



JUDICIAL COUNCIL OF CALIFORNIA

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August 23, 2021

Hon. Anthony Portantino, Chair
Senate Appropriations Committee
State Capitol, Room 5050
Sacramento, California 95814

Subject: AB 1576 (Committee on Judiciary), as amended June 25, 2021 – Fiscal Impact Statement

Dear Senator Portantino:

The Judicial Council is neutral if amendments are made regarding AB 1576, which requires superior courts to allow attorneys and other “officers of the court” to utilize the lactation room that is provided to court employees or another legally compliant lactation location within the courthouse.

AB 1576 requires courts to allow non-employees, in this case attorneys and other individuals who are considered “officers of the court,” such as probation officers, coroners, and other individuals that vary by county, access to a code-compliant lactation room in each courthouse that is provided for court employees. Labor Code section 1031, attached, requires employers, including courts, to provide lactation rooms for their employees. The Labor Code outlines the requirements for these rooms and clearly indicates that employers must provide them for the employees, although the statute is silent on making those rooms accessible to customers, members of the public, or other individuals. Available information indicates that existing judicial branch facilities currently comply with the requirements of Labor Code 1031.

Fiscal Impact

The Judicial Council estimates cumulative fiscal impacts of between \$14 million and \$16 million at a minimum as a result of trial court facility modifications that would be required for the branch to comply with the provisions of this bill. This bill would also escalate the cost of current

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and future trial court construction projects by between \$100,000 and \$200,000 per project to comply with its provisions. The council notes that courts are currently in compliance with the existing provisions of Labor Code 1031, but that nearly all of the existing lactation rooms in court facilities are in secured areas accessible only to court employees. Among a variety of concerns, courts have pointed out that federal justice agencies provide a variety of guidelines which require criminal justice agencies, including the courts, to ensure they maintain strict physical access controls of their facilities (see attachment, section 5.9 Policy Area 9: Physical Protection pg. 51) in order to ensure that criminal justice information remains secure. We have discussed this bill with the Federal Bureau of Investigations and they concur that, because it requires courts to provide non-court employees with access to areas of court facilities currently restricted to court staff, it's provisions would put courts in violation of a variety of federal information security guidelines that they currently adhere to.

We note our estimate is based on a conservative assumption that between 25% and 30% of the branch's 272 existing courthouse facilities would need to modify an alternative space in their facilities to be compliant with all of the provisions of this bill as well as federal information security guidelines. However, we note it is likely that an even larger portion of existing courthouse facilities would need to be modified to comply with the provisions of AB 1576, which could further escalate the costs of this bill.

Please contact me at 916-323-3121 or mark.neuburger@jud.ca.gov if you would like further information or have any questions about the fiscal impact of this legislation on the judicial branch.

Sincerely,

Sent August 23, 2021

Cory T. Jasperson
Director, Governmental Affairs

CTJ/MN/jh

cc: Members, Senate Appropriations Committee
Members, Assembly Judiciary Committee
Mr. Shaun Naidu, Consultant, Senate Appropriations Committee
Mr. Matt Osterli, Fiscal Consultant, Senate Republican Fiscal Office
Mr. Morgan Branch, Senate Republican Office of Policy
Ms. Jessica Devencenzi, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Jessie Romine, Budget Analyst, Department of Finance
Mr. Martin Hoshino, Administrative Director, Judicial Council of California