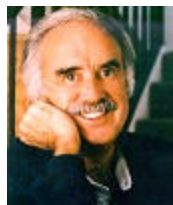




# THE CAPITOL CONNECTION

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## EXCLUSIVE: INTERVIEW WITH SENATOR JOHN BURTON



**S**enate President pro Tempore John Burton (D-San Francisco) has long been a force in California politics. He was first elected to the Assembly in 1964 and later served as a member of Congress. He returned to the Assembly in 1988 and was elected to the Senate in 1996. He was elected by his peers as President pro Tem in 1998, succeeding now-Attorney General Bill Lockyer.

Known for his passionate defense of the poor, Sen. Burton has also been involved in legislation affecting the courts. He recently shared his thoughts about a number of important issues with *The Capitol Connection*.

**Capitol Connection:** What are your legislative priorities for this session?

**Burton:** Making sure pain brought about by the state's unprecedented budget crisis is spread fairly, protecting consumer privacy, and improving access for the people and the press to government information.

**CC:** Last session, the Assembly's "moderate" or "business" Democratic caucus defeated or watered down a number of bills you had supported in the Senate, including legislation to protect financial privacy. What effect will the results of last year's primary elections have on the influence of that caucus in those areas?

**Burton:** I never try to predict what the other house will or won't do, but it is

*(Continued on page 2)*

## DMV REPORTS ON IGNITION INTERLOCK DEVICE LAW

**T**he state Department of Motor Vehicles recently released Part I of a two-part study of the scope of implementation and effectiveness of California's Ignition Interlock Device (IID) law. The IID law, as amended in 1998, requires a person who is convicted of driving on a DUI-suspended driver's license to install an IID on any vehicle that the person owns or operates. (AB 762, Stats. 1998, ch. 756.) In addition, the law authorizes, but does not require, the court to order installation of an IID upon conviction of a DUI. Repeat DUI offenders can apply to the Department of Motor Vehicles (DMV) for a restricted driver's license after serving half of their license suspension period if they install an IID.

An IID is a device connected to the ignition of a motor vehicle consisting of a unit that tests an individual's alcohol breath level. A driver with this device on his or her

car is unable to start the vehicle before providing a breath sample. If the sample exceeds permissible levels of alcohol, the IID locks the motor vehicle's ignition and prevents operation of the vehicle.

The 1998 legislation required the DMV to evaluate the degree to which the IID law has been implemented in California, and whether IIDs are effective in reducing DUI recidivism. The DMV's study shows that, while court-ordered IIDs have increased, implementation of the law is "still weak." Three concerns have been identified as a barrier to implementation: (1) many offenders are unable to pay for an IID; (2) many offenders have no vehicle; (3) monitoring offenders who are ordered to install an IID is time-consuming and difficult.

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## EXCLUSIVE: INTERVIEW WITH SENATOR JOHN BURTON

*(Continued from page 1)*

clear that several new members of the Assembly are more supportive of things like the bill Jackie Speier and I are doing on financial privacy.

**CC:** You opposed AB 1421, Assemblywoman Thomson's mental health outpatient involuntary treatment bill, which was enacted last session. To what extent do the due process and other amendments adopted in the Senate address your concerns with this legislation? What are the likely impacts of AB 1421 on California's mental health system, especially in light of the state's fiscal situation?

**Burton:** The amendments made a bad bill better, but there are still serious problems in expanding involuntary confinement. The budget situation will only exacerbate what we've found in the past: there isn't money to treat those desperately seeking it, let alone those who would have to be forced into it.

**CC:** You have suggested sending some prisoners over age 60 home with electronic monitoring bracelets or releasing some inmates 10 to 30 days early. Do you have any other ideas for cost-saving measures in the criminal justice area?

**Burton:** The Senate just passed a bill providing that non-serious, non-violent prisoners willing to participate in a full-time work or education credit program, but not assigned to a program or assigned less than full time, will receive the same credit as those who did get a full time slot. This will save \$14.7 million in 2002-03 and \$68.9 million in 2003-04.

The Assembly rejected some of our other specific ideas for Corrections, but they left the overall cut in place. With a deficit this size everybody has to take a hit.

**CC:** You have introduced SB 3 to address the U.S. Supreme Court's *Atkins v. Virginia* decision relating to mentally retarded capital case defendants. The Attorney General and the California District Attorneys Association are sponsoring legislation in this area as well. What are the differences in your respective approaches? How do you see this issue being resolved in the Legislature?

**Burton:** This bill [SB 3] just passed the Senate Public

Safety Committee. We will work with the Attorney General and the District Attorneys to try and address their concerns on this issue, but I do not want a biased jury considering the question of a defendant's retardation after they have already found them guilty; I do not want an unconstitutional burden of proof put on retarded defendants; and I do not want to change the definition of retardation to do an end run around the Supreme Court.

**CC:** You authored legislation that provides prison inmates seeking exoneration with a court procedure to gain the authority to have their DNA tested. How well is the current process working? Do you plan any further work in this area?

**Burton:** I know of at least two Californians who've been released under the bill. They served nearly 30 years combined for crimes they did not commit. In one of the cases, the actual perpetrator was found and confessed when his DNA was linked to the crime. My concern is that I think there may be too many people out there who have no legal representation, who are trying to bring the motions on their own, and are not able to get their petitions reviewed. I hope the courts look carefully at these requests and refer them to public defenders or one of the two Innocence Projects for review.

**CC:** What structural reforms are necessary to address the current budget crisis? Do you think the Legislature will be able to successfully address the crisis, or will we see initiatives qualify for the 2004 ballot?

**Burton:** On the natural, the timeline for running an initiative makes it unlikely the ballot route would be one we could take on the budget. I think there's some agreement we need to move away from the volatility of relying so heavily on the personal income tax. I tried to put together a bipartisan commission to come up with some reforms. It never came about because the Republicans said from the gitgo they wouldn't put anyone on who would support any kind of new revenue. That kind of intransigence isn't going to be real helpful. I do hope this is something [new State Finance Director] Steve Peace will be able to devote a big chunk of his time to.

## LEGISLATIVE REVIEW

The deadline to introduce bills is February 21. However, a few bills have already been identified as being of interest to the courts. A summary of these bills is presented here. Most of these bills have not yet been heard in their first policy committee. *The Capitol Connection* will continue to provide updated information about these and other bills as the legislative session progresses.

### CRIMINAL LAW

#### **SB 3 (Burton), as amended January 29, 2003. Death penalty: mental retardation**

In response to the U.S. Supreme Court's decision banning execution of a mentally retarded defendant (*Atkins v. Virginia*, 536 U.S. 304), establishes a process requiring a court to order a trial, prior to the adjudication of guilt, to determine whether a defendant is mentally retarded. Places the burden on the prosecution to prove beyond a reasonable doubt that the defendant is not mentally retarded.

#### **SB 51 (Morrow), as introduced. Death penalty: mental retardation**

In response to the U.S. Supreme Court's decision banning execution of a mentally retarded defendant (*Atkins v. Virginia*, 536 U.S. 304), provides that the determination of mental retardation be held between the guilt phase and the penalty phase. Requires the defense to prove by a preponderance of evidence that the defendant is retarded. Defines mental retardation as the condition of significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested prior to 18 years of age. Provides that an IQ of above 70 establishes a rebuttable presumption that the defendant is not mentally retarded.

**Note:** For an in depth discussion of this issue by the proponents of SB 3 and SB 51, please see the January 2003 issue of *The Capitol Connection*.

#### **SB 58 (Johnson), as introduced. Police reports: confidentiality**

Requires the court to seal a police report, arrest report, or investigative report, and any item attached to it, submitted to the court by a prosecutor in support of a criminal complaint, indictment, or information, or by a prosecutor or law enforcement officer in support of a search warrant or an arrest warrant. Permits these records to be inspected, upon request, after the clerk of the court redacts all personal identifying information.

#### **AB 20 (Lieber), as introduced. Victims of crime**

States the Legislature's intent to guarantee that the rights of developmentally disabled victims of crime are vigorously protected and that developmentally disabled individuals who are called upon to testify in a court of law are given all of the rights afforded to minor children in the same situation.

#### **AB 101 (LaSuer), as introduced. Restitution**

Rewrites restitution provisions by deleting various disparate provisions and enacting a more comprehensive provision concerning restitution.

#### **AB 155 (Kehoe), as introduced. Criminal procedure: good cause continuance**

Provides that "good cause" in a homicide or forcible sex crime case includes, but is not limited to, the temporary unavailability of requested forensic DNA analysis results and reports, when the DNA evidence at issue is pending analysis at a laboratory at the time a motion for continuance is made.

#### **AB 135 (Reyes), as introduced. Kidnapping**

Expands the crime of kidnapping to include the act of forcibly stealing, taking, or moving the body of any child under the age of 14 years who has been the victim of a homicide in this state, and carrying that body into another country, state, or county, or into another part of the same county, without permission of the agency responsible for the investigation of homicides at the location of the killing of the child.

#### **AB 74 (Mountjoy), as introduced. Police vehicle pursuit: punishment**

Makes it a felony rather than a misdemeanor to intentionally evade, willfully flee, or otherwise attempt to evade a pursuing peace officer's motor vehicle if the peace officer vehicle is operated by a peace officer, distinctly marked, operating a siren, and operating flashing lights.

### DOMESTIC VIOLENCE

#### **AB 29 (Reyes), as amended February 6, 2003. Protective orders: copies to other parent**

When petitioning the court for a protective order, requires any person who has been awarded custody or unsupervised visitation with a minor to serve a copy of the order to 1) the other parent of the minor, unless the respondent; and 2) if the respondent has any minor child unrelated to the petitioner, the other parent of that minor. The protective order must notify the petitioner of this requirement. An order cannot be issued if the petitioner

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## LEGISLATIVE REVIEW

*(Continued from page 3)*

fails to comply with the service requirement.

### **AB 143 (Cohn), as introduced. Domestic violence: temporary support**

States the Legislature's intent to authorize a court to award temporary spousal support to a person who is a victim of domestic violence prior to requiring that person to file for a marital dissolution.

### **FAMILY LAW**

#### **AB 111, (Corbett), as introduced. Child custody: emotional abuse**

Expands the rebuttable presumption against awarding custody to include a person who has perpetrated emotional abuse against a child, or the child's siblings. States the Legislature's intent to define emotional abuse.

#### **AB 252 (Jackson), as introduced. Paternity judgments.**

Provides that a default judgment or order establishing paternity may be set aside by the court, upon motion by a party, if genetic testing indicates that the previously established father of a child is not the biological father of the child.

#### **SB 156 (Burton), as introduced. Custody: residence of the child**

Provides that a court may not issue an order prohibiting a parent who has custody of a child from changing the child's residence absent a finding that the relocation would be detrimental to the child.

### **JUDICIAL SERVICE**

#### **AB 67 (Negrete McLeod), as introduced. Judges retirement**

Among other things, makes various changes to judges' retirement. First, allows members of Judges Retirement System II (JRS II) who have withdrawn accumulated contributions from this system to redeposit those contributions. Second, permits active and retired members of JRS and JRS II to purchase up to 4 years of service credit for active military service. Third, allows a surviving spouse of a judge who dies in office to receive payments to which he or she may be entitled under the Extended Service Incentive Program. Also, provides that a judge who is retired for disability may not receive a retirement allowance while he or she engages in work involving duties substantially similar to those that the judge was unable to perform due to their disability.

### **JUVENILE DEPENDENCY**

#### **SB 59 (Escutia), as introduced. Dependent children and adoption: appeals**

States legislative findings that "delays caused by appeals from orders which both determine the placement of dependent children and affect who may adopt the children, adversely affect the children." Requires that the review of any order made at or after disposition that determines the placement of a dependent child and affects who may adopt the child shall be exclusively made by petition for an extraordinary writ.

## LEGISLATIVE COMMITTEES: WHO'S ON WHAT?

While the vast majority of bills will be introduced in the week before bill introduction deadline (February 21), a number of bills have already been introduced and have begun to move through the legislative process. Bills that impact the court system typically follow one of two paths. Most bills affecting civil procedure, judicial administration, judicial service, tort litigation, family law, and other civil matters are referred to the judiciary committee of the Assembly or the Senate. Bills dealing with criminal procedure, sentencing, juvenile delinquency, and crimes are referred to the Public Safety Committee of the house in which the bill was introduced. Bills identified as having a fiscal impact are referred to the Appropriations Committees. A bill that passes out of committees and is approved on the floor moves to the opposite house where the process begins again.

Here is a summary of the membership of the committees who will hear and vote on most bills of interest to the courts:

The Assembly Judiciary Committee is chaired by Assembly Member Ellen Corbett (D-San Leandro). The vice-chair is Assembly Member Tom Harman (R-Huntington Beach). Also remaining on the panel from last session are Assembly Members Patricia Bates (R-Laguna Niguel), John Dutra (D-Fremont), Hannah-Beth Jackson (D-Santa Barbara), John Longville (D-Rialto), Robert Pacheco (R-Walnut), Darrell Steinberg (D-Sacramento), and Juan Vargas (D-San Diego). New to the assembly and the committee are former Berkeley mayor Loni Hancock (D-Berkeley); John Laird (D-

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## LEGISLATIVE COMMITTEES

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Santa Cruz), former city council member, mayor, and college trustee; Cindy Montañez (D-San Fernando), also a former city council member and mayor; and Todd Spitzer (R-Orange), former prosecutor and member of the Orange County Board of Supervisors.

The Assembly Public Safety Committee is chaired by freshman Assembly Member Mark Leno (D-San Francisco). A small business owner, Leno was a member of the San Francisco County Board of Supervisors prior to his election to the Assembly. Assembly Member Jay LaSuer (R-La Mesa) returns as vice-chair, and Assembly Member Manny Diaz (D-San Jose) and Jackie Goldberg (D-Los Angeles) and Paul Koretz (D-West Hollywood) also return to the committee. The seven-member committee also includes freshmen Assembly Member Rudy Bermúdez (D-Norwalk), who is also chair of the Assembly budget subcommittee that hears the judicial branch budget, and Assembly Member Todd Spitzer.

The Assembly Appropriations Committee will continue to be chaired by Assembly Member Darrell Steinberg

and co-chaired by Assembly Member Patricia Bates. The 25-member panel includes nine freshman members. Senator Martha Escutia (D-Montebello) continues her tenure as the Senate Judiciary Committee chair, while Bill Morrow (R-Oceanside) replaces now-Assembly Member Ray Haynes (R-Riverside) as vice-chair. Returning to the seven-member panel are Senators Dick Ackerman (R-Tustin), Sheila Kuehl (D-Santa Monica) and Byron Sher (D-Stanford). New to the committee are former Assembly Members Gil Cedillo (D-Los Angeles) and Denise Moreno Ducheny (D-San Diego).

With the exception of one new member, the Senate Public Safety Committee membership remains unchanged. Senator Gloria Romero (D-Los Angeles) replaces termed-out Richard Polanco. Returning to the committee are chair Bruce McPherson (R-Santa Cruz), vice-chair John Vasconcellos (D-Santa Clara), Senate President pro Tempore John Burton (D-San Francisco), Bob Margett (R-Arcadia), and Byron Sher.

The 13-member Senate Appropriations Committee is again chaired by Senator Dede Alpert (D-San Diego), and vice-chaired by Senator Jim Battin (R-La Quinta).

## RIPPED FROM THE HEADLINES

“Ripped From the Headlines” highlights news stories of interest including headlines and lead paragraphs, without editorial comment from *The Capitol Connection*.

**“Judges Must Choose Private Or Public”** *Sacramento Bee* (February 4, 2003)

No one would tolerate a governor who performed his public duties by day but moonlighted as an executive at some private corporation by night. Too many California judges do something very much akin to that. They sit in public courtrooms one day while serving as well-paid arbitrators in their private judging businesses the next.

California Supreme Court Chief Justice Ronald George has rightly put an end to this ethically dubious practice. He has ordered retired judges who regularly fill temporary assignments on public trial and appellate courts while they also work as paid arbitrators in private judging businesses to choose one or the other. If they choose to work as private judges, they cannot accept assignments to public courts.

According to the Judicial Council, by last Friday's deadline approximately two-thirds of the 365 or so retired judges who have signed up for the temporary duty under the court's Assigned Judges Program have notified the court that they will give up their private judging ventures. They've chosen public service over what, for many, would have been more lucrative private judging.

The George rule may work a hardship on some understaffed courts. But to allow the appearance of impropriety in the judicial system would have done even greater harm over the long run. George did the right thing for judges and for the justice system.

**“Foster Care Report Urges Statewide Boss - Watchdog Agency Says 'Muddle Of Authority' In California System Has Proved Fatal To Children”** *LA Times* (February 5, 2003)

Despite more than \$2 billion spent annually on California's foster care system, thousands of children still receive inadequate care because neither the state nor counties will take responsibility for reforms, concludes a report released Tuesday by a state watchdog agency.

The Little Hoover Commission, which detailed foster care failings in a 1999 report, said scant progress has been made in the last three years and that children continue to suffer for it. The panel's main recommendation is the appointment of a statewide czar to oversee foster care, which served 91,509 children in 2002.

The commission identified bureaucratic obstacles in a system mainly funded by the federal government, overseen by the state and administered by counties.

“The current muddle of authority and responsibility frustrates

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the innovative and shields the unresponsive. The buck stops nowhere," said chairman Michael E. Alpert.

**"Davis: I'll Veto Auto Fee Hike - The Governor Hopes To Win GOP Support For His Overall Budget Proposal"** *Sacramento Bee* (February 5, 2003)

Gov. Gray Davis said Tuesday that he will veto a bill that would allow a tripling of the vehicle license fee, opening a political chasm to rival the state's gaping budget hole.

But Davis said Californians ultimately may have to pay more to license their cars anyway because the state's budget crisis could trigger an administrative increase in the fee by July -- unless lawmakers agree to more spending cuts.

"I will veto the measure the Legislature is sending me and ask them, difficult as I know it is, to go back to the drawing board and send me a package of cuts as soon as humanly possible," Davis said.

Davis hopes to win Republican support for his budget proposal, which includes \$8.3 billion in tax increases. Republicans on Tuesday praised his stand on a vehicle license fee bill offered by Assembly Speaker Herb Wesson, D-Culver City.

**"Wesson Has Hopes For VLF Hike"** *Los Angeles Daily News* (February 7, 2003)

Assembly Speaker Herb Wesson said Friday he still hopes to revise a package of budget cuts and vehicle license fee increases to make it acceptable to Gov. Gray Davis.

Davis said Tuesday he would veto a Wesson bill that's designed to trigger the VLF increases. That would also kill two other bills that contain about \$8.6 billion in cuts and funding shifts and can't take effect without the VLF measure.

While lawmakers have approved the three bills, Wesson hasn't sent them to Davis yet in hopes he can reach a compromise with the Democratic governor and the Senate's leader, President pro Tem John Burton, D-San Francisco."

A spokesman for Davis, Steve Maviglio, said a meeting would probably take place early next week.

"They are going to continue the dialogue about what it is that will please both the caucus and the governor and be able to be sold to Republicans as well," he said. "It's that middle ground that's so difficult to find."

**"Low Rates On Borrowed Billions A Rare Silver Lining In Budget Fiasco"** *Stockton Record* (February 10, 2003)

The bad news is California must borrow billions to pay its bills this summer, and the state's shaky credit means we'll pay a premium for it. The good news is, with interest rates so low, even marginal credit is a relative bargain.

The difference between what California -- downgraded by Wall Street analysts -- will have to pay and what a top-rated state must pay for credit is almost insignificant, experts say. The saving grace in the budget fiasco is that interest rates remain

near historic lows. So, even with a couple of tenths of a percent in rate penalties for not having its economic house in order, California can borrow more cheaply now than in could in happier times.

**"Bill Seeks Reform On Unfair-Business Filings"** *Whittier Daily News* (February 11, 2003)

Whittier-area state Sen. Martha Escutia is again wading into the controversy over California's unfair competition law, which has been used as the basis of thousands of lawsuits leveled against small businesses.

Escutia, D-Whittier, has introduced legislation that could serve as a starting point for reform. Her Senate Bill 122 would require parties filing an unfair-competition lawsuit to notify the district attorney of their county.

But this is just a beginning, said Gene Wong, chief counsel for the Senate Judiciary Committee, on which Escutia serves as chairwoman.

"We've got these ongoing investigations by the state bar and attorney general," Wong said. "The legislative deadlines are coming up, and we needed to get a bill in. We haven't yet decided what course of action to take."

Escutia and other legislators, including Whittier-area Assemblyman Robert Pacheco, R-Industry, became involved after owners of small businesses charged they were being unfairly targeted under the state's unfair competition law.

Enacted in 1933 to protect businesses, the unfair competition law, also known as Business and Professions Code 17200, was later expanded to protect consumers against price-fixing, false advertising and other deceptive business practices. It's the only law of its kind in the country, because it allows plaintiffs to act as "private attorneys general" to sue on behalf of the public even if they haven't been directly harmed or affected by the alleged wrongdoing.

**"Senate Approves Coastal Panel Bill - Measure Would Change Aspect Of Commission That Court Said Violates The State Constitution"** *Los Angeles Times* (February 12, 2003)

A bill sought by Gov. Gray Davis to restore the Coastal Commission as a constitutional protector of California's shoreline passed the Senate on Tuesday despite Republican opposition.

The bill aims to overcome an adverse court ruling by imposing fixed four-year terms on the Legislature's eight appointees to the 12-member panel and removing the lawmakers' power to fire them at any time.

The 3rd District Court of Appeal ruled in December that the ability to dismiss its appointees at will enabled the Legislature to unconstitutionally influence the outcome of commission actions by replacing anyone who did not vote as lawmakers wished.

In effect, the court said, such authority allowed the Legisla-

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ture to create a law without passing a bill and violated the separation of powers requirement of the state Constitution. During the commission's 30-year history, legislative leaders have occasionally made last-minute switches as the commission was about to act on a controversial issue.

In a clarification of its ruling, the court later suggested that establishing fixed terms for legislative appointees would remedy the defect. The court did not order a change for the four appointees of the governor, who serve two-year terms.

## **"Burton Makes Progress With Bill Implementing 'Atkins'"** *The Daily Journal* (February 12, 2003)

For the second year in a row, criminal defense lawyers are trying to pass a bill in the Legislature that would implement a recent U.S. Supreme Court decision banning executions of the mentally retarded.

This year's bill, SB 3, cleared the Senate Public Safety Committee on Tuesday by a vote of 4-1. Its author, Senate President pro Tem John Burton, D-San Francisco, said the state needs to enact a bill both to protect retarded defendants and to save time and money for the courts.

"If we don't pass this bill, basically we will come to a situation where [defendants with borderline intelligence] will end up appealing, appealing, appealing all the way to the U.S. Supreme Court," Burton told the committee.

The state's public defenders and private defense lawyers, represented by California Attorneys for Criminal Justice, back Burton's proposal.

The California District Attorneys Association and Attorney General Bill Lockyer oppose Burton's bill and instead support a Republican alternative that failed to get sufficient votes to pass the committee Tuesday. But SB51, introduced by Sen. Bill Morrow, R-Oceanside, was granted reconsideration, meaning it remains alive.

Both measures pick up where the Supreme Court left off in its decision in *Atkins v. Virginia*, 536 U.S. 304 (2002).

In *Atkins*, the court ruled that executing mentally retarded defendants constitutes cruel and unusual punishment, which is banned by the Eighth Amendment. But the justices left it up to the states to decide which individuals are mentally retarded and how the courts should handle those cases.

## **"Car taxes could still increase"** *North County Times* (February 14, 2003)

Remember lawmakers' plan to triple car registration fees to fix the state shortfall? And how Gov. Gray Davis said he was going to veto it?

Well, don't count on getting a break the next time license-plate tags come due just yet. It's been 10 days since Davis made that announcement. And he still hasn't exercised his veto power.

That's because the legislation has yet to cross his desk, said Jor-

dan Rasmussen, the governor's assistant press secretary.

But even if Davis eventually kills the plan, that does not mean the fee increase is dead. Far from it.

State officials are banking on an earlier law they say will automatically trigger an increase in the car tax if the state is close to running out of cash, something that could happen in May or June as the June 30 close of the fiscal year approaches.

## **"Agency Veils Auto Repair Dispute"** *Los Angeles Times* (February 15, 2003)

The state agency that regulates auto repair shops said Friday it has stopped disclosing violations and public complaints against mechanics in response to allegations that the information was being used in frivolous civil lawsuits.

Until now, the Bureau of Automotive Repair posted on its Web site the problems its inspectors found at repair shops, as well as the complaints that prompted the notices. But the agency has removed that information and has temporarily stopped issuing violation notices.

Consumer groups expressed alarm, saying the decision will deprive the public of information about past problems.

## **"Ballot budgeting considered"** *The Sacramento Bee* (February 16, 2003)

With lawmakers seemingly hopelessly locked in a battle over tax increases, some Democratic leaders and interest groups say they may ask California voters to boost taxes to help fill the state's multibillion-dollar hole.

It's a strategy that is gaining popularity nationwide as states grapple with shortfalls and face deep cuts to schools, health care and programs for the poor. But it also has some Republicans and anti-tax groups fuming at what they call an attempt to budget by ballot.

In California, state worker unions, consumer advocates and law enforcement groups are among those considering ballot measures to raise taxes on everything from corporate property to smokers to the wealthy.

Democratic lawmakers, meanwhile, who call it impossible to address the \$26 billion to \$35 billion budget shortfall without raising taxes, aren't ruling out a try at the ballot box to sidestep steadfastly anti-tax Republicans.

## **"No budget action likely until May"** *Inland Valley Daily Bulletin* (February 27, 2003)

Those waiting for the other shoe to drop in California's budget crisis can relax until mid May, because decisive action is unlikely to occur before Gov. Gray Davis releases his revised 2003-04 spending plan, leading Democrats say.

Education and health care activists who fear the spending cuts pushed by Davis in his 2003-04 budget proposal and business advocates who loathe his tax hikes have at least

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Judicial Council of California  
Administrative Office of the Courts  
Office of Governmental Affairs

770 "L" Street, Suite 700  
Sacramento, CA 95814  
Telephone 916-323-3121  
Fax 916-323-4347  
TDD 800-735-2929

#### **Editorial Board**

Martin Riley, Editor-in-Chief  
Kourtney Burdick  
June Clark  
Kate Howard  
Ray Le Bov

#### **Contributors**

Eraina Ortega  
Terrie Wilfong

#### **Administrative Support**

Wendy Baham  
Yvette Trevino

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Yvette Trevino  
916-323-3121,  
yvette.trevino@jud.ca.gov

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three months before the Legislature acts, as the chairwoman of the Assembly Budget Committee does not plan to schedule votes on the governor's measures until she sees his updated plan.

"I think that it's going to be important for us to see the May revise, because it has the most current numbers," Assemblywoman Jenny Oropoza, D-Long Beach, said Friday.

Oropoza was mum on what the budget committee will do for the next three months, although she did say various government departments in the coming weeks might be questioned as the body searches for ways to reduce the cost of state operations.

The budget committee's ranking Republican said this course of action would set the stage for another past-due budget, as opposed to one signed by the June 30 deadline mandated by the state constitution.

It is not OK to wait for the May revise. We believe that some of that vote-taking and some of that activity should be going on right away," Assemblyman John Campbell, R-Irvine, said Friday.

## IGNITION INTERLOCK DEVICE

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The study concluded that IIDs have not been successfully implemented in California. It indicates, however, that a modified program might be successful if there was a way to fund the devices for indigent offenders, deal with offenders who have no vehicle, and restructure the monitoring of offenders who are ordered to install IIDs.

The study strongly recommends that California's IID program not be further modified until the second part of the two-part study is completed. Implementation of the current law continues to improve and valuable information will be forthcoming with the second part of the study, which will evaluate the effectiveness of the IID in California.

In addition to the official DMV report, the California Association of Ignition Interlock Service Professionals (IID vendors) also produced a report in December 2002 of an informal survey conducted by their association. That report was distributed to, among others, members of the Legislature, the Judicial Council, and the Commission on Judicial Performance. In this report and in recent news articles, IID vendors have criticized the courts for not ordering IIDs more often.

To request a copy of the DMV study "*An Evaluation of the Implementation of Ignition Interlock in California*," contact the DMV Research and Development Branch at (916) 657-7036. If you have questions, contact David DeYoung at (916) 657-7954.

## News from the AOC

In addition to *The Capitol Connection*, the Administrative Office of the Courts publishes several newsletters reporting on various aspects of court business. Visit these online on the California Courts Web site at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov). To subscribe to these newsletters, contact [PUBINFO@jud.ca.gov](mailto:PUBINFO@jud.ca.gov).

**CFCC Update:** Reports on developments in juvenile and family law, including innovative programs, case law summaries from the AOC's Center for Families, Children and the Courts; grants and resources, and updates on legislation and rules and forms. Published three times a year. See [www.courtinfo.ca.gov/programs/cfcc/resources/publications/newsletter.htm](http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/newsletter.htm).

**Court News:** Award-winning bimonthly newsmagazine for court leaders reporting on developments in court administration statewide. Indexed from 2000 at [www.courtinfo.ca.gov/courtnews](http://www.courtinfo.ca.gov/courtnews).