



JUDICIAL COUNCIL
OF CALIFORNIA

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TRIAL COURT PRESIDING JUDGES
ADVISORY COMMITTEE/
COURT EXECUTIVES ADVISORY COMMITTEE

**TRIAL COURT PRESIDING JUDGES ADVISORY COMMITTEE/COURT
EXECUTIVES ADVISORY COMMITTEE
JOINT LEGISLATIVE WORKING GROUP (JLWG)**

MINUTES OF OPEN MEETING

October 2, 2014
12:10 - 1:00 p.m.

**Advisory Body
Members Present:**

Hon. Mark A. Cope (Co-Chair), Mr. Michael Roddy (Co-Chair), Hon. Debra Givens, Hon. Susan Green, Hon. Janet Hilde, Hon. Elizabeth W. Johnson, Hon. Kristen A. Lucena, Mr. G. Sean Metroka, Mr. Stephen Nash, Mr. Michael Planet, Ms. Linda Romero Soles, Hon. Glenda Sanders, Ms. Patty Wallace-Rixman, and Winifred Younge Smith.

**Advisory Body
Members Absent:**

Ms. Barbara Cockerham, Mr. Hector Gonzalez, Hon. Marsha G. Slough, Hon. Jeffrey A. Thompson and Ms. Leah Wilson.

Others Present:

Superior Court of Los Angeles County: Mr. Bryan Borys, on behalf of Ms. Sherri Carter. Judicial Council Staff: Ms. Heather Anderson, Ms. Deirdre Benedict, Ms. Kim DaSilva, Mr. Cory Jaspersen, Mr. Dan Pone, Ms. Sharon Reilly Ms. Marlene Smith, and Ms. Laura Speed and Ms. Adrienne Toomey.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:13 p.m., and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the August 7, 2014, Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee's Joint Legislative Working Group conference call.

DISCUSSION AND ACTION ITEMS (ITEMS 1-7)

Item 1

Proposal for Judicial Council-sponsored Legislation: Criminal Procedure—Appeals of the Imposition or Calculation of Fines and Fees under Penal Code section 1237

Action:

JLWG unanimously approved a motion to support the Criminal Law Advisory Committee's proposal that the Judicial Council sponsor legislation that would add Penal Code section 1237.2 and amend 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.

Item 2

Proposal for Judicial Council-sponsored Legislation: Criminal Justice Realignment—Recalling Sentences under Penal Code section 1170(d)(1)

Action: *JLWG unanimously approved a motion to support the Criminal Law Advisory Committee's proposal that the Judicial Council sponsor legislation amending Penal Code section 1170(d) (1) to apply existing court authority to recall felony prison sentences to sentences now served in county jail under section 1170(h).*

Item 3

Proposal for Judicial Council-sponsored Legislation: Sentencing Report Deadlines

Action: *JLWG unanimously approved a motion to support the Criminal Law Advisory Committee's proposal 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.*

Item 4

Proposal for Judicial Council-sponsored Legislation: Criminal and Civil Procedure— Monetary Sanctions under Code of Civil Procedure section 177.5

Action: *JLWG unanimously approved a motion to support the Criminal Law Advisory Committee proposal that the Judicial Council sponsor legislation to amend 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.*

Item 5

Proposal for Judicial Council-sponsored Legislation: Evidentiary Objections in Summary Judgment Proceedings

Action: *JLWG unanimously approved a motion to support the joint proposal by the Civil and Small Claims Advisory Committee (CSCAC) and the Appellate Advisory Committee (AAC)'s 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.*

Item 6

Extension of sunset date on increased fees implemented in the FY 2012-2013 budget.

The sunset date is 7/1/2015 unless noted otherwise. ([SB 1021 \(2012\) Public Safety](#))

- \$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 under Section [68085.1](#) (Sargent Shriver project). Sunset expires on 7/1/17.
- \$40 probate fee enacted in 2013, sunsets on 1/1/19. ([GC 70662](#))

Action: *By a vote of 13-1, the JLWG approved a motion to recommend that as part of its 2015 legislative priorities, the Judicial Council pursue the extension of sunset dates on increased fees implemented in the FY 2012-2013 budget*

Item 7

[H.R. 5178](#) The Crime Victim Restitution and Court Fee Intercept Act

H.R. 5178 would allow for the interception of federal tax refunds for unpaid court debt and victim restitution.

Federal law permits the interception for child support debts, state tax and other federal debts, but currently does not include other court-ordered state debts (for example, fines and restitution arising from criminal judgments). The funds collected from such an intercept program not only benefit victims of crime and our state's General Fund, but many state agencies, cities, and counties. There are millions of dollars in uncollected court-imposed fines, fees, assessments, and restitution in our state.

The funds collected from such an intercept program will maintain vitally needed resources for the California judicial branch. The proposal will also benefit victims of crime where court-ordered obligations are imposed on offenders to pay for damages caused. There are millions of dollars in uncollected court-imposed fines, fees, assessments, and restitution in our state and throughout the country. Further, payment of unpaid court debt would protect the integrity of the judicial branch and promote public trust and confidence in the judicial system.

Action: *JLWG unanimously approved a motion to recommend that the Judicial Council support H.R. 5178*

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:40 pm.

Approved by the advisory body on October 16, 2014.