



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

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TANI G. CANTIL-SAKAUYE

Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

March 28, 2017

Hon. Mark Stone, Chair
Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, California 95814

Subject: AB 1443 (Levine), as introduced – Support/Sponsor
Hearing: Assembly Judiciary Committee – April 4, 2017

Dear Assembly Member Stone:

The Judicial Council is pleased to support and sponsor AB 1443, which: (1) eliminates the requirement that superior courts report destroyed court records to the Judicial Council; (2) specifies the retention period for court records in gun violence cases; and (3) makes technical amendments.

Under Government Code section 68153, superior courts must provide a “list of the court records destroyed within the jurisdiction of the superior court ... to the Judicial Council in accordance with the California Rules of Court.” In turn, subdivision (j) of rule 10.855 requires each superior court to submit semiannually to the Judicial Council a *Report to Judicial Council: Superior Court Records Destroyed, Preserved, and Transferred* (form REC-003), which includes the following information: (1) a list by year of filing of the court records destroyed; (2) a list by year of filing and location of the court records of the comprehensive and sample court records preserved; and (3) a list by year of filing and location of the court records transferred to entities under rule 10.856. AB 1443 eliminates the reporting requirement because the Judicial Council has concluded that complying with this requirement is unnecessarily time-consuming and

burdensome for courts as the council has never received a request for that information. Moreover, when superior courts destroy court records under section 68153, they are already required to make a notation of the date of destruction on the index of cases or on a separate destruction index. This statutory requirement ensures that courts establish appropriate mechanisms for tracking whether a court record has been destroyed

In addition, AB 1443 establishes a record retention period for court records associated with gun violence restraining orders. In 2014 legislation was passed to provide for protective orders in proceedings to prevent gun violence, however, AB 1014 did not address what the retention period is for court records associated with those protective orders (AB 1014, Stats. 2014, ch. 872.). To address this, AB 1443 requires courts to retain the court records for gun violence restraining order cases for the same period that records must be retained for civil harassment, domestic violence, elder and dependent adult abuse, private postsecondary school violence, and workplace violence cases. Existing law requires courts must retain records for these case types “for the same period of time as the duration of the restraining or other orders and any renewals thereof, then retain the restraining or other orders permanently as a judgment.” (Gov. Code, § 68152(a)(6).)

Finally, AB 1443 deletes an obsolete requirement in Government Code section 68150(a) relating to the future adoption of rules of court, pursuant to subdivision (c) of that section. The Judicial Council adopted these rules in 2011. AB 1443 also removes the references to national standards that applied while the rule and implementing standards and guidelines were in development.¹

For these reasons, the Judicial Council is sponsoring and supporting AB 1443.

Should you have any questions or require additional information, please contact Sharon Reilly at 916-323-3121.

Sincerely,

Mailed on March 28, 2017

Cory T. Jaspersen
Director, Governmental Affairs

¹ The standards and guidelines for electronic court records are stated in the *Trial Court Records Manual* (Judicial Council of Cal., rev. Jan. 1, 2016), pp. 35–45, www.courts.ca.gov/documents/trial-court-records-manual.pdf. Rule 10.854 of the Cal. Rules of Court authorizes the preparation and maintenance of the manual.

Hon. Mark Stone

March 28, 2017

Page 2

CTJ/SR/yc-s

cc: Members, Assembly Judiciary Committee Members
Hon. Marc B. Levine, Member of the Assembly
Mr. Eric Dang, Counsel, Assembly Judiciary Committee
Mr. Paul Dress, Consultant, Assembly Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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Director, Governmental Affairs

April 14, 2017

Hon. Reginald B. Jones-Sawyer, Sr., Chair
Assembly Public Safety Committee
State Capitol, Room 2117
Sacramento, California 95814

Subject: Assembly Bill 1443 (Levine), as introduced – Support/Sponsor
Hearing: Assembly Public Safety Committee – April 25, 2017

Dear Assembly Member Jones-Sawyer:

The Judicial Council is pleased to support and sponsor AB 1443, which: (1) eliminates the requirement that superior courts report destroyed court records to the Judicial Council; (2) specifies the retention period for court records in gun violence cases; and (3) makes technical amendments.

Under Government Code section 68153, superior courts must provide a “list of the court records destroyed within the jurisdiction of the superior court ... to the Judicial Council in accordance with the California Rules of Court.” In turn, subdivision (j) of rule 10.855 requires each superior court to submit semiannually to the Judicial Council a *Report to Judicial Council: Superior Court Records Destroyed, Preserved, and Transferred* (form REC-003), which includes the following information: (1) a list by year of filing of the court records destroyed; (2) a list by year of filing and location of the court records of the comprehensive and sample court records preserved; and (3) a list by year of filing and location of the court records transferred to entities under rule 10.856. AB 1443 eliminates the reporting requirement because the Judicial Council

Hon. Reginald B. Jones-Sawyer, Sr.

April 14, 2017

Page 2

has concluded that complying with this requirement is unnecessarily time-consuming and burdensome for courts as the council has never received a request for that information. Moreover, when superior courts destroy court records under section 68153, they are already required to make a notation of the date of destruction on the index of cases or on a separate destruction index. This statutory requirement ensures that courts establish appropriate mechanisms for tracking whether a court record has been destroyed

In addition, AB 1443 establishes a record retention period for court records associated with gun violence restraining orders. In 2014 legislation was passed to provide for protective orders in proceedings to prevent gun violence, however, AB 1014 did not address what the retention period is for court records associated with those protective orders (AB 1014, Stats. 2014, ch. 872.). To address this, AB 1443 requires courts to retain the court records for gun violence restraining order cases for the same period that records must be retained for civil harassment, domestic violence, elder and dependent adult abuse, private postsecondary school violence, and workplace violence cases. Existing law requires courts must retain records for these case types “for the same period of time as the duration of the restraining or other orders and any renewals thereof, then retain the restraining or other orders permanently as a judgment.” (Gov. Code, § 68152(a)(6).)

Finally, AB 1443 deletes an obsolete requirement in Government Code section 68150(a) relating to the future adoption of rules of court, pursuant to subdivision (c) of that section. The Judicial Council adopted these rules in 2011. AB 1443 also removes the references to national standards that applied while the rule and implementing standards and guidelines were in development.¹

For these reasons, the Judicial Council is sponsoring and supporting AB 1443.

Should you have any questions or require additional information, please contact Sharon Reilly at 916-323-3121.

Sincerely,

Mailed on April 14, 2017

Cory T. Jasperson
Director, Governmental Affairs

¹ The standards and guidelines for electronic court records are stated in the *Trial Court Records Manual* (Judicial Council of Cal., rev. Jan. 1, 2016), pp. 35–45, www.courts.ca.gov/documents/trial-court-records-manual.pdf. Rule 10.854 of the Cal. Rules of Court authorizes the preparation and maintenance of the manual.

Hon. Reginald B. Jones-Sawyer, Sr.

April 14, 2017

Page 2

CTJ/SR/yc-s

cc: Members, Assembly Public Safety Committee
Hon. Marc B. Levine, Member of the Assembly
Mr. Gregory Pagan, Chief Counsel, Assembly Public Safety Committee
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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*Chief Justice of California
Chair of the Judicial Council*

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

June 13, 2017

Hon. Hannah-Beth Jackson, Chair
Senate Judiciary Committee
State Capitol, Room 2032
Sacramento, California 95814

Subject: Assembly Bill 1443 (Levine), as introduced – Support/Sponsor
Hearing: Senate Judiciary Committee – June 27, 2017

Dear Senator Jackson:

The Judicial Council is pleased to support and sponsor AB 1443, which: (1) eliminates the requirement that superior courts report destroyed court records to the Judicial Council; (2) specifies the retention period for court records in gun violence cases; and (3) makes technical amendments.

Under Government Code section 68153, superior courts must provide a “list of the court records destroyed within the jurisdiction of the superior court ... to the Judicial Council in accordance with the California Rules of Court.” In turn, subdivision (j) of rule 10.855 requires each superior court to submit semiannually to the Judicial Council a *Report to Judicial Council: Superior Court Records Destroyed, Preserved, and Transferred* (form REC-003), which includes the following information: (1) a list by year of filing of the court records destroyed; (2) a list by year of filing and location of the court records of the comprehensive and sample court records preserved; and (3) a list by year of filing and location of the court records transferred to entities under rule 10.856. AB 1443 eliminates the reporting requirement because the Judicial Council

Hon. Hannah-Beth Jackson

June 13, 2017

Page 2

has concluded that complying with this requirement is unnecessarily time-consuming and burdensome for courts as the council has never received a request for that information. Moreover, when superior courts destroy court records under section 68153, they are already required to make a notation of the date of destruction on the index of cases or on a separate destruction index. This statutory requirement ensures that courts establish appropriate mechanisms for tracking whether a court record has been destroyed

In addition, AB 1443 establishes a record retention period for court records associated with gun violence restraining orders. In 2014 legislation was passed to provide for protective orders in proceedings to prevent gun violence, however, AB 1014 did not address what the retention period is for court records associated with those protective orders (AB 1014, Stats. 2014, ch. 872.). To address this, AB 1443 requires courts to retain the court records for gun violence restraining order cases for the same period that records must be retained for civil harassment, domestic violence, elder and dependent adult abuse, private postsecondary school violence, and workplace violence cases. Existing law requires courts must retain records for these case types “for the same period of time as the duration of the restraining or other orders and any renewals thereof, then retain the restraining or other orders permanently as a judgment.” (Gov. Code, § 68152(a)(6).)

Finally, AB 1443 deletes an obsolete requirement in Government Code section 68150(a) relating to the future adoption of rules of court, pursuant to subdivision (c) of that section. The Judicial Council adopted these rules in 2011. AB 1443 also removes the references to national standards that applied while the rule and implementing standards and guidelines were in development.¹

For these reasons, the Judicial Council is sponsoring and supporting AB 1443.

Should you have any questions or require additional information, please contact Sharon Reilly at 916-323-3121.

Sincerely,

Mailed on June 13, 2017

Cory T. Jaspersen
Director, Governmental Affairs

¹ The standards and guidelines for electronic court records are stated in the *Trial Court Records Manual* (Judicial Council of Cal., rev. Jan. 1, 2016), pp. 35–45, www.courts.ca.gov/documents/trial-court-records-manual.pdf. Rule 10.854 of the Cal. Rules of Court authorizes the preparation and maintenance of the manual.

Hon. Hannah-Beth Jackson

June 13, 2017

Page 2

CTJ/SR/yc-s

cc: Members, Senate Judiciary Committee

Hon. Marc B. Levine, Member of the Assembly

Mr. Christian Kurpiewski, Counsel, Senate Judiciary Committee

Mr. Mike Petersen, Consultant, Senate Republican Office of Policy

Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor

Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

July 20, 2017

Hon. Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: Assembly Bill 1443 (Levine) – Request for Signature

Dear Governor Brown:

The Judicial Council respectfully requests your signature on AB 1443, which: (1) eliminates the requirement that superior courts report destroyed court records to the Judicial Council; (2) specifies the retention period for court records in gun violence cases; and (3) makes technical amendments.

Under Government Code section 68153, superior courts must provide a “list of the court records destroyed within the jurisdiction of the superior court ... to the Judicial Council in accordance with the California Rules of Court.” In turn, subdivision (j) of rule 10.855 requires each superior court to submit semiannually to the Judicial Council a *Report to Judicial Council: Superior Court Records Destroyed, Preserved, and Transferred* (form REC-003), which includes the following information: (1) a list by year of filing of the court records destroyed; (2) a list by year of filing and location of the court records of the comprehensive and sample court records preserved; and (3) a list by year of filing and location of the court records transferred to entities under rule 10.856. AB 1443 eliminates the reporting requirement because the Judicial Council has concluded that complying with this requirement is unnecessarily time-consuming and burdensome for courts as the council has never received a request for that information. Moreover, when superior courts destroy court records under section 68153, they are already

Hon. Edmund G. Brown, Jr.

July 20, 2017

Page 2

required to make a notation of the date of destruction on the index of cases or on a separate destruction index. This statutory requirement ensures that courts establish appropriate mechanisms for tracking whether a court record has been destroyed

In addition, AB 1443 establishes a record retention period for court records associated with gun violence restraining orders. In 2014 legislation was passed to provide for protective orders in proceedings to prevent gun violence, however, AB 1014 did not address what the retention period is for court records associated with those protective orders (AB 1014, Stats. 2014, ch. 872.). To address this, AB 1443 requires courts to retain the court records for gun violence restraining order cases for the same period that records must be retained for civil harassment, domestic violence, elder and dependent adult abuse, private postsecondary school violence, and workplace violence cases. Existing law requires courts must retain records for these case types “for the same period of time as the duration of the restraining or other orders and any renewals thereof, then retain the restraining or other orders permanently as a judgment.” (Gov. Code, § 68152(a)(6).)

Finally, AB 1443 deletes an obsolete requirement in Government Code section 68150(a) relating to the future adoption of rules of court, pursuant to subdivision (c) of that section. The Judicial Council adopted these rules in 2011. AB 1443 also removes the references to national standards that applied while the rule and implementing standards and guidelines were in development.¹

For these reasons, the Judicial Council requests your signature on AB 1443.

Should you have any questions or require additional information, please contact Sharon Reilly at 916-323-3121.

Sincerely,

Mailed on July 20, 2017

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/SR/yc-s

cc: Hon. Marc B. Levine, Member of the Assembly
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California

¹ The standards and guidelines for electronic court records are stated in the *Trial Court Records Manual* (Judicial Council of Cal., rev. Jan. 1, 2016), pp. 35–45, www.courts.ca.gov/documents/trial-court-records-manual.pdf. Rule 10.854 of the Cal. Rules of Court authorizes the preparation and maintenance of the manual.