



JUDICIAL COUNCIL OF CALIFORNIA

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August 9, 2019

Hon. Lorena Gonzalez, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: SB 471 (Stern), as amended July 1, 2019—Fiscal Impact Statement

Dear Assemblymember Gonzalez:

SB 471, among other things, requires a subpoena form to contain a unique numeric or alphanumeric identification code, known as a “subpoena number.” We estimate that SB 471 will have a fiscal impact of between \$300,000 and \$5.0 million, depending on the approach that courts and counties agree upon to implement its provisions.

Fiscal Impact

This bill’s fiscal impact stems from its interaction with current law that requires courts to provide subpoena forms. Specifically, Penal Code 1326(a)(3) requires a court clerk to, when requested by the defendant and without fee, issue as many blank subpoenas for witnesses in the state as the defendant may require. It is unclear how courts can provide defendants with subpoena forms that have unique subpoena numbers as required by the bill. Coordination between a court and its county justice partners will be required to develop a system that has adequate controls to prevent the creation of subpoena forms with duplicate, conflicting or confusing subpoena identifiers.

Pre-Printed Subpoena Forms

We estimated that it will cost courts between \$300,000 and \$500,000 annually to produce the subpoena forms once courts and counties agree on the format for the unique subpoena identifier¹.

¹ This calculation was determined by multiplying 50% of the 5-year average statewide non-traffic felony and misdemeanor criminal case filings (184,000) by our estimate of the cost range to provide 12 to 17 numbered

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This approach may require a physical copy of subpoena forms to be distributed to county justice partners to maintain the unique identifier of each subpoena form. Additionally, this approach may reduce the practical benefits of an electronic subpoena form.

Linked Systems

There is a way for an electronic subpoena generating program to be developed. Based on discussions with Judicial Council technology professionals the cost to create an online system that generates subpoena forms with unique numbers and links courts to county justice partners will cost between \$3 million and \$5 million to develop and implement. These costs are largely one-time and cover expenses related to system development and implementation. Once adopted, this system would have lower annual maintenance costs.

We note that, regardless of how this bill is implemented, private defense attorneys would likely not be able to use personal subpoena forms. Finally, we note that amending this bill to either remove the requirement that the electronic subpoena use a unique subpoena number or make the use of a unique subpoena number optional would allow the courts to continue to meet their responsibilities under Penal Code section 1326(a)(3) without significant fiscal impacts.

If you have any questions, please feel free to contact Mark Neuburger at (916) 323-3121 or mark.neuburger@jud.ca.gov.

Sincerely,

Mailed August 9, 2019

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/MN/jh

cc: Members, Assembly Appropriations Committee
Hon. Henry Stern, Member of the Senate
Ms. Kimberly Horiuchi, Senate Appropriations Committee
Ms. Ellen Cesaretti, Consultant, Assembly Republican Office of Policy
Ms. Melissa Immel, Deputy Legislative Secretary, Office of the Governor
Ms. Timothy Weber, Budget Analyst, Department of Finance
Mr. Martin Hoshino, Administrative Director, Judicial Council of California