

ASSEMBLY BILL 233 (Stats. 1997, ch. 850)
THE LOCKYER-ISENBERG TRIAL COURT FUNDING ACT OF 1997
Review of What Has Been Completed

The following chart summarizes requirements contained in AB 233¹ organized by subject matter, followed by a brief statement of the steps taken or progress made to meet the requirement. The status column reflects whether the judicial branch has:

- Implemented the requirement (“completed”),
- Made substantial progress toward completion (“substantial progress”),
- Needs to take further action to achieve completion (“needs improvement”), or
- If the statute does not impose a requirement, or is a requirement on an entity other than the judicial branch (“N/A”).

	SUBJECT	STATUS
1	<p>Fees² <i>Summary:</i> Amends or adds statutes to increase or create 27 new civil fees (including first paper filings and motions in civil actions, filings in small claims cases, fees for filing a petition for letters of administration in probate matters, certification fees, etc.), 2 new criminal fees (administrative screening fee for each person arrested and released on his or her own recognizance if later convicted, and a citation processing fee) and 1 traffic fee (related to traffic violator schools).</p> <p><i>Progress:</i> Courts implemented fee increases as required by statute. In 2005, the Uniform Civil Fees and Standard Fee Schedule Act of 2005 (Stats. 2005, ch. 75 (AB 145)) was enacted to standardize trial court fees for filing and other services as well as to streamline and simplify first paper civil fees by rolling various surcharges and add-on fees that differed from county to county (several of which were added by AB 233) into statewide uniform fees.</p>	Completed
2	<p>Distribution of fines, fees, and penalties³ <i>Summary:</i> Directs the distribution of various fines, fees, and penalties, into various funds (including filing fees into the Trial Court Trust Fund, fees for copies of marriage and dissolution records into the Family Law Trust Fund, fees for recording and indexing into the county general fund, \$1 of parking penalties into the county rather than the state General Fund). Directs that</p>	Completed

¹ Limited to sections 4 – 63 of the bill. Accomplishments towards the goals specified in the legislative findings and declarations set forth in Section 2 of the act are contained in a separate document. Section 1 is simply a naming of the act, and section 3 sets forth additional legislative intent. Sections 64 and 65 specify only that no provision of the act shall constitute a mandate on the counties or the trial courts.

² AB 233, sections 4, 6-26, 36-39, 56, 58, and 60. All further references to section numbers refer to this legislation, as chaptered, unless otherwise stated.

³ Sections 5, 29, 30, 40, 49, 50, 51, 57, and 59

	SUBJECT	STATUS
	<p>base fines resulting from criminal convictions be deposited in the funds of the city or county responsible for the arrest, as opposed to divided between the county and state General Fund. Eliminates the requirement that counties remit a certain percentage of base fines received to the state General Fund.</p> <p><i>Progress:</i> Courts and counties comply with distribution requirements. Periodic audits by the Administrative Office of the Courts and the State Controller review distribution by courts and/or counties of monies received to ensure distribution in accordance with governing law. Pursuant to AB 145 (Stats. 2005, ch. 75), distributions to the counties from filing fees were bought out, so references to distributions of such fees to counties in AB 233 have since been amended. The only remaining non-court recipients of filing fee revenue are county law libraries, programs funded under the Dispute Resolution Programs Act (DRPA), and the Equal Access Fund.</p>	
3	<p>Court Facilities⁴</p> <p><i>Summary:</i> Provides that counties shall be responsible to provide necessary and suitable facilities for judicial and court support provisions created prior to July 1, 1996 (modified by 2002 legislation to eliminate this responsibility if the facility is transferred from the county to the Judicial Council). Declares that all furniture, furnishings, and equipment used by a trial court on June 30, 1997, shall become the property of the trial court, with specified exceptions, and the court shall assume all responsibility for such furnishings transferred to the court. Creates the Task Force on Court Facilities for the purpose of identifying trial and appellate court facility needs, options for funding maintenance, improvements, and new construction, and the respective responsibilities of the state and counties.</p> <p><i>Progress:</i> The Task Force on Court Facilities was convened as required by statute, and met for several years. The task force produced its final report to the Judicial Council, Governor and Legislature on October 1, 2001, identifying the then current, pressing needs for improvements to court facilities. Stemming from the work of the task force, legislation was enacted - the Trial Court Facilities Act of 2002 (SB 1732, Stats. 2002, ch. 1082) - requiring courts and counties to negotiate over the transfer of court facilities from county to state responsibility. The Act also created the Court Facilities Trust Fund and the State Court Facilities Construction Fund to provide sources of revenue for court construction and maintenance. By the statutory deadline of December 31, 2009, 532 court facilities were transferred from county to state responsibility under the management of the Judicial Council.⁵ SB 1732 also modified statutory requirements defining court and county responsibility for court facilities prior to their transfer. Responsibility for individual facilities is now documented in MOUs between the</p>	Completed

⁴ Sections 27, 28, 41, and part of section 48. Note that section 48 adds Chapter 14 to Title 8 of the Government Code. Article 2 of that chapter (adding sections 77650, 77641, 77652, 77653, 77654, and 77655) addresses court facilities.

⁵ SB 1732 set the deadline for completion of the transfers at June 30, 2007. A variety of problems, including the need for subsequent legislation to address liability for seismic issues, slowed the process of transfers. The deadline was extended to December 31, 2009, pursuant to AB 1491 (Stats. 2008, ch. 9).

	SUBJECT	STATUS
	county and the state.	
4	<p>Judges and Judicial Officers⁶ <i>Summary:</i> Addresses matters relating to judges and justices sitting on assignment and how compensation shall be allocated for days sitting on assignment. Authorizes the Judicial Council to adopt rules of court for racial, ethnic, and gender bias, as well as sexual harassment training for judges, commissioners, and referees.</p> <p><i>Progress:</i> Funding for assigned judges is allocated consistent with the statute. Rule of Court 10.469(e) provides that each judge, justice, and subordinate judicial officer should regularly participate in education on fairness and access, which should include race and ethnicity, gender, sexual orientation, persons with disabilities, and sexual harassment.</p>	Completed
5	<p>Automation⁷ <i>Summary:</i> Amends a statute providing for the establishment of local automation funds to be funded from 2 percent of criminal fine collections to specify that the funds may be used for automated data collection through case management systems (in addition to the law’s previous allowance for use for automated accounting and case processing systems) and the funds may be available for superior courts (not just municipal and justice courts). Redirects distribution of those funds to the Trial Court Improvement Fund (now the State Trial Court Improvement and Modernization Fund). Provides that the automated data collection shall provide the foundation for planning, research, and evaluation of programs, and the system shall be a resource to the courts, the Judicial Council, the AOC, the Legislature, the Governor, and the public.</p> <p><i>Progress:</i> From 1997 to 2006, the 2% automation penalty was distributed to the trial courts at the amounts designated in Government Code section 77009, with the use restricted as set forth above. After the enactment of AB 145 (Stats. 2005, ch. 75), the 2% automation penalty was retained in the Trial Court Improvement Fund for automation at the state level, including Phoenix (accounting system), CCMS (case management system), and other interim case management and case processing systems for trial courts.</p>	Completed ⁸

⁶ Sections 31, 33.6, and 33.8

⁷ Section 32

⁸ Although the money is allocated for these purposes, as directed by the statute, the term “completed” should not be read to imply that all courts have case management systems with automated data collection that provides the information envisioned by this statute.

	SUBJECT	STATUS
6	<p>Data / Reporting⁹ <i>Summary:</i> Enacts 2 reporting requirements: 1) annual data collection and reporting to the Legislature on disposition of criminal cases according to race and ethnicity (along with legislative intent that funding be provided for this purpose; and 2) annual reporting on the uniform entry, storage, and retrieval of court data.</p> <p><i>Progress:</i> The Judicial Council annually reports on criminal case disposition by race and ethnicity. It appears funding has not been provided for this purpose. The Judicial Council submitted a BCP for funding for the 2nd reporting requirement, above. No funding was received, and this report has never been completed. The Judicial Council informed the Legislature of the continuing inability to devote resources to this reporting requirement.</p>	Substantial progress ¹⁰
7	<p>Trial Court Management and Budgeting¹¹ <i>Summary:</i> <i>A. Management</i> Requires the Judicial Council to promulgate rules by July 1, 1998, which establish a decentralized system of trial court management. Requires that the rules also address equal access to justice throughout California using standard practices and procedures where feasible.</p> <p><i>B. Budgeting</i> Revises requirements that each county establish a Trial Court Operations Fund, provides that moneys in the fund which were appropriated in the budget act and allocated to the court may be used only for court operations, and authorizes the Controller to perform financial and fiscal compliance audits of this fund. Directs the council to promulgate rules to best ensure that trial court management of budgets is performed in a manner which enables the courts to carry out their functions relating to how trial courts manage their budgets.</p> <p><i>Progress:</i> Rules of Court were adopted by the July 1, 1998, deadline. The stated purpose of the rules is to establish a system of trial court management that promotes equal access to the courts; establishes decentralized management of trial court resources; and enables the trial courts to operate in an efficient, effective, and accountable manner in serving the people of California.</p>	Completed

⁹ Sections 33.4 and 48.5

¹⁰ The “needs improvement” designation may be misleading. The Judicial Council has no plan to begin complying with the uniform entry, storage and retrieval of court data reporting requirement absent funding provided for this purpose. With regard to the racial/ethnic composition reporting, the Judicial Council met its requirement; the state has not met its intent of providing funding.

¹¹ Sections 34, 42, 44, 45 and part of section 46 (adding section 77200 to the Government Code).

	SUBJECT	STATUS
	<p>They are intended to ensure the authority and responsibility of the superior courts manage their day-to-day operations with sufficient flexibility to meet the needs of those served by the courts; establish the means of selecting presiding judges, assistant presiding judges, executive officers or court administrators, clerks of court, and jury commissioners; manage their personnel systems, including the adoption of personnel policies; manage their budget and fiscal operations, including allocating funding and moving funding between functions or line items; provide input to the Judicial Council, the Trial Court Budget Working Group, and the Administrative Office of the Courts on the trial court budget process; and develop and implement processes and procedures to improve court operations and responsiveness to the public. See Division 4 of Title 10 of the California Rules of Court, commencing with rule 10.601.</p>	
8	<p>State and County Responsibilities / State Financing¹²</p> <p><i>A. State v. County Funding Responsibility</i> <i>Summary:</i> Provides that, commencing July 1, 1997, the state shall assume sole responsibility for funding trial court operations and in doing so, the state shall be responsible for the cost of court operations incurred by the trial courts in the 1997–98 fiscal year and subsequent fiscal years. (Prior to AB 233, these costs were shared between the state and counties.) Requires that the expenditure MOE (derived from the amount the county expended on court operations in fiscal year 1994-95) and the revenue MOE (derived from the amount certain fine and fee revenue collected) be deposited in the Trial Court Trust Fund for allocation to or for the trial courts, and caps the amount that counties would be required to remit. Amends the definition of court operations (which relates to funding responsibilities) to address costs for subordinate judicial officer positions and related staffing. Clarifies that counties remain responsible for other justice-related costs outside the definition of court operations, such as indigent defense representation.</p> <p><i>Progress:</i> Subsequent to the enactment of AB 233, the state has relieved all but the 20 largest counties of their expenditure MOE requirement. Although the source of state funding is not specified, a recent report issued by the Legislative Analyst’s Office indicates that the share of state General Fund share of the judicial branch budget has decreased from 56% to 20%.</p> <p><i>B. Allocation Responsibilities and Considerations / State Budgeting Responsibilities</i> <i>Summary:</i> Requires the Legislature to make an annual appropriation to the Judicial Council for the general operations of the trial courts. Provides that the Judicial Council’s budget request, upon which the appropriation is based, shall meet the needs of</p>	<p>A. Completed¹³</p> <p>B. Needs Improvement</p>

¹² Sections 43, 46, 47, and 61. Note that section 46 adds Article 3 to Chapter 13 of Title 8 of the Government Code, adding sections 77200, 77201, 22201.1, 77202, 77203, 77204, 77205, 77206, 77207, 77208, 77209, 77210, 77211, 77212, and 77213. This summary paragraph, does not describe time limited requirements no longer relevant, for example, processes for requesting adjustments to the amount of the county Maintenance of Effort (MOE) payment.

¹³ See discussion under Progress regarding reduced county MOE obligations.

	SUBJECT	STATUS
	<p>all trial courts in a manner that promotes equal access to the courts statewide. Directs the council to allocate the appropriation in a manner that best ensures the ability of courts to carry out their functions, promotes implementation of statewide policies, and promotes the immediate implementation of efficiencies and cost saving measures to guarantee access to justice. Requires the Judicial Council to ensure that the allocations reward each trial court’s implementation and efficiencies and cost saving measures (the examples of which primarily relate to coordination and unification). Requires the state to allocate funds to the individual trial courts. Permits the council to authorize trial courts to carry unexpended funds over from one year to the next. Requires the AOC to establish budget procedures.</p> <p><i>Progress:</i> The statute setting forth the process for the Judicial Council to review budget requests and forward them to the Legislature has been amended several times. The statute now provides that the request submitted by the Judicial Council shall meet the needs of all trial courts in a manner that ensures a predictable fiscal environment for labor negotiations, that promotes equal access to the courts statewide, and that promotes financial accountability. The statute lists the components of the annual request, including state appropriations limit funding. The current budget process does not follow this model. SAL funding was suspended in 2009-10 by budget trailer bill language affecting all automatic increases (see AB X4 12 (Stats. 2009, ch. 12, adding section 11019.10 to the Government Code). Judicial branch budget requests focus on new funding items and cost increases. Furthermore, court baseline budgets were determined when AB 233 was enacted. With limited exceptions, funding has been allocated to the trial courts on a pro rata basis since that time, based on each court’s share of the initial baseline budgets. Funding has not expressly been allocated in a manner designed to promote equal access to the courts statewide, promote implementation of statewide policies, or promotes the immediate implementation of efficiencies and cost saving measures to guarantee access to justice.</p> <p><i>C. Statewide Funds</i></p> <p><i>Summary:</i> Establishes the Trial Court Improvement Fund (by recently amended statute, merged with the Modernization Fund and renamed the State Trial Court Improvement and Modernization Fund) and specifies distributions into the fund and broadly stated purposes for which the monies in the fund may be expended. Requires the Judicial Council to report annually to the Legislature on the use of the fund. Establishes the Judicial Administration Efficiency and Modernization Fund and specifies distributions into the funds and purposes for which the monies may be expended, including trial court education programs, improved technology or equipment upgrades that promote efficiency and access to justice, improved legal research.</p> <p><i>Progress:</i> As noted above, the Improvement Fund and the Modernization Fund merged into a single fund with the enactment of the 2012-13 budget act. Distributions from the fund are made consistent with the statutory requirements and limitations, and the Judicial Council reports annually on distributions from both funds.</p>	C. Completed

	SUBJECT	STATUS
	<p><i>D. Fiscal Impact of Pending Legislation</i> <i>Summary:</i> Directs the Judicial Council, when it deems the information will assist the Legislature, to provide information on the fiscal impact of pending legislation affecting the courts.</p> <p><i>Progress:</i> The Judicial Council complies with this requirement, and in recent years has developed more sophisticated methods of calculating the impact of pending legislation on the trial courts, and attempts to provide this information whenever appropriate. In 2012, the AOC, on behalf of the council, submitted formal fiscal impact statements to legislators on 97 pieces of legislation.</p>	D. Completed
9	<p>Court Employees¹⁴ <i>Summary:</i> Requires the establishment of a task force on trial court employees to recommend a system of employment and governance for the judicial branch.</p> <p><i>Progress:</i> The task force was established and met its responsibilities. On December 31, 1999, the task force issued its final report and recommendations, meeting the statutory deadline. Components of the report included, among other things, employment protection system, benefits, classification, meet and confer requirements, employment, selection and advancement system, and transition issues. SB 2140 (Burton), Stats. 2000, ch. 1010, enacted final recommendations of the task force, putting into law the Trial Court Employment Protection and Governance Act (Government Code section 71600 et seq.), setting forth rules and procedures related to court employees numbering 18,170 as of July 1, 2012.</p>	Completed
10	<p>Collections¹⁵ <i>Summary:</i> Requires courts and counties to maintain the collection program that was in effect on January 1, 1996, unless otherwise agreed to by the court and county. Amends statutes governing the comprehensive collection program to eliminate the requirement that a county share any debt collection information it acquires with state agencies entitled to proceeds of restitution fines and orders, and eliminate the annual reporting requirement on collection activities imposed on counties.</p> <p><i>Progress:</i> Significant progress has been made in collection efforts through the collaborative actions by courts and counties as required by AB 233 and subsequent legislative efforts¹⁶. The Judicial Council reports to the Legislature annually on the success of the court and county collection programs, and set performance benchmarks which the council measures performance against in each report. Most recently, the Judicial Council and counties pursued a package of collection reform</p>	Completed

¹⁴ Section 48. Note that section 48 adds Chapter 14 to Title 8 of the Government Code. Article 1 of that chapter (adding sections 77600, 77601, 77602, 77603, 77604, 77605, and 77606) addresses court employees.

¹⁵ Sections 52 and 54

¹⁶ See SB 940 (Stats. 2003, ch. 275) and AB 367 (Stats. 2007, ch. 132).

	SUBJECT	STATUS
	<p>efforts to increase the tools available to collect court-ordered debt, ensure that orders do not expire before collection can be completed, develop a mandatory amnesty program, and ensure clarity in the ability to discharge debt deemed uncollectible so greater efforts can be focused on debt that remains collectible. A report on the amnesty program may be found at the following link: http://www.courts.ca.gov/documents/Statewide-Amnesty-Report-to-Legislature-20121231.pdf; and the most recent annual report on the collection program can be found here: http://www.courts.ca.gov/documents/Collections-Report-to-Legislature-FY-2011-2012.pdf.</p>	
11	<p>Civil Case Management¹⁷</p> <p><i>Summary:</i> Mandates the creation of a civil delay reduction team to assist counties and courts in reducing or eliminating the delay in adjudicating civil cases. Requires reporting to the Legislature. Statute becomes inoperative by its own terms in 1999.</p> <p><i>Progress:</i> The Civil Delay Reduction Program created firm trial dates, eliminated case backlogs, and significantly reduced the time from filing to disposition of civil cases, all of which were chronic problems in the 1980s. The key feature of the Civil Delay Reduction Act has been to shift to judges the responsibility for reducing delay and more generally for managing cases. Judges are responsible for monitoring, supervising, and controlling cases from the time of filing through final disposition. Subsequent to the enactment of AB 233, the Judicial Council remained engaged in ensuring that the goals of the act were met, in 2001 undertook further actions to improve the management of civil cases. To ensure continued progress on delay reduction and to achieve greater uniformity, the council adopted new mandatory case management rules that became effective July 1, 2002. The council heard concerns from attorneys that in implementing trial delay reduction, some courts were being inflexible or arbitrary about trial setting, granting continuances, and the amount of time allowed for disposition of civil cases. As a result, the Judicial Council, in 2003, convened the Blue Ribbon Panel of Experts on the Fair and Efficient Administration of Civil Cases, charged with reviewing and making recommendations regarding ways to promote efficient case resolutions and fair treatment of parties and counsel. As a result of their work, the council adopted amendments to rules of court and standards of judicial administration to ensure that civil cases are considered individually on their merits and are managed in a more flexible and practical manner but in way that properly expedites resolution. Other recent actions to improve civil case management include the adoption of Judicial Council forms specifically for this purpose.</p>	Completed
12	<p>Technical Amendments / No Substantive Requirements¹⁸</p> <p><i>Summary:</i> Makes technical, nonsubstantive amendments or conforming amendments only.</p>	N/A

¹⁷ Sections 62 and 63

¹⁸ Sections 33, 33.2, 35, 53, and 55