to be informed of their new classifications within the new structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p> <p>As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification &amp; Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."</p>

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#	Directive *	Timeline	Status	Status Updates
55	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-4(f) with no further action, as these administrative and grant support functions have been consolidated through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><u>SEC Recommendation</u>            CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(f) The CFCC maintains a Core Operations Unit, which is essentially an administrative and grant support unit. The consolidation of administrative functions and resources within the Judicial and Court Administrative Services Division should lead to the downsizing of this unit.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
56	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider reducing or eliminating various publications produced by the Center for Families, Children, &amp; the Courts.</p> <p><u>SEC Recommendation</u>            CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(g) CFCC staff members produce various publications. They should be considered for reduction or elimination</p>	ADOC to report to the council at the February 2013 council meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
57	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-4(h) with no further action. The Judge-in Residence is now volunteering time to fulfill this responsibility.</p> <p><u>SEC Recommendation</u></p> <p>CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(h) The Judge-in-Residence position in this division should be eliminated.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
58	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-4(i) with no further action, as the positions related to CCMS have been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><u>SEC Recommendation</u></p> <p>CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(i) Positions related to CCMS should be eliminated.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
59	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to propose an organizational plan for the Center for Families, Children, &amp; the Courts that allows for reasonable servicing of the diverse programs mandated by statute and assigned to this division.</p> <p><u>SEC Recommendation</u></p> <p>CFCC's current number of authorized positions should be reduced. To achieve the reduction, these areas should be reviewed and considered, and appropriate actions taken:</p> <p>(j) Although staffing reductions in this division are feasible, any reorganization or downsizing of this division must continue to allow for reasonable servicing of the diverse programs mandated by statute and assigned to this division, including such programs as the Tribal Project program.</p>	<p>ADOC to report to the council at the February 2013 council meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>
60	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider maximizing and combining self-help resources with resources from similar subject programs, including resources provided through the Justice Corps and the Sargent Shriver Civil Counsel program, and return to the council with an assessment and proposal.</p> <p><u>SEC Recommendation</u></p> <p>Self-represented litigants in small claims, collection matters, foreclosures, and landlord-tenant matters are frequent users of court self-help centers. A majority of self-help clients seek assistance in family law matters. Consideration should be given to maximizing and combining self-help resources with resources from similar subject programs, including resources provided through the Justice Corps and the Sargent Shriver Civil Counsel program.</p>	<p>ADOC to propose a plan for implementation to the council at the February 2013 meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
61	<p>E&amp;P recommends to the Judicial Council that any legislative proposals generated by the AOC must follow the process established by the Policy Coordination and Liaison Committee.</p> <p><a href="#">SEC Recommendation</a></p> <p>Consistent with recommendations in this report calling for a review of AOC's rule-making process, legislative proposals generated through this division should be limited to those required by court decisions and statutory mandates and approved by the Judicial Council Advisory Committees.</p>	Immediate implementation (Ongoing)	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
62	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that a systems review of the manner in which AOC staff review trial court records should be conducted to streamline Judicial Review and Technical Assistance audits, if possible, and to lessen the impact on court resources.</p> <p><a href="#">SEC Recommendation</a></p> <p>A systems review of the manner in which trial court records are reviewed should be conducted to streamline audits, if possible, and to lessen the impact on court resources.</p>	ADOC to report to the council on the audit process at the June 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.
63	<p>With the exception of assigned judges, AOC staff must not investigate complaints from litigants about judicial officers.</p> <p><a href="#">SEC Recommendation</a></p> <p>The CFCC should discontinue investigating and responding to complaints from litigants about judicial officers who handle family law matters, as such matters are handled by other entities.</p>	Ongoing	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
64	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-10 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>The Court Operations Special Services Office (COSSO), formerly CPAS, should be an office reporting to the Chief Operating Officer within the AOC's Judicial and Court Operations Services Division, rather than a stand-alone division. The COSSO manager position should be at the Senior Manager level.</p>			<p>structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p> <p>As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification &amp; Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."</p>
65	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-12 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings.</p>	<p>Interim and incoming ADOC organizational proposal to be presented for council consideration at the 8/31/12, council meeting.</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
65.1	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-12(a) with no further action, due to the temporary suspension of the Kleps Program initiated to reduce branch costs.</p> <p><u>SEC Recommendation</u></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(a) To save resources, the Kleps Award Program should be suspended temporarily.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
66	<p>E&amp;P recommends that the Judicial Council defer a decision on SEC Recommendation 7-12(b), pending a recommendation from the Trial Court Budget Working Group.</p> <p><u>SEC Recommendation</u></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(b) The Justice Corps Program should be maintained, with AOC's involvement limited to procuring and distributing funding to the courts.</p>		Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
67	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-12(c) with no further action as the Procedural Fairness/Public Trust and Confidence program has been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><u>SEC Recommendation</u></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(c) Since funding for the Procedural Fairness/Public Trust and Confidence program has ceased, it should be eliminated.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
68	<p>E&amp;P recommends that the Judicial Council consider whether to continue support for the Civics Education Program after the conclusion of the 2013 summit. The California On My Honor Program has been suspended for 2 years due to the lack of funding.</p> <p><u>SEC Recommendation</u></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(d) Once the 2013 summit has concluded, the Administrative Director and Judicial Council should evaluate continuing support for the Civics Education Program/California On My Honor program.</p>	ADOC to report to the council at the April 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
69	<p>E&amp;P recommends that the Judicial Council direct the ADOC to evaluate the extent to which financial and personnel support for the Jury Improvement Project should be maintained, recognizing the high value of the project to the judicial branch, especially because jury service represents the single largest point of contact between citizens and the courts.</p> <p><u>SEC Recommendation</u></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(e) The Jury Improvement Project is of high value to the judicial branch, especially as jury service represents the single largest point of contact between citizens and the courts. The Judicial Council should evaluate the extent to which financial and personnel support for the project should be maintained.</p> <hr/>	ADOC to report to the council at the 10/26/12, council meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
70	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to study the budget and operational components of the Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. The Finance Division should not act as an impediment in the delivery of interpreter services to the courts.</p> <p><u>SEC Recommendation</u></p> <p>The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:</p> <p>(g) The Administrative Director and Judicial Council should study the budget and operational components of Court Interpreters Program to determine whether greater efficiencies can be implemented to deliver interpreter services to the courts. Internally, the Finance Division should not act as an impediment in the delivery of interpreter services to the courts.</p>	ADOC to report to the council at the April 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.
71	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-16 with no further action as the Judicial Administration Library has been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><u>SEC Recommendation</u></p> <p>The Judicial Administration Library should be consolidated with the Supreme Court Library.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
72	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendations 7-11(a) and (b) and 7-14 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>7-11. COSSO's current level of approximately 74 positions (including those reassigned from the former regional offices as recommended in this report) should be reduced. To achieve the reduction the areas listed below should be reviewed and considered, and appropriate actions taken.</p> <p>(a) COSSO should have a management structure that includes a Unit Manager, but the Assistant Division Director position should be eliminated</p>			<p>structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p> <p>As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification &amp; Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."</p>

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#	Directive *	Timeline	Status	Status Updates
72.1	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendations 7-11(a) and (b) and 7-14 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><a href="#">SEC Recommendation</a></p> <p>7-11. COSSO's current level of approximately 74 positions (including those reassigned from the former regional offices as recommended in this report) should be reduced. To achieve the reduction the areas listed below should be reviewed and considered, and appropriate actions taken.</p> <p>(b) The research functions and units of COSSO should be reviewed for possible consolidation with other research programs in the Judicial and Court Operations Services Division, presenting opportunities for efficiencies and position reductions.</p>	<p>Administrative Director of the Courts to present a report of available options regarding the study's implementation to the Judicial Council for their consideration at the July 2013 Judicial Council meeting.</p>	Completed	<p>Since the end of FY 10-11, the number of AOC employees in research classifications has declined by approximately 45%. To improve the efficiency and effectiveness of research in support of the Judicial Council and the courts, and consistent with Judicial Council Directives 53 and 72.1, all research analysts currently at the AOC have been consolidated into offices within the Judicial and Court Operations Division. Managers overseeing research in those offices began discussions in October 2012 and have implemented a protocol to manage workforce reduction and address staffing current and future projects.</p>

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#	Directive *	Timeline	Status	Status Updates
72.2	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendations 7-11(a) and (b) and 7-14 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u>SEC Recommendation</u></p> <p>7-14. A significant number of COSSO staff members, such as those in the Administration and Planning unit, are assigned to various functions in support of the Judicial Council. The recommended consolidation of Judicial Council support activities under the direction of the Chief of Staff will present opportunities for efficiencies and resource reductions.</p>	<p>Incoming ADOC's organizational proposal to be presented for council consideration at the 8/31/12, council meeting.**</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>
73	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-13 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.</p> <p><u>SEC Recommendation</u></p> <p>The Editing and Graphics Group, with half of its eight positions currently vacant, should be considered for elimination.</p>	<p>Interim and incoming ADOC organizational proposal to be presented for council consideration at the 8/31/12, council meeting.</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
74	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that activities related to the education and training of Appellate Court Justices in the COSSO should be consolidated with the Education Division/CJER.</p> <p><a href="#">SEC Recommendation</a></p> <p>Some COSSO staff are engaged in activities relating to the education and training of Appellate Court Justices. These functions should be consolidated with the Education Division/CJER.</p>	Completion by June 2013.	Closed	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013 Judicial Council Meeting. At the April 26, 2013 Judicial Council Meeting, the Administra</p>
75	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-17(a) with no further action as the Assigned Judges Program and Assigned Judges Program Regional Assignment Units have merged through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><a href="#">SEC Recommendation</a></p> <p>Modifications to the Assigned Judges Program should be considered, including the following:</p> <p>(a) The Assigned Judges Program and Assigned Judges Program Regional Assignments units should be merged, resulting in the elimination of a unit supervisor position.</p>	Completed	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
76	<p>E&amp;P recommends that SEC Recommendations 7-17(b), (c), and (d) be referred to the Chief Justice for consideration. The AOC's Assigned Judges Program provides support to the Chief Justice in the assignment of judges under California Constitution Article VI, Section 6(e).</p> <p><u>SEC Recommendation</u></p> <p>Modifications to the Assigned Judges Program should be considered, including the following:</p> <p>(b) The program's travel and expense policies should be reviewed to mitigate adverse impacts on the availability of assigned judges to smaller and rural courts.</p> <p>(c) Consideration should be given to a pilot program to allow half-day assignments of judges, taking into account the probable inability of small, rural courts to attract judges on this basis.</p> <p>(d) Consideration should be given to development of an Assigned Commissioner Program to assist courts with such matters as AB1058 child support cases.</p>		Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
77	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-18 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.</p> <p><u>SEC Recommendation</u></p> <p>The functions of the Trial Court Leadership Service unit should be moved under the auspices of the new Executive Office, as matters of policy emanating from the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee often relate to branch-wide policies.</p>	Interim and incoming ADOC organizational proposal to be presented for council consideration at the 8/31/12, meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
78	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-19 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new</p>

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#	Directive *	Timeline	Status	Status Updates
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structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.

As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification & Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."

SEC Recommendation

The Education Division should be an office within the Judicial and Court Operations Services Division, under the direction of the Chief Operating Officer, rather than a stand-alone division. The Education Division/CJER manager position should be compensated at its current level.

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#	Directive *	Timeline	Status	Status Updates
79	E&P recommends that the Judicial Council direct the Rules and Projects Committee to evaluate relaxation of mandatory education requirements to allow the Administrative Director of the Courts and Court Executive Officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.	Final reporting on this directive will be submitted at the June 2014 council meeting.	Completed	RUPRO recommended that the council adopt a proposal to amend rule 10.474 on education for trial court employees at its April 25, 2014 meeting. The amendments provide that each court executive officer has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement, and may, for good cause, grant a one-year extension of time to complete the education requirements. The council adopted the rule proposal at its April 25th council meeting and the amendments will be effective January 1, 2015.

[SEC Recommendation](#)

As to training currently required of AOC staff and court personnel, the Judicial Council should examine and consider a relaxation of current mandatory requirements to allow the Administrative Director of the AOC and/or court executive officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.

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#	Directive *	Timeline	Status	Status Updates
80	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the efficiencies identified by the working group reviewing all education for new judges to ensure that education is provided in the most effective and efficient way possible.	Administrative Director of the Courts to provide report that evaluates education for new judges at the June 2013 council meeting.	Completed	Judicial Council report presented to the Judicial Council for consideration at the June 28, 2013 Judicial Council Meeting.
	<u>SEC Recommendation</u>			
	The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:			
	(a) A workgroup has been formed to review all education for new judges to ensure that it is being provided in the most effective and efficient way possible. The efficiencies identified by this working group may present opportunities for reductions.			

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#	Directive *	Timeline	Status	Status Updates
81	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-20(b), taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p data-bbox="1440 168 2011 354">On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p data-bbox="1440 393 1965 513">In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p data-bbox="1440 552 2011 831">In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p data-bbox="1440 870 2011 1055">In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p data-bbox="1440 1094 2011 1182">In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p data-bbox="1440 1221 2011 1373">In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p data-bbox="1440 1412 2011 1438">In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p>

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#	Directive *	Timeline	Status	Status Updates
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As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification & Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."

SEC Recommendation

The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(b) There are in excess of a dozen attorney positions in the Education Division in units such as Design and Consulting, and Publications and Resources, in addition to the Judicial Education unit. All attorney position allocations should be reviewed with a goal of reducing their numbers and/or reallocating them to nonattorney classifications. In particular, education specialist positions are staffed by attorneys, a staffing practice that appears unnecessary.

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#	Directive *	Timeline	Status	Status Updates
82	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-20(c) with no further action, as the positions and activities related to the Court Case Management System in the Education Division have been eliminated, through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><u>SEC Recommendation</u></p> <p>The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(c) The Court Case Management System training unit and any other positions engaged in CCMS-related activities should be eliminated in light of the Judicial Council's decision to cancel the full deployment of the CCMS system.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
83	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the impacts of a reduction in the size of the Production, Delivery, and Educational Technologies Unit and the reduction in services that would result, and provide the findings and recommendations to the Judicial Council.</p> <p><u>SEC Recommendation</u></p> <p>The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(d) The Production, Delivery and Educational Technologies unit has grown to more than 25 positions plus several temporary staff. The number of staff in this unit should be reduced in light of the difficult fiscal environment.</p>	ADOC to report to council with recommendations at the June 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
84	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate and consider reducing the positions assigned to develop training for AOC Staff in the Curriculum and Course Development Unit, especially if training requirements are relaxed	ADOC to report to council with recommendations following recommendations from RUPRO on training requirements.	Completed	<p>This directive is completed after action on Judicial Council directive #79 was taken. Directive #79 was referred to RUPRO for action, and states: E&amp;P recommends that the Judicial Council direct the Rules and Projects Committee to evaluate relaxation of mandatory education requirements to allow the Administrative Director of the Courts and Court Executive Officers greater discretion and flexibility in utilizing their workforces during times of budget constraints.</p> <p>At its meeting in March, RUPRO reviewed and discussed a letter from Judge Jahr (attached) in which he provided recommendations for relaxation of the education rules to provide him with greater discretion and flexibility in utilizing AOC staff during this time of budget constraint. RUPRO appointed a subcommittee to evaluate the relaxation of education rules for AOC and court staff.</p> <p>The RUPRO subcommittee recommended and RUPRO adopted a modification of the rule that governs education for AOC staff (CRC 10.491) which will extend the time frame for completing education requirements by one year and allow the ADOC discretion in determining how much of that education needs to be live face to face or distance. The Judicial Council adopted this rule amendment at its June 28, 2013, meeting. On August 6, 2013, a memorandum was issued to all AOC staff advising them that the Administrative Director was authorizing a one-year extension for all AOC staff to meet their education requirements. The Administrative Director of the Courts has considered reducing the positions assigned to develop training for AOC staff in the Curriculum and Course Development Unit (now the Judicial Branch Education Development Unit) in light of the recent revision to CRC 10.491 and has determined that a reduction in positions is not warranted. The</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>relaxation of the education requirements for AOC staff is not on-going. During this relaxation period, any staff resources which may be partially relieved will be assigned to work on other existing education programs.</p> <p>CJER conducted a comprehensive review of AOC education it provides and made extensive revisions in an effort to streamline this education by reducing classes that were not well attended, and increasing the education which is court focused. This was done to implement Judicial Council directive #88 and was completed. Directive #88 states that: E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to report to the council on a review of the content of training courses offered to AOC managers, supervisors, and employees, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.</p> <p>SERVICE LEVEL IMPACT</p> <p>The recent revisions to AOC education will result in providing AOC staff with more court focused education which will enhance the level of service AOC staff provide to the courts.</p>
	<p><a href="#">SEC Recommendation</a></p> <p>The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(e) The Curriculum and Course Development unit includes several positions assigned to develop training for AOC staff. This activity should be evaluated and reduced, especially if training requirements are relaxed.</p>			

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#	Directive *	Timeline	Status	Status Updates
85	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the impacts of a reduction in the size of the Administrative Services Unit and the reduction in services that would result, and provide the findings and recommendations to the Judicial Council.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Education Division's current staffing level is one of the highest in the AOC and should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(f) The Administrative Services unit contains more than 20 staff engaged in support activities such as records management, printing and copying, scheduling and planning training delivery, and coordinating logistics for all AOC events. The number of staff in this unit should be evaluated and reduced commensurate with the reduction in the number of live programs and events, and reflecting a reduction in the number of employees AOC-wide.</p>	<p>ADOC to report to council with recommendations at the June 2013 council meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.</p>
86	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that the Education Division should conduct true cost benefit analyses in determining the types of training and education it provides for new judicial officers and others, and to report to the council on the results. Analyses should include types, lengths, locations of programs, delivery methods, and the costs to courts.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Education Division should conduct true cost-benefit analyses — and not rely only on its own preferences — in determining the types of training and education it provides, including types, lengths, and locations of programs, delivery methods, and the costs to courts. This type of analysis should apply to training and education programs for new judicial officers.</p>	<p>ADOC to provide recommendations on the process at 12/14/12, council meeting with a final report at the April 2013 meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
87	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that the AOC should support and provide requested assistance to those courts that collaborate with other regional courts in providing judicial education and staff training or that request support in providing their own programs.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Education Division should support and provide requested assistance to those courts that collaborate with other regional courts in providing judicial education and staff training or that request support in providing their own programs.</p>	Ongoing	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
88	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to report to the council on a review of the content of training courses offered to AOC managers, supervisors, and employees, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.</p> <p><a href="#">SEC Recommendation</a></p> <p>As to training currently required of AOC managers, supervisors, and employees, the Administrative Director should order a review of the content of training courses offered, the number and location of courses offered, and the means by which courses and training are delivered. Training opportunities should include greater orientation and development of understanding of court functions.</p>	ADOC report to the council at the 12/14/12, council meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the December 14, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
89	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-25 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>The functions performed by the Finance Division should be placed in the Judicial and Court Administrative Services Division. The Finance Division should be renamed the Fiscal Services Office, reporting to the Chief Administrative Officer. The Fiscal Services Office Manager position should be at the Senior Manager level.</p> <hr/>			<p>structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p> <p>As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification &amp; Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."</p>

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#	Directive *	Timeline	Status	Status Updates
90	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-26 and implement the necessary organizational and staffing changes, taking into account the results of the classification and compensation studies to be completed.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p>

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As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification & Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."

[SEC Recommendation](#)

The number of managers and supervisors should be reduced.

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#	Directive *	Timeline	Status	Status Updates
91	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure through the budget and fiscal management measures implemented by the AOC that the AOC's Finance Division is involved in all phases of fiscal planning and budgeting, especially with regard to large-scale or branch-wide projects or initiatives.	ADOC interim report to the council at the February 2013 council meeting and final report at the meeting in October 2013.	Completed	<p>Directives 7-13, 21, 40, 91, and 145 have been combined as part of a broader review and policy discussion relating to the development of a cost-benefit analysis proposal for the AOC. After a review of existing internal processes, AOC staff have developed general guidelines that seek to ensure that all elements within each of these 10 directives were adequately addressed. A process for approval of branchwide projects and other significant initiatives was developed to ensure an appropriate evaluation is completed, which can include a full and comprehensive cost-benefit analysis, as necessary. That evaluation will include the input and collaboration of all stakeholders, a complete analysis of scope, accurate cost estimates and funding streams and associated controls, documentation of the decision-making processes, and the full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.</p> <p>The AOC fully recognizes the value of implementing guidelines to effectively coordinate and manage important branchwide projects. The new "Guidelines for the Administration of Branchwide Projects and Initiatives" have been reviewed and approved by the Administrative Director of the Courts and will be implemented as the official AOC process in the coming weeks. These guidelines will be presented to the Judicial Council at its December 2013 meeting. At this time, having addressed the matters in each, the AOC will close Directives 7-13, 21, 40, 91, and 145.</p>
	<a href="#">SEC Recommendation</a> The AOC must improve its fiscal decision making processes. The AOC must make a commitment to involve the Fiscal Services Office in all phases of fiscal planning and budgeting, especially with regard to large-scale or branch-wide projects or initiatives.			

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#	Directive *	Timeline	Status	Status Updates
92	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the budget and fiscal management measures implemented by the AOC to ensure that the AOC's fiscal and budget processes are more transparent.	ADOC interim report to the council at the February 2013 meeting and final report at the October 2013 meeting.	Completed	<p>This directive is considered complete as the Fiscal Services Office continues to work on ensuring that budget information is readily available to the public via the courts website which includes the link to the DOF ebudget website (<a href="http://www.ebudget.ca.gov/">http://www.ebudget.ca.gov/</a>). The branch's fiscal information is displayed here as part of the Governor's budget package, including three year expenditures and position detail, fund condition statements, and fund transfer information. The AOC mid-year forecast as well as fiscal and budget processes calendar are planned future additions to the court website. Other detailed fiscal reports, such as reports to the legislative on branch expenditures, can be accessed on the public website as well (see attached example on special fund expenditures for 2011-12).</p> <p>The AOC will build upon the DOF annual budget development calendar to document the AOC fiscal and budget processes. Additionally, the Fiscal Services Office will confer with other state departments to obtain feedback regarding their internal fiscal and budget processes.</p>

[SEC Recommendation](#)

The budgeting process must become more transparent. Budget information must be readily available to the public, including online. Budget documents must provide understandable explanations and detail concerning revenue sources, fund transfers, and expenditures.

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#	Directive *	Timeline	Status	Status Updates
93	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the budget and fiscal management measures implemented by the AOC enable the Finance Division to improve the timeliness of processing contracts to better serve courts, contractors, vendors, and others.	Interim report to the council on the changes in progress by the February 2013 council meeting.  Final report on measures taken to implement a new approach to the budget process, by June 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.
<u>SEC Recommendation</u>				
This division must make a commitment to processing contracts in more timely fashion, with an eye toward better serving courts, contractors, vendors, and others.				
94	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Finance Division must assess its workload needs, especially in light of legislation on court security and auditing functions being assumed by the State Controller's Office, so that any necessary adjustments in staffing positions can be made.	ADOC to report to the council at the June 2013 council meeting.	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.
<u>SEC Recommendation</u>				
The Finance Division must assess its workload needs, especially in light of legislation on court security and auditing functions being assumed by the State Controller's Office, so that any necessary adjustments in staffing positions can be made.				

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#	Directive *	Timeline	Status	Status Updates
95	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-31 with no further action as the unit has been eliminated through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><a href="#">SEC Recommendation</a> The need for a Strategic Policy, Communication, and Administration Unit should be reevaluated by the Chief Administrative Officer and, most likely, be eliminated.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
96	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-32 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.</p> <p><a href="#">SEC Recommendation</a> Consistent with recent consolidation of this division, the HR function should no longer be assigned stand-alone division status in the AOC organizational structure and should be combined with other administrative functions, reporting to the Chief Administrative Officer in the AOC's Administrative Services Division.</p>	Interim and incoming ADOC to present organizational proposal the council at the 8/31/12, meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
97	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-34 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><a href="#">SEC Recommendation</a></p> <p>The current number of higher-level positions in the HR Division should be reduced, as follows:</p> <p>(a) The Division Director position should be permanently eliminated as the HR function should no longer be a stand-alone division.</p>	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
97.1	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-34 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><a href="#">SEC Recommendation</a></p> <p>The current number of higher-level positions in the HR Division should be reduced, as follows:</p> <p>(b) The number of manager positions should be reduced from five to three, with some of the resulting resources allocated to line HR functions.</p>	ADOC to make a proposal based on the classification and compensation study.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
97.2	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-34 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u>SEC Recommendation</u></p> <p>The current number of higher-level positions in the HR Division should be reduced, as follows:</p> <p>(c) One of the three Senior Manager positions is vacant, a vacancy that should be made permanent by reallocating managerial responsibilities to the two filled Senior Manager positions.</p>	<p>Completed. This Division has 2 senior manager positions.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>
98	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to report back on the progress and results of staffing changes being implemented in the Human Resources unit as part of the AOC's internal restructuring process.</p> <p><u>SEC Recommendation</u></p> <p>The current number of higher-level positions in the HR Division should be reduced, as follows:</p> <p>(d) With the elimination of the positions discussed above, consideration should be given to redirecting the resources from those positions to support vacant HR analyst positions that can be assigned work needed to help reestablish effective HR policies and practices in the AOC.</p>	<p>ADOC to report to the council on the results and status of AOC restructuring at the February 2013 council meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
99	E&P recommends that the Judicial Council support SEC Recommendation 7-42 with no further action, as the issues have been resolved.  <a href="#">SEC Recommendation</a> The Administrative Director should resolve any remaining issues that have existed between the HR Division and Office of General Counsel, including by redefining respective roles relating to employee discipline or other HR functions.	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
100	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-43 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new</p>

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#	Directive *	Timeline	Status	Status Updates
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structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.

As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification & Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."

#### SEC Recommendation

The committee recommends that the functions of this division be placed under a unit titled Information and Technology Services Office, combined with any remaining functions of CCMS. The office should report to the Chief Administrative Officer of the Judicial and Court Administrative Services Division. The IS Manager position should be compensated at its current level.

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#	Directive *	Timeline	Status	Status Updates
101	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-44 and direct the council's Technology Committee to reexamine technology policies in the judicial branch to formulate any new branch-wide technology policies or standards, based on the input, needs, and experiences of the courts and court users, and including cost-benefit analysis.</p> <p><a href="#">SEC Recommendation</a></p> <p>A reexamination of technology policies in the judicial branch must occur now that CCMS does not represent the technology vision for all courts. Formulation of any new branch-wide technology policies or standards must be based on the input, needs, and experiences of the courts, and including cost-benefit analysis.</p>	Report to the council at the October 2014 council meeting.	Completed	<p>The Technology Committee has developed a unified, long-term plan to achieve funding stability for court technology that was approved by the Judicial Council. The Technology Planning Task Force was charged with developing this plan. Three tracks were launched: governance, strategic plan, and funding. The new Court Technology Governance and Strategic Plan was developed and reviewed by the Judicial Council. A period of public comment period was held. The plan was approved by the council in August 2014, and was updated and approved at the October 2014 council meeting, with revised language around language access. Work has started to implement the recommendations from the Court Technology Governance and Strategic Plan.</p>
102	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-45(a) with no further action, as the recommended staff reductions have occurred through the AOC's initiatives to reduce costs and downsize its workforce and operations.</p> <p><a href="#">SEC Recommendation</a></p> <p>Especially with CCMS not being fully deployed, staff reductions in this division are in order, including:</p> <p>(a) Unnecessary CCMS positions should be eliminated.</p>	Completed	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
103	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-45(b) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><a href="#">SEC Recommendation</a></p> <p>Especially with CCMS not being fully deployed, staff reductions in this division are in order, including:</p> <p>(b) The total number of senior managers should be reduced.</p>	<p>ADOC to make a proposal based on the classification and compensation study.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
104	E&P recommends that the Judicial Council direct that the Administrative Director of the Courts should review and reduce accordingly the use of temporary employees, consultants, and contractors.	ADOC will report to the council at the April 2014 meeting.	Completed	<p data-bbox="1440 168 2028 545">In 2012, the AOC Executive Office approved a program that converts full-time employees into a limited number of contractor positions in critical long-term maintenance and support roles to provide cost savings and longer term stability and support. A three phase project was developed by ITSO and recruitments began in April 2013 with the hiring of eight (8) positions followed by a second recruitment in November 2013 that resulted in the hiring of two additional positions. (It should be noted that one of these hires resigned a short time after being employed in a regular position).</p> <p data-bbox="1440 581 2028 958">The program has been a success to date with cost savings of 35% for each position hired. However, ITSO has been met with challenges in hiring permanent staff due to a competitive IT market, the exclusion of short term programs or assignments from the program, a pay structure that is generally perceived to be non-competitive for skilled and experienced IT resources, and the policy that new hires may not participate in the pilot telecommunication program. For these reasons, the program appears to have plateaued with 50% of external candidates declining offers for positions.</p> <p data-bbox="1440 993 2028 1279">The organization will continue its efforts on a periodic basis to review opportunities for converting contractor positions to full time employees with the understanding that not all contractor positions can be converted, that there will always be a need for contractors on short term programs with specialized skill sets, and that with the termination of some interim programs, the overall number of programs will be reduced (i.e., V2).</p> <p data-bbox="1440 1315 2028 1438">The infrastructure for this process has been developed and the organization will periodically review the program with the goal of hiring full time staff for full time programs to provide the best</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>Especially with CCMS not being fully deployed, staff reductions in this division are in order, including:</p> <p>(c) The use of temporary employees, consultants, and contractors should be reviewed and reductions made accordingly.</p>			<p>services to the user community and experience cost savings for the organization.</p>
105	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-46 and direct the Administrative Director of the Courts, as part of AOC long-term planning, to conduct a review and audit of all technology currently used at the AOC and to return to the Judicial Council with a progress report on the findings, including efficiencies and potential cost savings.</p>	<p>ADOC will report to the council at the February 2014 meeting.</p>	<p>Completed</p>	<p>This directive has been closed. The Information Technology Services Office continues to review technology currently used in AOC data centers and utilizes Enterprise Technology Standards established by the AOC Enterprise Architecture Working Group. These standards define technologies that should be leveraged and those that should be phased out in order to maximize efficiencies and cost savings, and they are updated twice each year with the next update scheduled for December 2013. The standards are discussed with the application and infrastructure teams during monthly meetings to monitor compliance and identify strategies for ensuring compliance. Additional detail regarding the technology audit, standards and processes was added to the drafted closure documentation for targeted completion in February 2014.</p>
	<p><a href="#">SEC Recommendation</a></p> <p>Different divisions in AOC operate from different technology platforms, including SAP used for the Phoenix system, Oracle, and CCMS. As part of a long range plan for the use of technology in AOC operations, the AOC should conduct a review and audit of all technology currently used in the AOC.</p> <p>Efficiencies and cost savings could result from the use of a single platform.</p>			

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#	Directive *	Timeline	Status	Status Updates
106	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-71 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new</p>

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#	Directive *	Timeline	Status	Status Updates
	<a href="#">SEC Recommendation</a> The Office of General Counsel should be renamed Legal Services Office, consistent with its past designation, and should be a stand-alone office reporting to the Administrative Director of the Courts. The Legal Services Office manager position should be compensated at its current level. The Legal Services Office should not be at the same divisional level as the Judicial and Court Operations Services Division or the Judicial and Court Administrative Services Division. The Chief Counsel, manager of the Legal Services Office, should not be a member of the Executive Leadership Team.			<p>structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p> <p>As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification &amp; Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."</p>

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#	Directive *	Timeline	Status	Status Updates
107	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(a) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u><a href="#">SEC Recommendation</a></u></p> <p>The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(a) In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel position could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.</p> <hr/>	<p>ADOC to make recommendations to the council at the April 2014 council meeting.</p>	<p>Completed</p>	<p>Judicial Council report presented to the Judicial Council for consideration at the April 25, 2014, Judicial Council Meeting.</p>

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
108	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-72(b) and direct the Administrative Director of the Courts to direct implementation of fundamental management practices to address underperformance of staff members and provide better supervision and allocation of work.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(b) Despite the large number of management positions, management systems and processes are particularly lacking in the Legal Services Office. Implementing fundamental management practices to address the underperformance of staff members and provide better supervision and allocation of work should produce efficiencies that can result in reductions.</p>	<p>ADOC interim report to the council on the changes in progress by the February 2013 council meeting.</p>	Completed	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
109	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(c) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(c) A large number of Legal Services Office positions are dedicated to supporting the Judicial Council and its various committees and task forces. Assigning responsibility for coordinating the AOC's Judicial Council support activities to the Executive Office under the direction of the Chief of Staff will lead to efficiencies that should result in reductions of Legal Services Office positions dedicated to these activities.</p>	<p>Interim and incoming ADOC organizational proposal to be presented to the council at the 8/31/12, meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
110	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-72(d) and direct the Administrative Director of the Courts to report to the council on measures to streamline and improve the AOC's contracting processes and reduce contract-related work performed by this office.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(d) Implementation of the recommendations designed to streamline and improve the AOC's contracting processes should reduce contract-related work performed by the Legal Services Office.</p>	<p>Final report to the council at June 2013 meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.</p>

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
111	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72 (e) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p>

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#	Directive *	Timeline	Status	Status Updates
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As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification & Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."

SEC Recommendation

The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(e) The Legal Services Office has promoted and contributed to the "lawyerizing" of numerous activities and functions in the AOC. There are opportunities for work currently performed by attorneys in the Rules and Projects, Transactions and Business Operations, Real Estate, and Labor and Employment units to be performed by nonattorneys, resulting in efficiencies and possible staff reductions.

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#	Directive *	Timeline	Status	Status Updates
112	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(f) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.</p> <p><u>SEC Recommendation</u></p> <p>The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:</p> <p>(f) Development and use of paralegal classifications, as found elsewhere in legal services throughout both the public and private sectors, could lead to the reduction of attorney positions in the Legal Services Office.</p>	<p>ADOC to make recommendations to the council at the April 2014 council meeting.</p>	Completed	<p>Judicial Council report presented to the Judicial Council for consideration at the April 25, 2014, Judicial Council Meeting.</p>
113	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-73 with no further action. The telecommuting status of one position has ended and, as of September 7, 2012, the telecommuting status of the second position will end.</p> <p><u>SEC Recommendation</u></p> <p>There currently are at least two positions in the Legal Services Office that violate the AOC's telecommuting policy. These should be terminated immediately, resulting in reductions. Nor should telecommuting be permitted for supervising attorneys in this division.</p>	<p>ADOC to report to the council with proposal for a revised policy at the 12/14/12, council meeting.</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
114	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate the costs and benefits of allocating staff attorneys and resources to various advisory committees, task forces, and working groups.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>After the completion of the AOC Classification and Compensation Study, the Executive Team will have more information necessary for determining staffing needs and resources for committee support. As such, this directive will be addressed after the completion of the Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>As recommended elsewhere, the Judicial Council should assess the costs and benefits of allocating staff attorneys and resources to various advisory committees, task forces, and working groups.</p>			<p>In late January 2015, employees are expected to be informed of their new classifications within the new structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p> <p>As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification &amp; Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."</p>
115	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the review of the AOC organizational structure, to review current responsibilities and clearly define the role of the Chief Counsel.</p> <p><a href="#">SEC Recommendation</a></p> <p>The role of the Chief Counsel should be redefined to reflect the primary role of providing legal advice and services, as opposed to developing policy for the judicial branch.</p>	ADOC to make recommendations to the council at the April 2014 council meeting.	Completed	Judicial Council report presented to the Judicial Council for consideration at the April 25, 2014, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
116	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-77(a) and (d), and direct the Administrative Director of the Courts that the Office of the General Counsel should employ and emphasize a customer service model of operation, recognizing a primary goal of providing timely service and advice to its clients, including to internal clients in the AOC and to those courts that request legal advice or services from this office.</p> <p><a href="#">SEC Recommendation</a></p> <p>This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:</p> <p>(a) Most fundamentally, this division should employ and emphasize a customer service model of operation — recognizing a primary goal of providing timely service and advice to its clients, including to internal clients in the AOC and to those courts that request legal advice or services from this office.</p>	<p>ADOC to report back to the council at the February 2013 council meeting</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
117	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to adopt an operations model whereby attorneys generally are housed at one location with flexibility to adjust as necessary to meet court needs regionally, including regional demand for additional attorney support and smaller courts that have fewer staff for research and other legal services. The location where attorneys report to work should ensure proper supervision.	Administrative Director of the Courts to provide an interim report at the July 2013 council meeting with a final report at a later date.	Completed	At the June 28, 2013, Judicial Council meeting, the council approved recommendations contained in a report from the council Liaisons to the Legal Services Office (LSO) including a recommendation regarding LSO attorney resources housed in AOC field offices. The council liaisons identified that having attorneys housed in field offices is consistent with other government agencies and private law firms and allows for more direction communication between LSO attorneys and the courts in their region. As such, the council approved the liaisons' recommendation that the current practice of employing LSO attorney staff in AOC field offices is appropriate.
	<p><a href="#">SEC Recommendation</a></p> <p>This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:</p> <p>(b) This office should adopt an operations model whereby its attorneys generally are housed at one location. This would eliminate nonsupervision of some attorneys, promote better and more regular supervision of staff attorneys, and promote better utilization of available skills.</p>			

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#	Directive *	Timeline	Status	Status Updates
118	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that the Office of the General Counsel service model should emphasize that time is of the essence when it comes to delivering advice and opinions to the courts; that recommendations and advice to courts should include a full range of options available to the courts; and that there must be a greater recognition that the AOC's interests may conflict with the specific interests of the courts. Clearer procedures should be put in place to safeguard the interests of individual courts in those instances when legitimate conflicts arise.</p> <p><u>SEC Recommendation</u></p> <p>This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:</p> <p>(c) The service model should emphasize that time is of the essence when it comes to delivering advice and opinions to the courts; that recommendations and advice to courts should include a full range of options available to the courts; and that there must be a greater recognition that the AOC's interests may conflict with the specific interests of the courts. Clearer procedures should be put in place to safeguard the interests of individual courts in those instances when legitimate conflicts arise.</p>	<p>ADOC to report back to the council at the February 2013 council meeting.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
119	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to place emphasis on reducing bottlenecks for advice, contracts, and other projects. More effective tickler and tracking systems for opinions, contracts, and other documents should be put in place.</p> <p><a href="#">SEC Recommendation</a></p> <p>This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:</p> <p>(d) Emphasis must be placed on reducing bottlenecks for advice, contracts, and other projects. More effective tickler and tracking systems for opinions, contracts, and other documents should be put in place.</p>	<p>ADOC to report back to the council at the June 2013 council meeting.</p>	<p>Completed</p>	<p>Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the April 26, 2013, Judicial Council Meeting.</p>
120	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.</p> <p><a href="#">SEC Recommendation</a></p> <p>This office must place greater emphasis on being a service provider and in improving how it provides services, including as follows:</p> <p>(e) Court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.</p>	<p>ADOC to make recommendations to the council at the April 2014 council meeting.</p>	<p>Completed</p>	<p>Judicial Council report presented to the Judicial Council for consideration at the April 25, 2014, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
121	E&P recommends that the Judicial Council support SEC Recommendation 7-78 with no further action, as the issues have been resolved.	Completed	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
	<p><u>SEC Recommendation</u></p> <p>The Administrative Director should resolve issues that have existed between the HR Division and OGC, including by redefining respective roles relating to employee discipline or other HR functions.</p>			
122	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of General Counsel's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost effective manner. Before initiating the independent review, the Administrative Director of the Courts must provide a proposal with options for conducting the review, including the associated costs.	ADOC to present a proposal with options to the council by the February 2013 council meeting, with a final report at the December 2013 meeting.	Completed	At the June 28, 2013, Judicial Council meeting, the council approved recommendations contained in a report from the council Liaisons to the Legal Services Office (LSO) relating to the use of outside counsel by LSO. The council liaisons concluded that the use of outside counsel is appropriate and in some cases mandated providing valuable legal resources for the varying needs of LSO. The council approved various recommendations proposed by the council liaisons designed to assist LSO in reinforcing its existing protocols for utilizing outside counsel to ensure that outside counsel is monitored, supervised, and managed. These recommendations included an annual report from the Administrative Director to the Advisory Committee on Financial Accountability and Efficiency (A&E) for review and reporting to the council. The council directed the Administrative Director to implement the recommendations and report back to the council on the implementation by March 31, 2014.
	<p><u>SEC Recommendation</u></p> <p>The Judicial Council and/or Administrative Director should order an independent review of this office's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost-effective manner.</p>			

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#	Directive *	Timeline	Status	Status Updates
123	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-52 and implement the necessary organizational changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>The Office of Communications should remain in the Executive Office and under the direction of a Chief of Staff. The Office of Communications manager position should be placed at the Senior Manager level.</p>			<p>structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p> <p>As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification &amp; Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."</p>
124	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts, to the extent that resources are available, that Office of Communication resources, including the Public Information Officer, should be made more available to furnish increased media relations services to courts requesting such assistance</p> <p><a href="#">SEC Recommendation</a></p> <p>The resources of this office, including the Public Information Officer, should be made more available to furnish increased media relations services to courts requesting such assistance.</p>	ADOC to report to the council on the restructuring changes to this office at the February 2013 council meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
125	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to return to the Judicial Council with an analysis, defining the necessary emergency response and security functions for the branch and a recommendation on the organizational plan for council approval.	Administrative Director of the Courts to provide an interim report to the council at the July 2014 council meeting with a final report at the December 2014 council meeting.	In Progress	<p>The Judicial Council approved the recommendation by the Administrative Director of the Courts (ADOC) to maintain the Office of Security, but deferred action on directing a proposed Court Security Advisory Committee to review the Office of Security and make recommendations on its functions, pending further review of advisory groups by the Executive and Planning Committee (E&amp;P) and Rules and Projects Committee (RUPRO). After completion of that review, the Judicial Council approved the related recommendation by E&amp;P and RUPRO, directing them to propose establishment of a Court Security Advisory Committee with a rule of court, charge, and appointments made through the annual nominations process. Proposed rule 10.61 to establish the committee was circulated for public comment and submitted to the council for consideration at its October 25, 2013, meeting. The council adopted rule 10.61 establishing the committee. E&amp;P issued a solicitation for nominations for membership in the committee on November 8, 2013. Nominations were due by December 4, 2013. The Chief Justice appointed the members to the committee and announced Judge Thomas Maddock as chair of the committee on February 10, 2014. The committee convened briefly for an introductory meeting on June 18, 2014.</p> <p>At its first in-person meeting on September 4, 2014, the committee approved a draft Annual Agenda for submission to E&amp;P. Members discussed recommendations on emergency response and security functions and the organization of the Office of Security. An Ad Hoc Short Term Subcommittee on Office of Security Functions and Duties was formed to further develop recommendations and return to the full committee with a draft report for its consideration. The committee will meet its obligation to provide a final report to the Judicial Council on the functions of the Office of Security at the February</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>7-54. There is no need for a stand-alone Office of Emergency Response and Security. Most necessary functions performed by the office can be reassigned and absorbed by existing units in the Judicial and Court Operations Services Division.</p> <p>7-55. The functions of this office should be refocused and limited to those reasonably required by statute or by the Rules of Court, primarily including review of security plans for new and existing facilities; review of court security equipment, if requested by the courts; and review of emergency plans.</p> <p>7-56. Reductions in this office are feasible. The office cannot effectively provide branch-wide judicial security and online protection for all judicial officers. Positions allocated for such functions should be eliminated. The Administrative Director should evaluate whether some activities undertaken by this office are cost effective, such as judicial security and online protection functions.</p>			<p>2015 meeting. As such, it is requested that the timeline be modified to read “Administrative Director of the Courts to provide an interim report to the council at the July 2014 council meeting with a final report at the February 2015 council meeting.”</p>

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#	Directive *	Timeline	Status	Status Updates
126	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-84 with no further action, as the Bay Area, Northern Central, and Southern Regional Offices no longer have any direct regional office staff. The Northern Central Regional Office has been reorganized as the Trial Court Liaison Office reporting to the Executive Office.</p> <p><u>SEC Recommendation</u></p> <p>The regional offices should cease to exist as a separate division within AOC. The BANCRO and SRO offices should close. Advocacy and liaison services provided to the trial courts should be provided through the office of Trial Court Support and Liaison in the new Executive Office.</p>	Completed. ADOC to report to the council on specific actions taken.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.
127	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to renegotiate or terminate, if possible, the leases for space utilized by SRO and BANCRO. To the extent AOC staff from other divisions is assigned to work at leased space at the regional offices, the need for locating such staff in currently leased space should be reevaluated.</p> <p><u>SEC Recommendation</u></p> <p>Leases for space utilized by SRO and BANCRO should be renegotiated or terminated, if possible, as such lease costs cannot be justified. To the extent AOC staff from other divisions is assigned to work at leased space at the regional offices, the need for locating such staff in currently leased space should be reevaluated.</p>	Completed. ADOC to update the council on the status of the leases at the 10/26/12, council meeting.	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
128	<p>E&amp;P recommends that the Judicial Council support SEC Recommendation 7-86 and direct the Administrative Director of the Courts to provide the council with an update on organizational changes made with the elimination of the regional office staff.</p> <p><u>SEC Recommendation</u>  While responsibility for essential services currently provided to courts through regional offices should be consolidated and placed under the direction of Trial Court Support and Liaison Services in the Executive Office, a physical office should be maintained in the Northern California Region area to provide some services to courts in the region.</p>	<p>Completed. ADOC to update the council on the status of the leases at the 10/26/12, council meeting.</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>
129	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider placing the significant special projects previously assigned to the regional offices under the direction of the Chief of Staff in the Executive Office, contingent upon council approval of the organizational structure for the AOC.</p> <p><u>SEC Recommendation</u>  The significant special projects previously assigned to the regional offices should be placed under the direction of the Chief of Staff in the Executive Office.</p>	<p>Interim and incoming ADOC to present organizational proposal to the council at the 8/31/12, council meeting.</p>	Completed	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
130	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-47 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new</p>

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#	Directive *	Timeline	Status	Status Updates
	<p>structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p> <p>As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification &amp; Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."</p> <p><a href="#">SEC Recommendation</a> TCAS should be made a unit under the Judicial and Court Administrative Services Division, reporting to the Chief Administrative Officer. The TCAS Manager position should be at the Senior Manager level.</p>			
131	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that, subject to available resources, trial court use of the Phoenix HR/Payroll functionality should remain optional to individual trial courts.</p> <p><a href="#">SEC Recommendation</a> The Phoenix Financial System is in place in all 58 superior courts; however, trial court use of the Phoenix HR/Payroll functionality should remain optional to individual trial courts.</p>	Ongoing	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
132	<p>E&amp;P recommends that the Judicial Council determine whether to continue with the charge-back model whereby courts reimburse the AOC from their Trial Court Trust Fund allocations for the courts' use of the Phoenix financial system; and whether the Los Angeles court will be required to reimburse the AOC for use of the Phoenix financial system.</p> <p><a href="#">SEC Recommendation</a></p> <p>As policy matters, it is recommended that the Judicial Council determine whether to continue with the charge-back model whereby courts reimburse the AOC from their Trial Court Trust Fund allocations for the courts' use of the Phoenix financial system; and whether the Los Angeles court will be required to reimburse the AOC for use of the Phoenix financial system.</p>	<p>Trial Court Budget Working Group to propose a timeline to return to the council to present its recommendations.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the February 26, 2013, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
133	E&P recommends that the Judicial Council support SEC recommendations 7-46 and 7-50 and direct the Administrative Director of the Courts, as part of AOC long-term planning, to review the information technology systems currently implemented Branch wide to support enterprise resource planning: finance, human resources, and education functional areas; to identify costs, benefits, and potential long-term savings, and the challenges of migrating support to a single IT platform; and to return to the council with a progress report on the findings.	ADOC final report to the council at the December 2014 council meeting.	Completed	<p>Judicial Council staff reviewed the Phoenix Financial System and Oracle Financial System to determine whether the council should expend future time and resources to consolidate the systems into a single platform.</p> <p>Combining the two systems into a single platform will require legislative and, potentially, constitutional changes that would allow the judicial branch to have a single branchwide enterprise resource planning IT platform, including deposit of all judicial branch funds into a single judicial branch treasury. If successful in gaining the authority to have a single branch treasury, then Oracle System would then be moved to the Phoenix System. A preliminary staff estimate suggests there would be approximately \$5,000,000 in deployment costs with an ongoing annual savings of \$250,000. This will also require significant effort from council's Legal Services and Governmental Affairs, and will require a complete cost-benefit analysis once the requirements are solidified.</p> <p>Based on the review, it was determined that consolidating the two systems into a single platform is cost prohibitive at this time, and there is no monetary benefit to separating from the State Controller's Office. For this reason, we are recommending that this directive be closed. However, there is an argument for future consideration that the branch would be better able to manage its resources if accounting for the state entities and the trial courts were in one system.</p>

#### SEC Recommendation

As with the Information Services Division, the AOC should determine whether to continue use of multiple or overlapping technologies for similar functions, as using a single technology could result in efficiencies and savings, both operationally and in personnel cost.

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#	Directive *	Timeline	Status	Status Updates
134	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that the Trial Court Administrative Services division should continue to provide clear service-level agreements with respect to services provided to the courts.  <a href="#">SEC Recommendation</a> TCAS should continue to provide clear service-level agreements with respect to services provided to the courts.	Immediate implementation (Ongoing)	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
135	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-64 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>The OCCM should be renamed Office of Court Construction and Facilities Management Services. The functions of this unit should be placed under the Judicial and Court Operations Services Division and reporting to the Chief Operating Officer. The manager of this unit should be compensated at the same level.</p> <hr/>			<p>structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p> <p>As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification &amp; Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."</p>

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#	Directive *	Timeline	Status	Status Updates
136	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to evaluate and propose an approach to evaluate cost effectiveness for the entire scope of Office of Court Construction and Management operations.	Administrative Director interim update to the council at the June 2013 council meeting and final report at the June 2015 meeting.	Completed	<p>Real Estate and Facilities Management (REFM) has now had over 9 years of experience using two general approaches to the delivery of facility management services :1) using a largely outsourced service-provider model, contracting for routine maintenance (Firm Fixed Price and Cost-Plus contracting), plant engineers, trades and crafts personnel (Job Order and Cost-Plus Contracting), supervised by in-house management staff in or near the court facilities, and 2), the court-delegated facility management program, piloted by four trial courts (Orange, Riverside, Imperial, San Luis Obispo) with limited discussion by the Trial Court Facility Modifications Working Group to expand the program if there is interest by other interested courts.</p> <p>The only untried general model is an in-house, limited contacting organization similar to the Department of General Services in the Executive Branch, where management, plant engineers, trades and other technicians are state employees. Implementation of this model would represent a significant departure from the models used thus far, and based on the limited information previously received, may be considerably more expensive on a per square foot basis and would require hiring approximately 125 more employees (initial OCCM staffing plan based on information from DGS indicated the need to staff facility management unit with 180 employees).</p> <p>The management of REFM has evaluated the scope of former OCCM operations concerning facilities management and is of the opinion that engaging a consultant would not yield the value gained from 10 years of “field-tested” experience of using several contract and delegation models. The projected cost of hiring an outside consultant to perform an analysis would also reduce funding available to support court facilities. This finding will be further evaluated by the</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>A cost-benefit analysis of the entire scope of OCCM operations is needed.</p>			Executive Office, and will engage in consultation with the Executive and Planning Committee for further direction.
137	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-66 and, once organizational changes are made as approved by the Judicial Council, evaluate and make recommendations to the council on facilities maintenance program efficiencies, including broadening courts' responsibilities for maintenance of court facilities and for smaller scale projects.</p>	<p>Administrative Director interim update to the council at the June 2013 council meeting and final report at the June 2015 meeting.</p>	In Progress	<p>The Orange, San Luis Obispo, Imperial and Riverside County Superior Courts have been participating in a pilot program for the delegation of facility management services. The four courts presented preliminary findings on the program to the Trial Court Facility Modifications Advisory Committee (Advisory Committee) at its May, 2014 meeting, reporting generally positive results, but felt the requirements of the Intrabranch agreements (IBAs) limited their success; consequently, it was determined that expansion of the program to include other courts should be deferred.</p> <p>JCC staff revised the IBA to streamline the administrative requirements of the program. The Delegation Working Group, the Advisory Committee and JCC staff agree that an extension of the pilot with the existing courts for an additional year would provide an opportunity to re-evaluate the program before reconsidering a recommendation to expand participation by other courts.</p>
	<p><a href="#">SEC Recommendation</a></p> <p>The current facilities maintenance program appears inefficient and unnecessarily costly. The consultant report is necessary and should be considered part of a necessary reevaluation of the program. Courts should be given the option to assume responsibility for maintenance of court facilities and for smaller-scale projects.</p>			

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#	Directive *	Timeline	Status	Status Updates
138	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-67 and, once organizational changes are made as approved by the Judicial Council, evaluate and make recommendations to the Judicial Council regarding fiscal planning for facilities maintenance for new and existing facilities and revenue streams to fund increased costs for maintenance of court facilities.</p> <p><a href="#">SEC Recommendation</a></p> <p>Fiscal planning for facilities maintenance for new and existing facilities needs to become an immediate priority, and revenue streams to fund increased costs for maintenance of court facilities must be identified and obtained.</p> <hr/>	Final report at the October 2014 council meeting.	Completed	<p>All efforts designed to implement this Directive have now been completed, including:</p> <ul style="list-style-type: none"> <li>• The renegotiation of rent and generation of revenues, yielding gross expense reductions of over \$8 million during the prior 12-month period.</li> <li>• Approval of a Budget Change Proposal (BCP) to use Facility Program resources to fund a 10-year, \$150 million appropriation in support of the Trial Court Facility Modifications program.</li> </ul> <p>The Judicial Council subsequently approved the recommendation for additional resources to implement budgeted projects.</p>

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#	Directive *	Timeline	Status	Status Updates
139	E&P recommends that the Judicial Council direct the Administrative Director of the Courts, once organizational changes are made as approved by the Judicial Council, to evaluate and make recommendations regarding staff reductions.	Administrative Director of the Courts to provide an interim report to the council at the December 2013 council meeting.	Completed	The office director, in collaboration with the Chief Operating Officer, has completed organizational changes and an assessment of the staffing and resource requirements to execute the \$5 billion construction program without increasing risk to the branch. As indicated in the October 2013 interim report to the Judicial Council, the office is proceeding with hiring three construction inspector positions critically needed now to effectively manage the current program, which will include 15 projects in construction totaling about \$2 billion by the end of 2013.
<u>SEC Recommendation</u>				
Staff reductions appear feasible in light of the slowdown in new court construction and should be made accordingly. The Chief Operating Officer should be charged with implementing necessary reductions.				
140	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to ensure that the employment of temporary or other staff to circumvent a hiring freeze is not permitted. The Administrative Director must review all temporary staff assignments and eliminate those that are being used to replace positions subject to the hiring freeze. Temporary employees should be limited to periods not exceeding six months and should be used only in limited circumstances of demonstrated need, such as in the case of an emergency or to provide a critical skill set not available through the use of authorized employees.	Completion by June 2013	Completed	Status on implementation progress for this directive is included in the Activity Reporting and Proposal Form submitted to the Judicial Council for the June 28, 2013, Judicial Council Meeting.
<u>SEC Recommendation</u>				
The use of temporary or other staff to circumvent the hiring freeze should cease.				

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#	Directive *	Timeline	Status	Status Updates
141	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to review, as part of the AOC-wide review of its contracting processes, the contracting process utilized by the Office of Court Construction and Management.	Completion by December 2013.	Completed	<p>This directive was addressed as part of the AOC's ongoing contract process improvement efforts. In addition, the requirements of the Judicial Branch Contracting Manual has resulted in better standardization and better compliance with procurement practices for the non-capital projects divisions and offices. For the capital projects area, recommendations by a competitively solicited consultant (Pegasus) for procurement, contract administration and project management have been implemented and will go to the Judicial Council in January of 2014.</p> <p>Business Services staff have worked with Judicial Branch Capital Program Office and Office of Real Estate and Facilities Management to review and implement the Pegasus recommendations so that the current processes to the contracting process are improved.</p> <p>It should be recognized that the administration and maintenance of policies and procedures is an ongoing process of continuous improvement, and although milestones can be achieved, this maintenance effort will be an ongoing process.</p>
<p><a href="#">SEC Recommendation</a></p> <p>The contracting process utilized by OCCM needs to be improved. This process should be reviewed as part of the AOC-wide review of its contracting processes.</p> <hr/>				

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#	Directive *	Timeline	Status	Status Updates
142	E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-80 and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC.	After completion of the Classification and Compensation Study in November 2014, the Administrative Director will meet with the Executive and Planning Committee in December 2014 to schedule completion dates for implementation of the classification and compensation-related directives.	In Progress	<p>Implementation of directives 50, 64, 72, 78, 89, 100, 106, 123, 130, 135, and 142 are tied to the outcome of the AOC Classification and Compensation Study.</p> <p>On September 9, 2013, the Executive and Planning Committee (E&amp;P) reviewed the methodology, criteria, and process used to score the Request for Proposal (RFP) bids, reviewed the final bid scoring and findings, and approved the awarding of the contract to the highest scored bidder.</p> <p>In October 2013, E&amp;P provided an update to the Judicial Council notifying them that the highest scored bidder was selected to conduct the classification and compensation study.</p> <p>In November 2013, Fox Lawson &amp; Associates was awarded the contract to conduct the Judicial Council's classification and compensation study. Four meetings were held with Fox Lawson &amp; Associates, members of the Human Resources (HR) staff, and the Executive Office to establish the specifics of the study, including methodology, timeline, and a review of the current classification and compensation system at the Judicial Council.</p> <p>In December 2013, communications were sent to all Judicial Council staff informing them of the beginning of the study and outlining the requirements, including completing employee Position Description Questionnaires (PDQ), which were due in February 2014.</p> <p>In January 2014, Judicial Council staff conducted information sessions at each Judicial Council office to answer employees' questions regarding the study.</p> <p>In April and May 2014, Fox Lawson completed meeting with approximately 20 occupational panels across Judicial Council offices and locations, and will</p>

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#	Directive *	Timeline	Status	Status Updates
				<p>be scheduling regular updates to brief the Executive Office.</p> <p>In June 2014, the Judicial Council Human Resources office and Fox Lawson discussed the current progress of the study with the council. Fox Lawson also began a series of one-on-one phone interviews with a small number of employees. The purpose was to clarify specific information provided in the PDQs regarding essential duties.</p> <p>In July 2014, the Executive Office held all-staff meetings to update Judicial Council staff about the progress of the study and discussed the selected comparator markets.</p> <p>In August 2014, Fox Lawson met with the Internal Chairs and the Executive Office to discuss recommendations for the proposed classification structure. The Internal Chairs and the Executive Office briefed the Judicial Council in closed session.</p> <p>In September 2014, Fox Lawson took steps to draft classification specifications and finalized job description summaries for market survey.</p> <p>In October 2014, Fox Lawson continues to draft and finalize the classification specifications and initiated the market survey to begin the compensation phase of the study.</p> <p>All-staff meetings are scheduled for November 2014 to communicate the current status of the Classification and Compensation Study. During the meeting, employees will be provided with an overview of the new classification system and will be given information on the appeals process.</p> <p>In late January 2015, employees are expected to be informed of their new classifications within the new</p>

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#	Directive *	Timeline	Status	Status Updates
	<p><a href="#">SEC Recommendation</a></p> <p>The Office of Governmental Affairs should be placed in the Executive Office, under the direction of the Chief of Staff. The OGA Manager position should be at the Senior Manager level.</p>			<p>structure and will have an opportunity to submit an appeal if they feel that their position has been incorrectly classified.</p> <p>As a result of modified timelines, HR requests that the directive timeline be changed to reflect the following: "The Classification &amp; Compensation Study is scheduled to be adopted by the Judicial Council at its meeting in April 2015; based upon the direction provided by the Judicial Council, the Executive Office will implement the plan accordingly and will provide an update to council at the October 2015 council meeting."</p>
143	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that the Office of Governmental Affairs (OGA) should represent the interests of the judicial branch on the clear direction of the Judicial Council and its Policy Coordination and Liaison Committee (PCLC), and take steps to ensure that the PCLC is apprised fully of varying viewpoints of the courts, court executive officers, and judges before determining legislation positions or proposals.</p> <p><a href="#">SEC Recommendation</a></p> <p>The OGA should represent the interests of the judicial branch on the clear direction of the Judicial Council and its Policy Coordination and Liaison Committee. The Chief of Staff should take steps to ensure that the PCLC is apprised fully of varying viewpoints of the courts, court executive officers, and judges before determining legislation positions or proposals.</p>	Ongoing	Completed	Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.

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#	Directive *	Timeline	Status	Status Updates
144	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts that attorney resources in the AOC be utilized to best leverage and draw on subject matter expertise, which may assist OGA as legislative demands may require.</p> <p><a href="#">SEC Recommendation</a></p> <p>The Administrative Director should direct that attorney resources in the AOC be utilized to best leverage and draw on subject matter expertise, which may assist OGA as legislative demands may require.</p>	<p>Completed. ADOC will continue to monitor the deployment of expertise.</p>	<p>Completed</p>	<p>Activity Reporting and Proposal Form submitted to the Judicial Council for the October 26, 2012, Judicial Council Meeting.</p>

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#	Directive *	Timeline	Status	Status Updates
145	<p>E&amp;P recommends that the Judicial Council direct the Administrative Director of the Courts to propose to the council a process and policies for pursuing grants. The process should mandate a detailed impact analysis for every grant proposal, including consideration of all anticipated impacts on the workload and resources of the courts and the impacts to the AOC as a whole. Until a process of review and oversight is finalized, the Administrative Director of the Courts must approve the AOC's engagement in all grant proposals and agreements.</p> <p><a href="#">SEC Recommendation</a></p> <p>6-9. The Executive Leadership Team must develop and make public a description of the AOC's process for determining which grants to pursue. The process should mandate a detailed impact analysis for every grant proposal, including consideration of all anticipated impacts on the workload and resources of the courts and the impacts to the AOC as a whole. Only after such analysis should the Executive Leadership Team make a determination whether the AOC should pursue grant funding.</p> <p>7-5. The Judicial Council should exercise oversight to assure that grant-funded programs are undertaken only when consistent with predetermined, branch-wide policy and plans. The fiscal and operational impacts of grant-funded programs on the courts should be considered as part of the fiscal planning process.</p> <p>7-12. The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following.</p> <p>Excerpt:</p> <p>(f) The Fund Development Group concerns itself with training to obtain grants, seeking grants, and grant reporting. As is the case with other divisions in the AOC,</p>	<p>ADOC to recommend to the council a process and policies for evaluating appropriate grants by August 2013 and a cost benefit analysis proposal by October 2013.</p>	Completed	<p>The Administrative Director of the Courts has approved a staff recommendation for a new policy and process for pursuing competitive grants that are in line with the branch's strategic goals, and--assuming the council approved--has directed staff to take steps to publicize and implement the new policy and process, which are appended to the staff report to the Administrative Director, dated July 30, 2013, and entitled "Judicial Council Directive 145 re Grant Seeking."</p>

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.

#	Directive *	Timeline	Status	Status Updates
	<p>grants should be sought in accordance with well-articulated AOC-wide priorities, as established by the Judicial Council. The Administrative Director and the Judicial Council should develop written policies and guidelines that control the pursuit and acceptance of grants and other funding, including utilizing a cost-benefit analysis.</p> <hr/>			

\* This document retains the wording presented by the Judicial Council's Executive and Planning Committee approved by the Judicial Council on August 31, 2012.





## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 12, 2014

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Title	Agenda Item Type
Trial Courts: Quarterly Investment Report for Third Quarter of 2014	Information Only
Submitted by	Date of Report
Judicial Council	November 5, 2014
Zlatko Theodorovic, Chief Financial Officer and Director, Finance	Contact
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### Executive Summary

This *Trial Courts: Quarterly Investment Report for Third Quarter of 2014* provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004, and the report covers the period of July 1, 2014, through September 30, 2014.

### Previous Council Action

On February 27, 2004, the Judicial Council approved several resolutions on investment activities for the trial courts. The resolutions direct that the Judicial Council develop an investment program for the trial courts, name the director of the Judicial Council's Finance Division<sup>1</sup> as the treasurer of invested trial court funds, and authorize the investment of trial court funds into (1) the State of California's Local Agency Investment Fund (LAIF), (2) Bank of America, N.A., investment funds, (3) or other investments as approved by the Judicial Council Administrative Director. They also provide for quarterly reporting of investment results by the director of the

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<sup>1</sup> Effective October 1, 2012, the Judicial Council's Finance Division was renamed the Fiscal Services Office and was part of the Judicial and Court Administrative Services Division. The office has since been renamed Finance and remains in the (renamed) Administrative Division.

Judicial Council’s Finance office to the Judicial Council, the Administrative Director, and the senior manager of the Judicial Council’s Audit Services.<sup>2</sup>

On June 1, 2009, the Judicial Council’s Executive and Planning Committee, acting on behalf of the council, approved the investment of trial court monies in any share class of the two previously approved money market funds—the Bank of America Cash Reserves Fund (CRF; formerly Columbia Cash Reserves Fund) and the Bank of America Treasury Reserves Fund (formerly Columbia Treasury Reserves Fund)—and the addition of another money market fund, the Bank of America Government Reserves Fund (formerly Columbia Government Reserves Fund).

### Summary of Findings

In table 1, CRF is the capital share class of the Bank of America Cash Reserves money market fund, LAIF is the Local Agency Investment Fund, and PFIC (Public Funds Interest Checking) represents the Bank of America PFIC accounts.

### Funds held in the judicial branch treasury: total investment portfolio

As of the close of business on September 30, 2014, total investment balances held by the trial courts purchased from bank accounts—directly managed by the Judicial Council’s Trust and Treasury Unit of Finance—were as specified in table 1.

**Table 1. Trial Court Investment Balances Managed by the Finance Office**

Investment Description	CRF	LAIF	PFIC	Total
All dollar amounts reported in thousands (\$000)				
<b>Section A, Book Values</b>				
Beginning Balance–07/01/14	\$134,744	\$144,982	\$146,738	\$426,464
Net Purchases/(Sales) <sup>3</sup>	45,354	308,761	3,452	357,567
Interest Paid <sup>4</sup>	7	118	93	218
Total Change	45,361	308,879	3,545	357,785
Ending Balance–09/30/14	\$180,105	\$453,861	\$150,283	\$784,249

<sup>2</sup> As of February 2013, the Judicial Council’s Audit Services is no longer part of Finance and is now a separate office in the Leadership Services Division.

<sup>3</sup> “Net Purchases/(Sales)” is the net amount of court investment principal purchases and sales completed during the quarterly period.

<sup>4</sup> “Interest Paid” is the total amount of interest paid to the investment account during the quarterly period and is included in the Ending Balance.

<b>Investment Description (cont.)</b>	<b>CRF</b>	<b>LAIF</b>	<b>PFIC</b>	<b>Total</b>
<b>Section B, Fair Values—09/30/14</b>				
Ending Balance	\$180,105	\$453,943	\$150,283	\$784,331
Net Unrealized Gain/(Loss) in Fair Value <sup>5</sup>	0	82	0	82
Ending Balance Plus Unpaid Interest Earned <sup>6</sup>	\$180,105	\$454,144	\$150,284	\$784,533
<b>Section C, Earnings and Statistics</b>				
Interest Earned <sup>7</sup>	\$7	\$201	\$94	\$302
Unpaid Interest Earned <sup>8</sup>	\$0	\$201	\$1	\$202
Average Yield <sup>9</sup>	0.02%	0.24%	0.25% <sup>10</sup>	0.19%
Dollar-Weighted Maturity (Days)	45	232	N/A	145
Credit Quality	First Tier <sup>11</sup>	GC 16430 <sup>12</sup>	N/A	
Percentage of Investment Portfolio <sup>13</sup>	22.97%	57.87%	19.16%	100.00%

The ratio of each investment's fair value to its book value (Fair Value Factor) as of September 30, 2014, was as follows:

CRF	1.000000000
LAIF	1.000181284
PFIC	1.000000000

<sup>5</sup> "Net Unrealized Gain/(Loss)" is the difference between the investment balance's book value and its fair value at the end of the period. The net gain or loss is "unrealized" because the valuation at fair value is only for assets held by the fund at the end of the period. This Net Unrealized Gain/(Loss) would be "realized" or become an actual gain or loss only in the event that all participants' holdings in each portfolio were liquidated by the end of the period. *Realized* gains and losses are included in the Average Yield of the investment for the period.

<sup>6</sup> "Ending Balance Plus Unpaid Interest Earned" is the ending balance at fair value plus interest earned that is unpaid as of the end of the period. This figure represents the liquidation value including unpaid interest earned only in the event all participants' holdings in each portfolio were liquidated at the end of the period.

<sup>7</sup> "Interest Earned" is the total amount of interest earned during the quarterly reporting period.

<sup>8</sup> "Unpaid Interest Earned" is the amount of interest earned during the period that is unpaid as of the end of the quarterly reporting period.

<sup>9</sup> "Average Yield" is the simple average of the 30-day yields for each calendar month during the period, including any realized gains and losses, net of the investment's operating expenses. The total Average Yield is a dollar-weighted average of the investment components.

<sup>10</sup> The interest rate earned on the PFIC accounts is 0.25 percent per annum. Since PFIC account balances are Federal Deposit Insurance Corporation (FDIC) insured, they are subject to FDIC insurance assessments of 0.13 percent per annum. As a result, PFIC balances earn a net rate return after FDIC assessments of 0.12 percent per annum.

<sup>11</sup> "First Tier" money market debt securities receive a short-term rating from a nationally recognized statistical rating organization in the highest short-term rating category for debt obligations.

<sup>12</sup> LAIF may invest the fund money only in debt obligations as prescribed in Government Code (GC) section 16430.

<sup>13</sup> The portfolio balance percentages are calculated using the book values at the end of the quarterly period.

The Fair Value Factor is 1.000 for CRF because all holdings in CRF are valued at fair value daily, and fair value is the price for all daily redemptions and reinvestment transactions. Because LAIF's operating rules permit the redemption, at any time, of all or a portion of any participating court's LAIF balance at its original purchase price, the court's redemption price is not affected by unrealized gains or losses.

Section A of table 1 provides the investment balances and activity for the period at book value or at original cost plus or minus the straight-line amortization of any applicable discount or premium.

Section B provides the investment balances at their fair value at the end of the period. *Fair Value* is defined as the value at which an asset could be bought or sold in a current transaction between willing parties, other than in a liquidation.

Section C provides the investment earnings, the dollar-weighted average maturity, the credit quality, and each investment's percentage of the total investment portfolio.

The investment balances presented in the table include the combined balances of both trial court operating funds and agency funds.<sup>14</sup>

### **Investment portfolio components**

**CRF.** The CRF is an overnight money market mutual fund registered with the Securities and Exchange Commission under the federal Investment Company Act of 1940 and operated in accordance with Commodity and Securities Exchanges, 17 Code of Federal Regulations part 270.2a-7. Investment purchases and redemptions of capital shares are transacted when Bank of America's system reviews the account balance daily at 1:30 p.m. PST and invests or returns funds as appropriate to maintain the bank account's established target balance. A purchase transaction takes place if the cash balance in the account exceeds the target balance, and a redemption transaction takes place when the cash balance is less than the target balance.

In accordance with the aforementioned Code of Federal Regulations, the CRF must maintain a dollar-weighted average maturity consistent with its objective of maintaining a stable net asset value per share, not to exceed 60 days (formerly 90 days), and must contain only "First Tier" money market debt obligations receiving a short-term rating from a nationally recognized statistical rating organization in the highest short-term rating category for debt obligations.

The CRF invests only in high-quality money market instruments, which include bank obligations (including certificates of deposit and time deposits issued by domestic and foreign banks or their

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<sup>14</sup> "Agency funds" are balances held in trust pending resolution of civil or criminal court proceedings, as well as funds held on behalf of state and local agencies before their statutory distribution. Agency funds include the following categories: civil trust, criminal bail trust, Uniform Civil Fees, and criminal fines, fees, and penalties.

subsidiaries or branches), commercial paper, corporate bonds, extendible commercial notes, asset-backed securities, funding agreements, municipal securities, repurchase agreements, and other high-quality, short-term obligations. As of September 30, 2014, the CRF portfolio composition was as shown in table 2.

**Table 2. CRF Portfolio Composition as of September 30, 2014**

<b>High-Quality Instruments</b>	<b>Percentage of Portfolio</b>
Certificate of deposit	33.18
Other note	17.36
Asset-backed commercial paper	16.00
Other repurchase agreement	15.96
Financial company commercial paper	12.63
Variable-rate demand note	1.84
Other commercial paper	1.81
Government agency debt	0.85
U.S. treasury repurchase agreement	0.36

Bank of America has determined that iMoneyNet’s Prime Category Average money market mutual fund is a good proxy of the CRF portfolio composition and performance. Included as Attachment A is the monthly fact sheet for the Bank of America Cash Reserves capital class shares reported as of September 30, 2014.

**LAIF.** LAIF is a money market fund held and managed by the State Treasurer’s Office and is part of the Pooled Money Investment Account (PMIA; see Attachment B). The PMIA is the short-term investment pool for the state General Fund; special funds held by state agencies; and monies deposited by cities, counties, and other entities into the LAIF. LAIF is a voluntary program created by statute; it began in 1977 as an investment alternative for California’s local governments and special districts. The enabling statute for the LAIF is section 16429.1 et seq. of the Government Code.

By law, PMIA moneys can be invested only in the following categories: U.S. government securities; securities of federally sponsored agencies; domestic corporate bonds; interest-bearing time deposits in California banks, savings and loan associations, and credit unions; prime-rated commercial paper; repurchase and reverse repurchase agreements; security loans; bankers’ acceptances; negotiable certificates of deposit; and loans to various bond funds.

LAIF’s primary objectives are to maintain the safety of principal and provide daily liquidity. These objectives are met by investing in high-credit-quality debt instruments, maintaining an average maturity between 120 days and 18 months, and providing daily availability of the entire invested balance. LAIF’s investment yield is consistent with these very conservative objectives.

The *LAIIF Performance Report*—including the portfolio’s composition as of September 30, 2014, as reported by the State Treasurer’s Office—is included as Attachment B. The State Treasurer’s Office has not identified a money market fund suitable for benchmark comparison to LAIF.

**PFIC.** Public Funds Interest Checking accounts are Bank of America interest-bearing checking accounts that earn interest at a rate of 0.25 percent per annum. PFIC accounts are insured by the FDIC and are fully collateralized at 110 percent of PFIC balances with securities (per Gov. Code, § 53651), purchased by Bank of America, and held in a collateral pool pledged to public deposits. Since PFIC accounts are FDIC insured, they are subject to FDIC insurance assessments of 0.13 percent per annum.<sup>15</sup> As of November 1, 2014, Bank of America decreased the interest rate on the PFIC account to 0.14 percent per annum, a decrease of 0.11 percent per annum.

### **Funds held outside the judicial branch treasury**

As of June 30, 2014, 32 trial courts maintained \$352 million in total operating and agency fund investments outside of the judicial branch treasury as reported on Schedule A: Trial Court Investments Held Outside of the Judicial Branch Treasury (see Attachment C). Funds held outside of the judicial branch treasury are invested with the courts’ respective counties or with other financial institutions.

The investment balances reported on Schedule A are presented as reported by the trial courts, without independent verification from the custodians holding the investments on behalf of the trial courts.

Schedule A is prepared from summary information gathered annually, as of June 30 of each year, to comply with State Controller’s Office requirements for the trial courts’ Comprehensive Annual Financial Report, and is only available in time for this report.

### **Attachments**

1. Attachment A: BofA Cash Reserves: Capital Class Shares as of September 30, 2014
2. Attachment B: *PMIA and LAIF Performance Reports*
3. Attachment C: Schedule A: Trial Court Investments Held Outside of the Judicial Branch Treasury

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<sup>15</sup> The FDIC assessment fee is the direct result of maintaining PFIC balances on deposit with Bank of America. FDIC fees are assessed on the average PFIC balance for the period.

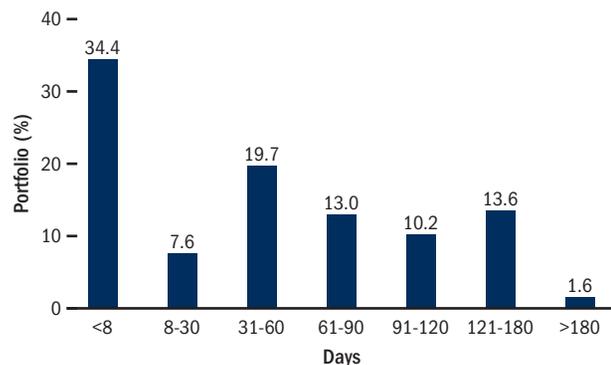
# BofA Cash Reserves

Capital class shares as of September 30, 2014

ATTACHMENT A

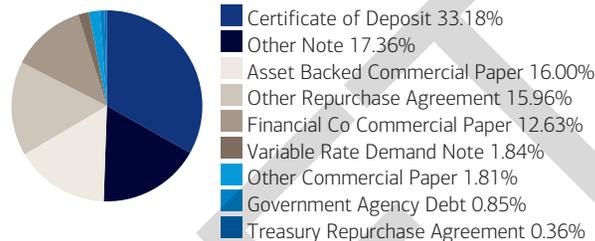
**BofA® Global Capital Management**

## Maturity Distribution



Due to rounding, totals may not equal 100.

## Portfolio Composition



## Fund Objective:

The fund seeks current income, consistent with capital preservation and maintenance of a high degree of liquidity.

## Investment Strategy:

The fund invests in high-quality money market instruments, including primarily short-term debt securities of U.S. and foreign issuers. The fund purchases only first-tier securities, which include bank obligations (including certificates of deposit and time deposits issued by domestic or foreign banks or their subsidiaries or branches), commercial paper, corporate bonds, extendible commercial notes, asset-backed securities, funding agreements, municipal securities, repurchase agreements and other high-quality, short-term obligations. These securities may have fixed, floating or variable rates of interest.

## Fund Performance versus Index

	7-Day Yield			30-Day Yields									
	09/30/14	Sep-14	Aug-14	Jul-14	Jun-14	May-14	Apr-14	Mar-14	Feb-14	Jan-14	Dec-13	Nov-13	Oct-13
Current	0.02	0.02	0.02	0.02	0.02	0.03	0.05	0.03	0.02	0.03	0.03	0.04	0.04
Unsubsidized	-0.07	-0.06	-0.06	-0.06	-0.06	-0.06	-0.04	-0.05	-0.06	-0.06	-0.05	-0.04	-0.04
Benchmark†	—	0.01	0.02	0.02	0.01	0.02	0.01	0.02	0.01	0.02	0.02	0.02	0.02

†iMoneyNet Prime Category Average

The 7-day current yield is net of all fees and expenses and represents an annualization of dividends declared and payable to shareholders for the last seven days of investment as of the date listed.

The 30-day current yield is net of all fees and expenses and represents an annualization of dividends declared and payable to shareholders for the last 30 days of investment as of the dates listed.

The current yield reflects any voluntary waivers or reimbursement of fund expenses by the advisor or its affiliates. Absent of these waivers or reimbursement arrangements, performance would have been lower.

The unsubsidized yield is the gross yield that does not reflect any waivers or reimbursement arrangements.

**Performance data quoted represents past performance and current performance may be lower or higher. Past performance is no guarantee of future results. The investment return and principal value will fluctuate so that shares, when redeemed, may be worth more or less than the original cost. Please visit [www.bofacapital.com](http://www.bofacapital.com) for daily and most recent month-end performance updates.**

**Must be preceded or accompanied by a prospectus.**

## Fund Facts:

Inception date	10/10/90
CUSIP number	097100853
Ticker symbol	CPMXX
Fund number	4576
Weighted average maturity (days)	45
Weighted average life (days)	54
Total assets (all shares)	\$9,877m

Portfolio holdings and characteristics are subject to change periodically and may not be representative of current holdings and characteristics. Current and future holdings are subject to risk, including, but not limited to, market and credit risk.

Advisory services provided by BofA Advisor, LLC,  
Securities offered through BofA Distributors, Inc.  
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<b>NOT FDIC INSURED</b>	<b>May Lose Value</b>
<b>NOT BANK ISSUED</b>	<b>No Bank Guarantee</b>

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MMF-1014 14/ARLS7Q5N

**An investment in money market mutual funds is not a bank deposit and is not insured or guaranteed by Bank of America, N.A. or any of its affiliates or by the Federal Deposit Insurance Corporation or any other government agency. Although money market mutual funds seek to preserve the value of your investment at \$1.00 per share, it is possible to lose money by investing in money market mutual funds.**

Please see the prospectuses for a complete discussion of the risks of investing in money market mutual funds.

Source: iMoneyNet, Inc. is an independent mutual fund performance monitor. The iMoneyNet, Inc. averages are not intended to represent the past performance of the funds, but do represent the past performance of funds managed in a similar manner and having similar investment objectives and policies. The iMoneyNet Prime Category Average includes all Prime Retail and Prime Institutional funds.

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**BILL LOCKYER  
TREASURER  
STATE OF CALIFORNIA**



**2014 LAIF Conference Registration**

**PMIA Performance Report**

**LAIF Performance Report**

Date	Daily Yield*	Quarter to Date Yield	Average Maturity (in days)
10/02/14	0.26	0.26	241
10/03/14	0.26	0.26	240
10/04/14	0.26	0.26	240
10/05/14	0.26	0.26	240
10/06/14	0.26	0.26	238
10/07/14	0.26	0.26	233
10/08/14	0.26	0.26	233
10/09/14	0.26	0.26	232
10/10/14	0.26	0.26	233
10/11/14	0.26	0.26	233
10/12/14	0.26	0.26	233
10/13/14	0.26	0.26	230
10/14/14	0.26	0.26	229
10/15/14	0.26	0.26	230

**Quarter Ending 09/30/14**

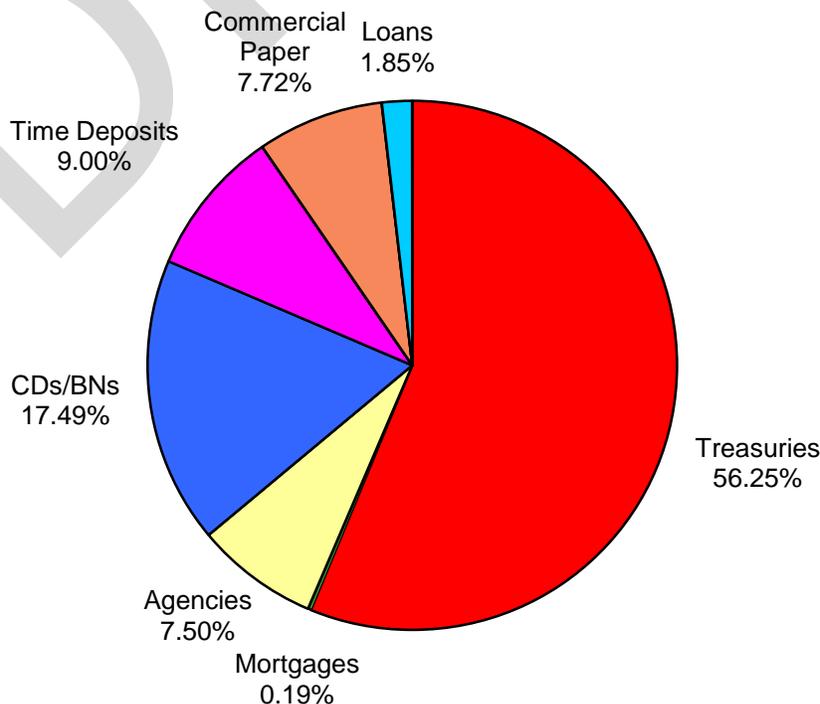
Apportionment Rate: 0.24%  
 Earnings Ratio: .00000662348923179  
 Fair Value Factor: 1.000181284  
 Daily: 0.25%  
 Quarter To Date: 0.25%  
 Average Life: 232

**PMIA Average Monthly Effective Yields**

**SEP 2014 0.246%**  
 AUG 2014 0.260%  
 JUL 2014 0.244%

\*Daily yield does not reflect capital gains or losses

**Pooled Money Investment Account  
Portfolio Composition  
\$56.5 Billion  
09/30/14**



**SCHEDULE A**  
**Trial Court Investments Held Outside of the Judicial Branch Treasury**

*As Of June 30, 2014*

<b>Investment Type</b>	<b>Total as of 06/30/14</b>	<b>Yield</b>	<b>WAM (Days)*</b>
<i>County Investment Pools</i>	\$ 351,820,390	0.683% **	654 **
<b><i>Other Financial Institution Investments:</i></b>			
<i>Other Bank Investment Accounts</i>	\$ -	0.000% **	- **
<i>Certificates of Deposit</i>	\$ -	0.000% **	- **
<b>Total</b>	<b>\$ 351,820,390</b>	<b>0.683% **</b>	<b>654 **</b>

\* WAM - Weighted Average Maturity

\*\* Dollar Weighted Average



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

[www.courts.ca.gov](http://www.courts.ca.gov)

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 12, 2014

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Title  
Court Facilities: Lease Revenue Bond  
Issuances, Fall 2013-Spring 2014

Agenda Item Type  
Information Only

Submitted by  
Martin Hoshino  
Administrative Director of the Courts

Date of Report  
October 31, 2014

Contact  
Gisele Corrie, 916-263-1687  
[gisele.corrie@jud.ca.gov](mailto:gisele.corrie@jud.ca.gov)

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### Executive Summary

As authorized and directed by the Judicial Council, the Administrative Director of the Courts presents this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board in fall 2013 and spring 2014 for the financing of court facilities projects.

### Previous Council Action

At its August 27, 2010, meeting, the Judicial Council (1) authorized the execution of documents in connection with issuances of bonds by the State Public Works Board (SPWB) for the financing of court facilities projects, (2) “delegated to the Administrative Director of the Courts or his designee the authority to execute bond documents on behalf of the Judicial Council,”<sup>1</sup> and (3) directed that the Administrative Director of the Courts report to the council at least once a year on actions taken under that authority.

### Policy and Cost Implications

Lease-revenue bonds are a form of long-term borrowing in which the debt obligation is secured by a revenue stream created from lease payments made by the occupying entity to the SPWB, which retains title to the facility until the debt is retired. Lease-revenue bonds do not require

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<sup>1</sup> Judicial Council of Cal., mins. (Aug. 27, 2010), item 9, [www.courts.ca.gov/documents/min20100827.pdf](http://www.courts.ca.gov/documents/min20100827.pdf).

voter approval because the transaction is set up to mirror a typical financing lease, i.e., lease payments are due on a year-to-year basis and required only if the facility can be occupied.

When each of these courthouse projects is completed and the court occupies the respective courthouse, the lease payments for the completed facility will be funded from the Immediate and Critical Needs Account, of the State Court Facilities Construction Fund established by SB 1407. Schedules showing the base rental payments for each of the courthouses for which bonds have been issued are attached as Attachment B.

### **Implementation Efforts**

The SPWB issued lease-revenue bonds on behalf of the Judicial Council in fall 2013 and spring 2014 to finance the construction of the following new courthouses:

- Central Courthouse (San Diego County)
- Stockton Courthouse (San Joaquin County)

The closing dates of the respective bond issuances are set forth in Attachment A.

### **Next Steps**

The SPWB plans to issue lease-revenue bonds on behalf of the Judicial Council in October 2014 to finance the following courthouse projects funded from the Immediate and Critical Needs Account, established by SB 1407, of the State Court Facilities Construction Fund:

- Construction of the Red Bluff Courthouse (Tehama County)

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The issuance of bonds to finance construction and renovation of courthouses supports Goal VI, Branchwide Infrastructure for Service Excellence, by creating safer and more functional facilities for conducting court business (Goal VI.A.1).

### **Attachments and Links**

1. Attachment A: Lease-Revenue Bond Issuances—Fall 2013 and Spring 2014
2. Attachment B: Schedules of Base Rental Payments

**Lease-Revenue Bond Issuances – Fall 2013 and Spring 2014**

<b>Series</b>	<b>Closing Date</b>	<b>County</b>	<b>Project Name</b>
Fall 2013 Series I	November 20, 2013	San Diego	Central Courthouse
Spring 2014 Series B	April 24, 2014	San Joaquin	Stockton Courthouse

DRAFT

**Schedules of Base Rental Payments**

DRAFT

**SCHEDULE I**

\$631,535,000  
State Public Works Board of the State of California  
Lease Revenue Bonds  
2013 Series I  
(Various Capital Projects)

**SCHEDULE OF CAPITALIZED INTEREST PAYMENTS  
AND BASE RENTAL PAYMENTS  
NEW CENTRAL COURTHOUSE**

**I. CAPITALIZED INTEREST PAYMENTS**

Interest on the portion of the Bonds issued to finance the Project shall be paid from the Series 2013I Capitalized Interest Subaccount established under the One Hundred Twenty-Second Supplemental Indenture on the following dates and in the following amounts:

<i>Payment Date</i>	<i>Amount</i>
04/15/2014	\$13,056,146.86
10/15/2014	14,596,448.24
04/15/2015	14,596,458.01
10/15/2015	14,596,448.24
04/15/2016	14,596,458.01
10/15/2016	14,596,448.24
04/15/2017	12,163,951.02

**II. BASE RENTAL PAYMENTS**

<i>Payment Date</i>	<i>Principal</i>	<i>Interest</i>	<i>Total Base Rental Payments</i>
04/15/2017		\$ 2,432,506.99	\$ 2,432,506.99
10/15/2017	\$15,090,000	14,596,448.24	29,686,448.24
04/15/2018	-	14,237,683.01	14,237,683.01
10/15/2018	15,800,000	14,237,673.24	30,037,673.24
04/15/2019	-	13,883,933.01	13,883,933.01
10/15/2019	16,545,000	13,883,923.24	30,428,923.24
04/15/2020	-	13,493,308.01	13,493,308.01
10/15/2020	17,345,000	13,493,298.24	30,838,298.24
04/15/2021	-	13,084,633.01	13,084,633.01
10/15/2021	18,165,000	13,084,623.24	31,249,623.24
04/15/2022	-	12,671,833.01	12,671,833.01

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10/15/2022	19,000,000	12,671,823.24	31,671,823.24
04/15/2023	-	12,253,000.00	12,253,000.00
10/15/2023	19,900,000	12,253,000.00	32,153,000.00
04/15/2024	-	11,769,000.00	11,769,000.00
10/15/2024	20,905,000	11,769,000.00	32,674,000.00
04/15/2025	-	11,251,300.00	11,251,300.00
10/15/2025	21,970,000	11,251,300.00	33,221,300.00
04/15/2026	-	10,703,525.00	10,703,525.00
10/15/2026	23,055,000	10,703,525.00	33,758,525.00
04/15/2027	-	10,164,375.00	10,164,375.00
10/15/2027	24,230,000	10,164,375.00	34,394,375.00
04/15/2028	-	9,528,337.50	9,528,337.50
10/15/2028	25,535,000	9,528,337.50	35,063,337.50
04/15/2029	-	8,858,043.75	8,858,043.75
10/15/2029	26,870,000	8,858,043.75	35,728,043.75
04/15/2030	-	8,194,831.25	8,194,831.25
10/15/2030	28,310,000	8,194,831.25	36,504,831.25
04/15/2031	-	7,416,306.25	7,416,306.25
10/15/2031	29,915,000	7,416,306.25	37,331,306.25
04/15/2032	-	6,593,643.75	6,593,643.75
10/15/2032	31,555,000	6,593,643.75	38,148,643.75
04/15/2033	-	5,774,100.00	5,774,100.00
10/15/2033	33,290,000	5,774,100.00	39,064,100.00
04/15/2034	-	4,858,625.00	4,858,625.00
10/15/2034	35,080,000	4,858,625.00	39,938,625.00
04/15/2035	-	3,981,625.00	3,981,625.00
10/15/2035	36,880,000	3,981,625.00	40,861,625.00
04/15/2036	-	3,059,625.00	3,059,625.00
10/15/2036	38,775,000	3,059,625.00	41,834,625.00
04/15/2037	-	2,090,250.00	2,090,250.00
10/15/2037	40,760,000	2,090,250.00	42,850,250.00
04/15/2038	-	1,071,250.00	1,071,250.00
10/15/2038	42,850,000	1,071,250.00	43,921,250.00

SCHEDULE I<sup>(1)</sup>

\$254,635,000  
 State Public Works Board of the State of California  
 Lease Revenue Bonds  
 (Judicial Council of California)  
 2014 Series B  
 (New Stockton Courthouse)

SCHEDULE OF CAPITALIZED INTEREST PAYMENTS  
 AND BASE RENTAL PAYMENTS

I. CAPITALIZED INTEREST PAYMENTS

Interest on the Bonds shall be paid from the Series 2014B Capitalized Interest Subaccount established under the One Hundred Twenty-Fourth Supplemental Indenture on the following dates and in the following amounts:

<i>Payment Date</i>	<i>Amount</i>
9/15/2014	\$5,552,570.81
3/15/2015	6,365,875.00
9/15/2015	6,365,875.00
3/15/2016	6,365,875.00
9/15/2016	6,365,875.00
3/15/2017	6,365,875.00
9/15/2017	3,182,937.50

II. BASE RENTAL PAYMENTS

Base Rental payments are due on the following dates and in the following amounts:

<i>Payment Date</i>	<i>Principal</i>	<i>Interest</i>	<i>Total Base Rental Payments</i>
9/15/2017		\$ 3,182,937.50	\$ 3,182,937.50
3/15/2018		6,365,875.00	6,365,875.00
9/15/2018	\$ 6,515,000	6,365,875.00	12,880,875.00
3/15/2019		6,203,000.00	6,203,000.00
9/15/2019	6,845,000	6,203,000.00	13,048,000.00
3/15/2020		6,031,875.00	6,031,875.00

<sup>(1)</sup> This schedule may be modified in the event that additional capitalized interest is allocated to the Project under the One Hundred Twenty-Fourth Supplemental Indenture in which case the amounts on this Schedule I shall be adjusted in accordance with a Written Request of the Board delivered with respect to such allocation.

9/15/2020	7,200,000	6,031,875.00	13,231,875.00
3/15/2021		5,851,875.00	5,851,875.00
9/15/2021	7,565,000	5,851,875.00	13,416,875.00
3/15/2022		5,662,750.00	5,662,750.00
9/15/2022	7,955,000	5,662,750.00	13,617,750.00
3/15/2023		5,463,875.00	5,463,875.00
9/15/2023	8,365,000	5,463,875.00	13,828,875.00
3/15/2024		5,254,750.00	5,254,750.00
9/15/2024	8,790,000	5,254,750.00	14,044,750.00
3/15/2025		5,035,000.00	5,035,000.00
9/15/2025	9,245,000	5,035,000.00	14,280,000.00
3/15/2026		4,803,875.00	4,803,875.00
9/15/2026	9,715,000	4,803,875.00	14,518,875.00
3/15/2027		4,561,000.00	4,561,000.00
9/15/2027	10,215,000	4,561,000.00	14,776,000.00
3/15/2028		4,305,625.00	4,305,625.00
9/15/2028	10,740,000	4,305,625.00	15,045,625.00
3/15/2029		4,037,125.00	4,037,125.00
9/15/2029	11,290,000	4,037,125.00	15,327,125.00
3/15/2030		3,754,875.00	3,754,875.00
9/15/2030	11,870,000	3,754,875.00	15,624,875.00
3/15/2031		3,458,125.00	3,458,125.00
9/15/2031	12,480,000	3,458,125.00	15,938,125.00
3/15/2032		3,146,125.00	3,146,125.00
9/15/2032	13,120,000	3,146,125.00	16,266,125.00
3/15/2033		2,818,125.00	2,818,125.00
9/15/2033	13,790,000	2,818,125.00	16,608,125.00
3/15/2034		2,473,375.00	2,473,375.00
9/15/2034	14,500,000	2,473,375.00	16,973,375.00
3/15/2035		2,110,875.00	2,110,875.00
9/15/2035	15,240,000	2,110,875.00	17,350,875.00
3/15/2036		1,729,875.00	1,729,875.00
9/15/2036	16,025,000	1,729,875.00	17,754,875.00
3/15/2037		1,329,250.00	1,329,250.00
9/15/2037	16,845,000	1,329,250.00	18,174,250.00
3/15/2038		908,125.00	908,125.00
9/15/2038	17,710,000	908,125.00	18,618,125.00
3/15/2039		465,375.00	465,375.00
9/15/2039	18,615,000	465,375.00	19,080,375.00