

## Invitation to Comment

Title	Governmental Fee Exemption (amend Gov. Code, § 6103)
Summary	<p>Government Code section 6103 exempts governmental entities, including the state, counties, cities, and districts, from paying or depositing certain filing fees and fees for services. By its language, the statute does not apply to jury deposits or jury fees. Nonetheless, to clarify the law, the statute would be amended to expressly state that it does not apply to civil jury fees or jury deposits.</p>
Source	<p>Civil and Small Claims Advisory Committee Hon. Lee Smalley Edmon, Chair</p>
Staff	<p>Patrick O'Donnell, Committee Counsel, 415-865-7665, patrick.o'donnell@jud.ca.gov</p>
Discussion	<p>Government Code section 6103 exempts governmental entities from paying or depositing any fee “for the filing of any documents or paper, for the performance of any official service, or the filing of any stipulation or agreement which may constitute an appearance in any court by any other party to the stipulation or agreement.” This language does not exempt government entities from paying civil jury fees or making civil jury deposits because these do not involve either the filing of papers or the performance of services. The purpose of civil jury fees and deposits is to cover the fees and mileage of jurors, not the expenses of the courts. (See Code Civ. Proc., § 631.)</p> <p>Nonetheless, it is sometimes contented that a government entity is exempt from paying or depositing civil jury fees or deposits under Government Code section 6103. To clarify that this is not the case, the section would be amended to include a statement: “This section does not apply to civil jury fees or civil jury deposits.”</p>
	Attachment

## Legislative Proposal

Government Code section 6103 would be amended to read as follows:

- 1 **Section 6103.** Neither the state nor any county, city, district, or other political  
2 subdivision, nor any public officer or body, acting in his official capacity on  
3 behalf of the state, or any county, city, district, or other political subdivision, shall  
4 pay or deposit any fee for the filing of any document or paper for the performance  
5 of any official service, or for the filing of any stipulation or agreement ~~which~~ that  
6 may constitute an appearance in any court by any other party to the stipulation or  
7 agreement. This section does not apply to civil jury fees or civil jury deposits.  
8 This section does not apply to the State Compensation Insurance Fund or where a  
9 public officer is acting with reference to private assets or obligations ~~which~~ that  
10 have come under this jurisdiction by virtue of his office, or where it is specifically  
11 provided otherwise. No fee shall be charged for the filing of a confession of  
12 judgment in favor of any of the public agencies named in this section.  
13  
14 No fee shall be charged to any of the public agencies named in this section to  
15 defray the costs of reporting services by court reporters.  
16  
17 Such fees shall be recoverable as costs as provided in section 6103.5.

**Item LEG07-02 Response Form**

**Title:** Governmental Fee Exemption (amend Gov. Code, § 6103)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

- Commenting on behalf of an organization**

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

Please **write** or **fax** or **respond using the Internet** to:

**Address:** Ms. Camilla Kieliger,  
Judicial Council, 455 Golden Gate Avenue,  
San Francisco, CA 94102  
**Fax:** (415) 865-7664      **Attention:** Camilla Kieliger  
**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

**DEADLINE FOR COMMENT: 5:00 p.m., Wednesday, June 20, 2007**

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council,  
the Rules and Projects Committee, or the Policy Coordination and Liaison Committee.  
All comments will become part of the public record of the council's action.*