



Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 26, 2013

Title	Agenda Item Type
Report of the Trial Court Funding Workgroup	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	April 26, 2013
Recommended by	Date of Report
Trial Court Funding Workgroup	April 11, 2013
Hon. Harry E. Hull, Jr., Cochair	
Hon. Phillip L. Isenberg, Cochair	Contact
	Jody Patel, 916-263-1333
	jody.patel@jud.ca.gov

Executive Summary

In a joint letter dated September 19, 2012, the Governor and the Chief Justice announced the creation of a new working group to “evaluate the state’s progress in achieving the goals of the Lockyer-Isenberg Trial Court Funding Act of 1997.” The charge of the workgroup was “to ascertain whether the goals of the Trial Court Funding Act have been met, and to propose options to the Judicial Council to effectively meet and maintain the goals of having a state-funded trial court system and enhance transparency and accountability.” The Trial Court Funding Workgroup recommends that the Judicial Council accept the workgroup’s report to the council and the Governor and begin the process of examining and implementing its recommendations.

Recommendation

The Trial Court Funding Workgroup recommends that the Judicial Council accept the workgroup’s report to the council and the Governor and begin the process of examining and implementing its recommendations.

Previous Council Action

This is the first work product of the Trial Court Funding Workgroup. No previous reports of this workgroup have been presented to the council.

Rationale for Recommendation

On September 19, 2012, Governor Edmund G. Brown, Jr. and Chief Justice Tani G. Cantil-Sakauye announced in a joint letter the creation of a new working group to “evaluate the state’s progress in achieving the goals of the Lockyer-Isenberg Trial Court Funding Act of 1997.” Later named the Trial Court Funding Workgroup, the workgroup was to be a collaborative effort between the judicial and executive branches, with four members appointed by the Governor and six by the Chief Justice of California.

The concept for the joint workgroup was first made public by the Governor in his May Revision of the Budget Act of 2012–2013. The summary of the May Revision included the following discussion:

During the mid-1990’s there were significant reforms in the Judicial Branch—court unification and the state assumption of funding responsibility for trial courts. Prior to state funding, many small courts were in financial crisis and needed emergency state funding to keep their doors open. One of the goals of state funding was to promote equal access to justice so that a citizen’s access to court services was not dependent on the financial health of an individual county. . . .

Fifteen years after the implementation of the Trial Court Funding Act, a comprehensive evaluation of the state’s progress in achieving the goals outlined in the reform legislation, including the ability of trial courts to provide equal access to justice, is appropriate. The Administration proposes to establish a working group to conduct the evaluation. The working group will conduct a statewide analysis of workload metrics, staffing standards, and other relevant data necessary to support a more uniform and efficient administrative system for the judiciary.

Accompanying the joint letter from the Chief Justice and the Governor was a document further explaining the charge, composition, and expectations for the workgroup. “The workgroup is established to determine how the state has progressed since the Trial Court Funding Act, to ascertain whether the goals of the Trial Court Funding Act have been met and to propose options to the Judicial Council to effectively meet and maintain the goals of having a state-funded trial court system and enhance transparency and accountability.” The Governor and the Chief Justice directed the workgroup to issue to the Judicial Council and the Governor by April 2013 a report that may include, but is not limited to, the following:

1. A statewide analysis of trial court workload metrics, staffing standards, efficiencies, and other relevant data to evaluate trial courts and the state's progress in achieving a statewide court system.
2. An evaluation of the cost drivers and other factors that affect a local trial court's ability to provide equal access to justice.
3. An assessment of methods to enhance savings in trial court operations through the use of administrative efficiencies and coordinated efforts between trial courts.
4. Identification of steps needed to increase funding transparency.

The workgroup held five meetings from November 2012 through March 2013, convening every five weeks.

The report produced by the workgroup examines the goals and requirements of the Lockyer-Isenberg Trial Court Funding Act of 1997 (Assem. Bill 233; Stats. 1997, ch. 850) and the progress toward meeting them. The report states the findings of the workgroup and the recommendations for continuing the progress made over the past 16 years since Assembly Bill 233 was enacted and for moving further toward a state-funded system that ensures equal access to justice for all Californians.

Comments, Alternatives Considered, and Policy Implications

This report was not circulated for comment. It is the work product of the workgroup appointed as a joint effort of the executive and judicial branches.

Implementation Requirements, Costs, and Operational Impacts

Accepting the report itself will not result in any costs or have operational impacts. The recommendations in the report, if acted on by the Judicial Council, may result in requirements and costs for the Administrative Office of the Courts and the trial courts.

Attachment

1. *Report of the Trial Court Funding Workgroup to the Judicial Council and the Governor*



Trial Court Funding Workgroup

REPORT TO THE JUDICIAL COUNCIL OF CALIFORNIA
AND GOVERNOR EDMUND G. BROWN, JR.

APRIL 2013

Trial Court Funding Workgroup

Hon. Harry E. Hull, Jr., Co-chair

*Member, Judicial Council of California
Associate Justice of the Court of Appeal
Third Appellate District*

Hon. Phillip Isenberg, Co-chair

Delta Stewardship Council, Chair

Ms. Diane Cummins (Retired)

*Chief Deputy Director of Finance, Wilson
Administration*

Ms. Angela J. Davis

*Member, Judicial Council of California
Assistant United States Attorney
for the Central District of California*

Hon. Emilie H. Elias

*Member, Judicial Council of California
Judge of the Superior Court of California,
County of Los Angeles*

Mr. Martin Hoshino

*Undersecretary, Administration & Offender Services
California Department of Corrections and
Rehabilitation*

Hon. Mary Ann O'Malley

*Member, Judicial Council of California
Judge of the Superior Court of California,
County of Contra Costa*

Ms. Eraina L. Ortega

*Legislative Representative
California State Association of Counties*

Hon. David Rosenberg

*Member, Judicial Council of California
Judge of the Superior Court of California,
County of Yolo*

Mr. David H. Yamasaki

*Member, Judicial Council of California
Court Executive Officer
Superior Court of California,
County of Santa Clara*

LEAD COMMITTEE STAFF

Ms. Jody Patel

*Chief of Staff
Administrative Office of the Courts*

**REPORT OF THE TRIAL COURT FUNDING WORKGROUP
TO THE JUDICIAL COUNCIL AND THE GOVERNOR**

Table of Contents

EXECUTIVE SUMMARY

Major Findings of the Trial Court Funding Workgroup i

Background i

Findings on Equal Access to Justice and Compliance with the Lockyer-Isenberg Trial
Court Funding Act ii

Findings Relating to the Charge of the Workgroup iv

 Workload Metrics, Staffing Standards, Efficiencies, and Other Data iv

 Cost Drivers and Other Factors That Impact Equal Access v

 Methods to Enhance Savings Through Administrative Efficiencies and Coordinated Efforts.. vi

 Steps to Increase Funding Transparency vi

 Other Findings vii

Recommendations of the Workgroup vii

REPORT

Introduction..... 1

Background 3

 The Pre-Trial Court Funding Years 5

 Efforts to Enact AB 233—The Lockyer-Isenberg Trial Court Funding Act of 1997..... 6

Meeting the Goals of Trial Court Funding Act..... 7

 An Examination of the Goals of the Trial Court Funding Act 8

 Equal Access to Justice 8

 The Commission on the Future of the California Courts’ Perspective 10

 The California Commission on Access to Justice’s Perspective 11

 AB 233 and Equal Access to Justice..... 12

Progress Toward Achieving the Goals of the Lockyer-Isenberg Trial Court Funding Act..... 13

 Specific Requirements of AB 233 Have Been Substantially Completed 13

 Progress Toward Uniformity, Economies of Scale, and Efficiency and Simplification... 14

Progress Toward Equity in Funding the Trial Courts	18
How Trial Courts Use the Funding They Receive	20
Weighted Caseload Evaluations of the Need for Judicial Officers and Court Staff	23
The Judicial Workload Assessment	23
The Resource Assessment Study	25
The Funding Methodology Subcommittee of the Trial Court Budget Working Group	28
Findings and Recommendations	29
Literature Review	29
The Commission on the Future of the California Courts	29
The National Center for State Courts’ Principles for Judicial Administration	30
The Justice Management Institute	30
Findings	32
Workload Metrics, Staffing Standards, Efficiencies, and Other Data	32
Cost Drivers and Other Factors That Impact Equal Access	34
Methods to Enhance Savings Through Administrative Efficiencies and Coordinated Efforts	36
Steps to Increase Funding Transparency	37
Other Findings	38
Recommendations	38
Conclusion	43

ATTACHMENTS

1. Letter from Governor Edmund G. Brown and Chief Justice Tani Cantil-Sakauye
2. Trial Court Workgroup—Charge, Composition and Activities
3. Assembly Bill 233—Review of What Has Been Completed
4. Assembly Bill 233—Review of What Has Been Completed – Summary
5. Sampling of Judicial Branch Accomplishments
6. Trial Court Revenue and Operating Expenditures
7. Trial Court Operations Allocations and Other Program 45 (Trial Court–Related) Expenditures
8. FY 2011–2012 Total Expenditures by Object
9. FY 2011–2012 Total Expenditures by Component or Element
10. Trial Court Filings from FY 1997–1998 through FY 2010–2011
11. Trial Court Trust Fund (TCTF) Allocations from FY 1997–1998 through FY 2011–2012
12. Total Authorized Judicial Officer Positions

REPORT OF THE TRIAL COURT FUNDING WORKGROUP TO THE JUDICIAL COUNCIL AND THE GOVERNOR

Executive Summary

Major Findings of the Trial Court Funding Workgroup

As detailed in this executive summary and the full report of the Trial Court Funding Workgroup, the major finding of the workgroup is that the judicial branch has substantially complied with the Trial Court Funding Act. However, there remains additional work to be done by the judicial branch to ensure that litigants across the state have equal access to justice, and that funding for the branch is allocated in a manner that leads to greater access. Among other continuing work set forth in detail in the recommendations below, the branch should identify and implement efficiencies and best practices more uniformly, and adopt appropriate measures to assess improvements in providing access to justice for all Californians.

Background

In 1997, California enacted Assembly Bill 233, the Lockyer-Isenberg Trial Court Funding Act, consolidating costs of operating California's trial courts at the state level.¹ The bill was premised on the following findings:

- Funding of trial court operations is most logically a function of the state.
- State funding of court operations is necessary to provide uniform standards and procedures, economies of scale, and structural efficiency and simplification.
- Structural improvement will provide for an improved court system, a uniform and equitable court system and will, therefore, increase access to justice for the citizens of the state of California.
- It is increasingly clear that the counties of California are no longer able to provide unlimited funding increases to the judiciary and, in some counties, financial difficulties and strain threaten the quality and timeliness of justice.
- There is a clear need to proceed as rapidly as possible toward the goal of full state funding of trial court operations.

To implement those findings, the key components of AB 233 sought to:

- Provide state funding responsibility for trial court operations.
- Cap county contributions at the level provided for court operations in fiscal year 1994–1995, and ensure that the obligation of counties is not increased by state budget actions related to the trial courts.
- Provide that the state assumes full responsibility for any growth in the costs of court operations, as defined.
- Return certain fine and forfeiture revenue to counties, as a way of assisting them in meeting their obligation to the state.

¹ Stats. 1997, ch. 850. No other footnotes are contained in this Executive Summary. All appropriate footnotes are in the full text of the report.

Or, as stated by then-Governor Wilson, the intention was to create a state-funded trial court system to provide long-term relief to counties, and to provide a stable and reliable source of funding for the trial courts. This was intended to allow the judicial branch to plan and use resources on a statewide basis to ensure equal access to and the fair application of justice for all Californians.

On September 19, 2012, Governor Edmund G. Brown, Jr. and Chief Justice Tani G. Cantil-Sakauye announced in a joint letter the creation of a new working group to “evaluate the state’s progress in achieving the goals of the Lockyer-Isenberg Trial Court Funding Act of 1997.” The Trial Court Funding Workgroup examined both the express requirements and the intent of AB 233 to determine the success of the judicial branch in implementing this major reform.

The formation of the workgroup represents a continuation of the efforts the judicial branch has undertaken in recent years at self-assessment. A few months into her tenure, in early 2011, Chief Justice Tani G. Cantil-Sakauye directed the creation of a Strategic Evaluation Committee (SEC) to assist in an assessment of the Administrative Office of the Courts. The SEC submitted its final report to the Judicial Council in June 2012, and the council began immediately reviewing and directing the AOC to implement the recommendations. The Trial Court Funding Workgroup, a collaboration between the executive and judicial branches, met five times since November 2012 beginning the branch’s focused assessment on California’s trial courts. The workgroup is charged with the responsibility of determining “how the state has progressed since the Trial Court Funding Act, to ascertain whether the goals of the Trial Court Funding Act have been met, and to propose options to the Judicial Council to effectively meet and maintain the goals of having a state-funded trial court system and enhance transparency and accountability.” The charge further provides that in its final report, the workgroup may address the following:

- A statewide analysis of trial court workload metrics, staffing standards, efficiencies, and other relevant data to evaluate trial courts and the state’s progress in achieving a statewide court system.
- An evaluation of the cost drivers and other factors that affect a local trial court’s ability to provide equal access to justice.
- An assessment of methods to enhance savings in trial court operations through the use of administrative efficiencies and coordinated efforts between trial courts.
- Identification of steps needed to increase funding transparency.

The report makes findings related to each of those items.

Findings on Equal Access to Justice and Compliance with the Lockyer-Isenberg Trial Court Funding Act

First and foremost, the workgroup finds that the judicial branch has substantially complied with the Trial Court Funding Act. The report examines both compliance with the express statutory requirements and the intent of creating a state-funded trial court system. The report identifies significant accomplishments in achieving both the goals and the requirements. However, the

workgroup finds that more work needs to be done in the area of ensuring that resources are allocated to trial courts in a more fair and equitable manner consistent with the level of workload and other cost drivers. No less important is the work needed to be done to ensure that the state-funded system has resulted, where appropriate, in adoption of uniform standards and procedures, economies of scale, and structural efficiency and simplification, consistent with the goals of AB 233—a uniform and equitable court system that will increase access to justice for the citizens of the state of California.

The Trial Court Funding Act did not define equal access, and the workgroup found that there is no single, clear definition of what constitutes access to justice or how to measure equal access. The workgroup reviewed and discussed several reports and studies related to these topics. A compilation of the findings of these source materials suggests that access to justice may encompass, at a minimum, the following essential elements:

- All litigants shall receive due process of law.
- No Californian is denied access or disadvantaged because of language, lack of comprehension, disability, income, or traditions or customs from an individual's background that impact personal interactions.
- Neither geography nor physical impediment bars the door to justice.
- Courthouses are designed and operated to ensure equal access, from the physical layout to the location and the hours of operation.
- Access to the courts shall be affordable.
- Jurisdictions shall have sufficient judicial officers, staff, and other non-judicial resources to meet the workload.
- Courthouse doors must remain open.

The workgroup found that although the judicial branch has implemented many programs and provided many services to improve efficiencies within California's justice system, it does not have a mechanism in place to measure the correlation of funding to the level of service a court provides. The workgroup determined that there is no current way to ascertain how resources are spent by each court once funds are allocated or what drives variances in expenditures from court to court. Without that information, the workgroup concluded that there is no way to measure how changes in funding levels impact access to justice and if those impacts are uniform throughout the state. Providing equity in funding—not equal funding, but rather funding based on relative workload in the courts—is a necessary, but by no means sufficient, condition for measuring trial court performance, determining how effectively and efficiently courts are providing access to justice, and maintaining the self-assessment undertaken by Chief Justice Cantil-Sakauye.

The workgroup is not arguing for greater centralization of trial court operations or usurping the authority of trial courts. The primary function of trial courts is to provide a judicial forum to hear and resolve disputes. But trial courts also have responsibility for managing their day-to-day operations. The workgroup understands and respects that AB 233 was not an attempt to change the authority of local courts. In fact, AB 233 directed the creation of rules to ensure a decentralized system of trial court management to ensure local authority and responsibility for

managing operations of the trial courts. The rules were intended to place the responsibility of managing allocations, personnel systems, and processes and procedures to improve court operations and responsiveness to the public at the local level.

However, AB 233 also specifically acknowledges the need for increased uniformity and performance standards among the trial courts to increase and provide equal access to justice. The state's responsibility for trial court funding was intended to promote uniformity in certain areas, create economies of scale, and improve the structural efficiency of the statewide trial court system. The workgroup recommends greater uniformity and suggests an increased Judicial Council role in working with courts to achieve these goals. The workgroup believes these two things are not inconsistent and urges readers of this report to consider that uniformity and standards for equal access can coexist with local control of trial courts and management of day-to-day operations continuing to reside with the courts themselves.

Findings Relating to the Charge of the Workgroup

Upon evaluating the available material and leveraging the experience of its members, the Trial Court Funding Workgroup makes the following findings.

(1) Workload Metrics, Staffing Standards, Efficiencies, and Other Data

The workgroup finds that the judicial branch has substantially complied with the requirements of the act, achieving full completion of most of the requirements. The principal area found to be in need of improvement revolves around the allocation of funding to trial courts. One of the problems AB 233 sought to address was the disparity in the levels of funding for courts across the state. When counties were responsible for the majority of court funding, the fiscal health of each county and competing local priorities dictated how much funding was provided to a trial court. As a result, trial courts came into state funding with very different funding levels. With limited exceptions, since AB 233 was enacted, funding has been allocated to the trial courts in a manner that perpetuates inequities among the courts rather than alleviating them. Attempts to provide additional funding to courts that had insufficient resources to meet their obligations and provide adequate service to the public were made in fiscal years 1998–1999 through 2000–2001. Supplemental funding was also provided to underresourced courts, as determined by the council, when the judicial branch received State Appropriations Limit funding as part of the budget in fiscal years 2005–2006 through 2007–2008. Outside of these examples, the workgroup finds that funding has not been allocated based on workload fluctuations or in a manner designed to promote equal access to the courts statewide, implementation of statewide policies, or implementation of efficiencies and cost-saving measures to support access to justice.

At its February 2013 meeting, the Judicial Council approved an update to the Resource Assessment Study (RAS) model, which measures the workload of non-judicial staff in the trial courts. The updated RAS model takes into account caseweights that may be

helpful in producing workload estimates. Using the RAS model or a similar model can help to determine the relative funding need of courts and, as part of a budget development process, to move toward equity in funding. However it is not a staffing standard and does not determine or measure the quality of justice or equal access. It will, however, provide the branch the ability to more effectively assess other relevant data to ensure the branch is moving toward a system that provides administrative efficiency and equal access for litigants statewide.

(2) Cost Drivers and Other Factors that Impact Equal Access

The workgroup finds that, as with most other entities, labor costs are the single largest expenditure of trial courts, representing 79 percent of court costs. Although the state funds the court system, court employee compensation and benefits are negotiated at the local level (some by the courts, some by the counties), which has the potential to impact equal access to justice even if there is an equitable distribution of funding. The workgroup finds that this structure is complicated and, in light of the significant percentage of trial court expenditures involved, should probably be reviewed.

The workgroup also finds that the Administrative Office of the Courts performs some pertinent services on an as-needed basis for the trial courts. In addition, the workgroup finds that court-to-court agreements have been developed that allow courts to partner together to provide a single or unified service or rely on the expertise of one court to effectively deliver the service. These may not be appropriate models for all courts, but are among the approaches that should be explored for further cost containment.

Another significant cost driver is facility operations and maintenance, which is important to provide adequate physical access to courts for litigants. The Trial Court Facilities Act of 2002 vested in the Judicial Council authority over the construction and location of *new* court facilities, and the Judicial Council has adopted the Site Selection and Acquisition Policy for Court Facilities to govern the process for determining the location of new facilities. However, access to existing court facilities is subject to the control of individual courts to a great extent. For example, the decisions on whether to reduce the hours clerks' offices are open, or whether to close a branch court, are made by each superior court. There are no statewide policies addressing the criteria a court must consider in determining whether to close or reduce the hours of clerks' offices or close courtrooms. Government Code section 68106 requires courts to provide notification not less than 60 days prior to closing any courtroom or closing or reducing the hours of clerks' offices, including the financial constraints or other reasons that make the closure or reduction necessary. The public may provide written comments on the court's plan during the 60-day period and the court must review and consider all public comments received. The workgroup finds that consideration of statewide policies would encourage

local decisions that appropriately balance the fiscal needs of the courts with the right of litigants to access justice and provide more transparency in these local decisions.

(3) Methods to Enhance Savings through Administrative Efficiencies and Coordinated Efforts

The workgroup finds that there are numerous ways in which the judicial branch has adopted administrative efficiencies and has coordinated efforts between trial courts. This includes the provision of administrative, legal, financial, human resources, and information technology services for courts to take advantage of economies of scale. It also includes the development of best practices to improve the quality of justice and uniformity of practices and procedures statewide through the work of the Domestic Violence Practice and Procedure Task Force, the Blue Ribbon Commission on Children in Foster Care, and the Elkins Family Law Task Force.

Coordinated efforts between courts or by the Administrative Office of the Courts for the trial courts are also promoted and provided to create efficiencies and enhance savings. Examples include the Shared Procurement Services program implemented by the Superior Court of Riverside County providing procurement services to 18 trial courts; the merger of appellate divisions in 4 small courts into a single appellate division serving those courts; the coordination of civil cases to limit duplication of effort and resources so a single court can hear related cases, freeing up other courts to focus resources on other critical matters; and the Superior Courts of Shasta and Ventura Counties providing enhanced collection services to 7 other courts (6 by Shasta, 1 by Ventura) to capitalize on the expertise and efficiency developed in these two courts.

These examples of cost-savings measures improve access to justice by relying on the expertise of either the Administrative Office of the Courts or other courts, and present an efficient use of resources to support a uniform statewide system.

(4) Steps to Increase Funding Transparency

At its simplest, funding transparency is about making information about funding decisions available to the public. But posting the information on the California Courts website is not sufficient. To be transparent, it must also be understandable. The workgroup finds that although the Judicial Council posts on the judicial branch's California Courts website all council decisions about allocation of resources, including reports detailing the options considered by the council and its rationales for making those decisions, it may not be understandable to the lay public. Furthermore, the workgroup finds that transparency regarding funding decisions must apply to trial courts as well. Government Code section 68511.7 requires each trial court, prior to adopting a baseline budget plan for the year, to provide the public with notice of the proposed plan and an

opportunity to provide input, either in writing or at a public hearing. This is an important step, but this information also must be made understandable to truly meet the definition of being “transparent.”

Funding transparency is about the broader context as well. The workgroup further finds that some measures should be adopted to allow for greater understanding of how the funding provided to courts is used to equalize access or to support identified priorities.

(5) Other Findings

A sampling of accomplishments reviewed by the workgroup included a review of 56 separate items, falling into the following eight broad categories: administrative, legal, and human resources; case management; direct public services; education and guidance; fiscal management and reporting; judges and jury practices; records and technology; and security. The workgroup gained an understanding of the breadth of programs and services implemented since the enactment of the Trial Court Funding Act to provide uniform practices and procedures, take advantage of economies of scale, and create structural efficiencies and simplicity, leading to overall improvements in the court system and increasing access to justice for litigants. While some of these innovative or effective programs and services are mandatory and available in all courts, some are not. Some do not lend themselves to being mandated. The workgroup finds that the Judicial Council needs to reevaluate these items and consider additional mandatory requirements, if appropriate and where they would further promote equal access or achieve the goals outlined in AB 233.

Recommendations of the Workgroup

Based on the findings noted in this report, the workgroup recommends that the Judicial Council:

- (1) Review accomplishments made toward achieving the goals of a state-funded trial court system and begin the process of considering making some of these innovations mandatory and providing incentives for courts to implement others. To accelerate the pace of ensuring equal access to justice, some of the programs and services developed should be considered for statewide implementation. The Judicial Council should examine the list of accomplishments and prioritize statewide implementation of the programs and services that can result in statewide efficiencies or provide greater access to justice.
- (2) Establish and continually update statewide priorities and continually evaluate whether the branch can provide greater access and find more ways to efficiently deliver programs and services to Californians consistently throughout the state.

- (3) Continually evaluate how the branch can promote and implement efficiencies and best practices and improve accountability and transparency.
- (4) Consider adopting funding priorities that would be taken into account when allocating resources, seeking additional resources through the state's budget process, or responding to changes in the state's economy that lead to reduced available funding.
- (5) Demonstrate how future funding affects access for litigants, how the number of judges correlates to the ability of litigants to have their cases heard, and/or identify other indicia that demonstrate effective and accountable use of resources.
- (6) Adopt a new methodology for allocating funding appropriated for support of trial court operations, to be implemented commencing with fiscal year 2013–2014.
- (7) Ensure that the new methodology allocate funding to the trial courts in a manner that, consistent with the intent of AB 233:
 - a. Improves equal access to justice;
 - b. Supports the ability of the courts to carry out their necessary functions; and
 - c. Is guided by the principles of uniformity, equity, accountability, and flexibility.
- (8) Include the following factors in the new allocation methodology to ensure that the above-stated principles are implemented:
 - a. The new formula should be phased in so courts that may receive a smaller allocation under the new formula than they would have received absent the change can effectively plan for the reduced funding.
 - b. Where applicable (e.g., funding for general court operations and not for specific costs or activities), funding should be based primarily on court workload, not on historic funding percentages.
 - c. The methodology should take into account all cost drivers in the trial courts in determining an equitable allocation, including regional variation in the costs of labor.
 - d. The methodology should promote efficiency and accountability and direct the development of performance measures and strategies to deliver those goals.
 - e. The formula resulting from the methodology should be reviewed and, if necessary, updated and/or modified at least every three years to address changes in workload and/or other cost drivers and to ensure that the methodology is fine-tuned over time to promote efficiency, access to justice, transparency, and accountability.
- (9) In addition to the factors stated above the Judicial Council will need to determine how to address the following:
 - a. Unique factors in a court that the workload model does not appropriately consider in determining funding need.
 - b. Whether local revenues should be considered as part of the allocation process.

- c. Technology, as it relates to efficiency within the court, including technology that is needed or is already in place.
- (10) Provide that the allocation methodology be used to determine the amount of funding to be allocated to each court, while allowing for local differences and preserving sufficient flexibility for presiding judges and court executives to operate their courts.
 - (11) For the purpose of providing increased funding transparency, adopt performance indicators or other metrics that can be used to measure trial court activity and provide decision makers with information about the use of resources and the impact those factors have on outcomes. Such measures could include filing trends, allocation per population, staffing per case, and expenditures by category, or other measures the council finds appropriate.
 - (12) Review and develop indicators that demonstrate anomalies in expenditures and point to equal access and quality of justice to determine whether courts are operating efficiently and expending funds to promote equal access consistent with the Judicial Council's identified priorities.
 - (13) Consider the development of policies, guidelines, or standards on physical access to courthouses, including the factors relevant to opening or closing branch courts and the hours at which court services are available to the public in clerks' offices. Such policies could encourage uniformity in practice across the state in an effort to promote the equal access to justice that AB 233 was intended to achieve.
 - (14) Analyze opportunities for cost savings that can be implemented on a statewide basis to achieve uniformity and equal access to justice across the state.
 - (15) Identify remaining vestiges of the years prior to unification that should have been, but were not, effectively resolved by unification, and which result in inefficiencies and unnecessary costs or use of resources.
 - (16) Personnel costs represent 79 percent of trial court expenditures, and the current system relies on individual courts to negotiate salaries and certain employee benefits, counties to negotiate other employee benefits, and the state to fund the costs. The council may wish to examine this area given that it is a primary cost driver and may be an area where opportunities exist for containing state costs.
 - (17) Determine methods to effectively measure quality of justice.
 - (18) Provide greater transparency by ensuring that fiscal information posted on the judicial branch's California Courts website is understandable to the lay public and information

provided by the courts, including their proposed baseline budget plan, is understandable to the lay public.

It was the consensus of the workgroup that a comprehensive review and analysis of the goals of the Trial Court Funding Act was simply too large to be accomplished within the short time frame established for the group to conduct its work. Among other things, the workgroup hoped to spend more time considering indicators of equal access that the Judicial Council could evaluate to provide greater transparency and accountability for the use of public resources. This process of evaluating the progress of implementing AB 233 is not complete. Determining whether the branch is providing equal and quality justice to all is a continuing responsibility. The recommendations of the workgroup described above reflect the ongoing work that needs to be done.

REPORT OF THE TRIAL COURT FUNDING WORKGROUP TO THE JUDICIAL COUNCIL AND THE GOVERNOR

I. Introduction

On September 19, 2012, Governor Edmund G. Brown, Jr. and Chief Justice Tani G. Cantil-Sakauye announced in a joint letter the creation of a new working group to “evaluate the state’s progress in achieving the goals of the Lockyer-Isenberg Trial Court Funding Act of 1997” (hereafter referred to as the Trial Court Funding Act or AB 233).¹ Later named the Trial Court Funding Workgroup, the workgroup was to be a collaborative effort between the judicial and executive branches with members appointed by the Governor and the Chief Justice of California.

The concept for the joint workgroup was first made public by the Governor in his May Revision of the 2012–2013 Budget Act. The summary of the May Revision² included the following discussion:

During the mid-1990’s there were significant reforms in the Judicial Branch—court unification and the state assumption of funding responsibility for trial courts. Prior to state funding, many small courts were in financial crisis and needed emergency state funding to keep their doors open. One of the goals of state funding was to promote equal access to justice so that a citizen’s access to court services was not dependent on the financial health of an individual county....

Fifteen years after the implementation of the Trial Court Funding Act, a comprehensive evaluation of the state’s progress in achieving the goals outlined in the reform legislation, including the ability of trial courts to provide equal access to justice, is appropriate. The Administration proposes to establish a working group to conduct the evaluation. The working group will conduct a statewide analysis of workload metrics, staffing standards, and other relevant data necessary to support a more uniform and efficient administrative system for the judiciary.

Accompanying the joint letter from the Chief Justice and the Governor was a document further explaining the charge, composition, and expectations for the workgroup.³ “The workgroup is established to determine how the state has progressed since the Trial Court Funding Act, to ascertain whether the goals of the Trial Court Funding Act have been met,

¹ Stats. 1997, ch. 850. See Attachment 1, Letter from Governor Brown and Chief Justice Cantil-Sakauye.

² California Department of Finance, *Governor’s Budget 2012–13 — Revised Budget Summary*, pp. 71–73 (May 14, 2012), <http://2012-13.archives.ebudget.ca.gov/pdf/Revised/BudgetSummary/Judiciary.pdf>.

³ See Attachment 2, *Trial Court Funding Workgroup—Charge, Composition and Activities*, <http://courts.ca.gov/partners/documents/TCFWG-Charge-Comp-Activities.pdf>.

and to propose options to the Judicial Council to effectively meet and maintain the goals of having a state-funded trial court system and enhance transparency and accountability.” The Governor and the Chief Justice directed the workgroup to issue a report to the Judicial Council and the Governor by April 2013, which may include, but is not limited to the following:

1. A statewide analysis of trial court workload metrics, staffing standards, efficiencies, and other relevant data to evaluate trial courts and the state’s progress in achieving a statewide court system.
2. An evaluation of the cost drivers and other factors that affect a local trial court’s ability to provide equal access to justice.
3. An assessment of methods to enhance savings in trial court operations through the use of administrative efficiencies and coordinated efforts between trial courts.
4. Identification of steps needed to increase funding transparency.

The workgroup held five meetings from November 2012 through March 2013, convening every five weeks. The workgroup began by asking two questions: (1) what is equal access to justice? and (2) did state funding of a trial court system bring about more equal access to justice? These are questions that cannot necessarily be answered conclusively. Equal access to justice is a complicated, multifaceted concept. It encompasses the protection of broad, abstract constitutional rights as well as the implementation of specific, statutory requirements. As such, it defies ready simplification to a reduced set of principles or easy quantification. Moreover, ensuring access to justice involves the collaboration of multiple parties, including district attorneys, public defenders, attorneys, legal service providers, the State Bar, local bar associations, county entities, and others. Finally, it is an inherently dynamic phenomenon. As such, what equal access means is something that must be continually reevaluated as new ways to deliver services and justice emerge and as the needs of the community change. The analysis of these questions, however, led directly to the workgroup discussing the goals, principles, and expectations of the Trial Court Funding Act. In addition, the group examined in detail the requirements of the act and the progress the judicial branch has made toward meeting both the goals of the act and its express requirements. As a natural outgrowth of these discussions and the group’s charge, the last few meetings concentrated on how trial court funding is currently allocated. The group also reviewed alternative methods for allocating trial court funding that could better address caseload and key cost drivers in the trial courts for the purpose of achieving equal access to justice statewide and furthering the goals of a state-funded trial court system.

Ensuring that resources are allocated in a more fair and equitable manner based on the trial courts’ respective workloads, though critical, is not the sole answer to equal access to the courts statewide. The Director of the Department of Finance explained at the inaugural meeting of the workgroup that the administration saw some inconsistencies when it examined the judicial branch budget over the past two years. The department asked why some courts

were better able to manage the budget reductions than others. Why did some courts have to close courtrooms or courthouses when others were able to continue public services with little or no change or were able to provide salary increases to court employees? The workgroup began the process of answering these questions by looking at the structure of how courts were funded. Court discretion and management, labor costs, different filing practices and priorities by county law enforcement or other county entities, and other similar factors can make for unequal access even where there is equity in funding. But without equity in funding there is no opportunity for equal access. This conclusion is consistent with the emphasis AB 233 put on the necessity for efficiency in being able to deliver access to justice.

This report will examine the goals and requirements of AB 233 and the progress made toward meeting them. The report will then set forth findings of the workgroup and recommendations for continuing the progress made over the past 16 years since AB 233 was enacted and moving further toward a state-funded system that ensures equal access to justice for all Californians.

II. Background

The following chart, a compilation of two separate charts from a book authored by Larry Sipes on judicial administration in California, offers a brief snapshot of California’s judiciary in 1850, 1950, and 2000 and shows some of the ways the judicial branch has changed over the last 150 years:⁴

	1850	1950	2000
Number of Court Locations	Unknown; but district courts were organized into nine judicial districts; a special district court existed for San Francisco; county courts were provided for in each county; and justice courts were organized for each township	830	440
Trial Court Structure	District Courts County Courts Justice Courts	Superior Courts Municipal Courts Township Courts City justice Courts City Courts Police Courts	Superior Courts
Filings	Unknown	2,473,282	8,649,552

⁴ Larry Sipes, *Committed to Justice: The Rise of Judicial Administration in California* (Admin. Off. of Cal. Cts., 2002), pp. 14–15 and 49–51.

	<i>1850</i>	<i>1950</i>	<i>2000</i>
		(Appellate, Superior, and Municipal)	(Superior and Appellate)
Judges/Judicial Officers	Unknown	1,056	1,980
Funding	Presumed township, county, and state	City, county, and state	State
State-Level Administration	Supreme Court	Judicial Council	Judicial Council Administrative Office of the Courts (AOC)
Trial Court Administration	Judges County and Court Clerks	Presiding Judges County Clerks and Officials Court Clerks	Presiding Judges Executive Officers Administrative Staff County Officials
Judicial Discipline	Legislative impeachment, failure to achieve election or reelection	Legislative impeachment, voter recall, defeat at a regular election, or retirement for disability by the governor with consent of the Commission on Qualifications	Legislative impeachment, voter recall, Code of Judicial Ethics by the Supreme Court By the Commission on Judicial Performance: <ul style="list-style-type: none"> • disqualification • suspension • retirement (for disability) • censure • admonishment
Judicial Selection	Contested elections, gubernatorial appointments to fill vacancies	Retention elections for appellate courts; contested elections for trial courts; gubernatorial appointments to fill vacancies with unexpired terms	No change except the governor fills vacancies by appointment for periods linked to general elections
Alternative Dispute Resolution	Legislature authorized to create tribunals for conciliation, but they were never enacted	No court-annexed programs	Court-sponsored programs at both the trial and appellate levels including arbitration, mediation, conciliation, and evaluation
Judicial Education	No program	No program	AOC's Center for Judicial Education and Research California Judges Association Private Organizations
Planning	Not a part of judicial administration	Not a part of judicial administration	Strategic and other types of planning are integral to judicial administration and drive

	1850	1950	2000
			budget, rules, and legislative priorities

This report focuses on the extent to which California’s judicial branch has fulfilled the goals and intent of AB 233 and truly achieved a state-funded trial court system that provides equal access to justice for all Californians, regardless of their geographic location. A look at today cannot be complete, however, without at least a brief look at the recent past.⁵

A. The Pre-Trial Court Funding Years

California’s transition from county to state funding was not achieved in single day. It was a multiyear, multistage process. Prior to 1988, the state funded salaries and health and retirement benefits for superior court judges and provided subsidies for rural courts.⁶ The state also provided reimbursements for select mandated programs.⁷ The counties funded the other operating costs of the superior courts and provided facilities.⁸ A sea change began in 1988 when the enactment of the Brown-Presley Trial Court Funding Act (Stats. 1988, ch. 945) led to increased funding for trial courts. The state provided block grants to each county based on the numbers of judicial positions in each county.⁹ As a result, from 1988 to 1990, the state’s contribution to the costs of operating California’s trial courts increased by 68 percent to a total of \$506 million.¹⁰

The move toward greater state funding continued with the Trial Court Realignment and Efficiency Act of 1991 (Assem. Bill 1297; Stats. 1991, ch. 90). This act sets forth the intent of the Legislature to increase the state’s share of funding the trial courts from the then-existing 38 percent to 50 percent (increasing the funding by \$225 million in fiscal year 1991–1992), with further increases of 5 percent each year, until the state’s share totaled 70 percent. The law anticipated that level would be reached in 1995–1996.¹¹ To help offset the increased state obligation, certain fines and fees were increased, certain revenues transferred from local governments to the state, and additional tools were provided for the collection of delinquent fines and fees. It also enacted reforms intended to increase trial court efficiency, improve

⁵ For a more complete journalistic retrospective of the judicial branch from statehood through the year 2000, see <http://courts.ca.gov/partners/documents/TCFWG-20130115-journalistic.pdf>. See also Sipes, *supra*, at pp. 275–287 for a prediction of the state of California courts from 2000 to 2050.

⁶ Legislative Analyst’s Office, *The 1992–93 Budget: Perspectives and Issues: Trial Court Funding “Realignment”* (1992) p. 138. Hereafter, 1992 LAO Report.

⁷ This came about as a result of Assem. Bill 19; Stats. 1985, ch. 1607; 1992 LAO Report, *supra*, at p. 138.

⁸ Admin. Off. of Cts., *Legislative Briefing: Trial Court Funding* (Feb. 1997), p. 10, <http://courts.ca.gov/partners/documents/TCFWG11-February1997LegislativeBriefingonTrialCourtFunding.pdf>. Hereafter, 1997 Legislative Briefing.

⁹ *Id.* at p. 10. See also Judicial Council of Cal., Admin. Off. of Cts., *Special Report on Trial Court Funding* (Sept. 1997), p. 11, <http://courts.ca.gov/partners/documents/TCFWG6-TrialCourtFundingRecapSeptember1997.pdf>. Hereafter, 1997 Special Report.

¹⁰ 1997 Legislative Briefing, *supra*, at p. 10.

¹¹ 1997 Special Report, *supra*, at p. 11; 1992 LAO Report, *supra*, at p. 139.

uniformity of judicial services, improve public access, and reduce costs over time.¹² Consistent with the intent of AB 1297 and related concurrently enacted legislation, in 1992 the Judicial Council created the Trial Court Budget Commission “to oversee the trial court budget development process and to propose a statewide trial court budget annually.”¹³

B. Efforts to Enact AB 233—The Lockyer-Isenberg Trial Court Funding Act of 1997

In 1996, as a result of a thorough and inclusive process, consensus was reached for state funding of the trial courts and the method for achieving it. The Governor’s January budget, therefore, proposed “to consolidate the costs of operation of the trial courts at the state level,” with certain exceptions, and to cap county contributions for trial court operations.¹⁴ AB 2553 (Isenberg) was then introduced to implement this proposal. Consistent with the Governor’s proposed budget, it sought to consolidate funding of the trial courts at the state level, eliminating the bifurcated system that existed until then. Unfortunately, disagreement over trial court collective bargaining issues led to the bill’s failure on the final day of the 1995-1996 legislative session.¹⁵

In 1997, the state still confronted a system of funding trial courts that resulted in a wide disparity in the services offered from court to court and the relative level of funding provided to each court. Some courts did not even have sufficient resources to meet their basic constitutional and statutory mandates. “County based funding for the trial courts maximized resources for the courts in counties that set judicial services as a high priority, and minimized resources in counties with other priorities.”¹⁶ The Governor’s proposed budget, released in January 1997, noted that in the prior year, “the Administration proposed a major restructuring of Trial Court funding. This proposal served two primary purposes—to provide long-term relief to counties, and to provide a stable and reliable source of funding for the Trial Courts. ... This would have allowed the judiciary to plan and use resources on a statewide basis to ensure equal access to and the fair application of justice for all citizens.”¹⁷ The 1997–1998 budget therefore once again proposed state funding for California’s trial courts. In February 1997, then–Assembly Member Martha Escutia introduced AB 233 to implement this proposal. AB 233 was virtually identical to the final version of AB 2553. According to the Assembly Member:

This bill fully implements the long-term trial court funding agreement entered into by the courts, the counties, and the court employee groups. The bill promotes fiscal responsibility and accountability by the trial courts in managing scarce resources in the most efficient and effective manner. By consolidating trial court funding at the state level, this bill addresses the long-standing problem of funding

¹² 1992 LAO Report, *supra*, at pp. 139–141.

¹³ 1997 Legislative Briefing, *supra*, at p. 10.

¹⁴ California Governor’s Budget Summary 1996–1997 (Jan. 1996), pp. 29–30.

¹⁵ 1997 Legislative Briefing, *supra*, at p. 13; 1997 Special Report, *supra*, at p. 13.

¹⁶ 1997 Legislative Briefing, *supra*, at p. 12.

¹⁷ California Governor’s Budget Summary 1997–1998 (Jan. 1997), pp. 27–28.

stability and alleviates the courts from the funding crisis that exists as a result of split funding between the state and the counties. The current funding mechanism has also made it difficult for the courts, the state and the counties to engage in long term planning, limits a fair allocation of resources among all courts, and impairs equal access to justice.^[18]

AB 233 was “tombstoned” for Assembly Member Isenberg, for his long-standing efforts on this topic, and Senator Lockyer, the President pro Tempore of the California State Senate. On the last day of the legislative session, AB 233 passed. Governor Wilson signed the bill on October 10, 1997, and it took effect on January 1, 1998. Immediately upon its passage by the Legislature, the Administrative Office of the Courts highlighted the benefits that AB 233 was intended to bring about:

- Provides a stable, consistent funding source for the trial courts.
- Promotes fiscal responsibility and accountability by the trial courts in managing scarce resources in the most efficient and effective manner.
- Recognizes that the state is primarily responsible for trial court funding, thereby enabling the courts, the state, and the counties to engage in long-term planning.
- Enhances equal access to justice by removing disparities resulting from the varying ability of individual counties to address the operating needs of the courts and to provide basic and constitutionally mandated services.
- Provides significant financial relief in all 58 counties, which is desperately needed to allow the counties to redirect scarce local resources to critical programs that serve local constituents.¹⁹

To address the labor issues that had stalled AB 2553, AB 233 created a task force on trial court employees to tackle the outstanding concerns and recommend “an appropriate system for employment and governance for trial court employees.”²⁰ The bill similarly created a task force to address ownership and transfer of trial court facilities from counties to the state.²¹ This approach provided more time to resolve these issues, while not standing in the way of the move to a state-funded trial court system.

III.Meeting the Goals of Trial Court Funding Act

This section of the report reviews the goals of the Trial Court Funding Act and then, consistent with the charge of the workgroup, discusses progress made by the judiciary in achieving those goals.

¹⁸ Assembly Judiciary Committee analysis of Assembly Bill No. 233, as amended Mar. 10, 1997, for Mar. 19, 1997 committee hearing.

¹⁹ 1997 Special Report, *supra*, at p. 6.

²⁰ Gov. Code, § 77600 et seq.

²¹ Gov. Code, § 77650 et seq.

A. An Examination of the Goals of the Trial Court Funding Act

The rationale behind the decision to pursue passage of AB 233 (and its predecessor, AB 2553) may best be found in the Legislature’s findings and declarations. Key findings include:

- Funding of trial court operations is most logically a function of the state.
- State funding of court operations is necessary to provide uniform standards and procedures, economies of scale, and structural efficiency and simplification.
- Structural improvement will provide for an improved court system, a uniform and equitable court system and will, therefore, increase access to justice for the citizens of the state of California.
- It is increasingly clear that the counties of California are no longer able to provide unlimited funding increases to the judiciary and, in some counties, financial difficulties and strain threaten the quality and timeliness of justice.
- There is a clear need to proceed as rapidly as possible toward the goal of full state funding of trial court operations.²²

In light of these findings, the Legislature enacted AB 233 with the intent to:

- Provide state funding responsibility for trial court operations.
- Cap county contributions at the level provided for court operations in fiscal year 1994–1995, and ensure that the obligation of counties is not increased by state budget actions related to the trial courts.
- Provide that the state assumes full responsibility for any growth in the costs of court operations, as defined.
- Return certain fine and forfeiture revenue to counties, as a way of assisting them in meeting their obligation to the state.²³

1. Equal Access to Justice

There is no disagreement among the members of the workgroup that inherent, if not explicit, in AB 233 is the intent that a state-funded trial court system leads to equal access to justice statewide; that the happenstance of geography would not determine whether an individual can access the courts and protect his or her rights under the law. But precisely what equal access to justice means remained somewhat of a quandary. Despite its finding that creating a state-funded judiciary was a necessary component for an “improved court system, a uniform and equitable court system” which “will, therefore, increase access to justice for the citizens of the State of California,” AB 233 does not expressly define access to justice or equal access.

The members of the workgroup expressed a range of views on how to define access to justice and equal access, which included the following:

²² AB 233, § 2 (uncodified).

²³ AB 233, § 3 (uncodified). For a complete listing of all expressions of intent throughout the legislation, see also “The Lockyer-Isenberg Trial Court Funding Act of 1997 (Stats. 1997, ch. 850) (AB 233): Stated Goals / Principles / Expectations / Intent,” <http://courts.ca.gov/partners/documents/TCFWG-Meeting-11-6-12-Goals-of-Trial-Court-Funding-Act.pdf>.

- Equal access means a system where the level of services is comparable. To make that determination, equal access must be viewed through the prism of judicial officers. Through that lens, equal access means the ability to provide each of the judicial officers with a courtroom and adequate staff, including clerks and others, to process cases, take minutes, and perform other functions of the system that keep justice moving. Once the state determines how many judicial officers are needed, and provides each with adequate support, then the state has provided equal access.
- Equal access means courts are obligated to provide justice to all. Californians have a right to have justice, to have their day in court. If the branch is operating in a way that does not allow that, then it is not providing equal access to justice.
- Equal access means that courthouses must be in locations where they are accessible to the public and the doors to courthouses must be open. When a litigant has to travel 200 miles to attend a hearing, file a pleading, or pay a fine, access is compromised.²⁴
- Equal access means offering judicial education so that judges regularly learn new statutes and case law and share best practices. As a result, judges can provide fair and efficient justice to litigants across the state.
- Equal access once meant having a place for people to come and access the courts. In today's landscape, with 85 percent of family law litigants in some courts being self-represented, equal access means having self-help centers. Equal access also means having security so people can have access to a safe venue; it means putting resources into case management to help manage the cases efficiently and effectively.
- The definition of access to justice is dependent on whose perspective it is being viewed from. What constitutes equal access can vary by case type and can vary by the caseloads at respective courts.
- Equal access means different things to different people, and the definition changes with the times as community needs, technology, or other factors change. Something that may be necessary for equal access one year may not be necessary in the next year. As a result, the question of whether the branch is providing equal access needs to be constantly evaluated.

²⁴ This is not meant to imply that all courthouses that are accessible currently must remain accessible indefinitely, as each trial court must have the flexibility to assess the changing workload, funding, and community needs that may necessitate closure of courthouses or courtrooms at some future date. These determinations must take into account access to justice as well as the efficient and effective use of resources.

2. *The Commission on the Future of the California Courts' Perspective*

This is not the first time that knowledgeable individuals have grappled with the question of what constitutes equal access to justice. In 1993, the Commission on the Future of the California Courts developed an ideal picture of the courts in the then-far distant year of 2020.²⁵ Interestingly, the 2020 Commission, as it came to be known, examined separately the questions of what the ideal version of providing access to justice and equal justice would mean in 2020. In summary, the vision for how all Californians would have access to justice in 2020 encompassed the following:

In the public justice system no justice seeker is denied access or disadvantaged because of language, custom, lack of comprehension, or disability. Illiteracy no longer hinders participation in the justice process. Neither geography nor physical impediment bars the door to justice, and that door opens equally wide to poor and wealthy alike.

For those disputes that are still adjudicated or otherwise require counsel, legal services are widely available, paid for in large part with the proceeds from a self-supporting civil justice fund.²⁶

The 2020 Commission further noted that

[i]n the preferred future, justice will be fully accessible to all Californians, regardless of income, race, gender, culture, or disability. [¶] Effective access begins with comprehension ... [i]nterpreter services must be available to all court users who require them. Simultaneous real-time translation should be provided for all.... The justice system must develop the capacity to explain the fundamentals of the dispute resolution process to disputants from different cultures. [¶] In both the spoken and the written word the language of justice should be clear and comprehensible.²⁷

The future was also one in which courthouses are “designed to ensure equal access. The courts must commit to removing physical and attitudinal barriers that deny the disabled equal justice and equal access to justice.” Additionally, access should be enhanced by expanded or alternative court hours that provide individuals greater ability to come to court and address their legal issues without missing work, incurring additional child-care expenses, or limiting their ability to address other critical needs during regular business hours.²⁸

²⁵ Report of the Commission on the Future of the California Courts, *Justice in the Balance 2020* (1993). Hereafter 2020 Report.

²⁶ *Id.* at p. 55.

²⁷ *Id.* at p. 11.

²⁸ *Id.* at p. 12.

Though the 2020 Commission’s future vision of a court system in which “equal justice” is provided seems to lack significant distinctions from a world that ensures *access* to justice, the report did identify a few additional pieces of the future vision when there is equal justice. For there to be a guarantee of equal justice, “the public justice system of the future must be culturally competent” and must meticulously apply the same legal standards to all. Further, judicial officers and court staff must be representative of the population they serve in terms of their diversity.²⁹

3. *The California Commission on Access to Justice’s Perspective*

At the workgroup’s February 19, 2013, and March 26, 2013, meetings, the California Commission on Access to Justice (Access Commission) shared its definition of equal access, contained in written comments submitted to the workgroup. The Access Commission’s view, consistent with the goals articulated by the 2020 Commission, concludes that “[t]o ensure equal access to justice in California, courts must be funded adequately throughout all parts of the state, and courts must design their own processes to provide effective and efficient court services for all who use the courts. [¶] Using standards now in court rules, and to be developed, concerning case disposition by casetype, minimum hours at clerks’ offices, self-help centers, etc., funding should be allocated based on a court’s need to add resources to achieve minimum standards, and after that to expand services beyond the minimum. [¶] ... [T]o ensure the most efficient use of available resources to provide the same access to justice for all litigants in all jurisdictions,” courts must be able to satisfy specified “principles of access.” The Access Commission’s core principles, further elaborated on in the letter to the workgroup, require that:

- All litigants shall receive due process of law;
- Courts shall be accessible to all court users;
- An official record shall be made to preserve court proceedings and to preserve the right to a meaningful appeal;
- Access to the courts shall be affordable;
- Jurisdictions shall have adequate numbers of judicial officers, staff, and other non-judicial resources to meet caseloads;
- Courts shall provide services to meet community needs; and
- The identified components of these access standards shall be tracked on a regular basis.³⁰

²⁹ *Id.* at pp. 12, 71, 74, and 75.

³⁰ See letter authored by Justice Ronald B. Robie, California Commission on Access to Justice, *Minimum Standards for Access* (Mar. 21, 2013), p. 2, <http://courts.ca.gov/partners/documents/TCFWG-20130326-written-comments.pdf>.

4. *AB 233 and Equal Access to Justice*

Although there is no single definition of equal access the workgroup can point to and measure against, the workgroup concluded that the Access Commission and the 2020 Commission established a strong framework for determining access. Compiling their definitions together, along with the views expressed by workgroup members, access to justice, at a minimum, may include the following essential elements:

- All litigants shall receive due process of law.
- No Californian is denied access or disadvantaged because of language, custom, lack of comprehension, disability, or income.
- Neither geography nor physical impediment bars the door to justice.
- Courthouses are designed and operated to ensure equal access, from the physical layout to the location and the hours of operation.
- Access to the courts shall be affordable.
- Jurisdictions shall have adequate numbers of judicial officers, staff, and other non-judicial resources to meet caseloads.
- Courthouse doors must remain open.³¹

AB 233, at least implicitly, tells us that a more fair and equitable approach to funding, based on the relative workloads of each trial court, is a critical component in creating equal access to justice statewide: “[State] funding is necessary to provide uniform standards and procedures, economies of scale, and structural efficiency and simplification.”³² AB 233 goes on to state that structural improvement (referring to the move to state funding itself, and to the uniformity, economies of scale, and efficiency and simplification resulting from such funding, including the provision of key services and administrative infrastructure by the Administrative Office of the Courts) will make for a more equitable court system and “increase access to justice for the citizens of the State of California.”³³ In short, state funding should increase access to justice for all Californians. This viewpoint was laid out succinctly by one workgroup member: AB 233 lays out an if-then proposition—if you can provide uniformity of funding practices and policies, then you will have achieved equal access to justice. The necessary corollary is, therefore, if you do not have uniformity of funding practices and uniformity of funding policies, you do not have equal access to justice. This analysis led the workgroup to ask whether the branch has been able to achieve equity in allocating funds to the trial courts. That question is discussed in detail below.

³¹ See footnote 24, *supra*.

³² AB 233, § 2(b) (uncodified).

³³ AB 233, § 2(c) (uncodified).

B. Progress Toward Achieving the Goals of the Lockyer-Isenberg Trial Court Funding Act

To assess whether the state had made progress in achieving the goals of AB 233, the workgroup pursued several approaches. Among the information that the workgroup requested from staff:

- A chart outlining specific requirements in AB 233, so that the workgroup could determine whether specific requirements had been met;
- A chart detailing recent accomplishments by the judicial branch to determine whether these accomplishments realize the goals that state funding bring “uniform standards and procedures, economies of scale, and structural efficiency and simplification.”³⁴
- Information on how funding is allocated to trial courts; and
- Information on how funding is used by the trial courts.

1. Specific Requirements of AB 233 Have Been Substantially Completed

At the request of the workgroup, staff prepared two documents that address the specific requirements contained in AB 233.³⁵ After studying these documents, the workgroup finds that the judicial branch has substantially completed all of the specific requirements or made substantial progress in all areas, with one exception. The sole exception relates to the equitable allocation of trial court funds, which is discussed in the following section of this report, and which is the subject of several of the workgroup’s recommendations.

The workgroup considered the other stated goals of AB 233,³⁶ and determined that most have been satisfied. For instance, as directed, county costs were capped at the 1994–1995 level. In fact, the 38 smallest counties were entirely exempted from the requirement to submit this expenditure maintenance of effort payment, and the obligations for the remaining 20 counties were reduced significantly. The state, as promised by AB 233, assumed the responsibility for the growth in costs of court operations, and the county responsibility for operations costs did not grow. In addition, as envisioned in AB 233, specified fee and fine revenue was returned to the counties to assist them in meeting their maintenance of effort obligations. AB 233 accomplished its goal of alleviating county responsibility for funding of trial court operations and squarely placed that responsibility in the hands of the state. AB 233 sought to ensure that an individual’s access to justice would no longer be tied to a county’s fiscal health.

³⁴ AB 233, § 2(b) (uncodified).

³⁵ Attachments 3 and 4. The first is a chart titled “The Lockyer-Isenberg Trial Court Funding Act of 1997: Review of What Has Been Completed Sections 4–65,” www.courts.ca.gov/partners/documents/TCFWG-20130115-progress.pdf; the second is a summary of the first chart, www.courts.ca.gov/partners/documents/TCFWG-20130219-AB233-Requirements-summary.pdf.

³⁶ See page 8, *supra*, where the stated intent of the Legislature in enacting AB 233 is described.

Two of the more specific requirements of AB 233—related to trial court employees and trial court facilities—warrant special comment. As noted above, disagreement over trial court collective bargaining issues had prevented the passage of AB 2553, the predecessor to AB 233, a year earlier. Thus, a key component of the intent of AB 233 was, “[b]y January 1, 2001, to adopt a plan to transition all existing court employees into an appropriate employment status, recognizing the state assumption of trial court costs.”³⁷ The Legislature also stated its intent to “[r]equire the Judicial Council to report by October 30, 1998, on possible alternatives for the participation by the state in the cost of new construction, remodeling, or renovation of trial court facilities.”³⁸ Carrying out this intent and the directives set forth in the statute, the task forces on Trial Court Employees and Court Facilities began their respective processes to address these issues. As a result of these activities, in 2000, the Trial Court Employment Protection and Governance Act³⁹ was enacted creating the status of “court employee,” making each trial court the employer, and putting the responsibility for bargaining in their hands.⁴⁰ This goal of AB 233 was thereby achieved. In 2002, the Trial Court Facilities Act⁴¹ was enacted, providing for the transfer of court facilities from county to state responsibility.⁴² This goal has similarly been achieved. The question of whether the state is appropriating sufficient funding for the trial courts overall is outside the purview of the workgroup, so this report does not delve into the question of adequacy of funding.

2. *Progress Toward Uniformity, Economies of Scale, and Efficiency and Simplification*

To assess whether the broader goals of AB 233 have been met, the workgroup examined the extent to which the state’s assumption of funding has led to policies and practices that are more uniform, that take advantage of economies of scale, or that represent efficiency or simplification, as envisioned by AB 233. The workgroup reviewed judicial branch activity since the enactment of AB 233 and concluded that the branch has accomplished the vast majority of what was set forth in the express statutory requirements of AB 233.⁴³ The workgroup found that the judicial branch made significant strides in increasing access to justice, implementing greater uniformity, efficiencies, and economies of scale, simplifying processes and procedures, and making overall structural improvements in the delivery of justice, improving services for all court users. The workgroup discussed improvements in administrative, legal, and human resources services for the trial courts that created efficiencies in operations, simplified processes, or resulted in savings to the branch because

³⁷ AB 233, § 3(g)(2) (uncodified). See also AB 233, § 48 (Gov. Code, §§ 77600–77606 required the creation of the Task Force on Trial Court Employees and a report to the Legislature.)

³⁸ AB 233, § 3(j) (uncodified). See also AB 233, § 48 (Gov. Code, §§ 77650–77655 required the creation of the Task Force on Trial Court Facilities and a series of reports).

³⁹ Sen. Bill 2140 (Stats. 2000, ch. 1010) [codified at Gov. Code, § 71600 et seq.].

⁴⁰ Some have argued that this may not have satisfied the legislative intent of creating an appropriate employment status “recognizing the state assumption of trial court costs.”

⁴¹ Sen. Bill 1732 (Stats. 2002, ch. 1032) [codified at Gov. Code, § 70301 et seq.].

⁴² By the December 31, 2009 deadline, 532 court facilities were transferred from county to state management.

⁴³ Attachments 3 and 4, *infra*. The workgroup accepts the representations set forth in these documents as fact since the workgroup did not have time or capacity to validate the individual items.

of the benefits of economies of scale. The workgroup acknowledged the adoption of strategies, practices, and procedures to improve the management of cases, improve direct public services, and provide better and more consistent education and guidance for judicial officers and court personnel. The workgroup noted considerable improvements in fiscal management and reporting, allocation of judgeships, and standardization of jury practices. Improvements in technology, records management, and court security were also highlighted.⁴⁴

Although Attachment 5 details a sampling of more than 55 accomplishments in these arenas, because of the importance of their implementation in demonstrating the progress in implementing AB 233, several items are excerpted here, including a column indicating the goals of AB 233 each item addresses.

<p>Phoenix Financial System standardizes all accounting functions The Phoenix Financial System provides a diverse range of services, including accounting and financial services, a centralized treasury system, trust accounting services, and core business analysis and support. Implementation of the statewide trial court financial system and centralized treasury enables courts to produce a standardized set of monthly, quarterly, and annual financial statements that comply with existing statutes, rules, and regulations. The objectives of the system are to: a) standardize the accounting and business functions; b) maximize investment opportunities and timely use and disbursement of cash; c) ensure uniformity of financial record keeping and maintenance; d) provide consistency of data and quality of management information; and e) provide judicial partners with comprehensive financial information on a regular and timely basis.</p> <p>Automation provides tool to enhance court’s ability to not only fiscally manage the court, but also maximize personnel resources.</p>	Efficiency / Simplicity Economies of Scale Uniform Standards
<p>Plain language civil and criminal jury instructions The California jury instructions approved by the Judicial Council are the official instructions for use in the state of California. The goal of these instructions is to improve the quality of jury decision making by providing standardized instructions that accurately state the law in a way that is understandable to the average juror. Use of the Judicial Council instructions is strongly encouraged.</p>	Efficiency / Simplicity
<p>Judicial Branch Statistical Information System data standards Standards provide for uniform reporting of court data and uniform measurement of some performance indicators such as caseload clearance, time to disposition, and age of active, pending caseload. Such measures are critical</p>	Uniform Standards

⁴⁴ More detail on success in implementing the goals of AB 233 can be found in Attachment 5, “Realizing the Goals of Assembly Bill 233 (Stats. 1997, ch. 850): A sampling of judicial branch accomplishments,” <http://courts.ca.gov/partners/documents/TCFWG-20130115-accomplishments.pdf>.

<p>to the evaluation of court operations and reflect directly on the quality of justice. Combined, these three measures help evaluate the timeliness of case processing and the extent to which delay is a problem in the courts. The benefit to courts and the public is the transparency that these measures provide in looking at court operations and holding the courts accountable.</p>	
<p>Litigation Management Program The Litigation Management Program annually manages approximately 500 claims and lawsuits against the courts without exceeding its \$4.5 million budget. The Litigation Management Program fulfills the duty of the Judicial Council to provide for the representation, defense, and indemnification of courts, judicial officers, and court employees with a small group of experienced attorneys who centrally manage the claims and outside counsel under the oversight of the Judicial Council in a way that promotes the cost-effective, prompt, and fair resolution of claims against the courts for a cost considerably lower than if managed individually.</p>	Economies of Scale
<p>Statewide services in areas of legal, human resources, and education Centralized services and support by the AOC provide greater access and enhanced services to courts. Includes training and education, legal opinions, litigation management, and labor and employee relations assistance. Expertise is leveraged and need for redundancy and duplicative efforts are eliminated.</p>	Economies of Scale
<p>Dependency court-appointed counsel programs (DRAFT) The Dependency Representation, Administration, Funding, and Training (DRAFT) program was established by the Judicial Council to improve dependency counsel on behalf of courts statewide. DRAFT is in 20 courts serving approximately 70 percent of the foster care population. Through DRAFT the state has made significant progress in reducing disparate caseloads statewide and managing contracts so that all participating courts will reach the Judicial Council caseload standard for dependency, and provide education to attorneys to ensure a high level of competence. Judges, parents, and children can now count on representation from counsel who are not carrying caseloads of 200 or more clients and who are specialists in dependency law.</p>	Structural Improvement
<p>Collaborative justice courts Developed principles for collaborative justice courts. Over 400 hundred collaborative justice courts statewide serve approximately 40,000 high risk/high need participants annually in all jurisdictions and every case type, including emerging areas such as veterans’ courts, elder courts, and reentry courts. The Judicial Council’s Drug Court Cost Study showed that approximately \$90,000 is saved annually through drug courts. Identified effective practices and funding opportunities to support effective, efficient case processing for cases involving mental health issues, including a study of mental health courts, survey of judicial needs in processing mental health cases, and tools to assist judges in adjudicating cases involving elders. Collaborative courts show a reduction in recidivism, and county jail</p>	Structural Improvement

<p>populations, and increase in family reunification. Research shows that litigants involved in their own treatment and outcome are more likely to comply with judicial orders and are satisfied with the court system. Treatment courts (family, juvenile, drug) provide greater access to justice for not only litigants, but everyone involved. Courts focus on outcomes increase access to services and gain higher level of public trust and confidence.</p>	
<p>Self-help centers and family law facilitators Self-help centers and family law facilitators are now found in every court in the state, serving nearly 1 million litigants each year. Educates litigants, improves the flow of cases for everyone because pro pers are prepared. Services provided by court self-help centers facilitate the timely and cost-effective processing of cases involving self-represented litigants and improve the delivery of justice to the public. The Judicial Council provides \$11.2 million in funding for self-help centers.^[45] Self-help centers assist individuals to complete legal forms, explaining the court process and legal issues, and provide referrals for additional assistance. Self-help services save time for clerks and judicial officers. Evaluations show that court-based assistance to self-represented litigants is operationally effective and carries measurable short and long-term cost benefits to the court. One study found that self-help center workshops save \$1.00 for every \$.23 spent. When the court provides one-on-one individual assistance to self-represented litigants, savings of \$1.00 can be achieved from expenditures ranging from \$.36 to \$.55. If the self-help center also provides assistance to self-represented litigants to bring their cases to disposition at the first court appearance, the court saves \$1.00 for every \$.45 spent.</p>	<p>Structural Improvement</p>

All of the above demonstrate significant progress in ensuring that the intent of AB 233 is carried out: that state funding provides uniform standards and procedures, economies of scale, and structural efficiency and simplicity. Structural improvements improve the court system, create a uniform and equitable court system, and therefore increase access to justice for the citizens of the state of California.

However, the workgroup acknowledged that many of these accomplishments, though representing significant strides in achieving the goals and intent of AB 233, may be incomplete, as they have not been universally adopted. The workgroup raised questions about whether equal access to justice could truly be achieved if some of these improvements in providing access are not mandatory and are only available to court users in certain

⁴⁵ Attachment 5 contains inconsistent references to the amount of money allocated for self-help centers. The correct amount is \$11.2 million, as stated here.

geographic areas, and thus urges the Judicial Council to consider its recommendations (below) on this issue.⁴⁶

The Assembly Judiciary Committee also noted the significant progress of the judicial branch. In a report for its February 12, 2013, hearing on the impacts of budget reductions on the judicial branch, the committee stated that the Judicial Council and the Administrative Office of the Courts:

helped bring California's courts into a more unified court system, through, among other things, the adoption of uniform rules of court and forms, including forms in plain language; development of helpful bench guides to assist judicial officers; and task forces on conservatorships, dependency, family law and domestic violence that have helped protect many of our most vulnerable Californians. Thus the breadth of accomplishments that have occurred through the enactment of trial court funding reform is extensive and impressive.⁴⁷

Finally, the workgroup noted that these items—uniformity, economies of scale, efficiency and simplification—are not things that can be simply checked off as completed, allowing the branch to move on to other things. The judicial branch can and must always strive to provide greater access and find more ways to efficiently deliver critical programs and services to Californians, especially in the current difficult economic climate in which the branch has seen significant budget reductions.

3. Progress Toward Equity in Funding the Trial Courts

As noted above, the workgroup concludes that equity in the allocation of trial court funding is one area in which improvement is needed. It is important to understand that equity in funding does not mean equal funding. Equity means funding that is fair and equitable based on the relative workloads of each of the trial courts.

The workgroup was presented with information on the evolution of funding allocations to the trial courts. While there has been some deviation over the years from the historical funding formulas inherited from the years of the county-funded court system, for the most part, allocations to trial courts are made using the same proportion of the total as they had received under county funding. However, trial court funding is a complex and multipart formula. Part of the appropriation for the support of trial courts is allocated consistent with those historic funding percentages, part of it is reimbursed based on actual court expenditures, and over the years, some alterations have been made to provide greater funding to underresourced courts.

⁴⁶ In addition to listing the accomplishments, Attachment 5 describes whether it is mandatory or permissive and whether it is provided in all California trial courts.

⁴⁷ *The Access to Justice Crisis Facing California Families: An In Depth Background Paper for an Informational Hearing of the Assembly Judiciary Committee*, p. 4 (Feb. 12, 2013).

- In fiscal year 1998–1999, the Trial Court Budget Commission (TCBC) recommended, and the Judicial Council approved, allocating \$3 million to 12 small courts found to be lacking sufficient funding to meet their needs. “At its business meeting on August 27, 1999, the Judicial Council approved a motion directing the TCBC to allocate \$4.0 million in ongoing funding to court systems to begin to address the chronic underfunding and funding inequities in the trial court operating budgets. . . . At its October 22, 1999, meeting, the Judicial Council made available an additional \$15.0 million . . . to be allocated to court systems on a permanent basis.” And at its January 26, 2000, meeting, the Judicial Council made a permanent augmentation to the baseline budgets of 16 small courts determined to be lacking sufficient resources.⁴⁸
- For fiscal years 2005–2006, 2006–2007, and 2007–2008, the Judicial Council directed \$32 million in supplemental funding⁴⁹ to historically underfunded courts with the greatest needs. In 2005, 18 courts whose budgets were determined to be 20 percent or more below the estimated need received this supplemental funding. After three years, only two courts were left with budgets 20 percent or more below their estimated need.⁵⁰

Although these numbers might seem insignificant in a system in which trial court revenues totaled nearly \$2 billion in fiscal year 2000–2001, and are estimated at \$2.5 billion in fiscal year 2013–2014, for the courts receiving this funding the result was dramatic. For two small courts receiving funding in the early 2000s, the supplemental funding increased their base budgets by more than 40 percent.

It is also important to understand that not all funding is based on historic county funding. Some court expenses are funded on a reimbursement basis at the level of actual costs, such as court-appointed dependency counsel, juror costs, court interpreters, self-help center funding, service of process fees charged by law enforcement, and other costs. In other words, expenditures on these items are not funded out of that portion of a court’s allocation that is based on the historic proportion of county funding. Instead, all courts are fully reimbursed for all of their allowable expenses or actual costs for these items.

Moreover, many of the courts found to be underfunded were also most in need of additional judicial resources. In 2006, the Legislature authorized 50 new judgeships and deferred to the Judicial Council the responsibility for allocating those judgeships to courts with the greatest need.⁵¹ Along with the new judgeships came funding for staff. Allocation of these dollars

⁴⁸ Trial Court Budget Commission, *Allocation of Funding to Courts with Insufficient Resources: Report to the Judicial Council* (Jan. 26, 2000).

⁴⁹ This was the “Workload Growth and Equity” component of State Appropriations Limit (SAL) funding.

⁵⁰ Leah Rose-Goodwin, “Helping Underfunded Courts” (Winter 2009) *California Courts Review* pp. 28–29.

⁵¹ Sen. Bill 56; Stats. 2006, ch. 390.

also served to assist historically underfunded courts, making a significant difference for many.

The Administrative Office of the Courts also performs some pertinent services on as needed basis for the trial courts.

4. How Trial Courts Use the Funding They Receive

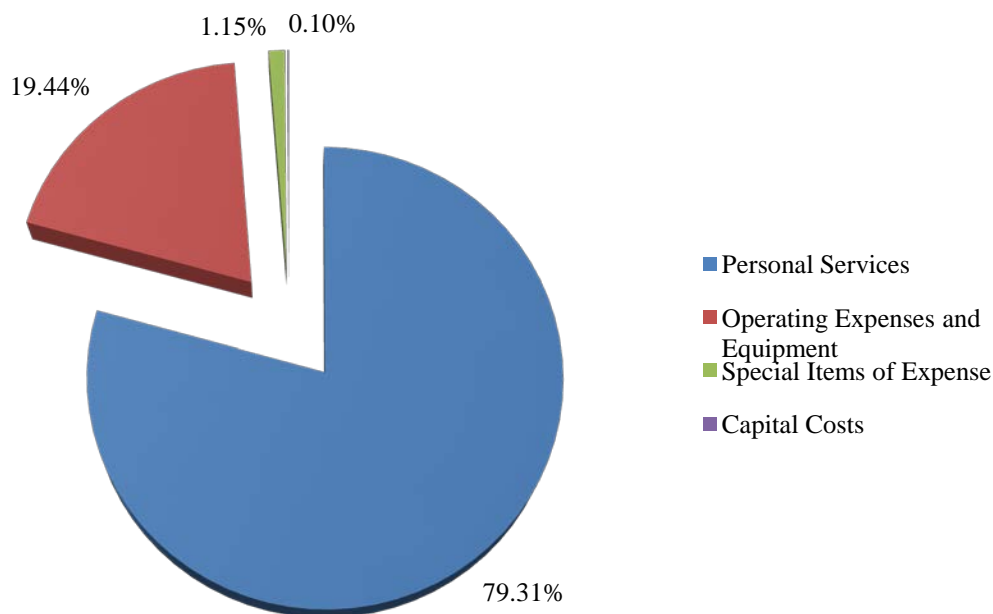
A look at some statistics might prove informative. But first, some context: California's court system serves a population of more than 38 million people. In the last year for which final data is available (fiscal year 2010–2011), California courts processed approximately 9.5 million cases.⁵² It is estimated that for 2012–2013, total revenues for the trial courts will total just under \$2.5 billion, and total expenditures will be less than \$2.9 billion.⁵³ The estimated judicial branch budget for 2013–2014 is \$3.1 billion, approximately one-third of which is General Fund. The superior courts operate with just over 2,000 authorized judicial officer positions, divided between judges and subordinate judicial officers, and approximately 18,000 trial court staff to hear and process all the cases that proceed through the superior courts.

In fiscal year 2011–2012, 79 percent of the trial courts' expenditures were for personal services, 19 percent for operating expenses and equipment (excluding trial court facility costs, which are not paid out of trial court operating funds), the remaining 2 percent for other expenses.

⁵² Judicial Council of Cal., *2012 Court Statistics Report*, p. xvii, <http://www.courts.ca.gov/documents/2012-Court-Statistics-Report.pdf>.

⁵³ See Attachment 6, <http://www.courts.ca.gov/partners/documents/TCFWG-20130219-revision-revenue-exp.pdf>. Expenditures exceed revenues because courts are spending down fund balances. As of June 30, 2014, courts are only authorized to carry over unexpended funds in an amount up to 1 percent of the court's operating budget from the prior fiscal year. See Gov. Code, § 77203. See also Attachment 7, <http://www.courts.ca.gov/partners/documents/TCFWG-20130115-funding.pdf>, identifying the source of revenue for trial court allocations, including base allocations, reimbursements programs, allocations for special programs, etc.

FY 2011-12 Trial Court Expenditures (by Object)



Personal services, as expected, are by far the largest category of expenditures. Comparing each court to the statewide average indicates that 31 of the 58 trial courts had expenditures on personal services plus or minus 5 percentage points of the statewide average. The lowest percentage of expenditures on personal services was 59 percent, and no court exceeded 83 percent.⁵⁴

Attachment 9 of this report looks at expenditures from a different perspective, identifying courts' expenditures budget categories as tracked by the courts⁵⁵—judges and courtroom

⁵⁴ Attachment 8 to this report, derived from Report of Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2011–2012 (Jan. 2013), Attachment 3, http://courts.ca.gov/documents/lr_FY-11-12-Trial-Court-Revenue-Expenditure-and-Fund-Balance-report.pdf. The “special items of expense” making up 1.15% of expenditures includes juror expenses such as mileage reimbursement, and costs related to settlements, judgments, and claims.

⁵⁵ See Report of Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2011–2012 (Jan. 2013), Attachment 5, http://courts.ca.gov/documents/lr_FY-11-12-Trial-Court-Revenue-Expenditure-and-Fund-Balance-report.pdf, for complete definitions of each of these budget categories.

support;⁵⁶ criminal, civil, family and children;⁵⁷ court interpreters, jury, security, and other similar items.⁵⁸

Statewide, 33 percent of trial courts' expenditures are for judges and courtroom support, 12 percent for criminal case processing, 12 percent for case processing in family law and dependency matters, 8 percent for information technology, and 6 percent for civil case processing. A quick review of each court's expenditures shows some significant differences in how courts use their discretion to allocate funding. For example, 21 of 58 courts fall within plus or minus 5 percentage points of the statewide average on expenditures for judges and courtroom staff. However individual court expenditures in this category range from highs of 42 percent to lows of 8 to 10 percent. Expenditures for criminal case processing range from a low of 0 percent to a high of 26 percent, significantly below or above the statewide average of 12 percent. For the category of family and dependency case processing, the statewide average of 12 percent is derived from courts with expenditures ranging from 7 percent to 27 percent.⁵⁹ The workgroup finds that no conclusions can be drawn from the apparent disparities illustrated in the raw data. It expects that individual courts may have entirely reasonable and responsible justifications for their allocation of resources. These would include unique factors in the court and size of the court, to note just a couple, and other factors outside the control of the courts themselves. However, these differences may be useful indicators in assessing whether courts are providing equal access to justice. The Judicial Council is urged to examine these indicators to develop a complete picture of the extent to which equal access is being provided to all Californians.

The workgroup also examined 14 years of allocations to each trial court compared against county population as well as looking at filings per capita. See Attachments 10 and 11 to this report.⁶⁰ The workgroup also considered the total authorized judicial officer positions from enactment of AB 233.⁶¹ The workgroup understood, however, that such raw data is not necessarily indicative of the work of any single court and how it compares against other courts. Evaluating raw filings data (i.e., how many cases are filed in each court) does not enable the workgroup to determine if courts have equity in funding or an equal ability to

⁵⁶ Includes salaries, benefits, and retirement contributions for judicial officers and salaries and benefits for personnel that directly support case adjudication, including court clerks, secretarial support staff, research attorneys, court reporters, and court attendants.

⁵⁷ Includes services and activities necessary to support case processing for these case types. Excludes expenditure items accounted for in other categories, e.g., judges and courtroom support, interpreters, jury, etc., although these categories of expenditures also support these case types.

⁵⁸ See Report of Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2011–2012 (Jan. 2013), Attachment 2, http://courts.ca.gov/documents/lr_FY-11-12-Trial-Court-Revenue-Expenditure-and-Fund-Balance-report.pdf.

⁵⁹ Courts whose reported expenditures fall outside the extremes of statewide averages are usually the smallest courts in the state; the smallest courts may find it difficult to allocate their expenditures to predefined categories. See Attachment 9 to this report, derived from Report of Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2011–2012 (Jan. 2013), Attachment 2, http://courts.ca.gov/documents/lr_FY-11-12-Trial-Court-Revenue-Expenditure-and-Fund-Balance-report.pdf.

⁶⁰ Available at <http://courts.ca.gov/partners/documents/TCFWG-20130219-filings-allocations.pdf>.

⁶¹ See Attachment 12, <http://courts.ca.gov/partners/documents/TCFWG-20130219-authorized-judges.pdf>.

provide access to justice for all Californians. Rather, these data points are an example of indicators the workgroup identified as potentially useful tools in analyzing and comparing access to justice on a statewide basis. However, the judicial branch has made significant progress toward developing workload metrics through the Resource Assessment Study model that are based on a methodology that uses *weighted* filings to evaluate the need for both judges and court staff in the trial courts.

5. Weighted Caseload Evaluations of the Need for Judicial Officers and Court Staff

Shortly after state funding, the Judicial Council directed the Administrative Office of the Courts to conduct assessments of the workload of trial court judicial officers and staff. The judicial workload assessment was completed first and was approved by the Judicial Council in 2001. The Resource Assessment Study (RAS) model—which evaluates the workload of non-judicial staff in the trial courts—was completed and approved by the Judicial Council in 2005.⁶² Together, these models allowed the Judicial Council to evaluate the resource needs of the judicial branch *as a statewide system* rather than as a collection of loosely connected county courts.

Both the judicial workload assessment and the RAS model use *weighted caseload* to create standard workload metrics across the superior courts. Weighted caseload recognizes that the resource needs for the proper adjudication of cases depends upon the type of case. For example, juvenile dependency cases require different amounts and types of resources to process than traffic infractions, just as family law cases require different amounts and types of resources than unlawful detainers or small claims cases.

To convert filings data into workload metrics, research must be conducted on the amount of time that different types of cases require from staff and judicial officers. Working with the National Center for State Courts (NCSC) and many of the trial courts, the Administrative Office of the Courts measured the amount of time that judges and court staff require to process cases by conducting time studies. The findings of these time studies are the basis for weighting the filings data reported by the courts and provide the foundation for weighted caseload. After approving the first judicial workload assessment in 2001 and the first staff workload assessment in 2005, the Judicial Council directed AOC staff to periodically update these models to take into account new laws, changes in technology, and changes in court operations that might affect the validity of the caseweights. New time studies were conducted in 2010. The council approved new judicial caseweights at the end of 2011 and new staff caseweights at the beginning of 2013.

a. The Judicial Workload Assessment

The updated judicial officer and staff workload models are the result of several years of

⁶² The RAS model was referred to as the Resource Allocation Study model when first used in 2005.

effort by a working group of presiding judges and court executive officers representing 15 courts around the state—referred to as the SB 56 Working Group.⁶³ The work product was the result not just of the efforts of the members of the group, but of more than 500 judicial officers and 5,000 staff at over 30 trial courts. In the 2010 judicial needs assessment update, the SB 56 Working Group updated the caseweights used to assess judicial need to ensure they properly reflected current case processing requirements.

- i. *The history.* “The methodology for determining the number of judgeships needed in the trial courts was [first] approved by the Judicial Council in August 2001 and later modified and approved by the council in August 2004. The August 2001 council action, among other things, approved a set of caseload standards (caseweights) to be used to conduct statewide assessments of judicial need.

“In 2006 the Legislature incorporated the workload standards into statute when it created 50 new judgeships and established that new judgeships would be allocated according to the assessed judicial need and prioritization methodology approved by the Judicial Council. Government Code section 69614(b) states that judges should be allocated according to uniform standards that are based on, among other criteria, ‘[w]orkload standards that represent the average amount of time of bench and nonbench work required to resolve each case type’.

“Further updates of the assessed judicial need were approved by the Judicial Council, first in 2007 and then, as directed by statute, in 2008 and 2010.”⁶⁴ These updates did not modify the caseweights and other underlying parameters of the workload model; the updates used the most recent filings data to recalculate the estimates of judicial need in the trial courts.

- ii. *The updated assessment.* Caseweights are used to determine the amount of judicial officer time required for resolving cases. “For example, on average, infractions cases require very little judicial work while felonies require considerably more judicial work. Thus, caseweights allow for the case mix in different courts to be taken into consideration when evaluating judicial workload.”⁶⁵ For the 2010 study update, judicial officers recorded their daily activities over a four-week period. Judicial officer time for 23 different case types was evaluated, examining time spent predisposition, at disposition, and postdisposition.⁶⁶ Upon completion of the time study, a follow-up phase was conducted because time studies, by design, “capture only what [judicial officers]

⁶³ The working group was named after Senate Bill 56 (Stats. 2006, ch. 390), which, among other things, required the Judicial Council to regularly assess and report to the Legislature on judicial needs in the trial courts based on certain criteria, including filings and workload standards. (Gov. Code, § 69614.)

⁶⁴ *Report to the Judicial Council: Judicial Workload Assessment: Updated Caseweights*, pp. 2–3 (Dec. 12, 2011), <http://www.courts.ca.gov/documents/jc-121211-item3.pdf>.

⁶⁵ *Id.* at p. 2.

⁶⁶ *Id.* at p. 4.

currently do under the existing resource constraints without allowing them to indicate where more or less time might be needed for effective case processing.” This second phase allowed the caseweights to be adjusted “to ensure that they represent effective and efficient case processing.”⁶⁷ When the 2012 update to the judicial needs assessment was conducted using the updated judicial workload model, the Judicial Council concluded that California trial courts currently need 2,286 judicial officers to process the workload; 264 more judges than currently authorized and 314 more than are currently funded.⁶⁸ It should be noted, however, that this assessment was conducted using the current approaches courts take to processing workload, and does not take into consideration any of the proposed efficiencies, the influence of reduced resources devoted to case processing, or the benefits of collaborative approaches in case disposition.

b. The Resource Assessment Study

On February 26, 2013, the Judicial Council adopted an update to the Resource Assessment Study (RAS) model, which was used in fiscal years 2005–2006 through 2007–2008 to determine the most underresourced courts. The council used this determination to allocate workload growth and equity funding (a portion of State Appropriations Limit funding, discussed above) to those courts. The workgroup received a presentation on the updated Resource Assessment Study (RAS) model adopted by the Judicial Council in February 2013.

The RAS model (both the original and the 2013 update) is a tool for estimating non-judicial staffing needs for the trial courts. Because a detailed description of the RAS model and how it estimates court workload is available in the report presented to the Judicial Council in February,⁶⁹ this report only briefly discusses the model.

i. How RAS estimates the work of the trial courts. As with the judicial workload model, the RAS model uses a weighted caseload methodology to estimate the filings-driven work in the trial courts. The 2010 time study updated the caseweights and other parameters of the RAS model. To establish the new caseweights, 24 courts participated in one of two types of time studies to “measure how much time staff spend on each of the 20 casetypes [studied] and also on specific tasks and activities within these casetypes.”⁷⁰ To determine staffing needs, the RAS model considers a wide range of case processing work: document processing; calendar scheduling, hearing preparation, and readiness management; professional services in family law, probate, and mental health cases; mediation, arbitration, and alternative dispute resolution services; courtroom processing; jury management; judgment and postjudgment activities; fees and payments; records

⁶⁷ *Id.* at p. 5.

⁶⁸ *The Need for New Judgeships in the Superior Courts: 2012 Update of the Judicial Needs Assessment: Report to the Legislature Under Government Code sections 69614(c)(1)&(3) and 69615(c)(1)(C)*, pp. 1–2 (Nov. 2012), <http://www.courts.ca.gov/documents/2012-Judicial-Nds-LegRpt-Summary-Final.pdf>.

⁶⁹ SB 56 Working Group, *Trial Courts: Update of the Resource Assessment Study Model* (Feb. 26, 2013), <http://www.courts.ca.gov/documents/jc-20130226-itemM.pdf>. Hereafter RAS Report. See also a summary of the RAS components, <http://courts.ca.gov/partners/documents/TCFWG-20130219-SB-56-components.pdf>.

⁷⁰ RAS Report, *supra*, p. 3.

management; and self help, general assistance, and miscellaneous case processing activities.

- ii. *The results of applying RAS.* Unlike the judicial workload assessment—where the number of judicial officers needed can be directly compared to the number of authorized positions in the courts—staff workload assessment requires an additional step to assess the adequacy of trial court staff resources. Trial courts employ a range of different operational practices to meet their staffing needs, not all of which can be evaluated by looking at the number of filled, staff positions in the courts. For example, some courts rely on technology that may substitute for a specific staff function; other courts may contract with outside vendors for data entry, court reporting, mediation, or evaluation services.

Thus, after quantifying the work in the courts—measured as full-time equivalent (FTE) staff need—the RAS model FTE estimates are converted to a dollar figure. The conversion of staff FTE estimates to dollars actually provides a number of benefits to the work estimates. It quantifies the needed resources in a manner that provides maximum, local flexibility in the management of court operations, allowing local court leaders to identify the most effective and efficient manner of providing a given service (whether through regular employees, contract staff, or technology). In addition, the conversion of FTE estimates to a dollar figure allows the model to capture and incorporate differences in the cost of labor across the state by applying cost-of-labor deflators to each county to take into account the very different labor markets within which each court operates.

The conversion of FTE need to funding need involves three main steps:

First: FTE need is converted to a dollar figure using each court’s average salary and benefits. The estimated FTEs needed in each court is multiplied by the average salary and benefits paid in two broad categories of court staff—operations personnel directly involved in case processing and court administrative personnel such as human resources, fiscal services, and information technology.

Because personnel costs constitute nearly 80 percent of total costs in the courts, this is the biggest share of the estimated funding need. In this first step, the salaries and benefits in the courts are taken as is—cost of labor adjustments are built into the model at a later stage. But by using average salary and benefits data from each court, the model in effect estimates how much funding each court *would need if it had the FTEs that the model indicates it needs, while holding salary and benefits costs constant.*

Second: The estimated funding needed for salaries is adjusted using cost-of-labor deflators calculated for each county that recognize the very different labor markets across the state. The deflators are calculated using the Bureau of Labor Statistics (BLS)

Quarterly Census of Salaries for local government employees in each county because local government appears to be the most logical point of comparison for the labor market in which trial courts operate. By adjusting salaries to take into account the cost of labor, courts whose salaries exceed BLS comparisons will be reduced so that the court's funding need is not exaggerated by salaries that are larger than what the local labor market would indicate. Conversely, courts whose salaries are below the BLS comparisons will have their funding needs adjusted upward to achieve parity with the local labor market. Benefits are also factored in to the estimated funding need using actual average benefit data from the courts, though the methodology for doing so has not been finalized. This is consistent with the manner in which courts are typically allocated funding for the cost of benefits.

Third: Office Equipment and Expenses (OE&E) are estimated based on the projected need for FTEs, because many OE&E costs—computer equipment, copiers, telecommunications expenses—are driven by the number of employees.

The updated RAS model represents a significant step toward determining the relative need of each trial court. The workgroup finds that comparing funding related to workload as determined in this manner may be the best proxy the judicial branch currently has for determining the ability of courts to provide equal access to justice. But RAS has its limitations. *It is not assessing the quality of justice provided by a court.* It is not determining how a system, operating more efficiently, could process its workload better and with fewer resources. It can be argued that RAS's determination of need is simply carrying forward the 58 disparate processes that currently exist. It is not assessing what the FTE need would be if all courts processed all cases following some set of best practices, or even consistent with the most efficient court. The time studies identify how much time a court spends on a case type. But it does not identify whether that leads to a good outcome or a bad outcome. One example repeatedly brought to the attention of the workgroup is collaborative courts, such as drug courts and mental health courts. These courts may be more time intensive for judges and staff, bringing defendants back often for status updates, but in the long run, they are proven to reduce recidivism and therefore reduce future court time spent on this same litigant. The workgroup believes nonetheless that the updated RAS model is a useful tool for determining relative need and determining equity in funding the trial courts with the goal of promoting equal access to justice.

The Judicial Council's work on the Resource Assessment Study and the Judicial Workload Assessment represent major improvements in understanding individual court workload and determining the need for judicial officers and FTEs to meet that workload. These studies are the first step in moving toward allocation models that provide greater equity. Greater equity in funding will at least provide the opportunity for greater equality of access to justice.

Weighted caseload should be seen as one part of a larger effort toward meeting the goals of the Lockyer-Isenberg Trial Court Funding Act: a necessary, but not sufficient, condition toward meeting the goals of efficiency and effectiveness in delivering access to justice.

The judicial branch has undertaken a number of initiatives to develop and implement performance standards. As one example, working in collaboration with the trial courts, Administrative Office of the Courts' staff developed and now report in the annual *Court Statistics Report* four key measures of caseflow that build on the National Center for State Courts' CourTools.⁷¹ CalCourTools adapts the CourTools model based the data available and tailored to California standards of case processing and includes the following measures:

- Caseload Clearance Rates
- Time to Disposition
- Stage of Case at Disposition
- Trials by Type of Proceeding

The above provides an important starting point to compare whether courts provide the same quality of justice to litigants. And the workgroup understands that additional performance measures related to dependency cases were adopted by the Blue Ribbon Commission on Children in Foster Care and standards related to processing of cases in family law matters were recommended by the Elkins Family Law Task Force. However, the workgroup believes that the judicial branch needs to go further. Additional performance measures should be developed to help assess courts' ability to provide access to justice. The branch needs to be able to demonstrate in the future how new funding leads to better access for litigants, how new judgeships improve the ability of litigants to have their cases heard, and what other indicia demonstrate effective and accountable use of resources.

Despite the limited ability of the RAS model to identify efficient or effective practices in the trial courts, this work should be seen as a necessary first step toward identifying, documenting, and disseminating such practices. Indeed, the RAS model provides a yardstick needed to conduct further evaluation of trial court operations to better understand where more resources result in greater access to justice, and where efficiencies can be implemented without undermining the quality of justice.

c. The Funding Methodology Subcommittee of the Trial Court Budget Working Group
The Funding Subcommittee of the Judicial Council's Trial Court Budget Working Group, building upon the RAS model, are creating a budget development and allocation process that will be presented to the Judicial Council at the council's April 2013 meeting. Presiding Judge

⁷¹ See <http://www.courttools.org/Trial-Court-Performance-Measures.aspx>.

Laurie Earl, chair of the subcommittee, presented the workgroup with a draft of the proposal. The workgroup appreciated receiving this recommendation because both groups are addressing the same concern: a method for allocating funding to trial courts in a way that better addresses workload, equity, and ultimately, equal access. The Funding Subcommittee's proposal is built on the staffing needs established by RAS. It converts the staffing need identified by RAS to dollars and builds in costs for non-judicial staff not accounted for in RAS as well as subordinate judicial officers. The formulas add in operating expenses and equipment based on the FTE need determined. Recognizing the need to address local differences, the formula also accounts for ongoing needs unique to a court that result in the RAS model underestimating the staffing needed to address that court's work. Under this process, these and other factors, which are added in or subtracted, are aggregated to determine the total statewide trial court budget needed to ensure equity in funding California trial courts. The Funding Subcommittee also detailed how the funding would subsequently be allocated among the 58 trial courts.

Because the proposal presented to the workgroup was still under development and subject to change, and because the Trial Court Budget Working Group will be presenting its own report to the Judicial Council describing the processes in detail, this report describes only the high level approach contained in the proposal. The workgroup recommends that the report of the Trial Court Budget Working Group be reviewed to understand the subcommittee's proposal in greater detail.

This is a significant step forward. It stands to reason that if funding is to be allocated in a way that is more equitable than in the past, there will be "winners" and "losers." For the courts to engage in this monumental task, in which some of them could be ending up with fewer resources than they otherwise would have, represents an important step in recognizing the judiciary as a statewide, state-funded system that must continue to strive to provide equal access to all Californians, regardless of geographic location.

IV. Findings and Recommendations

A. Literature Review

The workgroup had available to it a large amount of information from California, national sources, and other states to help reach its findings and recommendations about how far California has come, and how far it still has to travel in providing funding equity and equal access to justice.⁷²

1. The Commission on the Future of the California Courts

In 1993, the 2020 Commission addressed some of the very same questions that the workgroup is considering today. The commission concluded that "the mission of the courts is to provide equal, affordable, and accessible justice. Their success or failure depends in large

⁷² See reference materials, <http://www.courts.ca.gov/partners/1714.htm>.

part on the availability of resources with which to do the job.”⁷³ The commission saw a future in which the branch set statewide goals and policies in an effort to wisely and efficiently protect public resources.⁷⁴ But the 2020 Commission also considered how the available funding would be allocated among the courts to ensure equal access. Envisioning the future of the justice system, the 2020 Commission saw a future in which:

[T]he courts are free to manage their resources as they see best, are free from untoward interference, but act always in the public interest. ... [¶] In 2020 the judicial branch, through a statewide commission, defines levels of service that must be maintained in order for the judicial system to meet its obligations. The levels are adjusted periodically to accommodate changes in both the courts and in society. [¶] ... Resource allocations to individual courts are sufficient to meet agreed-upon levels of service.⁷⁵

2. *The National Center for State Courts’ Principles for Judicial Administration*

These basic principles appear in the work of the National Center for State Courts (NCSC) as well.

Courts must use available resources wisely to address multiple and conflicting demands. To do so they must continually monitor performance and be able to know exactly how productive they are, how well they are serving public needs and what parts of the system and services need attention and improvement.⁷⁶

NCSC’s principles for effective administration include a court system that is transparent and accountable. It recommends the use of performance measures and evaluation, although no specific performance measures are identified in that report.⁷⁷

3. *The Justice Management Institute*

Perhaps the most informative material in helping the workgroup reach its recommendations was a report of the Justice Management Institute (JMI), which examined three states, Florida, New Jersey, and Washington, that had recently transformed the structures of their judiciaries and considered these very questions of how to provide equal access and equity in funding.⁷⁸

The JMI report summarized its findings as follows:

⁷³ 2020 Report, *supra*, at p. 183.

⁷⁴ *Id.* at p. 174.

⁷⁵ *Id.* at p. 183.

⁷⁶ National Center for State Courts, *Principles for Judicial Administration* (July 2012), p. 11, <http://courts.ca.gov/partners/documents/TCFWG-20130115-NCSC.pdf>.

⁷⁷ *Id.* at pp. i–iv, 11–13, Principles 15, 16, and 17.

⁷⁸ Alan Carlson, Kate Harrison, and John Hudzik, for the Justice Management Institute, *Adequate, Stable, Equitable, and Responsible Trial Court Funding: Reframing the State v. Local Debate* (Sept. 2008). Hereafter JMI Report.

There has been a growing concern that there were disparities in the quality of justice available from trial courts across a state, in large part due to uneven funding. Because of the ability to allocate funds from a statewide perspective, the two states that shifted to primary state funding achieved greater equality of funding levels across trial courts in the state. In both states this was an explicit policy decision on the part of the judiciary. However, the definition of equity proved problematic. Because of the complexity in measuring equity of justice from the litigant’s perspective, the operationalization of equity used proxies—for example, providing exactly the same programs and services, equal staffing levels, and equal salaries—on the premise that these would result in equal justice. ... Developing transparent and intuitive, yet adequately comprehensive, funding formulas to produce equity of justice proved somewhat elusive.^[79]

JMI’s conclusion here was simple: “In order to provide equal justice to all litigants, trial courts must be funded in a manner that gives them equivalent capacity and ability to do so.”^[80] Similar to the premise in AB 233 that equity in funding is a proxy for, or at least a prerequisite to, equal access, when the state of New Jersey transitioned to a primarily state-funded system, it “began with the premise that equity would be achieved by establishing exactly the same programs, services, management structure, and staffing levels in each vicinage.”^[81] Similar to California’s work with RAS, New Jersey developed staffing models to determine the numbers of staff needed. In New Jersey, that number was then used to determine funding for the level of staff need.^[82] A similar approach was followed in Florida:

In both New Jersey and Florida, the fundamental premise was that each vicinage/circuit should have the same programs, services, and staffing levels. When the funding was allocated so that each vicinage/circuit had equivalent resources, equity of outcomes was assumed to have been achieved. Equity was measured by comparable fiscal resources, not using measures of equal access or equal justice from the litigant’s perspective. [¶] ... [¶] The assumption was that equal resources would mean equal justice.^[83]

In Florida, the determination of how to arrive at appropriate funding levels was guided by four principles: uniformity, equity, accountability, and flexibility.^[84]

JMI did find a negative impact where statewide funding was allocated based on workload standards and tied to performance standards and measures. The methods of allocation used

⁷⁹ *Id.* at p. 2.

⁸⁰ *Id.* at p. 15. See also pp. 47–48 (New Jersey) and p. 85 (Florida).

⁸¹ *Id.* at p. 15.

⁸² *Id.* at pp. 15–16.

⁸³ *Id.* at p. 16.

⁸⁴ *Id.* at p. 81.

appeared to be stifling innovation in those states studied. The formulas used also did not appear flexible enough to take into consideration unique differences between the localities or unique approaches to processing the cases.⁸⁵

Nonetheless, the report concludes that, “the role of the judiciary is to maintain the rule of law by resolving disputes in a just, fair, equitable, and timely manner. These goals cannot be accomplished if the judiciary is not funded at an appropriate level or is not operated in a fiscally responsible manner.”⁸⁶

All of the reference materials available to the workgroup pointed to similar conclusions and directions: the state needs to establish a quantitative workload standard to determine staffing needs, the formula must be sensitive enough to address local differences and must encourage innovation. Additionally, programs must be evaluated periodically, and if failing, they must be modified or terminated.⁸⁷

The workgroup makes no findings about the adequacy of funding for California courts, as this was not part of its charge. As a result of the economic downturn, which has led to significant budget reductions to the courts, many courts have responded by reducing the hours of clerks’ offices and/or closing clerks’ offices, courtrooms, and courthouses. The workgroup makes no independent finding on whether these closures and reductions in services were necessary or the most efficient use of resources. California courts must strive to find even more efficiencies and better ways to do business to provide services to all Californians. Courts cannot stop meeting their constitutional and statutory obligations, and they cannot simply decide not to accept cases that are filed. Even states with the most equitable funding mechanisms and the strongest performance measures will not have a judiciary providing acceptable levels of service if adequate funding is not provided to the system as a whole.

B. Findings

After reviewing the reports and studies and hearing various presentations and public comment, the workgroup carefully considered its charge and, in this section of the report, details its findings in each of the areas suggested for consideration. Although the charge made inclusion of these areas permissive, discussion of each of these items is an important factor in determining how far the judiciary has progressed in meeting the goals of AB 233 and what remains to be accomplished.

1. Workload Metrics, Staffing Standards, Efficiencies, and Other Data

The charge of the workgroup provided that in its report, the workgroup may address “a statewide analysis of trial court workload metrics, staffing standards, efficiencies, and other

⁸⁵ *Id.* at pp. 54, 56, and 97.

⁸⁶ *Id.* at p. 1.

⁸⁷ See, e.g., 2020 Report, *supra*, at pp. 15 and 193; NCSC Report, pp. iii, iv, 3, and 6; JMI Report, *supra*, at pp. 8, 15, 54, 56, and 97.

relevant data to evaluate trial courts and the state’s progress in achieving a statewide court system.”

As discussed in more detail above, the many statutory requirements imposed by AB 233 can be organized into 12 categories. The workgroup finds that the judicial branch has substantially complied with the requirements of the act, achieving full completion of most of the requirements. The principal area found to be in need of improvement revolves around the allocation of funding to trial courts. Briefly stated, AB 233 provided that the Judicial Council is required to submit a budget request to the Legislature and the Governor sufficient to meet the needs of all trial courts in a manner that promotes equal access to the courts statewide. The council is further directed 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.

Court baseline budgets were determined following the enactment of AB 233. With limited exceptions, since that time funding has been allocated to the trial courts in a manner that perpetuates inequities in trial court funding that evolved from the county-funded system rather than alleviating them. As described above, funding was provided to underresourced courts through the SAL process. Additionally, funding was provided to as many as 16 smaller courts in the early years after the enactment of state trial court funding because they were identified as having insufficient resources to meet their needs. Although the overall dollar amount of this funding may represent a very small percentage of overall trial court funding over the years, it made a significant difference for these smaller courts at the time. Other than this, however, the workgroup finds that funding has not been allocated in a manner designed to promote equal access to the courts statewide, promote implementation of statewide policies, or promote the immediate implementation of efficiencies and cost-saving measures to guarantee access to justice.

The RAS model represents a significant step forward for the judicial branch. It is an important step, but it is not the final step. The updated RAS model takes into account caseweights that may be helpful in producing workload estimates. Using the RAS model or a similar model can help to determine the relative funding need of courts and, as part of a budget development process, move toward equity in funding. However it is not a staffing standard and does not determine or measure the quality of justice or equal access. It will, however, provide the branch the ability to more effectively assess other data points to ensure the branch is moving toward a system that ensures administrative efficiency and provides equal access for litigants statewide.

2. *Cost Drivers and Other Factors that Impact Equal Access*

The charge of the workgroup provided that in its report, the workgroup may include “an evaluation of the cost drivers and other factors that affect a local trial court’s ability to provide equal access to justice.”

The workgroup finds that, as with most other entities, labor costs represent the single largest expenditure of trial courts, accounting for 79 percent of costs. One key component of AB 233 included the transition of existing court employees into an appropriate employment status that recognized the state assumption of trial court costs. In 2000, the Trial Court Employment Protection and Governance Act created the status of “court employee” making each trial court the employer, and placed responsibility for bargaining under local control. The current trifurcated system relies on individual courts to negotiate salaries and certain employee benefits, counties to negotiate other employee benefits, and the state to fund the costs. This results in variability for employees. As an example, courts vary statewide in how much their employees are required to contribute to health and retirement benefits. This structure is complex and confusing, and in light of the significant percentage of trial court expenditures involved, should probably be reviewed.

Although drawing no conclusions about the efficacy of this approach, the workgroup also finds that the Administrative Office of the Courts performs some pertinent services on as-needed basis for the trial courts. The workgroup also finds that court-to-court agreements have developed that allow courts to partner together to provide a single or unified service or rely on the expertise of one court to effectively deliver the service. These may not be models for all courts, but are among the approaches that should be explored for further cost containment.

Another significant cost driver is facilities and all that is involved in providing adequate physical access to courts for litigants. AB 233 required the creation of a task force that was charged with, among other efforts, making a recommendation on funding responsibility for trial court facilities.⁸⁸ The Task Force on Court Facilities was formed and, in its final report, recommended that responsibility for trial court facilities be transferred to the state, with the counties responsible for maintenance of effort payments, consistent with the shift to state responsibility for operational funding.⁸⁹ The task force explained several reasons for this recommendation, two of which are relevant here. The first reason is that the task force recognized that accessible, safe, and efficient courthouse facilities are necessary to provide access to justice, and that the “state can best ensure uniformity of access to all court facilities in California.”⁹⁰ The second reason is that the task force determined that because court facilities were a cost driver for operational costs (and because operations can be a cost driver for facilities), “[u]niting responsibility for operations and facilities increases the likelihood

⁸⁸ AB 233, § 48 (Gov. Code, §§ 77650, 77653).

⁸⁹ State of California Task Force on Court Facilities, *Final Report, Executive Summary* (Oct. 1, 2001), p. viii.

⁹⁰ *Ibid.*

that operational costs are considered when facilities decisions are made, and enhances economical, efficient, and effective court operations.” With the enactment of the Trial Court Facilities Act of 2002 (Sen. Bill 1732; Stats. 2002, ch. 1082), the Legislature adopted much of the task force’s recommendation. The state completed the transfer process in December 2009.⁹¹

The California Commission on Access to Justice’s proposed “Minimum Standards for Access” highlight the importance of court locations and hours of operation in maintaining access to justice. The Access Commission included in its proposal two standards relevant here:

- Courthouses will be located so that users are not forced to travel unreasonable times or distances, especially where public transportation is inadequate or unavailable.
- Courts will maintain reasonable hours of operations so that court users can file documents and conduct their court business without undue delays.⁹²

The Trial Court Facilities Act of 2002 vested in the Judicial Council authority over the construction and location of *new* court facilities (in consultation with the court and a local advisory committee),⁹³ and the Judicial Council has adopted the Site Selection and Acquisition Policy for Court Facilities to govern the process for determining the location of new facilities.⁹⁴ However, access to existing court facilities is subject to the control of individual courts to a great extent. For example, the decisions on whether to reduce the hours clerks’ offices are open, or whether to close a branch court, are made by each superior court. Under Government Code section 68106, courts must provide written notice to the public and to the Judicial Council at least 60 days before initiating a closure or reduction in hours, and courts must review and consider comments received from the public. The council must post all such notices on its website within 15 days of receiving them. In the past two years, courts have made significant decisions reducing hours of operation, shutting down case types in branch courts, and closing courthouses entirely. There are, however, no statewide policies addressing the criteria a court must consider in determining whether to close or reduce the hours of clerks’ offices or close courtrooms. The workgroup finds that consideration of statewide policies would encourage local decisions that appropriately balance the fiscal needs of the courts with the right of litigants to access justice and provide more transparency in these local decisions.

⁹¹ Judicial Council of Cal., *Transfer of Court Facilities* (fact sheet, Sept. 2010), www.courts.ca.gov/documents/factrans.pdf.

⁹² California Commission on Access to Justice, *Minimum Standards for Access* (Mar. 21, 2013), p. 2, <http://courts.ca.gov/partners/documents/TCFWG-20130326-written-comments.pdf>.

⁹³ Gov. Code, § 70391.

⁹⁴ The current policy is available at http://www.courts.ca.gov/documents/site_selection_acquisition_policy.pdf.

The workgroup also finds that collaborative courts, such as drug courts, veterans' courts, and mental health courts, cost more than traditional criminal calendars. Local courts and communities make decisions about the need for, and willingness to fund, these specialty courts in their jurisdiction. Despite the increased cost, however, the workgroup finds that the state and counties have chosen to invest in specialty courts as a tool to reduce recidivism and provide special assistance to certain categories of individuals to treat their underlying issues that resulted in crime to prevent future criminal behavior. Additionally, the workgroup finds that because of these positive results, increased upfront costs may in fact result in long-term cost savings.

3. Methods to Enhance Savings Through Administrative Efficiencies and Coordinated Efforts

The charge of the workgroup provided that, in its report, the workgroup may address “an assessment of methods to enhance savings in trial court operations through the use of administrative efficiencies and coordinated efforts between trial courts.” The workgroup finds that there are numerous ways in which the judicial branch has adopted administrative efficiencies and has coordinated efforts between trial courts.

The Judicial Council developed best practices in a variety of areas to improve the quality of justice and the uniformity of practice and procedure statewide. Just a few of the groups that developed these practices for the courts are noted below:

- Uniform practices, procedures, and principles adopted by the Domestic Violence Practice and Procedure Task Force;
- Standards, guidelines, and performance measures adopted by the Blue Ribbon Commission on Children in Foster Care;
- Best practices for the efficient delivery of family law services, especially to unrepresented litigants, developed by the Elkins Family Law Task Force.

In addition, the Administrative Office of the Courts, in cooperation with the State Controller's Office, just completed delivering regional trainings to court and county staff on the distribution of fines, fees, and penalty assessments. The AOC is partnering with presiding judges and court executive officers to develop a model for trial court business process reengineering to improve operational performance.

Attachment 5 also details several innovations that reflect coordinated efforts between courts or by the Administrative Office of the Courts for the trial courts to provide efficiencies and enhance savings. For example, the Superior Court of Riverside County developed a Shared Procurement Services program under which it would conduct competitive bidding processes for other courts at their request. Eighteen courts signed up for this program, providing them resources for effective procurement that either were unavailable, or, if purchased in house, could have redirected resources from public services. Attachment 5 also describes:

- The merger of appellate divisions in four small courts into a single appellate division to serve those courts;
- Certifying vendors for providing e-filing services to litigants;
- Sharing of information services resources by two courts; and
- Offering education programs for judicial officers and court staff to provide a forum to gain a shared understanding of the law and procedures as well as strategies for implementing them.

Additionally, the coordination of civil cases is an effective tool for limiting duplication of effort and resources so a single court can hear related cases, freeing up other courts to focus resources on other critical matters. Similar coordination can be seen in the area of enhanced collections. The Superior Court of Shasta County, having developed an expertise in collection of court-ordered debt, provides collections services to six small courts, and the Superior Court of Ventura County provides collection services to one other court, eliminating the need for these courts to expend resources on this activity, while using the expertise of the Shasta and Ventura courts to produce better results, likely at a lesser cost.

Over the past couple of years, presiding judges and court executive officers worked together to brainstorm efficiencies that can be implemented immediately, with legislative changes, or with changes to the California Rules of Court. Various such proposed efficiencies are currently being pursued.

All of the above save the court system money and other resources. They represent efficient uses of resources and effective reliance on those who have the expertise.

4. Steps to Increase Funding Transparency

The charge of the workgroup provided that in its report, the workgroup may address “identification of steps needs to increase funding transparency.”

At its simplest, funding transparency is about making information about funding decisions available to the public. At a minimum, the Judicial Council should adopt some measures to provide greater understanding of how the funding provided to courts is used to improve access or to support identified priorities. In addition, funding transparency is about the broader context as well. As noted above, appropriations for the support of trial courts (other than reimbursements and programs that are funded at actual costs or through another funding model) are divided proportionally among trial courts. It does not appear that statewide priorities are considered in the allocation. Even the workload models discussed above do not address judicial branch priorities or determine that funding provided is expended by courts in a way to improve access to justice.

Furthermore, posting fiscal information on the California courts website is not sufficient to ensure transparency. To be transparent, the information must also be understandable. The

workgroup finds that although the Judicial Council posts on the judicial branch’s California Courts website all council decisions about allocation of resources, including reports detailing the options the council chose from and rationales therefore, it may not be understandable to the lay public. Furthermore, the workgroup finds that transparency regarding funding decisions must apply to trial courts as well. Government Code section 68511.7 requires each trial court, prior to adopting a baseline budget plan for the year, to provide the public with notice of the proposed plan and an opportunity to provide input, either in writing or at a public hearing. This is an important step, but this information, too must be made understandable to truly meet the definition of being “transparent.”

5. Other Findings

A sampling of accomplishments reviewed by the workgroup included a review of 56 separate items, falling into the following eight broad categories: administrative, legal, and human resources; case management; direct public services; education and guidance; fiscal management and reporting; judges and jury practices; records and technology; and security.⁹⁵ The workgroup gained an understanding of the breadth of programs and services implemented since the enactment of the Trial Court Funding Act to provide uniform practices and procedures, take advantage of economies of scale, and create structural efficiencies and simplicity, leading to overall improvements in the court system and increasing access to justice for litigants. While some of these innovative or effective programs and services are mandatory and available in all courts, some are not. Some do not lend themselves to being mandated. For example, the Administrative Office of the Courts produces benchguides to assist judicial officers in various case types. These benchguides do not just detail procedures, but discuss the applicable law as well. The workgroup understands that such benchguides are available for all judicial officers, but that it would be inappropriate to direct that these benchguides be followed to the letter in the interest of uniformity. That would be a significant intrusion into the carefully and appropriately guarded independence of judicial officers and judicial discretion. However, not all of the permissive items fall into this category. Some address administrative or procedural items and do not relate to decisions made in the courtroom by judges. The Judicial Council needs to reevaluate these items and consider making some mandatory as appropriate.

C. Recommendations

Recommendations Related to Access / Equal Access

AB 233 declares that state funding of trial courts is necessary to provide uniform standards and procedures, economies of scale, and structural efficiency and simplicity. The Legislature also declared that structural improvement will provide for an improved court system, a uniform and equitable court system, and will, therefore, increase access to justice for the citizens of the state of California. These statements define the goals of AB 233’s move to a

⁹⁵ See Attachment 5, *infra*.

state-funded trial court system, uniformity, economies of scale, efficiency and simplicity, and structural improvement, all with an eye to increasing justice and ensuring equal access to the courts across California. The Trial Court Funding Workgroup found that the judicial branch as a whole and the trial courts individually and collectively have made significant strides in achieving these goals. However, many of the efficiencies, economies of scale, and other innovations have not been uniformly implemented and are available in only a select number of courts. Equal access to justice demands that successful and innovative programs and services, and economical approaches to using public dollars, be more widespread than a single court or a small group of courts.

The Trial Court Funding Workgroup therefore recommends that the Judicial Council:

- (1) Review accomplishments made toward achieving the goals of a state-funded trial court system⁹⁶ and begin the process of considering making some of these innovations mandatory and providing incentives for courts to implement others.⁹⁷ To accelerate the pace of ensuring equal access to justice, some of the programs and services developed should be considered for statewide implementation. The Judicial Council should examine the list of accomplishments and prioritize statewide implementation of the programs and services that can result in statewide efficiencies or provide greater access to justice.
- (2) Establish and continually update statewide priorities and continually evaluate whether the branch can provide greater access and find more ways to efficiently deliver programs and services to Californians consistently throughout the state.
- (3) Continually evaluate how the branch can promote and implement efficiencies and best practices and improve accountability and transparency.
- (4) Consider adopting funding priorities that would be taken into account when allocating resources, seeking additional resources through the state budget process, or responding to changes in the state's economy that lead to reduced available funding.
- (5) Demonstrate how future funding affects access for litigants and how the number of judges correlates to the ability of litigants to have their cases heard, and/or identify other indicia that demonstrate effective and accountable use of resources.

Recommendations Related to Ensuring Equity in Funding

An important first step in ensuring equal access to justice is equity in funding based on courts' relative workload. Courts with significant workload cannot be expected to provide justice if the amount of funding does not take into account that work, at least to some extent.

⁹⁶ *Ibid.*

⁹⁷ For ease of future reference, the recommendations are numbered consecutively, with recommendations (2)–(18) listed in the following paragraphs.

Over the years, portions of trial court funding have followed historical patterns based largely on the proportion of funding that courts had at the time of AB 233.⁹⁸ Except at the margins, changes in workload since the advent of state funding have not been factored in to trial court allocations. As a result, funding inequity has actually increased among court with large disparities in workload growth.

The Trial Court Funding Workgroup heard in some detail a recommendation from the Funding Subcommittee of the Trial Court Budget Working Group on an alternative approach to allocating state funding to trial courts to better account for the workload handled in each court, the staff resources needed to process that workload, and other factors that impact the ability of the courts to serve the public. The workgroup also heard a detailed presentation of the Resource Assessment Study (RAS), adopted by the Judicial Council. RAS is a model used to estimate the workload of most non-judicial staff in the trial courts. The council made clear that its action in adopting the new RAS parameters for estimating work does not mean that the RAS model alone should be used to set the funding needs for any court, but is one tool to be used in the budget process.

These efforts are significant and long overdue steps in reevaluating the method for allocating state funding among the trial courts yet they are but two options for consideration. It is a necessary and important departure from historic funding methods that did not take into account changes in workload, program and service needs, and other factors that would help ensure Californians are provided equal access to justice regardless of their geographic boundaries. By linking funding to workload needs, after assessing weighted filings in each court, these models take the necessary steps to ensuring that we move further forward in fulfilling the promise of the transition to state funding—equal access to courts across California.

The workgroup urges the Judicial Council to adopt a new allocation methodology. AB 233 was intended to address, at least in part, the disparities in funding available to courts from county to county, and to ensure the courts function as a statewide system, a single branch of government, that provides equal access to justice, programs, and services to all Californians, regardless of their county of residence. AB 233 directed the Judicial Council to allocate the appropriation to the trial courts in a manner that best ensures the ability of the courts to carry out their functions, promotes implementation of statewide policies, and promotes the immediate implementation of efficiencies and cost-saving measures in court operations, in order to guarantee access to justice to citizens of the state. The workgroup believes strongly that it is not appropriate for this group to determine the methodology for the judicial branch to adopt to allocate funding to superior courts. That is wholly within the province and purview of the Judicial Council, as the policymaking body of the judicial branch.

⁹⁸ As noted above, some funding was based on actual costs or allocated on a reimbursement basis. Other funding was provided in efforts to increase base funding for severely underfunded or underresourced courts.

The Trial Court Funding Workgroup therefore strongly advocates and recommends that the Judicial Council:

- (6) Adopt a new methodology for allocating funding appropriated for support of trial court operations, to be implemented commencing with fiscal year 2013–2014.
- (7) Ensure that the new methodology allocate funding to the trial courts in a manner that, consistent with the intent of AB 233:
 - a. Improves equal access to justice;
 - b. Supports the ability of the courts to carry out their necessary functions; and
 - c. Is guided by the principles of uniformity, equity, accountability, and flexibility.
- (8) Include the following factors in the new allocation methodology to ensure that the above-stated principles are implemented:
 - a. The new formula should be phased in so courts that may receive a smaller allocation under the new formula than they would have received absent the change can effectively plan for the reduced funding.
 - b. Where applicable (e.g., funding for general court operations and not for specific costs or activities), funding should be based primarily on court workload, not on historic funding percentages.
 - c. The methodology should take into account all cost drivers in the trial courts in determining an equitable allocation, including regional variation in the costs of labor.
 - d. The methodology should promote efficiency and accountability and direct the development of performance measures and strategies to deliver those goals.
 - e. The formula resulting from the methodology should be reviewed and, if necessary, updated and/or modified at least every three years to address changes in workload and/or other cost drivers and to ensure that the methodology is fine-tuned over time to promote efficiency, access to justice, transparency, and accountability.
- (9) In addition to the factors stated above the Judicial Council will need to determine how to address the following:
 - a. Unique factors in a court that the workload model does not appropriately consider in determining funding need.
 - b. Whether local revenues should be considered as part of the allocation process.
 - c. Technology, as it relates to efficiency within the court, including technology that is needed or is already in place.
- (10) Provide that the allocation methodology be used to determine the amount of funding to be allocated to each court, while allowing for local differences and preserving sufficient flexibility for presiding judges and court executives to operate their courts.

- (11) For the purpose of providing increased funding transparency, adopt performance indicators or other metrics that can be used to measure trial court activity and provide decision makers with information about the use of resources and the impact those factors have on outcomes. Such measures could include filing trends, allocation per population, staffing per case, and expenditures by category, or other measures the council finds appropriate.

Specific Recommendations Related to Efficiency, Uniformity, and Cost Savings

Despite the progress that has been made in achieving greater uniformity and consistency since the advent of state funding, California's trial courts still operate in some respects very differently from one jurisdiction to another, employing different programs and processes across county boundaries. In some cases the operational differences reflect local priorities and, appropriately, decisions of local court leaders that serve the needs of their community. In other cases, the differences are outside of the direct or immediate control of the courts, growing out of constraints imposed on the courts by justice system partners, geography, or technology. Some of the variances found at each court have been the result of innovative approaches to improve access and efficiency. The workgroup believes strongly that, without usurping each court's authority to manage its day-to-day operations, there are additional opportunities for uniformity in practice and procedure and the adoption of efficiencies to better ensure equal access to justice. These efforts should continue to enable the discovery of new approaches in the delivery of justice.

It was the consensus of the workgroup that a comprehensive review and analysis of the goals of the Trial Court Funding Act was simply too large to be accomplished within the short time frame established for the group to conduct its work. Given the breadth of the task, the workgroup focused its attention to improving equal access to justice statewide, but acknowledges that more needs to be done. After adoption of the new funding approach, in order to ensure each court's ability to carry out its functions, and implement statewide priorities, efficiencies, and cost-savings measures, the **workgroup recommends that the Judicial Council:**

- (12) Review and develop indicators that demonstrate anomalies in expenditures and point to equal access and quality of justice to determine whether courts are operating efficiently and expending funds to promote equal access consistent with the Judicial Council's identified priorities.
- (13) Consider the development of policies, guidelines, or standards on physical access to courthouses, including the factors relevant to opening or closing branch courts and the hours at which court services are available to the public in clerks' offices. Such policies could encourage uniformity in practice across the state in an effort to promote the equal access to justice that AB 233 was intended to achieve.

- (14) Analyze opportunities for cost savings that can be implemented on a statewide basis to achieve uniformity and equal access to justice across the state.
- (15) Identify remaining vestiges of the years prior to unification that should have been, but were not, effectively resolved by unification, and which result in inefficiencies and unnecessary costs or use of resources.
- (16) Personnel costs represent 79 percent of trial court expenditures, and the current system relies on individual courts to negotiate salaries and certain employee benefits, counties to negotiate other employee benefits, and the state to fund the costs. The council may wish to examine this area given that it is a primary cost driver and may be an area where opportunities exist for containing state costs.
- (17) Determine methods to effectively measure quality of justice.
- (18) Provide greater transparency by ensuring that fiscal information posted on the judicial branch's California Courts website is understandable to the lay public and information provided by the courts, including their proposed baseline budget plan, is understandable to the lay public.

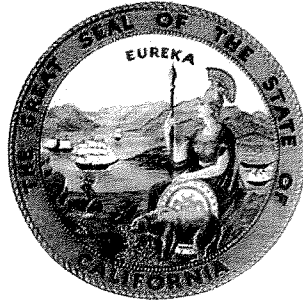
V. Conclusion

The workgroup was charged with the responsibility of determining whether the goals of the Trial Court Funding Act have been met and of proposing options to the Judicial Council to effectively meet and maintain the goals of having a state-funded trial court system with enhanced transparency and accountability. The workgroup did not develop options, but rather a list of recommendations, both specific and general for Judicial Council action to improve transparency, accountability, and equal access to justice throughout California. The workgroup concludes that the judicial branch has substantially met the goals of the Trial Court Funding Act. But there remains work to be done. The Judicial Council must adopt a process for allocating funds to the trial courts in a way that takes into account the caseload of each court and does not rely on historical funding approaches. At least initially, weighted caseload may be the best proxy available for determining equal access. Thus the council must act with appropriate speed to ensure that equity in funding is achieved. Once there is equity in funding, the workgroup anticipates there will be a better window into the courts to determine if Californians are getting the equal access to justice statewide that was a key goal of AB 233.

The work of the Judicial Council in implementing AB 233 is not yet done. The recommendations above include several short-term as well as long-term activities. Once there is greater equity in funding, the council must begin its work in earnest. The council has a great deal of data that does not tell us for certain whether courts are providing equal access to justice, but provides indicators that point to anomalies that are deserving of further attention.

By first establishing a more equitable funding formula, the council can better ascertain how resources are spent and ensure that with the infusion of state dollars, we continue to strive to meet the goal of equal access to justice that the state-funded trial court system enacted by AB 233 promised all Californians.

ATTACHMENT 1



Hon. Edmund G. Brown, Jr.
Governor of California

Hon. Tani G. Cantil-Sakauye
Chief Justice of California

September 19, 2012

Ana J. Matosantos
Finance Director
State of California, Department of Finance
915 L Street
Sacramento, California 95814

Jody Patel
Interim Administrative Director of the Courts
Administrative Office of the Courts
2860 Gateway Oaks Drive, Suite 400
Sacramento, California 95833

Dear Ms. Matosantos and Ms. Patel:


We are establishing a working group to help the judicial branch implement the budgetary changes in the 2012 Budget Act. This group will be comprised of ten members, six selected by the Judiciary and four selected by the Administration. We ask the two of you to select the group's members and to lead the group's support staff.

The purposes of the group will be to evaluate the state's progress in achieving the goals of the Lockyer-Isenberg Trial Court Funding Act of 1997, to make recommendations on implementing the 2012 Budget Act's funding changes, and to enhance budgetary transparency and accountability. The enclosed document provides additional information regarding the scope and expectations of the group.

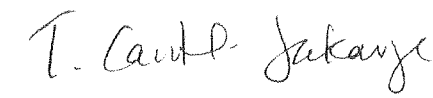
Ana J. Matosantos
Jody Patel
Page 2
September 19, 2012

We believe that the collaborative efforts of this inter-branch group will assist the Judiciary's ability during this period of limited resources to provide efficient, timely, and equitable access to justice.

Sincerely,



Edmund G. Brown
Governor of California



Tani G. Cantil-Sakauye
Chief Justice of California and
Chair of the Judicial Council

Enclosure

cc: Jim Humes, Executive Secretary, Governor's Office
Judge Steven Jahr, Incoming Administrative Director of the Courts
Diane Cummins, Special Advisor on Realignment
Curt Soderlund, AOC Interim Chief Deputy
Curt Child, Director, AOC Office of Governmental Affairs

ATTACHMENT 2

TRIAL COURT FUNDING WORKGROUP – CHARGE, COMPOSITION AND ACTIVITIES

With the issuance of the May Revision for 2012-13, the Administration proposed the establishment of a working group to conduct a comprehensive evaluation of the state's progress in achieving the goals outlined in the Lockyer-Isenberg Trial Court Funding Act of 1997. The Chief Justice concurs with the establishment of a working group as the findings will assist the judicial branch in determining that there is efficient, timely, and equitable access to justice for all Californians. The Trial Court Funding Act provided that the state assume full responsibility for funding trial court operations, above a county Maintenance of Effort payment, with the goal of resolving the bifurcated funding structure to allow adequate financial planning for the courts, uniform standards and procedures, and economies of scale for trial courts, and enhance equal access to justice. Some key components of the Act included:

- Requirements for the Judicial Council to submit an annual trial court budget to the Governor for inclusion in the state budget that meets the needs of all trial courts in a manner that promotes equal access to the courts statewide while efficiently and effectively managing resources.
- Continue the development and implementation of comprehensive budget procedures and performance standards.
- Provide for the evaluation of trial courts against performance criteria so that performance, level of coordination, and efficiency can be measured.
- A requirement for the Judicial Council to create a reserve fund of no less than 1 percent to be used to assist financially stressed courts, courts affected by natural disaster, or courts with heavily congested calendars. The fund is also to be used to encourage efforts toward efficiency and coordination.

COMPOSITION AND ACTIVITIES OF THE WORKGROUP

The Trial Court Funding Workgroup will consist of 10 members, six selected by the Chief Justice and four selected by the Governor. The Workgroup may elect to seek input and data, as necessary, from other stakeholders to assist them in its analysis.

The Workgroup is established to determine how the state has progressed since the Trial Court Funding Act, to ascertain whether the goals of the Trial Court Funding Act have been met and to propose options to the Judicial Council to effectively meet and maintain the goals of having a state-funded trial court system and enhance transparency and accountability. The Workgroup should be established and conduct its first meeting by October 2012 and provide a final report to the Judicial Council and the Governor by April 2013. In its report the Workgroup may address (not an all-inclusive listing) the following areas:

1. A statewide analysis of trial court workload metrics, staffing standards, efficiencies, and other relevant data to evaluate trial courts and the state's progress in achieving a statewide court system.
2. An evaluation of the cost drivers and other factors that affect a local trial court's ability to provide equal access to justice.
3. An assessment of methods to enhance savings in trial court operations through the use of administrative efficiencies and coordinated efforts between trial courts.
4. Identification of steps needed to increase funding transparency.

**THIS PAGE
INTENTIONALLY
LEFT BLANK**

ATTACHMENT 3

ASSEMBLY BILL 233 (Stats. 1997, ch. 850)
THE LOCKYER-ISENBERG TRIAL COURT FUNDING ACT OF 1997
Review of What Has Been Completed Sections 4 – 65

AB 233 AS CHAPTERED¹	SECTION OF AB 233, AS AMENDED, AS OF DECEMBER, 2012²	COMPLETE?
<p>SECTION 4 [Fees] Section 116.230 of the Code of Civil Procedure is amended^[3] to read:</p> <p>116.230. (a) A fee of <twenty> dollars (\$<20>) shall be charged and collected for the filing of a claim if the number of claims previously filed by the party in each court within the previous 12 months is 12 or less; and a fee of <thirty-five> dollars (\$<35>) shall be collected for the filing of any additional claims.</p> <p>(b) A fee to cover the actual cost of court service by mail, adjusted upward to the nearest dollar, shall be charged and collected for each defendant to whom the court clerk mails a copy of the claim under Section 116.340.</p> <p>(c) The number of claims filed by a party during the previous 12 months shall be determined by a declaration by the party stating the number of claims so filed and submitted to the clerk with the current claim.</p> <p><(d) Five dollars (\$5) of the fees authorized in subdivision (a) shall be deposited upon collection in the special account in the</p>	<p>SECTION 4 Repealed by AB 145⁴ (Stats. 2005, ch. 75, § 16) operative Jan. 1, 2006, replaced with statute governing a broader range of fees in small claims cases, which currently provides:</p> <p>116.230. (a) In a small claims case, the clerk of the court shall charge and collect only those fees authorized under this chapter.</p> <p>(b) If the party filing a claim has filed 12 or fewer small claims in the state within the previous 12 months, the filing fee is the following:</p> <p>(1) Thirty dollars (\$30) if the amount of the demand is one thousand five hundred dollars (\$1,500) or less.</p> <p>(2) Fifty dollars (\$50) if the amount of the demand is more than one thousand five hundred dollars (\$1,500) but less than or equal to five thousand dollars (\$5,000).</p> <p>(3) Seventy-five dollars (\$75) if the amount of the demand is more than five thousand dollars (\$5,000).</p> <p>(c) If the party has filed more than 12 other small claims in the state within the previous 12 months, the filing fee is one hundred dollars</p>	<p>Fees incorporated in the statewide fee schedule and collected by all courts. See http://www.courts.ca.gov/documents/fee-schedule-062712.pdf.</p>

¹ Chaptered text of AB 233 is given. Bracketed subject matter headings were added here for ease of reference and to correspond to table of contents. Where AB 233 amended then existing law, additions and revisions are indicated by <Text>; deletions by <***>.

² Current text is given; parentheticals include citations to bills amending statute since AB 233; does not include text of statutes that were not included in AB 233.

³ Additions and revisions are indicated by <Text>; deletions by <***>.

⁴ Uniform Civil Filing Fees and Standard Fee Schedule Act of 2005 (Gov. Code, § 70600 et seq.).

county treasury established pursuant to subdivision (b) of Section 68085 of the Government Code, and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.>

(\$100).

(d)(1) If, after having filed a claim and paid the required fee under paragraph (1) of subdivision (b), a party files an amended claim or amendment to a claim that raises the amount of the demand so that the filing fee under paragraph (2) of subdivision (b) would be charged, the filing fee for the amended claim or amendment is twenty dollars (\$20).

(2) If, after having filed a claim and paid the required fee under paragraph (2) of subdivision (b), a party files an amended claim or amendment to a claim that raises the amount of the demand so that the filing fee under paragraph (3) of subdivision (b) would be charged, the filing fee for the amended claim or amendment is twenty-five dollars (\$25).

(3) If, after having filed a claim and paid the required fee under paragraph (1) of subdivision (b), a party files an amended claim or amendment to a claim that raises the amount of the demand so that the filing fee under paragraph (3) of subdivision (b) would be charged, the filing fee for the amended claim or amendment is forty-five dollars (\$45).

(4) The additional fees paid under this subdivision are due upon filing. The court shall not reimburse a party if the party's claim is amended to demand a lower amount that falls within the range for a filing fee lower than that originally paid.

(e) Each party filing a claim shall file a declaration with the claim stating whether that party has filed more than 12 other small claims in the state within the last 12 months.

(f) The clerk of the court shall deposit fees collected under this section into a bank account established for this purpose by the Administrative Office of the Courts and maintained under rules adopted by or trial court financial policies and procedures authorized by the Judicial Council under subdivision (a) of Section 77206 of the Government Code. The deposits shall be made as required under Section 68085.1 of the Government Code and trial court financial policies and

procedures authorized by the Judicial Council.

(g)(1) The Administrative Office of the Courts shall distribute six dollars (\$6) of each thirty-dollar (\$30) fee, eight dollars (\$ 8) of each fifty-dollar (\$50) fee, ten dollars (\$10) of each seventy-five-dollar (\$75) fee, and fourteen dollars (\$14) of each one hundred-dollar (\$ 100) fee collected under subdivision (b) or (c) to a special account in the county in which the court is located to be used for the small claims advisory services described in Section 116.940, or, if the small claims advisory services are administered by the court, to the court. The Administrative Office of the Courts shall also distribute two dollars (\$2) of each seventy-five-dollar (\$75) fee collected under subdivision (b) to the law library fund in the county in which the court is located.

(2) From the fees collected under subdivision (d), the Administrative Office of the Courts shall distribute two dollars (\$2) to the law library fund in the county in which the court is located, and three dollars (\$3) to the small claims advisory services described in Section 116.940, or, if the small claims advisory services are administered by the court, to the court.

(3) Records of these moneys shall be available from the Administrative Office of the Courts for inspection by the public on request.

(4) Nothing in this section precludes the court or county from contracting with a third party to provide small claims advisory services as described in Section 116.940.

(h) The remainder of the fees collected under subdivisions (b), (c), and (d) shall be transmitted monthly to the Controller for deposit in the Trial Court Trust Fund.

(i) All money distributed under this section to be used for small claims advisory services shall be used only for providing those services as described in Section 116.940. Nothing in this section shall preclude the county or the court from procuring other funding to comply with the requirements of Section 116.940.

	<p>(Added by AB 145 (Stats. 2005, ch. 75, § 19), eff. July 19, 2005, operative Jan. 1, 2006. Amended by AB 1742 (Stats. 2005, ch. 706, § 3); AB 1248 (Stats. 2007, ch. 738, § 3.)</p>	
<p>SECTION 5 [Fees] Section 1852 of the Family Code is amended to read:</p> <p>1852. <(a) There is in the State Treasury the Family Law Trust Fund.></p> <p><* * *><(b)> Moneys collected by the state pursuant to subdivision (c) of Section <10605> of the Health and Safety Code, subdivision (a) of Section 26832 of the Government Code, and grants, gifts, or devises made to the state from private sources to be used for the purposes of this part shall be deposited into the <* * * ><Family Law Trust Fund>.</p> <p><(c) Moneys deposited in the Family Law Trust Fund shall be placed in an interest bearing account. Any interest earned shall accrue to the fund and shall be disbursed pursuant to subdivision (d).></p> <p><(d) Money deposited in the Family Law Trust Fund shall be disbursed for purposes specified in this part and for other family law related activities.></p> <p><(e) Moneys deposited in the Family Law Trust Fund shall be administered by the Judicial Council. The Judicial Council may, with appropriate guidelines, delegate the administration of the fund to the Administrative Office of the Courts.></p> <p><(f) Any moneys in the Family Law Trust Fund that are unencumbered at the end of the fiscal year are automatically appropriated to the Family Law Trust Fund of the following year.></p> <p><(g)> In order to defray the costs of collection of these funds, < pursuant to this section,> the local registrar, county clerk, or county recorder may retain a percentage of the funds collected,</p>	<p>SECTION 5 Section 1852 of the Family Code now reads as follows:</p> <p>1852. (a) There is in the State Treasury the Family Law Trust Fund.</p> <p>(b) Moneys collected by the state pursuant to subdivision (c) of Section 103625 of the Health and Safety Code, Section 70674 of the Government Code, and grants, gifts, or devises made to the state from private sources to be used for the purposes of this part shall be deposited into the Family Law Trust Fund.</p> <p>(c) Moneys deposited in the Family Law Trust Fund shall be placed in an interest bearing account. Any interest earned shall accrue to the fund and shall be disbursed pursuant to subdivision (d).</p> <p>(d) Money deposited in the Family Law Trust Fund shall be disbursed for purposes specified in this part and for other family law related activities.</p> <p>(e) Moneys deposited in the Family Law Trust Fund shall be administered by the Judicial Council. The Judicial Council may, with appropriate guidelines, delegate the administration of the fund to the Administrative Office of the Courts.</p> <p>(f) Any moneys in the Family Law Trust Fund that are unencumbered at the end of the fiscal year are automatically appropriated to the Family Law Trust Fund of the following year.</p> <p>(g) In order to defray the costs of collection of these funds, pursuant to this section, the local registrar, county clerk, or county recorder may retain a percentage of the funds collected, not to exceed 10 percent of the fee payable to the state pursuant to subdivision (c) of Section 103625 of the Health and Safety Code.</p>	<p>Complete</p>

<p>not to exceed 10 percent of the fee payable to the state pursuant to subdivision (c) of Section <10605> of the Health and Safety Code.</p>		
<p>SECTION 6 [Fees] Section 26820.4 of the Government Code is amended to read: 26820.4. <* * * >The total fee for filing of the first paper in a civil action or proceeding in the superior court, except an adoption proceeding, shall be one hundred <eighty-five> dollars (\$<185>). This section applies to the initial complaint, petition, or application, and the papers transmitted from another court on the transfer of a civil action or proceeding, but does not include documents filed pursuant to Section 491.150, 704.750, or 708.160 of the Code of Civil Procedure. <* * * ></p>	<p>SECTION 6 Renumbered Government Code section 70611 and amended by AB 145 (Stats. 2005, ch. 75, § 50), the section now reads as follows: 70611. The uniform fee for filing the first paper in a civil action or proceeding in the superior court, other than in a limited civil case, an adoption proceeding, a proceeding under the Probate Code, or a proceeding under the Family Code, is three hundred fifty-five dollars (\$355). The fee shall be distributed as provided in Section 68085.3. This section applies to the initial complaint, petition, or application, and the papers transmitted from another court on the transfer of a civil action or proceeding, but does not include documents filed pursuant to Section 491.150, 704.750, or 708.160 of the Code of Civil Procedure. (Amended by SB 1407 (Stats. 2008, ch. 311, § 10); SB 13 (Stats. 2009–2010, 4th Ex. Sess., ch. 22, § 12), eff. July 28, 2009.)</p>	<p>Fees incorporated in the statewide fee schedule and collected by all courts. See http://www.courts.ca.gov/document/s/fee-schedule-062712.pdf.</p>
<p>SECTION 7 [Fees] Section 26823 of the Government Code is amended to read: <(a)> When the venue in a case is changed, the fee for making up and <* * * ><transmitting the> transcript and papers is < twenty-three> dollars (\$<23>) and a further sum equal to the total fee for filing in the court to which the case is transferred. The clerk shall transmit the total filing fee with the papers in the case to the clerk or judge of the court to which the case is transferred. <(b) Notwithstanding Section 68085, fourteen dollars (\$14) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.></p>	<p>SECTION 7 Renumbered Government Code section 70618 and amended by AB 145 (Stats. 2005, ch. 75, § 54), the section now reads as follows: 70618. When the venue in a case is changed, the fee for making up and transmitting the transcript and papers is fifty dollars (\$ 50) and a further sum equal to the uniform fee for filing in the court to which the case is transferred. The clerk shall transmit the uniform filing fee with the papers in the case to the clerk or judge of the court to which the case is transferred.</p>	<p>Fees incorporated in the statewide fee schedule and collected by all courts. See http://www.courts.ca.gov/document/s/fee-schedule-062712.pdf.</p>

<p>SECTION 8 [Fees] Section 26826.01 is added to the Government Code, to read:</p> <p>26826.01. (a) The fee for filing an amended complaint or amendment to a complaint in a civil action or proceeding in the superior court is seventy-five dollars (\$75).</p> <p>(b) The fee for filing a cross-complaint, amended cross-complaint, or amendment to a cross-complaint in a civil action or proceeding in the superior court is seventy-five dollars (\$75).</p> <p>(c) A party shall not be required to pay the fee provided by this section for an amended complaint, amendment to a complaint, amended cross-complaint, or amendment to a cross-complaint more than one time in any action.</p> <p>(d) The fee provided by this section shall not apply to any of the following:</p> <p>(1) An amended pleading or amendment to a pleading ordered by the court to be filed.</p> <p>(2) An amended pleading or amendment to a pleading that only names previously fictitiously named defendants.</p> <p>(e) This section shall become inoperative on July 1, 2000, and, as of January 1, 2001, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed.</p>	<p>SECTION 8 Repealed operative January 1, 2001, by its own terms (subd. (e)).</p>	<p>Repealed</p>
<p>SECTION 9 [Fees] Section 26827 of the Government Code is amended to read:</p> <p>26827. (a) The total fee for filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary, a first account of a testamentary trustee of a trust that is subject to the continuing jurisdiction of the court pursuant to Chapter 4 (commencing with Section</p>	<p>SECTION 9 Renumbered Government Code section 70650 and amended by AB 145 (Stats. 2005, ch. 75, § 61), the section now reads as follows:</p> <p>70650. (a) The uniform filing fee for the first petition for letters of administration or letters testamentary, or the first petition for special letters of administration with the powers of a general personal representative pursuant to Section 8545 of the Probate Code, is three</p>	<p>Fees incorporated in the statewide fee schedule and collected by all courts. See http://www.courts.ca.gov/documents/fee-schedule-</p>

<p>17300) of Part 5 of Division 9 of the Probate Code, a petition for letters of guardianship, a petition for letters of conservatorship, a petition for compromise of a minor's claim, a petition pursuant to Section 13151 of the Probate Code, a petition pursuant to Section 13650 of the Probate Code (except as provided in Section 13652 of the Probate Code), or a petition to contest any will or codicil is one hundred <eighty-five> dollars (\$<185>).</p> <p>(b) The fee set forth in subdivision (a) shall also be charged for filing any subsequent petition of a type described in subdivision (a) in the same proceeding by a person other than the original petitioner.</p>	<p>hundred fifty-five dollars (\$355).</p> <p>(b) The uniform filing fee for the first objections to the probate of any will or codicil under Section 8250 of the Probate Code, or the first petition for revocation of probate of any will or codicil under Section 8270 of the Probate Code, is three hundred fifty-five dollars (\$355). The uniform filing fee for the first petition for special letters of administration without the powers of a general personal representative is the fee provided in Section 70657.5. Where objections to the probate of a will or codicil or a petition for revocation of probate of a will or codicil are filed together with a petition for appointment of a personal representative described in subdivision (c) filed by the same person, only the fee provided in subdivision (c) shall be charged to that person.</p> <p>(c) A fee of three hundred fifty-five dollars (\$355) shall also be charged for filing each subsequent petition or objections of a type described in subdivision (a) in the same proceeding by a person other than the original petitioner or contestant. The same fee as provided in subdivision (b) shall be charged for filing each subsequent petition or objections of a type described in that subdivision in the same proceeding by a person other than the original petitioner or contestant.</p> <p>(d) Notwithstanding Section 70658.5, if a petition for special letters of administration is filed together with a petition for letters of administration or letters testamentary under subdivision (a) or (c) by the same person, the person filing the petitions shall be charged the applicable filing fees for both petitions.</p> <p>(e) The uniform filing fee charged under this section shall be distributed as provided in Section 68085.3.</p> <p>(AB 1759 (Stats. 2003, ch. 159, § 9), eff. Aug. 2, 2003, operative Aug. 17, 2003; AB 296 (Stats. 2003, ch. 757, § 4). Renumbered § 70650 and amended by AB 145 (Stats. 2005, ch. 75, § 61), eff. July 19, 2005, operative Jan. 1, 2006. Amended by AB 1248 (Stats. 2007, ch. 738, § 30); AB 171 (Stats. 2008, ch. 310, § 1); SB 1407 (Stats. 2008, ch. 311, § 15); SB 13 (Stats. 2009–2010, 4th Ex. Sess., ch. 22, § 18), eff. July</p>	<p>062712.pdf.</p>
---	---	--------------------

	28, 2009.)	
<p>SECTION 10 [Fees] Section 26827.4 of the Government Code is amended to read:</p> <p>26827.4. (a) The fee for filing <a> subsequent paper in a proceeding under the Probate Code which requires a court hearing is <twenty-three> dollars (\$<23>), except for papers for proceedings required by any of the following:</p> <p>(1) Section 10501 of the Probate Code.</p> <p>(2) Accountings of trustees of testamentary trusts that are subject to the continuing jurisdiction of the court pursuant to Chapter 4 (commencing with Section 17300) of Part 5 of Division 9 of the Probate Code.</p> <p>(3) Division 4 (commencing with Section 1400) of the Probate Code.</p> <p>(b) Objections to any papers exempt from the fee imposed by this section are subject to the filing fee of <twenty-three> dollars (\$<23>). This section does not apply to petitions filed pursuant to subdivision (b) of Section 26827.</p> <p><(c) Notwithstanding Section 68085, fourteen dollars (\$14) of the twenty-three dollar (\$23) fee authorized in subdivisions (a) and (b) shall be deposited in the county general fund for use as county general fund revenue.></p>	<p>SECTION 10 Repealed by AB 145 (Stats. 2005, ch. 75, § 64). AB 145 also added Government Code section 70657 (Stats. 2005, ch. 75, § 121), which addresses the fee for subsequent filings in probate proceedings, and which currently provides:</p> <p>70657. (a) Except as provided in subdivision (c), the uniform fee for filing a motion or other paper requiring a hearing subsequent to the first paper in a proceeding under the Probate Code, other than a petition or application or opposition described in Sections 70657.5 and 70658, is sixty dollars (\$60). This fee shall be charged for the following papers:</p> <p>(1) Papers listed in subdivision (a) of Section 70617.</p> <p>(2) Applications for ex parte relief, whether or not notice of the application to any person is required, except an ex parte petition for discharge of a personal representative, conservator, or guardian upon completion of a court-ordered distribution or transfer, for which no fee shall be charged.</p> <p>(3) Petitions or applications, or objections, filed subsequent to issuance of temporary letters of conservatorship or guardianship or letters of conservatorship or guardianship that are not subject to the filing fee provided in subdivision (a) of Section 70658.</p> <p>(4) The first or subsequent petition for temporary letters of conservatorship or guardianship.</p> <p>(b) There shall be no fee under subdivision (a) for filing any of the papers listed under subdivision (b) of Section 70617.</p> <p>(c) The summary judgment fee provided in subdivision (d) of Section 70617 shall apply to summary judgment motions in proceedings under the Probate Code.</p> <p>(d) Regardless of whether each motion or matter is heard at a single hearing or at separate hearings, the filing fees required by subdivisions</p>	<p>Fees incorporated in the statewide fee schedule and collected by all courts. See http://www.courts.ca.gov/documents/fee-schedule-062712.pdf.</p>

	<p>(a) and (c) apply separately to each motion or other paper filed. The Judicial Council may publish rules to give uniform guidance to courts in applying fees under this section.</p> <p>(e) No fee is payable under this section for a petition or opposition filed subsequent to issuance of letters of temporary guardianship or letters of guardianship in a guardianship described in Section 70654.</p> <p>(f) This section shall become inoperative on July 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.</p> <p>[See also section that becomes operative on July 2, 2015.]</p> <p>(Added by AB 145 (Stats. 2005, ch. 75, § 121), eff. July 19, 2005, operative Jan. 1, 2006. Amended by AB 1248 (Stats. 2007, ch. 738, § 35); SB 1407 (Stats. 2008, ch. 311, § 22); SB 1021 (Stats. 2012, ch. 41, § 47), eff. June 27, 2012.)</p>	
<p>SECTION 11 [Fees] Section 26830 of the Government Code is amended to read:</p> <p>26830. (a) Except as provided in <subdivisions> (b) <and (c)>, the fee for filing any notice of motion, or any other paper requiring a hearing subsequent to the first paper, or any notice of intention to move for a new trial of any civil action or special proceeding, or an application for renewal of a judgment, is <twenty-three> dollars (\$<23>).</p> <p>However, there shall be no fee for filing any of the following:</p> <ol style="list-style-type: none"> (1) An amended notice of motion. (2) A memorandum that a civil case is at issue. (3) A hearing on a petition for emancipation of a minor. (4) Default hearings. (5) A show-cause hearing on a petition for an injunction 	<p>SECTION 11 Repealed by AB 145 (Stats. 2005, ch. 75, § 70). AB 145 also added Government Code section 70617 (Stats. 2005, ch. 75, § 121), which addresses the fees for motions and applications in civil actions generally which currently provides:</p> <p>70617. (a) Except as provided in subdivisions (d) and (e), the uniform fee for filing a motion, application, or any other paper requiring a hearing subsequent to the first paper, is sixty dollars (\$60). Papers for which this fee shall be charged include the following:</p> <ol style="list-style-type: none"> (1) A motion listed in paragraphs (1) to (12), inclusive, of subdivision (a) of Section 1005 of the Code of Civil Procedure. (2) A motion or application to continue a trial date. (3) An application for examination of a third person controlling defendant's property under Section 491.110 or 491.150 of the Code of Civil Procedure. 	<p>Fees incorporated in the statewide fee schedule and collected by all courts. See http://www.courts.ca.gov/document/s/fee-schedule-062712.pdf.</p>

<p>prohibiting harassment.</p> <p>(6) A show-cause hearing on an application for an order prohibiting domestic violence.</p> <p>(7) A show-cause hearing on writs of review, mandate, or prohibition.</p> <p>(8) A show-cause hearing on a petition for a change of name.</p> <p>(9) A hearing to compromise a claim of a minor or an insane or incompetent person.</p> <p>(b) The fee for filing a motion for summary judgment or summary adjudication of issues is one hundred dollars (\$100).</p> <p><(c) The fee for the filing of any motion in small claims court matters is fourteen dollars (\$14), which shall be deposited in the county general fund for use as county general fund revenue.></p> <p><(d) Notwithstanding Section 68085, fourteen dollars (\$14) of the twenty-three dollar (\$23) fee authorized in subdivision (a) and the one hundred dollar (\$100) fee established by subdivision (b) shall be deposited in the county general fund for use as county general fund revenue.></p>	<p>(4) Discovery motions under Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure.</p> <p>(5) A motion for a new trial of any civil action or special proceeding.</p> <p>(6) An application for an order for a judgment debtor examination under Section 708.110 or 708.160 of the Code of Civil Procedure.</p> <p>(7) An application for an order of sale of a dwelling under Section 704.750 of the Code of Civil Procedure.</p> <p>(8) An ex parte application that requires a party to give notice of the ex parte appearance to other parties.</p> <p>(b) There shall be no fee under subdivision (a) or (c) for filing any of the following:</p> <p>(1) A motion, application, demurrer, request, notice, or stipulation and order that is the first paper filed in an action and on which a first paper filing fee is paid.</p> <p>(2) An amended notice of motion.</p> <p>(3) A civil case management statement.</p> <p>(4) A request for trial de novo after judicial arbitration.</p> <p>(5) A stipulation that does not require an order.</p> <p>(6) A request for an order to prevent civil harassment.</p> <p>(7) A request for an order to prevent domestic violence.</p> <p>(8) A request for entry of default or default judgment.</p> <p>(9) A paper requiring a hearing on a petition for emancipation of a minor.</p> <p>(10) A paper requiring a hearing on a petition for an order to prevent abuse of an elder or dependent adult.</p> <p>(11) A paper requiring a hearing on a petition for a writ of review, mandate, or prohibition.</p>	
---	--	--

(12) A paper requiring a hearing on a petition for a decree of change of name or gender.

(13) A paper requiring a hearing on a petition to approve the compromise of a claim of a minor.

(c) The fee for filing the following papers not requiring a hearing is twenty dollars (\$20):

(1) A request, application, or motion for, or a notice of, the continuance of a hearing or case management conference. The fee shall be charged no more than once for each continuance. The fee shall not be charged if the continuance is required by the court.

(2) A stipulation and order.

(3) A request for an order authorizing service of summons by posting or by publication under Section 415.45 or 415.50 of the Code of Civil Procedure.

(d) The fee for filing a motion for summary judgment or summary adjudication of issues is five hundred dollars (\$500).

(e)(1) The fee for filing in the superior court an application to appear as counsel pro hac vice is five hundred dollars (\$500). This fee is in addition to any other fee required of the applicant. Two hundred fifty dollars (\$250) of the fee collected under this paragraph shall be transmitted to the state for deposit into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5. The remaining two hundred fifty dollars (\$250) of the fee shall be transmitted to the state for deposit into the Trial Court Trust Fund, established in Section 68085.

(2) An attorney whose application to appear as counsel pro hac vice has been granted shall pay to the superior court, on or before the anniversary of the date the application was granted, an annual renewal fee of five hundred dollars (\$500) for each year that the attorney maintains pro hac vice status in the case in which the application was granted. The entire fee collected under this paragraph shall be transmitted to the state for deposit into the Trial Court Trust Fund,

	<p>established in Section 68085.</p> <p>(f) Regardless of whether each motion or matter is heard at a single hearing or at separate hearings, the filing fees required by subdivisions (a), (c), (d), and (e) apply separately to each motion or other paper filed. The Judicial Council may publish rules to give uniform guidance to courts in applying fees under this section.</p> <p>(g) This section shall become inoperative on July 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.</p> <p>[See also section that becomes operative on July 1, 2015.]</p> <p>(Added by AB 145 (Stats. 2005, ch. 75, § 121), eff. July 19, 2005, operative Jan. 1, 2006. Amended by AB 1248 (Stats. 2007, ch. 738, § 26); SB 1407 (Stats. 2008, ch. 311, § 13.5); SB 857 (Stats. 2010, ch. 720, § 21), eff. Oct. 19, 2010; SB 1021 (Stats. 2012, ch. 41, § 43), eff. June 27, 2012.)</p>	
<p>SECTION 12 [Fees] Section 26832.1 is added to the Government Code, to read:</p> <p>26832.1. (a) Notwithstanding the fee authorized by Section 26833.1, a fee of five dollars (\$5) shall be paid by a public agency applicant for a certified copy of a marriage dissolution record that the agency is required to obtain in the ordinary course of business. A fee of ten dollars (\$10) shall be paid by any other applicant for a certified copy of a marriage dissolution record. Five dollars (\$5) of any ten dollar (\$10) fee shall be transmitted monthly by each clerk of the court to the state for deposit into the Family Law Trust Fund as provided by Section 1852 of the Family Code.</p> <p>(b) As used in this section, “marriage dissolution record” means the judgment.</p> <p>(c) Notwithstanding Section 68085, three dollars (\$3) of the five</p>	<p>SECTION 12 Renumbered Government Code section 70674 and amended by AB 145 (Stats. 2005, ch. 75, § 61), the section now reads:</p> <p>70674. (a) Except as provided by Section 6103.9, and notwithstanding the fee authorized by paragraph (4) of subdivision (a) of Section 70626, a fee of ten dollars (\$10) shall be paid by a public agency applicant for a certified copy of a marriage or domestic partnership dissolution record that the agency is required to obtain in the ordinary course of business. A fee of fifteen dollars (\$15) shall be paid by any other applicant for a certified copy of a marriage or domestic partnership dissolution record. Five dollars (\$5) of any fifteen dollar (\$15) fee shall be transmitted monthly to the state for deposit into the Family Law Trust Fund as provided by Section 1852 of the Family Code. The remainder of the fees collected under this section shall be deposited into the Trial Court Trust Fund.</p>	<p>Fees incorporated in the statewide fee schedule and collected by all courts. See http://www.courts.ca.gov/document/s/fee-schedule-062712.pdf.</p>

dollar (\$5) fee and three dollars (\$3) of the ten dollar (\$10) fee authorized in subdivision (a) shall be deposited in the county general fund for use as county general fund revenue.

(b) As used in this section, “marriage or domestic partnership dissolution record” means the judgment.

SECTION 13 [Fees]

Section 26833.1 is added to the Government Code, to read:

26833.1. The fee for certifying a copy of any paper, record, or proceeding on file in the office of the clerk of any court is six dollars (\$6). For every certificate the fee for which is not otherwise fixed, the fee is six dollars (\$6). Notwithstanding Section 68085, one dollar and seventy-five cents (\$1.75) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.

SECTION 13

Repealed by AB 145 (Stats. 2005, ch. 75, § 75). AB 145 also added Government Code section 70626 (Stats. 2005, ch. 75, § 121), which addresses the fees for certifying papers, among other fees, which currently provides:

70626. (a) The fee for each of the following services is twenty-five dollars (\$25). Subject to subdivision (e), amounts collected shall be distributed to the Trial Court Trust Fund under Section 68085.1.

(1) Issuing a writ of attachment, a writ of mandate, a writ of execution, a writ of sale, a writ of possession, a writ of prohibition, or any other writ for the enforcement of any order or judgment.

(2) Issuing an abstract of judgment.

(3) Issuing a certificate of satisfaction of judgment under Section 724.100 of the Code of Civil Procedure.

(4) Certifying a copy of any paper, record, or proceeding on file in the office of the clerk of any court.

(5) Taking an affidavit, except in criminal cases or adoption proceedings.

(6) Acknowledgment of any deed or other instrument, including the certificate.

(7) Recording or registering any license or certificate, or issuing any certificate in connection with a license, required by law, for which a charge is not otherwise prescribed.

(8) Issuing any certificate for which the fee is not otherwise fixed.

(b) The fee for each of the following services is thirty dollars (\$30). Subject to subdivision (e), amounts collected shall be distributed to the Trial Court Trust Fund under Section 68085.1.

(1) Issuing an order of sale.

(2) Receiving and filing an abstract of judgment rendered by a judge of another court and subsequent services based on it, unless the

Fees incorporated in the statewide fee schedule and collected by all courts. See <http://www.courts.ca.gov/documents/fee-schedule-062712.pdf>.

	<p>abstract of judgment is filed under Section 704.750 or 708.160 of the Code of Civil Procedure.</p> <p>(3) Filing a confession of judgment under Section 1134 of the Code of Civil Procedure.</p> <p>(4) Filing an application for renewal of judgment under Section 683.150 of the Code of Civil Procedure.</p> <p>(5) Issuing a commission to take a deposition in another state or place under Section 2026.010 of the Code of Civil Procedure, or issuing a subpoena under Section 2029.300 to take a deposition in this state for purposes of a proceeding pending in another jurisdiction.</p> <p>(6) Filing and entering an award under the Workers' Compensation Law (Division 4 (commencing with Section 3200) of the Labor Code).</p> <p>(7) Filing an affidavit of publication of notice of dissolution of partnership.</p> <p>(8) Filing an appeal of a determination whether a dog is potentially dangerous or vicious under Section 31622 of the Food and Agricultural Code.</p> <p>(9) Filing an affidavit under Section 13200 of the Probate Code, together with the issuance of one certified copy of the affidavit under Section 13202 of the Probate Code.</p> <p>(10) Filing and indexing all papers for which a charge is not elsewhere provided, other than papers filed in actions or special proceedings, official bonds, or certificates of appointment.</p> <p>(c) The fee for filing a first petition under Section 2029.600 or 2029.620 of the Code of Civil Procedure, if the petitioner is not a party to the out-of-state case, is eighty dollars (\$80). Amounts collected shall be distributed to the Trial Court Trust Fund pursuant to Section 68085.1.</p> <p>(d) The fee for delivering a will to the clerk of the superior court in which the estate of a decedent may be administered, as required by</p>	
--	--	--

	<p>Section 8200 of the Probate Code, is fifty dollars (\$50).</p> <p>(e) From July 1, 2011, to June 30, 2017, inclusive, ten dollars (\$10) of each fee collected pursuant to subdivisions (a) and (b) shall be used by the Judicial Council for the expenses of the Judicial Council in implementing and administering the civil representation pilot program under Section 68651.</p> <p>(f) This section shall become inoperative on July 1, 2017, and, as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.</p> <p>[See also section that becomes operative on July 1, 2017.]</p> <p>(Added by AB 145 (Stats. 2005, ch. 75, § 121), eff. July 19, 2005, operative Jan. 1, 2006. Amended by AB 1742 (Stats. 2005, ch. 706, § 31); AB 2193 (Stats. 2008, ch. 231, § 4); SB 13 (Stats. 2009–2010, 4th Ex. Sess., ch. 22, § 17), eff. July 28, 2009; AB 590 (Stats. 2009, ch. 457, § 7); SB 1021 (Stats. 2012, ch. 41, § 45), eff. June 27, 2012.)</p>	
<p>SECTION 14 [Fees] Section 26835.1 is added to the Government Code, to read:</p> <p>26835.1. (a) The clerk of the court shall collect a fee of six dollars (\$6) per signature for any document that is required to be authenticated pursuant to court order.</p> <p>(b) Each document authenticated by the county clerk shall contain the following statement: “_____, County Clerk and ex officio Clerk of the Superior Court, in and for the County of _____, State of California. Signed pursuant to court order dated _____ in the matter of _____ petitioner v. _____, respondent, Case No. _____.”</p> <p>(c) Notwithstanding Section 68085, two dollars (\$2) of the fee authorized by subdivision (a) shall be deposited in the county general fund for use as county general fund revenue.</p>	<p>SECTION 14 Renumbered Government Code section 70629 and amended by AB 145 (Stats. 2005, ch. 75, § 78), the section now reads:</p> <p>70629. (a) The clerk of the court shall collect a fee of fifteen dollars (\$15) per signature for any document that is required to be authenticated pursuant to court order.</p> <p>(b) Each document authenticated by the clerk of the court shall contain the following statement:</p> <p>“____, Clerk of the Superior Court, County of ____, State of California. Signed pursuant to court order dated ____ in the matter of ____ petitioner v. ____, respondent, Case No. ____.”</p>	<p>Fees incorporated in the statewide fee schedule and collected by all courts. See http://www.courts.ca.gov/document/s/fee-schedule-062712.pdf.</p>

<p>SECTION 15 [Fees] Section 26836.1 is added to the Government Code, to read:</p> <p>26836.1. For every certificate the fee for which is not otherwise fixed, the fee is six dollars (\$6). Notwithstanding Section 68085, one dollar and seventy-five cents (\$1.75) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.</p>	<p>SECTION 15 Repealed by AB 145 (Stats. 2005, ch. 75, § 79). AB 145 also added Government Code section 70626 (Stats. 2005, ch. 75, § 121), which addresses the fees for certifying papers, among other fees. The complete text of Government Code section 70626 is found above under “SECTION 13.”</p>	<p>Repealed</p>
<p>SECTION 16 [Fees] Section 26837.1 is added to the Government Code, to read:</p> <p>26837.1. For comparing with the original on file in the office of the clerk of any court, the copy of any paper, record, or proceeding prepared by another and presented for the clerk's certificate, the fee is one dollar (\$1) per page, in addition to the fee for the certificate. Notwithstanding Section 68085, fifty cents (\$0.50) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.</p>	<p>SECTION 16 Repealed by AB 145 (Stats. 2005, ch. 75, § 81). AB 145 also added Government Code section 70627 (Stats. 2005, ch. 75, § 121), which addresses the fees for comparing papers, among other fees.</p> <p>70627. The fees collected under this section shall be distributed to the court in which they were collected.</p> <p>(a) The clerk of the court shall charge fifty cents (\$0.50) per page to cover the cost of preparing copies of any record, proceeding, or paper on file in the clerk's office.</p> <p>(b) For comparing with the original on file in the office of the clerk of any court, the copy of any paper, record, or proceeding prepared by another and presented for the clerk's certificate, the fee is one dollar (\$1) per page, in addition to the fee for the certificate.</p> <p>(c) The fee for a search of records or files conducted by a court employee that requires more than 10 minutes is fifteen dollars (\$15) for each search.</p>	<p>Fees incorporated in the statewide fee schedule and collected by all courts. See http://www.courts.ca.gov/document/s/fee-schedule-062712.pdf.</p>
<p>SECTION 17 [Fees] Section 26838 of the Government Code is amended to read:</p> <p>26838. The fee for a certificate required by courts of appeal or the Supreme Court on filing a notice of motion prior to the filing of the record on appeal in the reviewing court is <twenty-three> dollars (\$<23>). <Notwithstanding Section 68085, fourteen dollars (\$14) of the fee authorized in this section shall be</p>	<p>SECTION 17 Renumbered Government Code section 70620 and amended by AB 145 (Stats. 2005, ch. 75, § 82), the section now reads:</p> <p>70620. The fee for a certificate required by courts of appeal or the Supreme Court on filing a notice of motion prior to the filing of the record on appeal in the reviewing court is twenty dollars (\$20).</p>	<p>Fees incorporated in the statewide fee schedule and collected by all courts. See http://www.courts.ca.gov/document</p>

<p>deposited in the county general fund for use as county general fund revenue.></p>		<p>s/fee-schedule-062712.pdf.</p>
<p>SECTION 18 [Fees] Section 26850.1 is added to the Government Code, to read: 26850.1. For filing and indexing all papers for which a charge is not elsewhere provided, other than papers filed in actions or special proceedings, official bonds, or certificates of appointment, the fee is six dollars (\$6). Notwithstanding Section 68085, two dollars and twenty-five cents (\$2.25) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.</p>	<p>SECTION 18 Repealed by AB 145 (Stats. 2005, ch. 75, § 86).</p>	<p>Repealed</p>
<p>SECTION 19 [Fees] Section 26851.1 is added to the Government Code, to read: 26851.1. For either recording or registering any license or certificate or issuing any certificate, or both, in connection with a license, required by law for which a charge is not otherwise prescribed, the fee is six dollars (\$6). Notwithstanding Section 68085, two dollars and twenty-five cents (\$2.25) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.</p>	<p>SECTION 19 Repealed by AB 145 (Stats. 2005, ch. 75, § 87).</p>	<p>Repealed</p>
<p>SECTION 20 [Fees] Section 26852.1 is added to the Government Code, to read: 26852.1. The fee for each certificate to the official capacity of any public official is six dollars (\$6). Notwithstanding Section 68085, two dollars and twenty-five cents (\$2.25) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.</p>	<p>SECTION 20 Repealed by AB 145 (Stats.2005, c. 75, § 88).</p>	<p>Repealed</p>
<p>SECTION 21 [Fees]</p>	<p>SECTION 21 Repealed by AB 145 (Stats. 2005, ch. 75, § 89).</p>	<p>Repealed</p>

<p>Section 26853.1 is added to the Government Code, to read:</p> <p>26853.1. The fee for taking an affidavit, except in criminal cases or adoption proceedings, is six dollars (\$6). Notwithstanding Section 68085, two dollars and twenty-five cents (\$2.25) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.</p>		
<p>SECTION 22 [Fees] Section 26855.4 is added to the Government Code, to read:</p> <p>26855.4. The fee for taking acknowledgment of any deed or other instrument, including the certificate, is six dollars (\$6) for each signature. Notwithstanding Section 68085, two dollars and twenty-five cents (\$2.25) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.</p>	<p>SECTION 22 Repealed by AB 145 (Stats. 2005, ch. 75, § 90).</p>	<p>Repealed</p>
<p>SECTION 23 [Fees] Section 26857 of the Government Code is amended to read:</p> <p>26857. No fee shall be charged by the clerk for service rendered <to a defendant> in any criminal action or, <to the petitioner in any adoption proceeding> except as <* * * >provided in Section 103730 of the Health and Safety Code, <* * * >nor shall any fees be charged for any <* * * ><proceeding brought pursuant to Section 7841 of the Family Code> to declare a minor free from parental custody or control. No fee shall be charged by the clerk for service rendered to any municipality or county in the state, or to the national government, nor for any service relating thereto.</p>	<p>SECTION 23 Section 26857 of the Government Code now reads:</p> <p>26857. No fee shall be charged by the clerk for service rendered to any municipality or county in the state, or to the state or national government, nor for any service relating thereto.</p> <p>(AB 1301 (Stats. 1998, ch. 146, § 2), eff. July 13, 1998; AB 145 (Stats. 2005, ch. 75, § 92), eff. July 19, 2005, operative Jan. 1, 2006.)</p> <p>Government Code section 70633, which was added by AB 145 (Stats. 2005, ch. 75, § 121), includes similar language regarding the absence of a fee for criminal actions and other actions previously governed by Government Code section 26857.</p>	<p>Complete</p>
<p>SECTION 24 [Fees] Section 26862 of the Government Code is amended to read:</p> <p>26862. In any county in which there is a family conciliation court, or in which counties have by contract established joint</p>	<p>SECTION 24 Renumbered Government Code section 70678 and amended by AB 145 (Stats. 2005, ch. 75, § 95), the section now reads:</p>	<p>Fees incorporated in the statewide fee schedule and collected by all</p>

<p>family conciliation court services, a fee of <twenty> dollars (<20>) shall be paid to the <* * * >clerk <of the court> at the time of filing a motion, order to show cause, or other proceeding seeking to modify or enforce that portion of any judgment or order entered in this state or any other state which orders or awards the custody of a minor child or children or which specifies the rights of any party to the proceeding to visitation of a minor child or children. <* * * ><Notwithstanding Section 68085, fifteen dollars (\$15) of the fee authorized in this section shall be deposited in> the county treasury and shall be used exclusively to pay the costs of maintaining the family conciliation court.</p>	<p>70678. In addition to the fee set forth in Section 70677, a fee of twenty-five dollars (\$25) shall be paid to the clerk of the court at the time of filing a motion, order to show cause, or other proceeding seeking to modify or enforce that portion of any judgment or order entered in this state or any other state which orders or awards the custody of a minor child or children or which specifies the rights of any party to the proceeding to visitation of a minor child or children. Fifteen dollars (\$15) of the fee authorized in this section shall be used exclusively to pay the costs of maintaining mediation services provided under Chapter 11 (commencing with Section 3160) of Part 2 of Division 8 of the Family Code, and ten dollars (\$10) of the fee shall be used exclusively to pay the costs of services provided by the family law facilitator under Section 10005 of the Family Code.</p>	<p>courts. See http://www.courts.ca.gov/documents/fee-schedule-062712.pdf.</p>
<p>SECTION 25 [Fees] Section 27081.5 is added to the Government Code, to read: 27081.5. Jury fees shall not be returned in the event the action or proceeding is dismissed or the trial by jury is waived after deposit of jury fees.</p>	<p>SECTION 25 Repealed by SB 1520 (Stats. 1998, ch. 1003, § 2). The Senate Floor Analysis, states “The author argues that Government Code Section 27081.5 should be repealed because it is an unfair confiscation of property which was not fully considered by the Legislature when it passed AB 233.” Note: Under Code of Civil Procedure section 631, as recently amended, at least one party demanding a jury on each side of a civil case must pay a non-refundable fee of one hundred fifty dollars (\$150), unless the fee has been paid by another party on the same side of the case. (Code Civ. Proc., § 631(b).)</p>	<p>See FAQs to courts and users on the new non-refundability of jury fees: http://www.courts.ca.gov/documents/JURY-FAQs-for-Attys-Ptys-9-17-12.pdf.</p>
<p>SECTION 26 [Fees] Section 27361 of the Government Code is amended to read: 27361. (a) The fee for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded is four dollars (\$4) for recording the first page and three dollars (\$3) for each additional page, except the recorder may charge additional fees as follows:</p>	<p>SECTION 26 Section 27361 of the Government Code is amended to read: 27361. (a) The fee for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded shall not exceed ten dollars (\$10) for recording the first page and three dollars (\$3) for each additional page, to reimburse the county for the costs of services rendered pursuant to this subdivision, except the recorder may charge</p>	<p>Fees related to county, not court services.</p>

(1) If the printing on printed forms is spaced more than nine lines per vertical inch or more than 22 characters and spaces per inch measured horizontally for not less than 3 inches in one sentence, the recorder shall charge one dollar (\$1) extra for each page or sheet on which printing appears excepting, however, the extra charge shall not apply to printed words which are directive or explanatory in nature for completion of the form or on vital statistics forms. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(2) If a page or sheet does not conform with the dimensions described in subdivision (a) of Section 27361.5, the recorder shall charge three dollars (\$3) extra per page or sheet of the document. The extra charge authorized under this paragraph shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(b) One dollar (\$1) of each three dollar (\$3) fee for each additional page shall be transmitted by the county auditor monthly to the Controller < * * * > for deposit in the Trial Court Trust Fund established pursuant to Section 68085.

(c) < * * * > Notwithstanding Section 68085, one dollar (\$1) for recording the first page and one dollar (\$1) for each additional page shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents.

additional fees as follows:

(1) If the printing on printed forms is spaced more than nine lines per vertical inch or more than 22 characters and spaces per inch measured horizontally for not less than three inches in one sentence, the recorder shall charge one dollar (\$1) extra for each page or sheet on which printing appears, except, however, the extra charge shall not apply to printed words which are directive or explanatory in nature for completion of the form or on vital statistics forms. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(2) If a page or sheet does not conform with the dimensions described in subdivision (a) of Section 27361.5, the recorder shall charge three dollars (\$3) extra per page or sheet of the document. The funds generated by the extra charge authorized under this paragraph shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents. Fees collected under this paragraph are not subject to subdivision (b) or (c).

(b) One dollar (\$1) of each three dollar (\$3) fee for each additional page shall be deposited in the county general fund.

(c) Notwithstanding Section 68085, one dollar (\$1) for recording the first page and one dollar (\$1) for each additional page shall be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents.

(d)(1) In addition to all other fees authorized by this section, a county recorder may charge a fee of one dollar (\$1) for recording the first page of every instrument, paper, or notice required or permitted by law to be recorded, as authorized by each county's board of supervisors. The funds generated by this fee shall be used only by the county recorder collecting the fee for the purpose of implementing a social security number truncation program pursuant to Article 3.5 (commencing with Section 27300).

(2) A county recorder shall not charge the fee described in paragraph

(1) after December 31, 2017, unless the county recorder has received reauthorization by the county's board of supervisors. A county recorder shall not seek reauthorization of the fee by the board before June 1, 2017, or after December 31, 2017. In determining the additional period of authorization, the board shall consider the review described in paragraph (4).

(3) Notwithstanding paragraph (2), a county recorder who, pursuant to subdivision (c) of Section 27304, secures a revenue anticipation loan, or other outside source of funding, for the implementation of a social security number truncation program, may be authorized to charge the fee described in paragraph (1) for a period not to exceed the term of repayment of the loan or other outside source of funding.

(4) A county board of supervisors that authorizes the fee described in this subdivision shall require the county auditor to conduct two reviews to verify that the funds generated by this fee are used only for the purpose of the program, as described in Article 3.5 (commencing with Section 27300) and for conducting these reviews. The reviews shall state the progress of the county recorder in truncating recorded documents pursuant to subdivision (a) of Section 27301, and shall estimate any ongoing costs to the county recorder of complying with subdivisions (a) and (b) of Section 27301. The board shall require that the first review be completed not before June 1, 2012, or after December 31, 2013, and that the second review be completed not before June 1, 2017, or after December 31, 2017. The reviews shall adhere to generally accepted accounting standards, and the review results shall be made available to the public.

(AB 1301 (Stats. 1998, ch. 146, § 3); AB 1168 (Stats. 2007, ch. 627, § 9); SB 1498 (Stats. 2008, ch. 179, § 102; SB 676 (Stats. 2009, ch. 606, § 2).)

SECTION 27 [Responsibility for Court Operations and Court Facilities]

Section 68073 of the Government Code is amended to read:

68073. <* * * >(a) Commencing July 1, 1997, and each year thereafter, no county or city and county shall be responsible to provide funding for “court operations” as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.>

<(b) Commencing as of July 1, 1996, and each year thereafter, each county or city and county shall be responsible for providing necessary and suitable facilities for judicial and court support positions created prior to July 1, 1996. In determining whether facilities are necessary and suitable, the reasonable needs of the court and the fiscal condition of the county or city and county shall be taken into consideration.>

(c) If <* * * >a county or city and county fails to provide <* * * >necessary and suitable facilities as described in subdivision (b), the court shall give notice <* * * >of a specific deficiency. If the <* * * >county or city and county then fails to provide <* * * >necessary and suitable facilities pursuant to this section, the court may direct the appropriate officers of the county <or city and county> to provide the <* * * >necessary and suitable facilities. The expenses incurred, certified by the judge or judges to be correct, are a charge against the county <or city and county> treasury and shall be paid out of the general fund.

<* * * >

<(d)> Prior to the construction of new court facilities or the alteration, remodeling, or relocation of existing court facilities, <* * * >a county or city and county shall solicit the review and comment of the judge or judges of the court affected <* * * ><regarding> the adequacy and standard of design, and that

SECTION 27

Renumbered Government Code section 70311 and amended by SB 1732⁵ (Stats. 2002, ch. 1082, § 3), the section now reads:

70311. (a) Commencing July 1, 1997, and each year thereafter, no county or city and county is responsible to provide funding for “court operations,” as defined in Section 77003 and Rule 10.810 of the California Rules of Court, as it read on January 1, 2007.

(b) Except as provided in Section 70312, commencing as of July 1, 1996, and each year thereafter, each county or city and county shall be responsible for providing necessary and suitable facilities for judicial and court support positions created prior to July 1, 1996. In determining whether facilities are necessary and suitable, the reasonable needs of the court and the fiscal condition of the county or city and county shall be taken into consideration.

(c) If a county or city and county fails to provide necessary and suitable facilities as described in subdivision (b), the court shall give notice of a specific deficiency. If the county or city and county then fails to provide necessary and suitable facilities pursuant to this section, the court may direct the appropriate officers of the county or city and county to provide the necessary and suitable facilities. The expenses incurred, certified by the judges to be correct, are a charge against the county or city and county treasury and shall be paid out of the general fund.

(d) Prior to the construction of new court facilities or the alteration, remodeling, or relocation of existing court facilities, a county or city and county shall solicit the review and comment of the judges of the court affected regarding the adequacy and standard of design, and that review and comment shall not be disregarded without reasonable grounds.

(e) Any reference in the statutes enacted prior to January 1, 2003, that refers to Section 68073 shall be deemed to refer to this section.

(a) Complete

(b)-(d) Responsibility for individual facilities is now documented in MOUs between the county and the state.

⁵ The Trial Court Facilities Act of 2002.

review and <comment> shall not be disregarded without reasonable grounds.

<(e) For purposes of this section, “facilities” means: (1) rooms for holding superior and municipal court, (2) the chambers of the judges of the court, (3) rooms for the attendants of the court, and (4) sufficient heat, ventilation, air-conditioning, light, and fixtures for those rooms and chambers.>

(f) This section shall not be construed as authorizing <a> county<, a city and county, a court, or the state> to supply to the official reporters of the courts <stenography>, stenotype, or other shorthand machines; nor as authorizing the <* * * >supply to the official reporters of the courts, for use in the preparation of transcripts, < of> typewriters, transcribing equipment, supplies, or other personal property.

(Amended by AB 299 (Stats. 2007, ch. 130, § 133).)

<p>SECTION 28 [Trial Court Furniture] Section 68073.1 is added to the Government Code, to read:</p> <p>68073.1. (a) All furniture, furnishings, and equipment used solely by a trial court on June 30, 1997, shall become the property of the court unless the county is prohibited from transferring title by a contract, agreement, covenant, or other provision in the law.</p> <p>(b) Any other furniture, furnishings, or equipment made available by the county or city and county for use by a court on June 30, 1997, shall continue to be made available to the court, unless otherwise agreed in writing by the court and the county or city and county.</p> <p>(c) The court shall assume all responsibility for any furniture, furnishing, and equipment for which title is transferred to the court or that continues to be made available for use by a court pursuant to this section, including the fiscal responsibility for any rental or lease obligation, the repair, maintenance, and replacement of such furniture, furnishing, and equipment.</p>	<p>SECTION 28 No amendment.</p>	<p>Complete</p>
<p>SECTION 29 [Trial Court Trust Fund] Section 68085 of the Government Code is amended to read:</p> <p>68085. (a)(1) There is hereby established the Trial Court Trust Fund, the proceeds of which shall be apportioned <* * * ><in four installments> for the purpose of funding trial court operations, as defined in Section 77003.</p> <p>(2) The quarterly apportionment payments shall be made by the Controller< * * * >. For fiscal year 1997-98, the Controller shall make the first quarterly apportionment payment within 10 days of the operative date of this section, with subsequent payments due on October 15, January 15, and April 15. In subsequent years, payments shall be due on July 15, October 15, January 15, and April 15>.</p>	<p>SECTION 29 Section 68085 of the Government Code will read effective January 1, 2013:</p> <p>68085. (a)(1) There is hereby established the Trial Court Trust Fund, the proceeds of which shall be apportioned for the purposes authorized in this section, including apportionment to the trial courts to fund trial court operations, as defined in Section 77003.</p> <p>(2) The apportionment payments shall be made by the Controller. The final payment from the Trial Court Trust Fund for each fiscal year shall be made on or before August 31 of the subsequent fiscal year.</p> <p>(A) Notwithstanding any other provision of law, in order to promote statewide efficiency, the Judicial Council may authorize the direct payment or reimbursement or both of actual costs from the Trial Court</p>	<p>The majority of requirements in this statute predated AB 233. Most of the substantive amendments were to subdivision (c), limiting fees to be deposited in the Trial Court Trust Fund to the</p>

<p>(b) Notwithstanding any other provision of law, the fees listed in subdivision (c) shall all be deposited upon collection in a special account in the county treasury, and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.</p> <p>(c) Except as specified in subdivision (d), this section applies to all fees collected pursuant to Sections 26820.4, <26823,> 26826, < 26826.01,> 26827, <26827.4, 26830, 26831, 26832.1, 26833.1, 26835.1, 26836.1, 26837.1, 26838, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, 26862, 27081.5, subdivision (b) of Section 27361, and Sections> 68086, 72055, <* * * >72056<, 72056.01, and 72060>.</p> <p><If any of the fees provided for in this subdivision are partially waived by court order, and the fee is to be divided between the Trial Court Trust Fund and any other fund, the amount of the partial waiver shall be deducted from the amount to be distributed to each fund in the same proportion as the amount of each distribution bears to the total amount of the fee.></p> <p>(d) This section does not apply to that portion of a filing fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056 which is allocated for dispute resolution pursuant to Section 470.3 of the Business and Professions Code, the county law library pursuant to Section 6320 of the Business and Professions Code, the Judges' Retirement Fund pursuant to Section 26822.3, automated recordkeeping or conversion to micrographics pursuant to Sections 26863 and 68090.7, and courthouse financing pursuant to Section 76238. <This section also does not apply to fees collected pursuant to subdivisions (a) and (c) of Section 27361.></p> <p>(e) Notwithstanding any other provision of law, no agency shall take action to change the amounts allocated to any of the above funds.</p> <p>(f) Before making any apportionments under this section, the</p>	<p>Trust Fund or the State Trial Court Improvement and Modernization Fund to fund the costs of operating one or more trial courts upon the authorization of the participating courts. These paid or reimbursed costs may be for services provided to the court or courts by the Administrative Office of the Courts or payment for services or property of any kind contracted for by the court or courts or on behalf of the courts by the Administrative Office of the Courts. The amount of appropriations from the State Trial Court Improvement and Modernization Fund under this subdivision may not exceed 20 percent of the amount deposited in the State Trial Court Improvement and Modernization Fund pursuant to subdivision (a) of Section 77205. The direct payment or reimbursement of costs from the Trial Court Trust Fund may be supported by the reduction of a participating court's allocation from the Trial Court Trust Fund to the extent that the court's expenditures for the program are reduced and the court is supported by the expenditure. The Judicial Council shall provide the affected trial courts with quarterly reports on expenditures from the Trial Court Trust Fund incurred as authorized by this subdivision. The Judicial Council shall establish procedures to provide for the administration of this paragraph in a way that promotes the effective, efficient, reliable, and accountable operation of the trial courts.</p> <p>(B) As used in subparagraph (A), the term “costs of operating one or more trial courts” includes any expenses related to operation of the court or performance of its functions, including, but not limited to, statewide administrative and information technology infrastructure supporting the courts. The term “costs of operating one or more trial courts” is not restricted to items considered “court operations” pursuant to Section 77003, but is subject to policies, procedures, and criteria established by the Judicial Council, and may not include an item that is a cost that must otherwise be paid by the county or city and county in which the court is located.</p> <p>(b) Notwithstanding any other provision of law, the fees listed in subdivision (c) shall all be deposited upon collection in a special account in the county treasury, and transmitted monthly to the State</p>	<p>specified fees charged by the clerk of court, and eliminating fees assessed by the county clerk.</p> <p>This statute includes continuing Judicial Council responsibilities for administering the Trial Court Trust Fund and allocating funds to, and for the benefit of, the trial courts.</p> <p>With regard to the deposit and allocation of fees, with the Uniform Civil Fees and Standard Fee Schedule Act of 2005, distributions to the counties from filing fees were bought out, leaving only distributions to county law</p>
---	--	---

<p>Controller shall deduct, from the annual appropriation for that purpose, the actual administrative costs that will be incurred under this section. Costs reimbursed under this section shall be determined on an annual basis in consultation with the Judicial Council.</p> <p>(g) Any amounts required to be transmitted by a county <or city and county> to the state pursuant to this section shall be remitted to the Controller no later than 45 days after the end of the month in which the fees were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the Trial Court Trust Fund to which it is to be deposited. Any remittance which is not made by the county <or city and county> in accordance with this section shall be considered delinquent, and subject to <applicable> penalties< * * *>.</p> <p><* * *></p> <p><(h)> The Trial Court Trust Fund shall be invested in the Surplus Money Investment Fund and all interest earned shall be allocated to the Trial Court Trust Fund semiannually and shall be allocated among the <courts> in accordance with the requirements of subdivision (a). The specific allocations shall be specified by the Judicial Council, based upon recommendations from the Trial Court Budget Commission.</p> <p><(i)> The fourth quarterly payment from the Trial Court Trust Fund for the <1996-97> fiscal year shall be made on <or before> August 31< * * *><, 1997>.</p>	<p>Treasury for deposit in the Trial Court Trust Fund.</p> <p>(c)(1) Except as specified in subdivision (d), this section applies to all fees collected on or before December 31, 2005, pursuant to Sections 631.3, 116.230, and 403.060 of the Code of Civil Procedure and Sections 26820.4, 26823, 26826, 26826.01, 26827, 26827.4, 26830, 26832.1, 26833.1, 26835.1, 26836.1, 26837.1, 26838, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, 26862, 68086, 72055, 72056, 72056.01, and 72060.</p> <p>(2) Notwithstanding any other provision of law, except as specified in subdivision (d) of this section and subdivision (a) of Section 68085.7, this section applies to all fees and fines collected on or before December 31, 2005, pursuant to Sections 116.390, 116.570, 116.760, 116.860, 177.5, 491.150, 704.750, 708.160, 724.100, 1134, 1161.2, and 1218 of the Code of Civil Procedure, Sections 26824, 26828, 26829, 26834, and 72059 of the Government Code, and subdivisions (b) and (c) of Section 166 and Section 1214.1 of the Penal Code.</p> <p>(3) If any of the fees provided for in this subdivision are partially waived by court order, and the fee is to be divided between the Trial Court Trust Fund and any other fund, the amount of the partial waiver shall be deducted from the amount to be distributed to each fund in the same proportion as the amount of each distribution bears to the total amount of the fee.</p> <p>(d) This section does not apply to that portion of a filing fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056 that is allocated for dispute resolution pursuant to Section 470.3 of the Business and Professions Code, the county law library pursuant to Section 6320 of the Business and Professions Code, the Judges' Retirement Fund pursuant to Section 26822.3, automated recordkeeping or conversion to micrographics pursuant to Sections 26863 and 68090.7, and courthouse financing pursuant to Section 76238. This section also does not apply to fees collected pursuant to subdivisions (a) and (c) of Section 27361.</p> <p>(e) This section applies to all payments required to be made to the</p>	<p>libraries and alternative dispute resolution programs (and the Equal Access Fund) as the only non-court recipient of filing fee revenue.</p>
---	---	---

	<p>State Treasury by any county or city and county pursuant to Section 77201, 77201.1, or 77205.</p> <p>(f) Notwithstanding any other provision of law, no agency may take action to change the amounts allocated to any of the funds described in subdivision (a), (b), (c), or (d).</p> <p>(g) The Judicial Council shall reimburse the Controller for the actual administrative costs that will be incurred under this section. Costs reimbursed under this section shall be determined on an annual basis in consultation with the Judicial Council.</p> <p>(h) Any amounts required to be transmitted by a county or city and county to the state pursuant to this section shall be remitted to the State Treasury no later than 45 days after the end of the month in which the fees were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the Trial Court Trust Fund to which it is to be deposited. Any remittance that is not made by the county or city and county in accordance with this section shall be considered delinquent, and subject to the interest and penalties specified in this section.</p> <p>(i) Upon receipt of any delinquent payment required pursuant to this section, the Controller shall do the following:</p> <p>(1) Calculate interest on the delinquent payment by multiplying the amount of the delinquent payment at a daily rate equivalent to the rate of return of money deposited in the Local Agency Investment Fund pursuant to Section 16429.1 from the date the payment was originally due to either 30 days after the date of the issuance by the Controller of the final audit report concerning the failure to pay or the date of payment by the entity responsible for the delinquent payment, whichever comes first.</p> <p>(2) Calculate a penalty at a daily rate equivalent to 1 1/2 percent per month from the date 30 days after the date of the issuance by the Controller of the final audit report concerning the failure to pay.</p> <p>(j)(1) Interest or penalty amounts calculated pursuant to subdivision</p>	<p>Subdivision (h) and other subdivisions (enacted subsequent to AB 233) refer to interest and penalties for late remittance of fees to the State Controller, who may audit these fees and statutory requirements for their deposit and distribution.</p>
--	---	---

(i) shall be paid by the county, city and county, or court to the Trial Court Trust Fund no later than 45 days after the end of the month in which the interest or penalty was calculated. Payment shall be made by the entity responsible for the error or other action that caused the failure to pay, as determined by the Controller in notice given to that party by the Controller.

(2) Notwithstanding Section 77009, any interest or penalty on a delinquent payment that a court is required to make pursuant to this section and Section 24353 shall be paid from the Trial Court Operations Fund for that court.

(3) The Controller may permit a county, city and county, or court to pay the interest or penalty amounts according to a payment schedule in the event of a large interest or penalty amount that causes a hardship to the paying entity.

(4) The party responsible for the error or other action that caused the failure to pay may include, but is not limited to, the party that collected the funds who is not the party responsible for remitting the funds to the Trial Court Trust Fund, if the collecting party failed or delayed in providing the remitting party with sufficient information needed by the remitting party to distribute the funds.

(k) The Trial Court Trust Fund shall be invested in the Surplus Money Investment Fund and all interest earned shall be allocated to the Trial Court Trust Fund quarterly and shall be allocated among the courts in accordance with the requirements of subdivision (a).

(l) It is the intent of the Legislature that the revenues required to be deposited into the Trial Court Trust Fund be remitted as soon after collection by the courts as possible.

(m) Except for subdivisions (a) and (k), this section does not apply to fees and fines that are listed in subdivision (a) of Section 68085.1 that are collected on or after January 1, 2006.

(n) The changes made to subdivisions (i) and (j) of this section by the act adding this subdivision shall apply to all delinquent payments for

	<p>which no final audit has been issued by the Controller prior to January 1, 2008.</p> <p>(o) The Judicial Council shall not expend any of these funds on the system known as the Court Case Management System without consent from the Legislature, except for the maintenance and operation of Court Case Management System Version 2 and Version 3.</p> <p>(p) Nothing in this section or any other provision of law shall be construed to authorize the Judicial Council to redirect funds from the Trial Court Trust Fund for any purpose other than for allocation to trial courts or as otherwise specifically appropriated by statute.</p> <p>(q) This section shall become operative on January 1, 2013.</p> <p>(Amended by AB 1301 (Stats. 1998, ch. 146, § 4), eff. July 13, 1998; AB 1935 (Stats. 1998, ch. 1004, § 2); AB 233 (Stats. 2000, ch. 15, § 1); SB 1533 (Stats. 2000, ch. 447, § 5); AB 1700 (Stats. 2001, ch. 824, § 18); AB 3028 (Stats. 2002, ch. 1008, § 19); SB 600 (Stats. 2003, ch. 62, § 160); SB 940 (Stats. 2003, ch. 275, § 1); AB 3079 (Stats. 2004, ch. 811, § 5); SB 1108 (Stats. 2005, ch. 22, § 105); AB 139 (Stats. 2005, ch. 74, § 42), eff. July 19, 2005; AB 145 (Stats. 2005, ch. 75, § 101), eff. July 19, 2005, operative Jan. 1, 2006; SB 67 (Stats. 2005, ch. 705, § 1), eff. Oct. 7, 2005; AB 1742 (Stats. 2005, ch. 706, § 21); AB 1806 (Stats. 2006, ch. 69, § 12), eff. July 12, 2006; SB 539 (Stats. 2007, ch. 435, § 1); SB 1021 (Stats. 2012, ch. 41, § 16), eff. June 27, 2012.)</p>	
<p>SECTION 30 <i>[Deposit of Fee and Fine Revenue into the Trial Court Trust Fund]</i></p> <p>Section 68085.5 is added to the Government Code, to read:</p> <p>68085.5. (a) Notwithstanding Section 68085 and pursuant to appropriation by the Legislature, the Judicial Council may allocate unexpended funds in the Trial Court Trust Fund, or any other funds available for allocation, for the 1997–98 fiscal year for trial court facilities renovation, repair, and maintenance projects approved by the Judicial Council subject to the</p>	<p>SECTION 30</p> <p>Repealed by AB 1700 (Stats. 2001, ch. 824, § 19(a).) A new section 68085.5 was added to the Government Code in 2003 (AB 1759 (Stats. 2003, ch. 159, § 13)), which now reads:</p> <p>68085.5. (a) Notwithstanding any other provision of law, except subdivision (h) and Section 68085.6, the fees and fines collected pursuant to Sections 116.390, 116.570, 116.760, 116.860, 491.150, 704.750, 708.160, 724.100, 1134, and 1161.2 of the Code of Civil Procedure, Sections 26824, 26828, 26829, 26834, and 72059 of the</p>	<p>Original language added by AB 233 was repealed. Courts have a continuing responsibility to comply with deposit and distribution</p>

<p>conditions in subdivision (d). The amount allocated pursuant to this section shall not exceed five million dollars (\$5,000,000).</p> <p>(b) The Judicial Council is authorized to allocate moneys from the funds specified in subdivision (a) for such projects as may be approved by the Judicial Council, and shall be paid to the county therefor by the Controller.</p> <p>(c) Notwithstanding Section 68085 and pursuant to appropriation by the Legislature, beginning in the 1998–99 fiscal year and each year thereafter, if the county retained share of any fines and forfeitures collected by the trial courts of a county that receives funds pursuant to subdivision (a) exceeds the fines and forfeitures collected during the 1994–95 fiscal year, the excess fines and forfeitures which would otherwise be retained by the county shall instead be deposited in the Trial Court Trust Fund up to the amount of any allocation made pursuant to this section.</p> <p>(d) Projects approved by the Judicial Council pursuant to this section shall meet the following conditions:</p> <ol style="list-style-type: none"> (1) The county has an environmental impact review report certified if it is required for the project. (2) The county board of supervisors has completed and approved the plans and specifications for the project. (3) The county has completed the architectural design through a request for proposal process for the project. (4) The county has completed any update of the justice facility master plan that is necessary. (5) The county has already completed a competitive bid process for the project. (6) The county has completed any and all land acquisition, including all necessary condemnation and relocation proceedings, for the project. (7) The county has received Board of Corrections approval for 	<p>Government Code, and Section 1835 of the Probate Code, that are not part of a local revenue sharing agreement or practice shall be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.</p> <p>(b) Notwithstanding any other provision of law, except subdivision (h) and Section 68085.6, the fees and fines collected pursuant to Sections 26827. 6, 26827.7, 26840.1, 26847, 26854, 26855.1, 26855.2, 26859, 27293, 71386, and 72061 of the Government Code, Section 103470 of the Health and Safety Code, Sections 1203.4 and 1203.45 of the Penal Code, Sections 2343, 7660, and 13201 of the Probate Code, and Section 14607.6 of the Vehicle Code, that are not subject to a local revenue sharing agreement or practice, shall be deposited in a special account in the county treasury.</p> <p>(c) However, if a superior court incurs the cost or provides the services specified in subdivision (b), the fees and fines collected shall be transmitted from the special account in the county treasury monthly to the Controller for deposit in the Trial Court Trust Fund.</p> <p>(d)(1) Until July 1, 2005, each superior court and each county shall maintain the distribution of revenue from the fees specified in subdivisions (a) and (b) that is in effect pursuant to an agreement or practice that is in place at the time this section takes effect.</p> <p>(2) In order to ensure that expenditures from revenue sharing agreements are consistent with Judicial Council fiscal and budgetary policy, the Administrative Director of the Courts shall review and approve all distribution of revenue agreements that are negotiated after the effective date of this section. If approval of an agreement negotiated after the effective date of this section is not granted, the director shall advise the court and county of the reasons for not granting approval and suggest modifications that will make the agreement consistent with the Judicial Council fiscal and budgetary policies.</p> <p>(e) The Administrative Office of the Courts and the California State</p>	<p>requirements contained in the new 68085.5 and are subject to audit on these requirements.</p>
---	--	--

<p>any holding facilities.</p> <p>(e) Subdivisions (a), (b), and (d) shall become inoperative on July 1, 2001. Subdivision (c) shall become inoperative when all funds allocated to any county pursuant to this section have been repaid.</p>	<p>Association of Counties shall jointly determine and administer on or after January 1, 2004, and on or after January 1, 2005, all of the following:</p> <p>(1) The amount of revenue that was deposited in the Trial Court Trust Fund pursuant to subdivisions (a) and (b) during the calendar year that just ended.</p> <p>(2) The difference between the amount specified in subdivision (c) and thirty-one million dollars (\$31,000,000).</p> <p>(3) A county-by-county transfer of the amount specified in paragraph (2) to the Trial Court Trust Fund in two equal installments, on February 15 and May 15, in each fiscal year.</p> <p>(4) Any payment to correct for an overpayment or underpayment made for the 2003-04 fiscal year, shall be paid to the appropriate party on or before September 15, 2004. Any payment to correct for an overpayment or underpayment made for the 2004-05 fiscal year, shall be paid to the appropriate party on or before November 15, 2005.</p> <p>(5) The sum of the amounts specified in paragraphs (1) and (2) may not exceed thirty-one million dollars (\$31,000,000), and shall be deposited in the Trial Court Trust Fund.</p> <p>(6) Counties that have not paid amounts billed under this section for the 2003-04 or 2004-05 fiscal year shall pay the amounts still owing to the Trial Court Trust Fund on or before September 1, 2005. If payment is not received on or before September 1, 2005, it shall be considered delinquent and subject to the penalties set forth in Section 68085.</p> <p>(7) Penalty amounts calculated under paragraph (6) shall be paid by the county or the city and county to the Trial Court Trust Fund no later than 45 days after the end of the month in which the penalty was calculated.</p> <p>(f) Each superior court and each county shall provide detailed quarterly reports of the revenues generated by the fees and fines specified in subdivisions (a) and (b), Sections 177.5 and 1218 of the</p>	<p>(e) This collaborative activity occurred as indicated in the statute. This subdivision is part of the agreement regarding undesignated fees, adopted in AB 139, Stats. 2005, ch. 74), described in the Senate floor analysis as follows: Realigns the distribution of undesignated court fees between the courts and the counties. Undesignated fees are fees that were not specifically allocated to either the counties or the courts under the Trial Court Funding Act of 1997. Existing law requires the counties to remit \$31 million to the</p>
---	---	---

	<p>Code of Civil Procedure, and Sections 166 and 1214.1 of the Penal Code. The reports shall include the total amount collected and retained by the court or county and the existing distribution of those fees.</p> <p>(g) No other transfers of the fees and fines specified in subdivisions (a) and (b), Sections 177.5 and 1218 of the Code of Civil Procedure, and Sections 166 and 1214.1 of the Penal Code shall take effect prior to July 1, 2005.</p> <p>(h) This section does not apply to fees and fines specified in subdivisions (a), (b), and (f) that are collected on or after July 1, 2005.</p> <p>(i) Nothing in this section shall be deemed to alter or make void the shift of responsibility for court funding from the counties to the state.</p> <p>(Added by AB 1759 (Stats. 2003, ch. 159, § 13), eff. Aug. 2, 2003. Amended by AB 3082 (Stats. 2004, ch. 183, § 178); AB 139 (Stats. 2005, ch. 74, § 43), eff. July 19, 2005.)</p>	<p>courts related to undesignated fees. These amendments would reduce the county obligation ... over five years. The amount of the fees going to the courts would be as follows: \$20 million in 2005-06; \$15 million in 2006-07; \$10 million in 2007-08; \$5 million in 2008-09; zero in 2009-10 and subsequent years.</p>
--	--	---

<p>SECTION 31 [Bias and Harassment Training for Judges] Section 68088 is added to the Government Code, to read:</p> <p>68088. The Judicial Council may provide by rule of court for racial, ethnic, and gender bias, and sexual harassment training for judges, commissioners, and referees.</p>	<p>SECTION 31 Section 68088 of the Government Code now reads:</p> <p>68088. The Judicial Council may provide by rule of court for racial, ethnic, and gender bias, and sexual harassment training and training for any other bias based on any characteristic listed or defined in Section 11135 for judges, commissioners, and referees.</p> <p>(Amended by AB 14 (Stats. 2007, ch. 568, § 36).)</p>	<p>Complete. See Rule 10.469(e): each justice, judge, and subordinate judicial officer should regularly participate in education on fairness and access. The education should include the following subjects: race and ethnicity, gender, sexual orientation, persons with disabilities, and sexual harassment.</p>
<p>SECTION 32 [Automation Fund] Section 68090.8 of the Government Code is amended to read:</p> <p>68090.8. (a)<(1)> The Legislature finds that the management of < civil and> criminal cases, including traffic cases, and the accounting for funds in the <* * * ><trial> courts requires these courts to implement appropriate levels of automation.</p> <p><(2)> The purpose of this section is to make a fund available for the development of automated accounting<, automated data collection through case management systems,> and <automated> case-processing systems for the <* * * ><trial> courts, together with funds to train operating personnel, and for the maintenance and enhancement of the systems.</p>	<p>SECTION 32 Section 68090.8 of the Government Code now reads:</p> <p>68090.8. (a)(1) The Legislature finds that the management of civil and criminal cases, including traffic cases, and the accounting for funds in the trial courts requires these courts to implement appropriate levels of administrative automation.</p> <p>(2) The purpose of this section is to make a fund available for the development of automated administrative systems, including automated accounting, automated data collection through case management systems, and automated case-processing systems for the trial courts, together with funds to train operating personnel, and for the maintenance and enhancement of the systems. As used in this paragraph, “automated administrative systems” does not include</p>	<p>Complete. Most of this statute predated AB 233. The AB 233 amendments added “automated data collection through case management systems” as a category of automation to be funded by the 2% automation</p>

<p><(3) Automated data collection shall provide the foundation for planning, research, and evaluation programs that are generated from within and outside of the judicial branch. This system shall be a resource to the courts, the Judicial Council and its committees, the Administrative Office of the Courts, the Legislature, the Governor, and the public. During the developmental stage and prior to the implementation of the system, the Legislature shall make recommendations to the Judicial Council as to the breadth and level of detail of the data to be collected.></p> <p>(b) Prior to making any other required distribution, the county treasurer shall <transmit> 2 percent of all fines, penalties, and forfeitures collected in criminal cases, including, but not limited to, moneys collected pursuant to Chapter 12 (commencing with Section 76000) of Title 8 of this code, Section 13003 of the Fish and Game Code, Section 11502 of the Health and Safety Code, and Chapter 1 (commencing with Section 1427) of Title 11 of Part 2 of the Penal Code, into <* * * ><the Trial Court Improvement Fund established pursuant to Section 77209, to> be used exclusively to pay the costs of automating <* * * ><trial> court recordkeeping systems< * * * >. These systems shall meet Judicial Council performance standards, including production of reports as needed by the state, the counties, and local governmental entities.</p>	<p>electronic reporting systems for use in a courtroom.</p> <p>(3) Automated data collection shall provide the foundation for planning, research, and evaluation programs that are generated from within and outside of the judicial branch. This system shall be a resource to the courts, the Judicial Council and its committees, the Administrative Office of the Courts, the Legislature, the Governor, and the public. During the developmental stage and prior to the implementation of the system, the Legislature shall make recommendations to the Judicial Council as to the breadth and level of detail of the data to be collected.</p> <p>(b) Prior to making any other required distribution, the county treasurer shall transmit 2 percent of all fines, penalties, and forfeitures collected in criminal cases, including, but not limited to, moneys collected pursuant to Chapter 12 (commencing with Section 76000) of Title 8 of this code, Section 13003 of the Fish and Game Code, Section 11502 of the Health and Safety Code, and Chapter 1 (commencing with Section 1427) of Title 11 of Part 2 of the Penal Code, into the State Trial Court Improvement and Modernization Fund established pursuant to Section 77209, to be used exclusively to pay the costs of automated systems for the trial courts, as described in paragraph (2) of subdivision (a). These systems shall meet Judicial Council performance standards, including production of reports as needed by the state, the counties, and local governmental entities.</p> <p>(Amended by AB 145 (Stats. 2005, ch. 75, § 111), eff. July 19, 2005, operative Jan. 1, 2006; AB 1742 (Stats. 2005, ch. 706, § 28); SB 1021 (Stats. 2012, ch. 41, § 21), eff. June 27, 2012.)</p>	<p>penalty. 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 in this statute. 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>
---	--	---

SECTION 33 [Court Reporting on Coordination Plans]

Section 68113 of the Government Code is amended to read:

68113. (a) The superior <and> municipal <* * * >courts in each county shall submit a report to the Judicial Council on progress towards achieving the cost reduction goals associated with the coordination plans and factors impacting the cost of court operations and the collection of revenues. The report shall also include financial information <* * * >on expenditures for court operations and revenues according to a uniform chart of accounts adopted by the Judicial Council. The reports shall be submitted quarterly on or before the first day of the third month following the end of the quarter, except the fourth-quarter report shall be submitted on the first day of the fourth month following the end of the fourth quarter.

(b) For purposes of the reporting requirements of this section, a court or courts in a county may petition the Judicial Council to permit division of the court or courts into smaller administrative units corresponding to the organization of the court or courts under a coordination plan where reporting courtwide would impose an undue burden because of the number of judges or the physical location of the divisions of the court or courts.

(c) The Judicial Council shall submit a report to the Legislature on or before <February> 1 following the end of each fiscal year setting forth all of the following:

- (1) The revenues and expenditures for each superior <and> municipal <* * * >court in the state and statewide totals.
- (2) A summary of the savings achieved by <the courts in> each county and statewide.
- (3) Factors impacting the cost of court operations and the collection of revenues.

SECTION 33

Repealed by AB 223 (Stats. 2001, ch. 812, § 14).

Repealed

SECTION 33.2⁶ [Trial Court Budget Process]

Section 68502.5 of the Government Code is amended to read:

68502.5. (a) The Judicial Council shall provide by rule for the appointment of a standing Trial Court Budget Commission and the deadlines for meeting its various responsibilities. <* * * ><Under the direction and with the approval of the Judicial Council, t>he commission shall have the authority to:

(1) Receive budget requests from the trial courts. Trial courts shall send to the county board of supervisors a copy of their proposed budgets and any revisions or appeals at the time their budget requests are submitted to the Trial Court Budget Commission, pursuant to this section. The counties may submit timely comments to the commission regarding the contents of the proposed budgets of their respective trial courts. The commission shall consider the counties' comments when determining appropriate budgets for the courts.

(2) Review the trial courts' budget requests and evaluate them against performance criteria established by the Judicial Council by which a court's performance, level of coordination, and efficiency can be measured.

(3) Annually recommend to the Judicial Council for its approval the projected cost in the subsequent fiscal year of court operations as defined in Section 77003 for each trial court. This estimation shall serve as the basis for court budgets, which shall be developed programmatically by court function, as approved by the Judicial Council, for comparison purposes and to delineate the funding responsibilities.

(4) Annually prepare a recommended schedule for the allocation of moneys to individual courts and a recommended overall trial court budget for approval by the Judicial Council and forwarding to the Governor for inclusion in the Governor's proposed State

SECTION 33.2

Section 68502.5 of the Government Code now reads:

68502.5 (a) The Judicial Council may, as part of its trial court budget process, seek input from groups and individuals as it deems appropriate including, but not limited to, advisory committees and the Administrative Director of the Courts. The trial court budget process may include, but is not limited to, the following:

(1) The receipt of budget requests from the trial courts.

(2) The review of the trial courts' budget requests and evaluate them against performance criteria established by the Judicial Council by which a court's performance, level of coordination, and efficiency can be measured.

(3) The annual adoption of the projected cost in the subsequent fiscal year of court operations as defined in Section 77003 for each trial court. This estimation shall serve as a basis for recommended court budgets, which shall be developed for comparison purposes and to delineate funding responsibilities.

(4) The annual approval of a schedule for the allocation of moneys to individual courts and an overall trial court budget for forwarding to the Governor for inclusion in the Governor's proposed State Budget. The schedule shall be based on the performance criteria established pursuant to paragraph (2), on a minimum standard established by the Judicial Council for the operation and staffing of all trial court operations, and on any other factors as determined by the Judicial Council. This minimum standard shall be modeled on court operations using all reasonable and available measures to increase court efficiency. The schedule of allocations shall assure that all trial courts receive funding for the minimum operating and staffing standards before funding operating and staffing requests above the minimum standards, and shall include incentives and rewards for any trial court's implementation of efficiencies and cost saving measures.

The only amendment to this pre-existing statute made by AB 233 was to clarify that the authority of the Trial Court Budget Commission to act is “under the direction and with the approval of the judicial council.”

⁶ As chaptered, AB 233 did not include a section 33.1

<p>Budget. The recommended schedule shall be based on the performance criteria established pursuant to paragraph (2) and on a minimum standard established by the Judicial Council for the operation and staffing of all trial court operations. This minimum standard shall be modeled on court operations using all reasonable and available measures to increase court efficiency and coordination. The schedule of allocations shall assure that all trial courts receive funding for the minimum operating and staffing standards before funding operating and staffing requests above the minimum standards, and shall include incentives and rewards for any trial court's implementation of efficiencies and cost saving measures.</p> <p>(5) Reallocate funds in accordance with Judicial Council rules during the course of the fiscal year to ensure equal access to the trial courts by the public, to improve trial court operations, and to meet trial court emergencies. Reallocations shall be limited to 15 percent of that portion of any court's annual budget amount funded by the state. Neither the state nor the counties shall have any obligation to replace moneys appropriated for trial courts and reallocated pursuant to this paragraph.</p> <p>(6) Allocate funds in the Trial Court Improvement Fund in accordance to Judicial Council rules to ensure equal access to trial courts by the public, to improve trial court operations, and to meet trial court emergencies.</p> <p>(7) Upon approval of the trial courts' budget by the Legislature, prepare during the course of the fiscal year an allocation schedule for quarterly payments to the counties, consistent with Sections 68085 and 77205.1, which shall be submitted to the Controller's office by the 10th day of the month in which payments are to be made.</p> <p>(8) Establish rules, pursuant to the authority of the Judicial Council, regarding a court's authority to transfer trial court funding moneys from one functional category to another in order</p>	<p>(5) The reallocation of funds during the course of the fiscal year to ensure equal access to the trial courts by the public, to improve trial court operations, and to meet trial court emergencies. Neither the state nor the counties shall have any obligation to replace moneys appropriated for trial courts and reallocated pursuant to this paragraph.</p> <p>(6) The allocation of funds in the State Trial Court Improvement and Modernization Fund to ensure equal access to trial courts by the public, to improve trial court operations, and to meet trial court emergencies, as expressly authorized by statute.</p> <p>(7) Upon approval of the trial courts' budget by the Legislature, the preparation during the course of the fiscal year of allocation schedules for payments to the trial courts, consistent with Section 68085, which shall be submitted to the Controller's office at least 15 days before the due date of any allocation.</p> <p>(8) The establishment of rules regarding a court's authority to transfer trial court funding moneys from one functional category to another in order to address needs in any functional category.</p> <p>(9) At the request of the presiding judge of a trial court, an independent review of the funding level of the court to determine whether it is adequate to enable the court to discharge its statutory and constitutional responsibilities.</p> <p>(10) From time to time, a review of the level of fees charged by the courts for various services and prepare recommended adjustments for forwarding to the Legislature.</p> <p>(11) Provisions set forth in rules adopted pursuant to Section 77206 of the Government Code.</p> <p>(b) Courts and counties shall establish procedures to allow for the sharing of information as it relates to approved budget proposals and expenditures that impact the respective court and county budgets. The procedures shall include, upon the request of a court or county, that a respective court or county shall provide the requesting court or county a copy of its approved budget and, to the extent possible, approved</p>	<p>Subdivisions (b) and (c) were added subsequent to the enactment of AB 233.</p> <p>(b) The Judicial Council reports annually on expenditures for each court. The</p>
---	--	--

to address needs in any functional category.

(9) At the request of the presiding judge of a trial court, conduct an independent review of the funding level of the court to determine whether it is adequate to enable the court to discharge its statutory and constitutional responsibilities.

(10) From time to time, review the level of fees charged by the courts for various services and prepare recommended adjustments for approval and forwarding to the Legislature by the Judicial Council.

(b) Members of the commission shall receive no compensation from the state for their services. When called into session, they shall receive their actual and necessary expenses for travel, board, and lodging, which shall be paid from the funds appropriated for this use. These expenses shall be appropriated in the manner as the Judicial Council directs, and shall be audited by the Controller in accordance with the rules of the State Board of Control.

program expenditure component information and a description of budget changes that are anticipated to have an impact on the requesting court or county. The Judicial Council shall provide to the Legislature on December 31, 2001, and yearly thereafter, budget expenditure data at the program component level for each court.

(c)(1) The Judicial Council shall retain the ultimate responsibility to adopt a budget and allocate funding for the trial courts and perform the other activities listed in subdivision (a) that best assure their ability to carry out their functions, promote implementation of statewide policies, and promote the immediate implementation of efficiencies and cost saving measures in court operations, in order to guarantee equal access to the courts.

(2)(A) When setting the allocations for trial courts, the Judicial Council shall set a preliminary allocation in July of each fiscal year based on an estimate or an actual amount of available trial court resources in that fiscal year. In January of each fiscal year, after review of available trial court resources, the Judicial Council shall finalize allocations to trial courts.

(B) Upon preliminary determination of the allocations to trial courts pursuant to subparagraph (A), the Judicial Council shall set aside 2 percent of the total funds appropriated in Program 45.10 of Item 0250-101-0932 of the annual Budget Act and these funds shall remain in the Trial Court Trust Fund. These funds shall be administered by the Judicial Council and be allocated to trial courts for unforeseen emergencies, unanticipated expenses for existing programs, or unavoidable funding shortfalls. Unavoidable funding shortfall requests for up to 1.5 percent of these funds shall be submitted by the trial courts to the Judicial Council no later than October 1 of each year. The Judicial Council shall, by October 31 of each year, review and evaluate all requests submitted, select trial courts to receive funds, and notify those selected trial courts. By March 15 of each year, the Judicial Council shall distribute the remaining funds if there has been a request from a trial court for unforeseen emergencies or unanticipated expenses that has been reviewed, evaluated, and

most recent report to the Legislature may be accessed at the following link:

<http://www.courts.ca.gov/document/s/FY-10-11-Trial-Court-Revenue-Expenditure-and-Fund-Balance-report.pdf>.

(c) 2012-13 was the first year (2)(A) and (B) was in place. The Judicial Council received initial requests for funding and made decisions in October as required by the statute.

	<p>approved. Any unexpended funds shall be distributed to the trial courts on a prorated basis.</p> <p>(C) The Judicial Council shall, no later than April 15 of each year, report to the Legislature, pursuant to Section 9795 of the Government Code, and to the Department of Finance all requests and allocations made pursuant to subparagraph (B).</p> <p>(Amended by AB 1935 (Stats. 1998, ch. 1004, § 4); AB 223 (Stats. 2001, ch. 812, § 15); SB 1316 (Stats. 2002, ch. 784, § 214.5); SB 1021 (Stats. 2012, ch. 41, § 23), eff. June 27, 2012.)</p>	
<p>SECTION 33.4⁷ [Uniform Entry, Storage, and Retrieval of Court Data relating to Certain Civil Cases] Section 68513 of the Government Code is amended to read:</p> <p>68513. The Judicial Council shall provide for the uniform entry, storage, and retrieval of court data relating to civil cases in superior court by means provided for in this section, in addition to any other data relating to court administration, including all of the following:</p> <p><(a) The category type of civil case, such as contract or personal injury-death-property damage by motor vehicle.></p> <p><(b)> The time from filing of the action to settlement.</p> <p><(c)> The type of settlement procedure, if any, which contributed to the settlement disposition.</p> <p><(d)> The character and amount of any settlement made as to each party litigant, but preserving the confidentiality of such information if the settlement is not otherwise public.</p> <p><(e)> The character and amount of any judgments rendered by court and jury trials for comparison with settled cases.</p> <p><(f)> The extent to which damages prayed for compare to</p>	<p>SECTION 33.4 Section 68513 of the Government Code now reads:</p> <p>68513. The Judicial Council shall provide for the uniform entry, storage, and retrieval of court data relating to civil cases in superior court other than limited civil cases by means provided for in this section, in addition to any other data relating to court administration, including all of the following:</p> <p>(a) The category type of civil case, such as contract or personal injury-death-property damage by motor vehicle.</p> <p>(b) The time from filing of the action to settlement.</p> <p>(c) The type of settlement procedure, if any, which contributed to the settlement disposition.</p> <p>(d) The character and amount of any settlement made as to each party litigant, but preserving the confidentiality of such information if the settlement is not otherwise public.</p> <p>(e) The character and amount of any judgments rendered by court and jury trials for comparison with settled cases.</p> <p>(f) The extent to which damages prayed for compare to settlement or judgment in character and amount.</p>	<p>The final paragraph of this section adding the reporting requirement is the only substantive amendment made by AB 233.</p> <p>The Judicial Council reports, in its annual Court Statistics report on civil cases, as reported by the courts, including the various categories of civil cases, time from filing to disposition, etc. (See http://www.courts)</p>

⁷ As chaptered, AB 233 did not include a section 33.3.

<p>settlement or judgment in character and amount.</p> <p><(g)> The extent to which collateral sources have contributed, or will contribute, financially to satisfaction of the judgment or settlement.</p> <p><* * *></p> <p>Provision for the uniform entry, storage, and retrieval of court data may be by use of litigant statements or forms, if available, or by collection and analysis of statistically reliable samples.</p> <p><The Judicial Council shall report to the Legislature on or before January 1, 1998, and annually thereafter on the uniform entry, storage, and retrieval of court data as provided for in this section. The Legislature shall evaluate and adjust the level of funds available to pay the costs of automating trial court recordkeeping systems, pursuant to Section 68090.8, for noncompliance with the requirements of this section.></p>	<p>(g) The extent to which collateral sources have contributed, or will contribute, financially to satisfaction of the judgment or settlement.</p> <p>Provision for the uniform entry, storage, and retrieval of court data may be by use of litigant statements or forms, if available, or by collection and analysis of statistically reliable samples.</p> <p>The Judicial Council shall report to the Legislature on or before January 1, 1998, and annually thereafter on the uniform entry, storage, and retrieval of court data as provided for in this section. The Legislature shall evaluate and adjust the level of funds available to pay the costs of automating trial court recordkeeping systems, pursuant to Section 68090.8, for noncompliance with the requirements of this section.</p> <p>(Amended by SB 2139 (Stats. 1998, ch. 931, § 240), eff. Sept. 28, 1998.)</p>	<p>.ca.gov/12941.htm#id7495.)</p> <p>However, due to the significant number and variance in court case management system, reporting of all of this information is not possible. With regard to the report to the Legislature required by subdivision (g), the Judicial Council sought funding via a BCP in 2008 for this purpose. The funding was never provided, and thus the reports have never been produced.</p>
<p>SECTION 33.6⁸ [Definition of Judicial Assignment]</p> <p>Section 68547 of the Government Code is amended to read:</p> <p>68547. <(a)> For the purposes of this article, a judge <* * * > is deemed to serve or sit under assignment on each day during which it is necessary for him or her on account of the assignment to serve <in a substantial way> on the court to which assigned, to</p>	<p>SECTION 33.6</p> <p>This version of Government Code section 68547 became inoperative by its own terms on January 1, 1999, when it was replaced by the version of section 68547 found in Section 33.8 of AB 233, below, as amended by AB 1301 (Stats. 1998, ch. 146, § 5.5).</p> <p>See Section 33.8, below, for current text of Government Code section</p>	<p>Provision became inoperative by its own terms January 1, 1999.</p>

⁸ As chaptered, AB 233 did not include a section 33.5.

travel to or from such court, or to be absent from his or her residence. If a judge so serves under assignment in one or more courts during all days other than Saturdays, Sundays, and holidays in any period of 30 or more consecutive days (inclusive of Saturdays, Sundays, and holidays), he or she shall be deemed also to have served or sat in such court or courts on all Saturdays, Sundays, and holidays during or immediately preceding that period.

<(b) A judge of a municipal court is deemed to have served under assignment in the superior court on any day when both of the following applies:>

<(1) A cross-assignment issued by the Chief Justice is in effect and the judge's workload is assigned pursuant to a judicial and administrative coordination plan approved by the Judicial Council pursuant to procedures set forth in rules of court and consistent with Section 68112.>

<(2) The Judicial Council has certified that cases in the court's jurisdiction are assigned pursuant to a uniform countywide or regional system for assignment of cases among superior and municipal courts which maximizes the utilization of all judicial officers in that county or region.>

<(c) The Judicial Council shall adopt rules as necessary to implement this section, including criteria for approval of judicial and administrative coordination plans.>

<(d)> If a judge who serves his or her court on a part-time basis has completed the business of the home court for all days affected by any assignment, compensation attributable to the home court shall only be deducted from the amounts to be paid pursuant to Section 68540.7 for the days the judge is serving on assignment to the extent necessary to limit the assigned judge's total judicial compensation for the month to the amount earned by a regular judge of the court to which the judge is assigned.

<(e) This section shall be repealed on January 1, 1999, unless a

68547.

<p>later enacted statute enacted before that date extends or deletes that date.></p>		
<p>SECTION 33.8⁹ [Definition of Judicial Assignment] Section 68547 is added to the Government Code, to read:</p> <p>68547. (a) For the purposes of this article, a judge or justice is deemed to serve or sit under assignment on each day during which it is necessary for him or her on account of the assignment to serve on the court to which assigned, to travel to or from such court, or to be absent from his or her residence. If a judge so serves under assignment in one or more courts during all days other than Saturdays, Sundays, and holidays in any period of 30 or more consecutive days (inclusive of Saturdays, Sundays, and holidays), he or she shall be deemed also to have served or sat in such court or courts on all Saturdays, Sundays, and holidays during or immediately preceding that period.</p> <p>If a judge who serves his or her court on a part-time basis has completed the business of the home court for all days affected by any assignment, compensation attributable to the home court shall only be deducted from the amounts to be paid pursuant to Section 68540.7 for the days the judge is serving on assignment to the extent necessary to limit the assigned judge's total judicial compensation for the month to the amount earned by a regular judge of the court to which the judge is assigned.</p> <p>(b) This section shall become operative on January 1, 1999.</p>	<p>SECTION 33.8 Section 68547 of the Government Code now reads:</p> <p>68547. (a) For the purposes of this article, a judge or justice is deemed to serve or sit under assignment on each day during which it is necessary for him or her on account of the assignment to serve in a substantial way on the court to which assigned, to travel to or from such court, or to be absent from his or her residence. If a judge so serves under assignment in one or more courts during all days other than Saturdays, Sundays, and holidays in any period of 30 or more consecutive days (inclusive of Saturdays, Sundays, and holidays), he or she shall be deemed also to have served or sat in such court or courts on all Saturdays, Sundays, and holidays during or immediately preceding that period.</p> <p>If a judge who serves his or her court on a part-time basis has completed the business of the home court for all days affected by any assignment, compensation attributable to the home court shall only be deducted from the amounts to be paid pursuant to Section 68540.7 for the days the judge is serving on assignment to the extent necessary to limit the assigned judge's total judicial compensation for the month to the amount earned by a regular judge of the court to which the judge is assigned.</p> <p>(b) This section shall become operative on January 1, 2001.</p> <p>(Amended by AB 1301 (Stats. 1998, ch. 146, § 5.5), eff. July 13, 1998, operative Jan. 1, 1999; SB 2139 (Stats. 1998, ch. 931, § 245.5), eff. Sept. 28, 1998, operative Jan. 1, 2000; AB 1673 (Stats. 1999, ch. 891, § 1.2), operative Jan. 1, 2001.)</p>	<p>Funding for assigned judges is allocated consistent with statute.</p>
<p>SECTION 34 [Repeal of Biennial Audit of Court Accounts]</p>	<p>SECTION 34</p>	<p>No action</p>

⁹ As chaptered AB 233 did not include a section 33.7.

<p>Section 71383 of the Government Code is repealed.</p>		<p>required.</p>
<p>SECTION 35 [Definition of Board of Supervisors] Section 71383 is added to the Government Code, to read: 71383. As used in Section 71002, “board of supervisors” means county or city and county.</p>	<p>SECTION 35 No amendment.</p>	<p>No action required.</p>
<p>SECTION 36 [Fees] Section 72054 of the Government Code is amended to read: 72054. Except as otherwise provided by law, the clerk of <* * * >< the> court shall charge the fees prescribed by this article, and the fees prescribed by Sections 26823, 26828, 26829, 26830, 26831, <* * * >< 26832.1, 26833.1>, 26834, <* * * ><26836.1, 26837.1>, 26839, <* * * ><26850.1, 26851.1, 26852.1, 26853.1,> 26854, <26855.4>, and 26863 for all services to be performed.</p>	<p>SECTION 36 Repealed by AB 145 (Stats. 2005, ch. 75, § 125). Fees are now governed under the Uniform Civil Filing Fees and Standard Fee Schedule Act of 2005 (Gov. Code, § 70600 et seq.).</p>	<p>Repealed. Fees are now governed under the Uniform Civil Filing Fees and Standard Fee Schedule Act of 2005.</p>
<p>SECTION 37 [Fees] Section 72055 of the Government Code is amended to read: 72055. The total fee for filing of the first paper in a civil action or proceeding in the municipal court, shall be <ninety> dollars <* * * ><(\$90), except that in cases where the amount demanded, excluding attorney's fees and costs, is ten thousand dollars (\$10,000) or less, the fee shall be eighty-three dollars (\$83). The amount of the demand shall be stated on the first page of the paper immediately below the caption>. This section applies to the initial complaint, petition, or application, and any papers transmitted from another court on the transfer of a civil action or proceeding, but does not include documents filed pursuant to Section 491.150, 704.750, or 708.160 of the Code of Civil Procedure. The term “total fee” as used in this section and Section 72056 includes any amount allocated to the Judges' Retirement Fund</p>	<p>SECTION 37 Renumbered Government Code section 70613 and amended by AB 145 (Stats. 2005, ch. 75, § 126), the section now reads as follows: 70613. (a) The uniform fee for filing the first paper in a limited civil case is three hundred thirty dollars (\$330), except as provided in subdivision (b). (b) In a case where the amount demanded, excluding attorney's fees and costs, is ten thousand dollars (\$10,000) or less, the uniform fee for filing the first paper is two hundred five dollars (\$205). The first page of the first paper shall state whether the amount demanded exceeds or does not exceed ten thousand dollars (\$10,000). (c) This section applies to the initial complaint, petition, or application, and any papers transmitted from another court on the transfer of a civil action or proceeding, but does not include documents filed pursuant to Section 491.150, 704.750, or 708.160 of</p>	<p>As amended by AB 233, related to fees for specified actions filed in the municipal court. Fees now incorporated in the statewide fee schedule and collected by all courts. See http://www.courts.ca.gov/document/s/fee-schedule-062712.pdf.</p>

<p>pursuant to Section 72056.1, any automation fee imposed pursuant to Section 68090.7, any construction fee imposed pursuant to Section 76238, and the law library fee established pursuant to Article 2 (commencing with Section 6320) of Chapter 5 of Division 3 of the Business and Professions Code. The term “total fee” as used in Section 72056 includes any dispute resolution fee imposed pursuant to Section 470.3 of the Business and Professions Code. The term “total fee” as used in this section also includes any dispute resolution fee imposed pursuant to Section 470.3 of the Business and Professions Code, but the board of supervisors of each county may exclude any portion of this dispute resolution fee from the term “total fee.”</p> <p>The fee shall be waived in any action for damages against a defendant, based upon the defendant's commission of a felony offense, upon presentation to the clerk of the court of a certified copy of the abstract of judgment of conviction of the defendant of the felony giving rise to the claim for damages. If the plaintiff would have been entitled to recover those fees from the defendant had they been paid, the court may assess the amount of the waived fees against the defendant and order the defendant to pay that sum to the county.</p>	<p>the Code of Civil Procedure.</p> <p>(d) The fee for a paper filed under this section shall be distributed as provided in Section 68085.4.</p> <p>(e) The fee shall be waived in any action for damages against a defendant, based upon the defendant's commission of a felony offense, upon presentation to the clerk of the court of a certified copy of the abstract of judgment of conviction of the defendant of the felony giving rise to the claim for damages. If the plaintiff would have been entitled to recover those fees from the defendant had they been paid, the court may assess the amount of the waived fees against the defendant and order the defendant to pay that sum to the court.</p> <p>(Amended by SB 1407 (Stats. 2008, ch. 311, § 12); SB 13 (Stats. 2009–2010, 4th Ex.Sess., ch. 22, § 14), eff. July 28, 2009.)</p>	
<p>SECTION 38 [Fees] Section 72056.01 is added to the Government Code, to read:</p> <p>72056.01. (a) The fee for filing an amended complaint or amendment to a complaint in a civil action of proceeding in the municipal court is forty-five dollars (\$45).</p> <p>(b) The fee for filing a cross-complaint, amended cross-complaint or amendment to a cross-complaint in a civil action or proceeding in the municipal court is forty-five dollars (\$45).</p> <p>(c) A party shall not be required to pay the fee provided by this section for an amended complaint, amendment to a complaint, amended cross-complaint or amendment to a cross-complaint</p>	<p>SECTION 38 Repealed by AB 145 (Stats. 2005, ch. 75, § 131).</p>	<p>As added by AB 233, related to fees for specified actions filed in the municipal court. Fees now incorporated in the statewide fee schedule and collected by all courts. See http://www.courts.ca.gov/document</p>

<p>more than one time in any action.</p> <p>(d) The fee provided by this section shall not apply to either of the following:</p> <p>(1) An amended pleading or amendment to a pleading ordered by the court to be filed.</p> <p>(2) An amended pleading or amendment to a pleading that only names previously fictitiously named defendants.</p>		<p>s/fee-schedule-062712.pdf.</p>
<p>SECTION 39 [Fees] Section 72060 of the Government Code is amended to read: 72060. The fee for <a> certificate and transmitting transcript and papers on appeal is <ten> dollars (\$<10>). < Notwithstanding Section 68085, six dollars (\$6) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.></p>	<p>SECTION 39 Repealed by AB 145 (Stats. 2005, ch. 75, § 131).</p>	<p>Fees now incorporated in the statewide fee schedule and collected by all courts. See http://www.courts.ca.gov/document/s/fee-schedule-062712.pdf.</p>
<p>SECTION 40 [Traffic and Parking Penalties and Construction Funds] Section 76000 of the Government Code is amended to read: 76000. (a) In each county there shall be levied an additional penalty of seven dollars (\$7) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the amounts established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except parking offenses subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code. These moneys shall be taken from fines and forfeitures deposited with the</p>	<p>SECTION 40 Section 76000 of the Government Code now reads: 76000. (a)(1) Except as otherwise provided elsewhere in this section, in each county there shall be levied an additional penalty in the amount of seven dollars (\$7) for every ten dollars (\$10), or part of ten dollars (\$10), upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. (2) This additional penalty shall be collected together with and in the same manner as the amounts established by Section 1464 of the Penal Code. These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal Code. The county treasurer shall deposit</p>	<p>The fees and penalties set forth in this section are assessed by courts, and collected and distributed by courts and counties in compliance with the requirements of this section. State Controller audits determine if a court or</p>

county treasurer prior to any division pursuant to Section 1463 of the Penal Code.

The county treasurer shall deposit those amounts specified by the board of supervisors by resolution in one or more of the funds established pursuant to this chapter. However, deposits to these funds shall continue through whatever period of time is necessary to repay any borrowings made by the county on or before January 1, 1991, to pay for construction provided for in this chapter.

(b) In each authorized county, provided that the board of supervisors has adopted a resolution stating that the implementation of this subdivision is necessary to the county for the purposes authorized, with respect to each authorized fund established pursuant to Section 76100 or 76101, for every parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of two dollars and fifty cents (\$2.50) shall be included in the total penalty, fine, or forfeiture. Except as provided in subdivision (c), for each parking case collected in the courts of the county, the county treasurer shall place in each authorized fund two dollars and fifty cents (\$2.50). These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1462.3 or 1463.009 of the Penal Code. The judges of the county shall increase the bail schedule amounts as appropriate to reflect the added penalty provided for by this section. In those cities, districts, or other issuing agencies which elect to accept parking penalties, and otherwise process parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the added penalty provided for by this section. Each agency which elects to process parking violations shall pay to the county treasurer two dollars and fifty cents (\$2.50) for each fund for each parking penalty collected on each

those amounts specified by the board of supervisors by resolution in one or more of the funds established pursuant to this chapter. However, deposits to these funds shall continue through whatever period of time is necessary to repay any borrowings made by the county on or before January 1, 1991, to pay for construction provided for in this chapter.

(3) This additional penalty does not apply to the following:

(A) Any restitution fine.

(B) Any penalty authorized by Section 1464 of the Penal Code or this chapter.

(C) Any parking offense subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

(D) The state surcharge authorized by Section 1465.7 of the Penal Code.

(b) In each authorized county, provided that the board of supervisors has adopted a resolution stating that the implementation of this subdivision is necessary to the county for the purposes authorized, with respect to each authorized fund established pursuant to Section 76100 or 76101, for every parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of two dollars and fifty cents (\$2.50) shall be included in the total penalty, fine, or forfeiture. Except as provided in subdivision (c), for each parking case collected in the courts of the county, the county treasurer shall place in each authorized fund two dollars and fifty cents (\$2.50). These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1462.3 or 1463.009 of the Penal Code. The judges of the county shall increase the bail schedule amounts as appropriate to reflect the added penalty provided for by this section. In those cities, districts, or other issuing agencies which elect to accept parking penalties, and otherwise process parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established

county fails to distribute fees and penalties in accordance with statutory requirements.

violation which is not filed in court. Those payments to the county treasurer shall be made monthly, and the county treasurer shall deposit all those sums in the authorized fund. No issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges established in the resolution adopted pursuant to this chapter, except as otherwise agreed upon by the local governmental entities involved.

(c) The county treasurer shall <* * * ><deposit> one dollar (\$1) of every two dollars and fifty cents (\$2.50) <collected> pursuant to subdivision (b) <* * * ><into the general fund of the county>.

by the court reflecting the added penalty provided for by this section. Each agency which elects to process parking violations shall pay to the county treasurer two dollars and fifty cents (\$2.50) for each fund for each parking penalty collected on each violation which is not filed in court. Those payments to the county treasurer shall be made monthly, and the county treasurer shall deposit all those sums in the authorized fund. No issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges established in the resolution adopted pursuant to this chapter, except as otherwise agreed upon by the local governmental entities involved.

(c) The county treasurer shall deposit one dollar (\$1) of every two dollars and fifty cents (\$2.50) collected pursuant to subdivision (b) into the general fund of the county.

(d) The authority to impose the two-dollar-and-fifty-cent (\$2.50) penalty authorized by subdivision (b) shall be reduced to one dollar (\$1) as of the date of transfer of responsibility for facilities from the county to the Judicial Council pursuant to Article 3 (commencing with Section 70321) of Chapter 5.1, except as money is needed to pay for construction provided for in Section 76100 and undertaken prior to the transfer of responsibility for facilities from the county to the Judicial Council.

(e) The seven-dollar (\$7) additional penalty authorized by subdivision (a) shall be reduced in each county by the additional penalty amount assessed by the county for the local courthouse construction fund established by Section 76100 as of January 1, 1998, when the money in that fund is transferred to the state under Section 70402. The amount each county shall charge as an additional penalty under this section shall be as follows:

(TABLE IN STATUTE NOT REPRODUCED)

(Amended by SB 1732 (Stats. 2002, ch. 1082, § 5); SB 256 (Stats. 2003, ch. 592, § 24); SB 425 (Stats. 2007, ch. 302, § 4); SB 1498

	(Stats. 2008, ch. 179, § 126); AB 1949 (Stats. 2008, ch. 218, § 5); SB 1330 (Stats. 2010, ch. 328, § 101); SB 857 (Stats. 2010, ch. 720, § 26), eff. Oct. 19, 2010.)	
<p>SECTION 41 [Merced Courthouse Construction Fund] Section 76224 is added to the Government Code, to read:</p> <p>76224. Deposits to the Courthouse Construction Fund established in Merced County pursuant to Section 76100 shall continue through and including the 25th year after the initial year in which the surcharge is collected or the 25th year after any borrowings are made for any construction under that section, whichever comes later.</p>	<p>SECTION 41 Section 76224 of the Government Code now reads:</p> <p>76224. Deposits to the Courthouse Construction Fund established in Merced or Sonoma County pursuant to Section 76100 and the Criminal Justice Facilities Construction Fund established in Merced or Sonoma County pursuant to Section 76101 shall continue through and including the 30th year after the initial year in which the surcharge is collected or the 30th year after any borrowings are made for any construction under those sections, whichever comes later.</p> <p>(Amended by SB 195 (Stats. 2001, ch. 767, § 5); SB 1329 (Stats. 2002, ch. 500, § 1).)</p>	No action required.
<p>SECTION 42 [Decentralized System of Trial Court Management] Section 77001 is added to the Government Code, to read:</p> <p>77001. On or before July 1, 1998, the Judicial Council shall promulgate rules which establish a decentralized system of trial court management. These rules shall ensure:</p> <p>(a) Local authority and responsibility of trial courts to manage day-to-day operations.</p> <p>(b) Countywide administration of the trial courts.</p> <p>(c) The authority and responsibility of trial courts to manage all of the following, consistent with statute, rules of court, and standards of judicial administration:</p> <p>(1) Annual allocation of funding, including the authority to move funding between functions or line items.</p> <p>(2) Local personnel systems, including the promulgation of</p>	<p>SECTION 42 Section 77001 of the Government Code now reads:</p> <p>77001. The Judicial Council shall adopt rules which establish a decentralized system of trial court management. These rules shall ensure:</p> <p>(a) Local authority and responsibility of trial courts to manage day-to-day operations.</p> <p>(b) Countywide administration of the trial courts.</p> <p>(c) The authority and responsibility of trial courts to manage all of the following, consistent with statute, rules of court, and standards of judicial administration:</p> <p>(1) Annual allocation of funding, including policies and procedures about moving funding between functions or line items or programs.</p> <p>(2) Local personnel plans, including the promulgation of personnel policies.</p>	Complete. 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

<p>personnel policies.</p> <p>(3) Processes and procedures to improve court operations and responsiveness to the public.</p> <p>(4) The trial courts of each county shall establish the means of selecting presiding judges, assistant presiding judges, executive officers or court administrators, clerks of court, and jury commissioners.</p> <p>(d) Trial court input into the Judicial Council budget process.</p> <p>(e) Equal access to justice throughout California utilizing standard practices and procedures whenever feasible.</p>	<p>(3) Processes and procedures to improve court operations and responsiveness to the public.</p> <p>(4) The trial courts of each county shall establish the means of selecting presiding judges, assistant presiding judges, executive officers or court administrators, clerks of court, and jury commissioners.</p> <p>(d) Trial court input into the Judicial Council budget process.</p> <p>(e) Equal access to justice throughout California utilizing standard practices and procedures whenever feasible.</p> <p>(Amended by AB 223 (Stats. 2001, ch. 812, § 19).)</p>	<p>courts to operate in an efficient, effective, and accountable manner. They are intended to ensure the authority and responsibility of the superior courts to 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, etc.; manage their personnel systems; manage their budget and fiscal operations; provide input to the Judicial Council on the trial court budget process; and develop and implement</p>
--	--	--

		<p>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>
<p>SECTION 43 [Definition of Court Operations] Section 77003 of the Government Code is amended to read:</p> <p>77003. (a) As used in this chapter, “court operations” means all of the following:</p> <p>(1) Salaries, benefits, and public agency retirement contributions for superior <and> municipal <* * * >court judges and for subordinate judicial officers. <For purposes of this paragraph, “subordinate judicial officers” include all commissioner or referee positions created prior to July 1, 1997, including those commissioner positions created pursuant to Sections 69904, 70141, 70141.9, 70142.11, 72607, 73794, 74841.5, and 74908; and includes any staff who provide direct support to commissioners; but does not include commissioners or staff who provide direct support to the commissioners whose positions were created after July 1, 1997, unless approved by the Judicial Council, subject to availability of funding.></p> <p>(2) The salary, benefits, and public agency retirement contributions for other court staff including all municipal court staff positions specifically prescribed by statute.</p> <p>(3) Those marshals, constables, and sheriffs as the court deems</p>	<p>SECTION 43 Section 77003 of the Government Code now reads:</p> <p>77003. (a) As used in this chapter, “court operations” means all of the following:</p> <p>(1) Salaries, benefits, and public agency retirement contributions for superior court judges and for subordinate judicial officers. For purposes of this paragraph, “subordinate judicial officers” includes all commissioner or referee positions created prior to July 1, 1997, including positions created in the municipal court prior to July 1, 1997, which thereafter became positions in the superior court as a result of unification of the municipal and superior courts in a county, and including those commissioner positions created pursuant to former Sections 69904, 70141, 70141.9, 70142.11, 72607, 73794, 74841.5, and 74908; and includes any staff who provide direct support to commissioners; but does not include commissioners or staff who provide direct support to the commissioners whose positions were created after July 1, 1997, unless approved by the Judicial Council, subject to availability of funding.</p> <p>(2) The salary, benefits, and public agency retirement contributions for other court staff.</p> <p>(3) Court security, but only to the extent consistent with court</p>	<p>Definitional section. No action required.</p>

<p>necessary for court operations.</p> <p>(4) Court–appointed counsel in juvenile court dependency proceedings and counsel appointed by the court to represent a minor pursuant to Chapter 10 (commencing with Section 3150) of Part 2 of Division 8 of the Family Code.</p> <p>(5) Services and supplies relating to court operations.</p> <p>(6) Collective bargaining under the Meyers–Miliias–Brown Act with respect to court employees specified in Section 3501.5.</p> <p>(7) Actual indirect costs <***>for county <and city and county> general services attributable to court operations, but specifically excluding, but not limited to, law library operations conducted by a trust pursuant to statute; courthouse construction; district attorney services; probation services; indigent criminal defense; grand jury expenses and operations; and pretrial release services.</p> <p><***></p> <p><(b) However, “court operations” does not include collection enhancements as defined in Rule 810 of the California Rules of Court as it read on July 1, 1996.></p>	<p>responsibilities under Article 8.5 (commencing with Section 69920) of Chapter 5.</p> <p>(4) Court-appointed counsel in juvenile court dependency proceedings and counsel appointed by the court to represent a minor pursuant to Chapter 10 (commencing with Section 3150) of Part 2 of Division 8 of the Family Code.</p> <p>(5) Services and supplies relating to court operations.</p> <p>(6) Collective bargaining under Sections 71630 and 71639.3 with respect to court employees.</p> <p>(7) Subject to paragraph (1) of subdivision (d) of Section 77212, actual indirect costs for county and city and county general services attributable to court operations, but specifically excluding, but not limited to, law library operations conducted by a trust pursuant to statute; courthouse construction; district attorney services; probation services; indigent criminal defense; grand jury expenses and operations; and pretrial release services.</p> <p>(8) Except as provided in subdivision (b), and subject to Article 8.5 (commencing with Section 69920) of Chapter 5, other matters listed as court operations in Rule 10.810 of the California Rules of Court as it read on January 1, 2007.</p> <p>(b) However, “court operations” does not include collection enhancements as defined in Rule 10.810 of the California Rules of Court as it read on January 1, 2007.</p> <p>(Amended by SB 2139 (Stats. 1998, ch. 931, § 335), eff. Sept. 28, 1998; AB 223 (Stats. 2001, ch. 812, § 20); AB 1700 (Stats. 2001, ch. 824, § 33.5); SB 1316 (Stats. 2002, ch. 784, § 505; AB 299 (Stats. 2007, ch. 130, § 140); SB 1021 (Stats. 2012, ch. 41, § 54), eff. June 27, 2012.)</p>	
<p>SECTION 44 [Trial Court Accounts] Section 77009 is added to the Government Code, to read:</p>	<p>SECTION 44 Section 77009 of the Government Code now reads:</p>	<p>Section substantially re-written</p>

<p>77009. (a) For the purposes of funding trial court operations, each board of supervisors shall establish in the county treasury a Trial Court Operations Fund, which will operate as a special revenue fund. All funds appropriated in the Budget Act and allocated and reallocated to each court in the county by the Judicial Council shall be deposited into the fund. Accounts shall be established in the Trial Court Operations Fund for each trial court in the county, except that one account may be established for courts which have a unified budget. In a county where court budgets include appropriations for expenditures administered on a countywide basis, including, but not limited to, court security, centralized data-processing and planning and research services, an account for each centralized service shall be established and funded from those appropriations.</p> <p>(b) The moneys of the Trial Court Operations Fund arising from deposits of funds appropriated in the Budget Act and allocated or reallocated to each court in the county by the Judicial Council shall be payable only for the purposes set forth in Sections 77003 and 77006.5, and for services purchased by the court pursuant to subdivisions (b) and (c) of Section 77212. The presiding judge of each court in a county, or his or her designee, shall authorize and direct expenditures from the fund and the county auditor-controller shall make payments from the funds as directed. Approval of the board of supervisors is not required for expenditure from this fund.</p> <p>(c) Interest received by a county which is attributable to investment of money required by this section to be deposited in its Trial Court Operations Fund shall be deposited in the fund and shall be used for trial court operations purposes.</p> <p>(d) In no event shall interest be charged to the Trial Court Operations Fund.</p> <p>(e) Reasonable administrative expenses incurred by the county associated with the operation of this fund shall be charged to</p>	<p>77009. (a) The Judicial Council may establish bank accounts for the superior courts and require the courts to deposit moneys for trial court operations, and any other moneys under the control of the courts, into those accounts. Deposits to these accounts shall include, but are not limited to, the following:</p> <ol style="list-style-type: none"> (1) Moneys appropriated in the Budget Act and allocated or reallocated to the superior court by the Judicial Council. (2) Moneys held in trust. (3) Other moneys as deemed necessary or appropriate. <p>(b) Subdivision (a) shall not apply to payments from a party or a defendant received by the superior court for any criminal fees, fines, or forfeitures. However, the court and county may enter into a contract for the court to provide depository services in an account established by the Judicial Council for criminal fees, fines, and forfeitures, with the approval of the Administrative Director of the Courts. The contract shall identify the scope of service, method of service delivery, term of agreement, anticipated service outcomes, and the cost of the service. The amount of any indirect or overhead costs shall be individually stated with the method of calculation of the indirect or overhead costs.</p> <p>(c) Moneys deposited into a bank account established pursuant to subdivision (a) for the Trial Court Operations Fund that are appropriated in the Budget Act and allocated or reallocated to the superior court by the Judicial Council shall be payable only for the purposes set forth in Sections 77003 and 77006.5, and for services purchased by the court pursuant to subdivisions (b) and (c) of Section 77212.</p> <p>(d)(1) All moneys received by a superior court from any source for court operating and program purposes shall be deposited into a bank account established pursuant to subdivision (a) and accounted for in the Trial Court Operations Fund. Moneys that are received to fulfill the requirements of Article 4 (commencing with Section 4250) of Chapter 2 of Part 2 of Division 9 and Division 14 (commencing with</p>	<p>subsequent to AB 233. With regard to amended version, the Judicial Council has established bank accounts for trial courts as authorized by this section. Creates continuing obligations on courts regarding management of money in these accounts. Judicial Council audits authorized by this section ensure compliance with these requirements.</p>
--	---	---

each court on a pro rata basis in proportion to the total amount allocated to each court in this fund.

(f) A county, or city and county, may bill trial courts within its jurisdiction for costs for services provided by the county, or city and county, as described in Sections 77003 and 77212, including indirect costs as described in paragraph (7) of subdivision (a) of Section 77003 and Section 77212. The costs billed by the county, or the city and the county, pursuant to this subdivision shall not exceed the costs incurred by the county, or the city and the county, of providing similar services to county departments or special districts.

(g) Pursuant to Section 77206, the Controller, at the request of the Legislature or the Judicial Council, may perform financial and fiscal compliance audits of this fund.

(h) The Judicial Council with the concurrence of the Department of Finance and the Controller's office shall establish procedures to implement the provisions of this section and to provide for payment of trial court operations expenses, as described in Sections 77003 and 77006.5, incurred on July 1, 1997, and thereafter.

(i) The Judicial Council shall study alternative methods for the establishment and management of the Trial Court Operations Fund as provided in this section, and shall report its findings and recommendations to the Legislature not later than November 1, 1998.

Section 10000) of the Family Code shall be identified and maintained in a separate account established in the fund for this purpose.

(2) All other moneys deposited into a bank account established pursuant to subdivision (a) and accounted for in the Trial Court Operations Fund that are received for purposes other than court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court, shall be identified and maintained in separate accounts in the fund.

(3) This subdivision shall not apply to either of the following:

(A) Moneys received by the courts pursuant to paragraph (2) of subdivision (a) of this section and Section 68084, if those moneys are not for court operating or program purposes.

(B) Payments from a party or a defendant received by the county for any fees, fines, or forfeitures; moneys collected by the superior court under Chapter 5.8 (commencing with Section 70600); or fees and fines to which Section 68085.1 applies.

(e) The presiding judge of the superior court, or his or her designee, shall authorize and direct all expenditures by the court for operating and program purposes from any account established under subdivision (b) or (c).

(f) The Judicial Council, in consultation with the Controller's office, shall establish procedures to implement this section and to provide for payment of trial court operations expenses, as described in Sections 77003 and 77006.5, incurred on July 1, 1997, and thereafter.

(g)(1) If the Judicial Council has not established bank accounts pursuant to subdivision (a), the court shall contract with the county for fiscal services. Each board of supervisors shall maintain in the county treasury a Trial Court Operations Fund, which will operate as an agency fund. All moneys appropriated in the Budget Act and allocated and reallocated to the superior court in the county by the Judicial Council shall be deposited into the fund.

(2) Moneys deposited into the fund that are appropriated for the Trial

Court Operations Fund in the Budget Act and allocated or reallocated to the superior court by the Judicial Council shall be payable only for the purposes set forth in Sections 77003 and 77006.5, and for services purchased by the court pursuant to subdivisions (b) and (c) of Section 77212. The presiding judge of the superior court, or his or her designee, shall authorize and direct expenditures from the fund and the county auditor-controller shall make payments from the funds as directed. Approval of the board of supervisors is not required for expenditure from this fund.

(3) All moneys received by a superior court from any source for court operating and program purposes shall be deposited in the fund, except as provided in this subdivision. Moneys that are received to fulfill the requirements of Article 4 (commencing with Section 4250) of Chapter 2 of Part 2 of Division 9 and Division 14 (commencing with Section 10000) of the Family Code shall be identified and maintained in a separate account established in the fund for this purpose. All other moneys that are received for purposes other than court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court, shall be identified and maintained in one or more separate accounts established in the fund pursuant to procedures adopted by the Judicial Council. This subdivision shall only apply to moneys received by the courts for operating and program purposes. This subdivision shall not apply to either of the following:

(A) Moneys received by the courts pursuant to Section 68084, if those funds are not for court operating or program purposes.

(B) Payments from a party or a defendant received by the county for any fees, fines, or forfeitures; moneys collected by the superior court under Chapter 5.8 (commencing with Section 70600); or fees and fines to which Section 68085.1 applies.

(4) Interest received by a county that is attributable to investment of moneys, which interest is required by this subdivision to be deposited in the superior court's fund, shall be deposited in the fund and shall be used for trial court operations purposes.

	<p>(5) In no event shall interest be charged to the superior court's fund, except as provided in Section 77009.1.</p> <p>(6) Reasonable administrative expenses incurred by the county associated with the operation of this fund shall be charged to the superior court.</p> <p>(7) A county, or city and county, may bill the superior court within its jurisdiction for costs for services provided by the county, or city and county, as described in Sections 77003 and 77212, including indirect costs as described in paragraph (7) of subdivision (a) of Section 77003 and Section 77212. The costs billed by the county, or the city and the county, pursuant to this subdivision shall not exceed the costs incurred by the county, or the city and the county, of providing similar services to county departments or special districts.</p> <p>(8) Pursuant to Section 77206, the Controller, at the request of the Legislature, may perform financial and fiscal compliance audits of this fund. The Judicial Council or its representatives may perform audits, reviews, and investigations of this fund wherever the records may be located.</p> <p>(h) The Judicial Council or its representatives may perform audits, reviews, and investigations of superior court operations and records wherever they may be located.</p> <p>(Added by AB 233 (Stats. 1997, ch. 850, § 44). Amended by AB 1935 (Stats. 1998, ch. 1004, § 5); SB 1533 (Stats. 2000, ch. 447, § 8); SB 1191 (Stats. 2001, ch. 745, § 115), eff. Oct. 12, 2001; AB 223 (Stats. 2001, ch. 812, § 21.5), operative Jan. 1, 2002; AB 145 (Stats. 2005, ch. 75, § 138), eff. July 19, 2005, operative Jan. 1, 2006; AB 299 (Stats. 2007, ch. 130, § 141).)</p>	
<p>SECTION 45 <i>[Repeal State Block Grant Funding]</i> Article 3 (commencing with Section 77200) of Chapter 13 of Title 8 of the Government Code is repealed.</p>	<p>SECTION 45</p>	<p>No action required.</p>
<p>SECTION 46 <i>[State Finance Provisions]</i></p>	<p>SECTION 46</p>	<p>No action</p>

<p>Article 3 (commencing with Section 77200) is added to Chapter 13 of Title 8 of the Government Code, to read: Article 3. State Finance Provisions</p>	<p>Current sections 77201.2, 77201.3, 77201.5, 77206.1, and 77207.5 were added to this article of the Government Code after the enactment of AB 233.</p>	<p>required.</p>
---	--	------------------

<p>Section 46, Cont'd. [State Finance Provisions] 77200. On and after July 1, 1997, the state shall assume sole responsibility for the funding of court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996. In meeting this responsibility, the state shall do all of the following:</p> <p>(a) Deposit in the State Trial Court Trust Fund, for subsequent allocation to or for the trial courts, all county funds remitted to the state pursuant to Section 77201.</p> <p>(b) Be responsible for the cost of court operations incurred by the trial courts in the 1997–98 fiscal year and subsequent fiscal years.</p> <p>(c) Allocate funds to the individual trial courts pursuant to an allocation schedule adopted by the Judicial Council, but in no case shall the amount allocated to the trial courts of a county be less than the amount remitted to the state by the county in which those courts are located pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201.</p> <p>(d) The Judicial Council shall submit its allocation schedule to the Controller at least 15 days before the due date of any allocation.</p>	<p>Section 46, Cont'd. Section 77200 of the Government Code now reads:</p> <p>77200. On and after July 1, 1997, the state shall assume sole responsibility for the funding of court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007. In meeting this responsibility, the state shall do all of the following:</p> <p>(a) Deposit in the Trial Court Trust Fund, for subsequent allocation to or for the trial courts, all county funds remitted to the state pursuant to Section 77201 until June 30, 1998, pursuant to Section 77201.1 from July 1, 1998, until June 30, 2006, inclusive, and pursuant to Section 77201.3, thereafter.</p> <p>(b) Be responsible for the cost of court operations incurred by the trial courts in the 1997-98 fiscal year and subsequent fiscal years.</p> <p>(c) Allocate funds to the individual trial courts pursuant to an allocation schedule adopted by the Judicial Council, but in no case shall the amount allocated to the trial court in a county be less than the amount remitted to the state by the county in which that court is located pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201 until June 30, 1998, pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201.1 from July 1, 1998, until June 30, 2006, inclusive, and pursuant to paragraphs (1) and (2) of subdivision (a) of Section 77201.3, thereafter.</p> <p>(d) The Judicial Council shall submit its allocation schedule to the Controller at least five days before the due date of any allocation.</p> <p>(Added by AB 233 (Stats. 1997, ch. 850, § 46). Amended by AB 1301 (Stats. 1998, ch. 146, § 6), eff. July 13, 1998; AB 145 (Stats. 2005, ch. 75, § 139), eff. July 19, 2005, operative Jan. 1, 2006; AB 299 (Stats. 2007, ch. 130, § 142); AB 227 (Stats. 2007, ch. 383, § 1); SB 1498 (Stats. 2008, ch. 179, § 130).)</p>	<p>Complete</p>
<p>Section 46, Cont'd. [State Finance Provisions]</p>	<p>Section 46, Cont'd.</p>	<p>This section</p>

77201. (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

(b) In the 1997–98 fiscal year, each county shall remit to the state in four equal installments due on January 1, April 1, and June 30, the amounts specified in paragraphs (1) and (2), as follows:

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda	\$ 42,045,093
Alpine	46,044
Amador	900,196
Butte	2,604,611
Calaveras	420,893
Colusa	309,009
Contra Costa	21,634,450
Del Norte	780,786
El Dorado	3,888,927
Fresno	13,355,025
Glenn	371,607
Humboldt	2,437,196
Imperial	2,055,173
Inyo	546,508
Kern	16,669,917
Kings.....	2,594,901
Lake	975,311
Lassen	517,921
Los Angeles	291,872,379
Madera	1,242,968
Marin	6,837,518
Mariposa	177,880

Repealed effective July 1, 1998, by its own terms (subd. (h)), then added again by AB 1590 (Stats. 1998, ch. 406, § 3), Section 77201 of the Government Code now reads:

77201. (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007.

(b) In the 1997-98 fiscal year, each county shall remit to the state in installments due on January 1, April 1, and June 30, the amounts specified in paragraphs (1) and (2), as follows:

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994-95 fiscal year:

Jurisdiction	Amount
Alameda	\$ 42,045,093
Alpine	46,044
Amador	900,196
Butte	2,604,611
Calaveras	420,893
Colusa	309,009
Contra Costa	21,634,450
Del Norte	780,786
El Dorado	3,888,927
Fresno	13,355,025
Glenn	371,607
Humboldt	2,437,196
Imperial	2,055,173
Inyo	546,508
Kern	16,669,917
Kings	2,594,901
Lake	975,311
Lassen	517,921

primarily sets the MOE amounts for funding operations (expenditure MOE) and fine and fee revenue (revenue MOE), and is specific to the 1997-98 fiscal year. Current MOE amounts set out in Government Code section 77201.3.

Mendocino	1,739,605	Los Angeles	291,872,379
Merced	1,363,409	Madera	1,242,968
Modoc	114,249	Marin	6,837,518
Mono	271,021	Mariposa	177,880
Monterey	5,739,655	Mendocino	1,739,605
Napa	2,866,986	Merced	1,363,409
Nevada	815,130	Modoc	114,249
Orange	76,567,372	Mono	271,021
Placer	6,450,175	Monterey	5,739,655
Plumas	413,368	Napa	2,866,986
Riverside	32,524,412	Nevada	815,130
Sacramento	40,692,954	Orange	76,567,372
San Benito	460,552	Placer	6,450,175
San Bernardino	31,516,134	Plumas	413,368
San Diego	77,637,904	Riverside	32,524,412
San Francisco	31,142,353	Sacramento	40,692,954
San Joaquin	9,102,834	San Benito	460,552
San Luis Obispo	6,840,067	San Bernardino	31,516,134
San Mateo	20,383,643	San Diego	77,637,904
Santa Barbara	10,604,431	San Francisco	31,142,353
Santa Clara	49,876,177	San Joaquin	9,102,834
Santa Cruz	6,449,104	San Luis Obispo	6,840,067
Shasta	3,369,017	San Mateo	20,383,643
Sierra	40,477	Santa Barbara	10,604,431
Siskiyou	478,144	Santa Clara	49,876,177
Solano	10,780,179	Santa Cruz	6,449,104
Sonoma	9,273,174	Shasta	3,369,017
Stanislaus	8,320,727	Sierra	40,477
Sutter	1,718,287	Siskiyou	478,144
Tehama	1,352,370	Solano	10,780,179
Trinity	620,990	Sonoma	9,273,174
Tulare	6,981,681	Stanislaus	8,320,727
Tuolumne	1,080,723	Sutter	1,718,287
Ventura	16,721,157	Tehama	1,352,370
Yolo	2,564,985	Trinity	620,990

Yuba 842,240

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below which is based on an amount of fine and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001 and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda	\$12,769,882
Alpine	58,757
Amador	377,005
Butte	1,437,671
Calaveras	418,558
Colusa	485,040
Contra Costa	5,646,329
Del Norte	727,852
El Dorado	1,217,093
Fresno	4,505,786
Glenn	455,389
Humboldt	1,161,745
Imperial	1,350,760
Inyo	878,321
Kern	6,688,247
Kings.....	1,115,601
Lake	424,070
Lassen	513,445
Los Angeles	89,771,310
Madera	1,207,998
Marin	2,700,045
Mariposa	135,457
Mendocino	948,837
Merced	2,093,355

Tulare 6,981,681
 Tuolumne 1,080,723
 Ventura 16,721,157
 Yolo 2,564,985
 Yuba 842,240

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below which is based on an amount of fine and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001 and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994-95 fiscal year:

Jurisdiction	Amount
Alameda	\$12,769,882
Alpine	58,757
Amador.....	377,005
Butte	1,437,671
Calaveras	418,558
Colusa	485,040
Contra Costa	6,138,742
Del Norte	235,438
El Dorado	1,217,093
Fresno	4,505,786
Glenn	455,389
Humboldt	1,161,745
Imperial	1,350,760
Inyo	878,321
Kern	6,688,247
Kings	1,115,601
Lake	424,070
Lassen	513,445
Los Angeles	89,771,310
Madera	1,207,998
Marin	2,700,045

Modoc	122,156	Mariposa	135,457
Mono	415,136	Mendocino	948,837
Monterey	3,855,457	Merced	2,093,355
Napa	874,219	Modoc	122,156
Nevada	1,378,796	Mono	415,136
Orange	24,830,542	Monterey	3,855,457
Placer	2,182,230	Napa	874,219
Plumas	225,080	Nevada	1,378,796
Riverside	13,328,445	Orange	24,830,542
Sacramento	7,548,829	Placer	2,182,230
San Benito	346,451	Plumas	225,080
San Bernardino	11,694,120	Riverside	13,328,445
San Diego	21,410,586	Sacramento	7,548,829
San Francisco	5,925,950	San Benito	346,451
San Joaquin	4,753,688	San Bernardino	11,694,120
San Luis Obispo	2,573,968	San Diego	21,410,586
San Mateo	7,124,638	San Francisco	5,925,950
Santa Barbara	4,094,288	San Joaquin	4,753,688
Santa Clara	15,561,983	San Luis Obispo	2,573,968
Santa Cruz	2,267,327	San Mateo	7,124,638
Shasta	1,198,773	Santa Barbara	4,094,288
Sierra	46,778	Santa Clara	15,561,983
Siskiyou	801,329	Santa Cruz	2,267,327
Solano	3,757,059	Shasta	1,198,773
Sonoma	2,851,883	Sierra	46,778
Stanislaus	2,669,045	Siskiyou	801,329
Sutter	802,574	Solano	3,757,059
Tehama	761,188	Sonoma	2,851,883
Trinity	137,087	Stanislaus	2,669,045
Tulare	2,299,167	Sutter	802,574
Tuolumne	440,496	Tehama	761,188
Ventura	6,129,411	Trinity	137,087
Yolo	1,516,065	Tulare	2,299,167
Yuba	402,077	Tuolumne	440,496
		Ventura	6,129,411

(3) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(4) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county and (B) the county's portion of fines and forfeitures transmitted to the state in the 1994-95 fiscal year, shall reduce that county's remittance specified in paragraph (2) of this subdivision by an equal amount. Nothing in this paragraph is intended to limit judicial sentencing discretion.

(c) The Department of Finance shall adjust the amount specified in paragraph (1) of subdivision (b) that a county is required to submit to the state, pursuant to the following procedures:

(1) A county may submit a declaration to the Department of Finance, no later than February 15, 1998, that declares that (A) the county incorrectly reported county costs as court operations costs as defined in Section 77003 in the 1994-95 fiscal year, and that incorrect report resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too high, (B) the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) includes amounts that were specifically appropriated, funded and expended by a county or city and county during fiscal year 1994-95 to fund extraordinary one-time expenditures for court operation costs, or (C) the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) includes expenses that were funded from grants or subventions from any source, for court operation costs that could not have been funded without those grants or subventions being available. A county submitting that declaration shall concurrently transmit a copy of the declaration to the courts of that county. The trial courts in a county that submits that declaration shall have the

Yolo 1,516,065
Yuba 402,077

(3) The installment due on January 1 shall be for 25 percent of the amounts specified in paragraphs (1) and (2). The installments due on April 1 and June 30 shall be prorated uniformly to reflect any adjustments made by the Department of Finance, as provided in this section. If no adjustment is made by April 1, 1998, the April 1, 1998, installment shall be for 15 percent of the amounts specified in paragraphs (1) and (2). If no adjustment is made by June 30, 1998, the June 30, 1998, installment shall be for the balance of the amounts specified in paragraphs (1) and (2).

(4) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(5) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county and (B) the county's portion of fines and forfeitures transmitted to the state in the 1994-95 fiscal year, shall reduce that county's remittance specified in paragraph (2) by an equal amount. Nothing in this paragraph is intended to limit judicial sentencing discretion.

(c) The Department of Finance shall adjust the amount specified in paragraph (1) of subdivision (b) that a county is required to submit to the state, pursuant to the following:

(1) A county shall submit a declaration to the Department of Finance, no later than February 15, 1998, that the amount it is required to submit to the state pursuant to paragraph (1) of subdivision (b) either includes or does not include the costs for local judicial benefits which are court operation costs as defined in Section 77003 and Rule 10.810 of the California Rules of Court. The trial courts in a county that submits such a declaration shall be given a copy of the declaration and

opportunity to comment to the Department of Finance on the validity of the statements in the declaration. Upon receipt of the declaration and comments, if any, the Department of Finance shall determine and certify which costs identified in the county's declaration were incorrectly reported as court operation costs or were expended for extraordinary one-time expenditures or funded from grants or subventions in the 1994–95 fiscal year. The Department of Finance shall reduce the amount a county must submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the amount the department certifies was incorrectly reported as court operations costs or were expended for extraordinary one-time expense or funded from grants or subventions in the 1994–95 fiscal year. If a county disagrees with the Department of Finance's failure to verify the facts in the county's declaration and reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b), the county may request that the Controller conduct an audit to verify the facts in the county's declaration. The Controller shall conduct the requested audit, which shall be at the requesting county's expense. If the Controller's audit verifies the facts in the county's declaration, the department shall reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the amount verified by the Controller's audit and the state shall reimburse the requesting county for the cost of the audit. A county shall provide, at no charge to the court, any service for which the amount in paragraph (1) of subdivision (b) was adjusted downward, if the county is required to provide that service at no cost to the court by any other provision of law.

(2) A court may submit a declaration to the Department of Finance, no later than February 15, 1998, that the county failed to report county costs as court operations costs as defined in Section 77003 in the 1994–95 fiscal year, and that this failure resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too low.

the opportunity to comment on the validity of the statements in the declaration. The Department of Finance shall verify the facts in the county's declaration and comments, if any. Upon verification that the amount the county is required to submit to the state includes the costs of local judicial benefits, the department shall reduce on or before June 30, 1998, the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the cost of those judicial benefits, in which case the county shall continue to be responsible for the cost of those benefits. If a county disagrees with the Department of Finance's failure to verify the facts in the county's declaration and reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b), the county may request that the Controller conduct an audit to verify the facts in the county's declaration. The Controller shall conduct the requested audit which shall be at the requesting county's expense. If the Controller's audit verifies the facts in the county's declaration, the department shall reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the amount verified by the Controller's audit and the state shall reimburse the requesting county for the cost of the audit.

(d) The Department of Finance shall adjust the amount specified in paragraph (1) of subdivision (b) of Section 77201.1 that a county is required to submit to the state, pursuant to the following procedures:

(1) A county may submit a declaration to the Department of Finance, no later than February 15, 1998, that declares that (A) the county incorrectly reported county costs as court operations costs as defined in Section 77003 in the 1994-95 fiscal year, and that incorrect report resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too high, (B) the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) includes amounts that were specifically appropriated, funded, and expended by a county or city and county during the 1994-95 fiscal year to fund extraordinary one-time expenditures for court operation costs, or (C) the amount the

A court submitting that declaration shall concurrently transmit a copy of the declaration to the county. A county shall have the opportunity to comment to the Department of Finance on the validity of statements in the declaration and comments, if any. Upon receipt of the declaration, the Department of Finance shall determine and certify which costs identified in the court's declaration should have been reported by the county as court operation costs in the 1994-95 fiscal year and whether this failure resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too low. The Department of Finance shall notify the county, trial courts in the county, and the Judicial Council of its certification and decision. Within 30 days, or on or before June 30, 1998, whichever is later, the county shall either notify the Department of Finance, trial courts in the county, and the Judicial Council that the county shall assume responsibility for the costs the county has failed to report or that the department shall increase the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the amount certified by the department. A county shall not be required to continue to provide services for which the amount in paragraph (1) of subdivision (b) was adjusted upward.

(3) A county shall submit a declaration to the Department of Finance, no later than February 15, 1998, that the amount it is required to submit to the state pursuant to paragraph (1) of subdivision (b) either includes or does not include the costs for local judicial benefits which are court operation costs as defined in Section 77003 and Rule 810 of the California Rules of Court. The trial courts in a county that submits such a declaration shall be given a copy of the declaration and the opportunity to comment on the validity of the statements in the declaration. The Department of Finance shall verify the facts in the county's declaration and comments, if any, within 30 days of receipt of the declaration and, upon verification that the amount the county is required to submit to the state includes the costs of local

county is required to submit to the state pursuant to paragraph (1) of subdivision (b) includes expenses that were funded from grants or subventions from any source, for court operation costs that could not have been funded without those grants or subventions being available. A county submitting that declaration shall concurrently transmit a copy of the declaration to the trial courts of that county. The trial courts in a county that submits that declaration shall have the opportunity to comment to the Department of Finance on the validity of the statements in the declaration. Upon receipt of the declaration and comments, if any, the Department of Finance shall determine and certify which costs identified in the county's declaration were incorrectly reported as court operation costs or were expended for extraordinary one-time expenditures or funded from grants or subventions in the 1994-95 fiscal year. The Department of Finance shall reduce the amount a county must submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1 by an amount equal to the amount the department certifies was incorrectly reported as court operations costs or were expended for extraordinary one-time expense or funded from grants or subventions in the 1994-95 fiscal year. If a county disagrees with the Department of Finance's failure to verify the facts in the county's declaration and reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1, the county may request that the Controller conduct an audit to verify the facts in the county's declaration. The Controller shall conduct the requested audit, which shall be at the requesting county's expense. If the Controller's audit verifies the facts in the county's declaration, the department shall reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1 by an amount equal to the amount verified by the Controller's audit and the state shall reimburse the requesting county for the cost of the audit. A county shall provide, at no charge to the court, any service for which the amount in paragraph (1) of subdivision (b) of Section 77201.1 was adjusted downward, if the county is required to provide that service at no cost to the court by any other provision of law.

judicial benefits, the department shall reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the cost of those judicial benefits, in which case the county shall continue to be responsible for the cost of those benefits. If a county disagrees with the Department of Finance's failure to verify the facts in the county's declaration and reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b), the county may request that the Controller conduct an audit to verify the facts in the county's declaration. The Controller shall conduct the requested audit which shall be at the requesting county's expense. If the Controller's audit verifies the facts in the county's declaration, the department shall reduce the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) by an amount equal to the amount verified by the Controller's audit and the state shall reimburse the requesting county for the cost of the audit.

(d) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(e) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of youth authority charges.

(f) The Department of Finance shall notify the county, trial courts in the county, and Judicial Council of the final decision and resulting adjustment.

(g) On or before February 15, 1998, each county shall submit to the Department of Finance a report of the amount it expended for trial court operations as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996, between the start of the 1997-98 fiscal year and the effective

(2) A court may submit a declaration to the Department of Finance, no later than February 15, 1998, that the county failed to report county costs as court operations costs as defined in Section 77003 in the 1994-95 fiscal year, and that this failure resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too low. A court submitting that declaration shall concurrently transmit a copy of the declaration to the county. A county shall have the opportunity to comment to the Department of Finance on the validity of statements in the declaration and comments, if any. Upon receipt of the declaration, the Department of Finance shall determine and certify which costs identified in the court's declaration should have been reported by the county as court operation costs in the 1994-95 fiscal year and whether this failure resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too low. The Department of Finance shall notify the county, the trial courts in the county, and the Judicial Council of its certification and decision. Within 30 days, the county shall either notify the Department of Finance, trial courts in the county, and the Judicial Council that the county shall assume responsibility for the costs the county has failed to report, or that the department shall increase the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1 by an amount equal to the amount certified by the department. A county shall not be required to continue to provide services for which the amount in paragraph (1) of subdivision (b) of Section 77201.1 was adjusted upward.

(e) The Legislature hereby finds and declares that to ensure an orderly transition to state trial court funding, it is necessary to delay the adjustments to county obligation payments provided for by Article 3 (commencing with Section 77200) of Chapter 13 of Title 8, as added by Chapter 850 of the Statutes of 1997, until the 1998-99 fiscal year. The Legislature also finds and declares that since increase adjustments to the county obligation amounts will not take effect in the 1997-98 fiscal year, county charges for those services related to the increase adjustments shall not occur in the 1997-98 fiscal year. It is recognized

date of this section. The department shall reduce the amount a county is required to remit to the state pursuant to paragraph (1) of subdivision (b) in the 1997–98 fiscal year by an amount equal to the amount a county expended for court operation costs between the start of the 1997–98 fiscal year and the effective date of this section. The department shall also reduce the amount a county is required to remit to the state pursuant to paragraph (2) of subdivision (b) in the 1997–98 fiscal year by an amount equal to the amount of fine and forfeiture revenue that a county remitted to the state between the start of the 1997–98 fiscal year and the effective date of this section. The department shall notify the county, the trial courts of the county, and the Judicial Council of the amount it has reduced a county's obligation to remit to the state pursuant to this subdivision.

(h) This section shall be repealed on July 1, 1998, unless a later-enacted statute, enacted before that date extends or deletes that date.

that the counties have an obligation to provide, and the trial courts have an obligation to pay, for services provided by the county pursuant to Section 77212. In the 1997-98 fiscal year, the counties shall charge for, and the courts shall pay, these obligations consistent with paragraphs (1) and (2).

(1) For the 1997-98 fiscal year, a county shall reduce the charges to a court for those services for which the amount in paragraph (1) of subdivision (b) of Section 77201.1 is adjusted upward, by an amount equal to the lesser of the following:

(A) The amount of the increase adjustment certified by the department pursuant to paragraph (2) of subdivision (d).

(B) The difference between the actual amount charged and paid for from the trial court operations fund, and the amount charged in the 1994-95 fiscal year.

(2) For the 1997-98 fiscal year, any funds paid out of the trial court operations fund established pursuant to Section 77009 during the 1997-98 fiscal year to pay for those services for which there was an upward adjustment, shall be returned to the trial court operations fund in the amount equal to the lesser of the following:

(A) The amount of the increase adjustment certified by the department pursuant to paragraph (2) of subdivision (d).

(B) The difference between the actual amount charged and paid for from the trial court operations fund, and the amount charged in the 1994-95 fiscal year.

(3) The Judicial Council shall reduce the allocation to the courts by an amount equal to the amount of any increase adjustment certified by the Department of Finance, if the cost of those services was used in determining the Judicial Council's allocation of funding for the 1997-98 fiscal year.

(4) In the event the charges are not reduced as provided in paragraph (1) or the funds are not returned to the trial court operations fund as provided in paragraph (2), the trial court operations fund shall be

refunded for the 1998-99 fiscal year. Funds provided to the trial court operations fund pursuant to this paragraph shall be available to the trial courts to meet financial obligations incurred during the 1997-98 fiscal year. To the extent that a trial court receives total resources for trial court funding from the county and the state for the 1997-98 fiscal year that exceeded the amount of the allocation approved by the Judicial Council by November 30, 1997, these amounts shall be available for expenditure in the 1998-99 fiscal year and the Judicial Council shall reduce the 1998-99 fiscal year allocation of the court by an equal amount.

(f) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(g) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of Division of Juvenile Justice charges.

(h) The Department of Finance shall notify the county, trial courts in the county, and Judicial Council of the final decision and resulting adjustment.

(i) On or before February 15, 1998, each county shall submit to the Department of Finance a report of the amount it expended for trial court operations as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007, between the start of the 1997-98 fiscal year and the effective date of this section. The department shall reduce the amount a county is required to remit to the state pursuant to paragraph (1) of subdivision (b) in the 1997-98 fiscal year by an amount equal to the amount a county expended for court operation costs between the start of the 1997-98 fiscal year and the effective date of this section. The department shall also reduce the amount a county is required to remit to the state pursuant to paragraph (2) of subdivision (b) in the 1997-98 fiscal year by an amount equal to

	<p>the amount of fine and forfeiture revenue that a county remitted to the state between the start of the 1997-98 fiscal year and the effective date of this section. The department shall notify the county, the trial courts of the county, and the Judicial Council of the amount it has reduced a county's obligation to remit to the state pursuant to this subdivision.</p> <p>(Added by AB 1590 (Stats. 1998, ch. 406, § 3), eff. Aug. 26, 1998. Amended by SB 815 (Stats. 2000, ch. 671, § 1), eff. Sept. 26, 2000; AB 299 (Stats. 2007, ch. 130, § 144).)</p>																																			
<p>Section 46, Cont'd. [State Finance Provisions] 77201.1. (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.</p> <p>(b) Commencing in the 1998–99 fiscal year, and each fiscal year thereafter, each county shall remit to the state in four equal installments due on October 1, January 1, April 1, and July 1, the amounts specified in paragraphs (1) and (2), as follows:</p> <p>(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year:</p> <table border="0"> <thead> <tr> <th>Jurisdiction</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Alameda</td> <td>\$ 29,554,276</td> </tr> <tr> <td>Alpine</td> <td>-</td> </tr> <tr> <td>Amador</td> <td>-</td> </tr> <tr> <td>Butte</td> <td>2,188,561</td> </tr> <tr> <td>Calaveras</td> <td>-</td> </tr> <tr> <td>Colusa</td> <td>-</td> </tr> <tr> <td>Contra Costa</td> <td>14,553,828</td> </tr> <tr> <td>Del Norte</td> <td>-</td> </tr> <tr> <td>El Dorado</td> <td>2,642,828</td> </tr> <tr> <td>Fresno</td> <td>11,220,322</td> </tr> </tbody> </table>	Jurisdiction	Amount	Alameda	\$ 29,554,276	Alpine	-	Amador	-	Butte	2,188,561	Calaveras	-	Colusa	-	Contra Costa	14,553,828	Del Norte	-	El Dorado	2,642,828	Fresno	11,220,322	<p>Section 46, Cont'd. Section 77201.1 of the Government Code now reads:</p> <p>77201.1. (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007.</p> <p>(b) Commencing in the 1999-2000 fiscal year, and each fiscal year thereafter until the 2006-07 fiscal year, each county shall remit to the state in four equal installments due on October 1, January 1, April 1, and May 1, the amounts specified in paragraphs (1) and (2). For the purpose of determining the counties' payments commencing in the 2006-07 fiscal year, and each fiscal year thereafter, the amounts listed in subdivision (a) of Section 77201.3 shall be used in lieu of the amounts listed in this subdivision.</p> <p>(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below, which is based on an amount expended by the respective county for court operations during the 1994-95 fiscal year:</p> <table border="0"> <thead> <tr> <th>Jurisdiction</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Alameda</td> <td>\$ 22,509,905</td> </tr> <tr> <td>Alpine</td> <td>-</td> </tr> <tr> <td>Amador</td> <td>-</td> </tr> <tr> <td>Butte</td> <td>-</td> </tr> <tr> <td>Calaveras</td> <td>-</td> </tr> </tbody> </table>	Jurisdiction	Amount	Alameda	\$ 22,509,905	Alpine	-	Amador	-	Butte	-	Calaveras	-	<p>This is a successor section to 77201, above, primarily setting forth expenditure and revenue MOE amounts for fiscal year 1999-2000 – fiscal year 2006-07. This section was superseded by Section 77201.3.</p>
Jurisdiction	Amount																																			
Alameda	\$ 29,554,276																																			
Alpine	-																																			
Amador	-																																			
Butte	2,188,561																																			
Calaveras	-																																			
Colusa	-																																			
Contra Costa	14,553,828																																			
Del Norte	-																																			
El Dorado	2,642,828																																			
Fresno	11,220,322																																			
Jurisdiction	Amount																																			
Alameda	\$ 22,509,905																																			
Alpine	-																																			
Amador	-																																			
Butte	-																																			
Calaveras	-																																			

Glenn	-	Colusa	-
Humboldt	2,023,135	Contra Costa	11,974,535
Imperial	1,855,173	Del Norte	-
Inyo	-	El Dorado	-
Kern	12,237,358	Fresno	11,222,780
Kings.....	1,981,326	Glenn	-
Lake	-	Humboldt	-
Lassen	-	Imperial	-
Los Angeles	200,596,408	Inyo	-
Madera	1,042,967	Kern	9,234,511
Marin	4,727,855	Kings	-
Mariposa	-	Lake	-
Mendocino	1,539,605	Lassen	-
Merced	1,163,409	Los Angeles	175,330,647
Modoc	-	Madera	-
Mono	-	Marin	-
Monterey	5,539,656	Mariposa	-
Napa	2,131,045	Mendocino	-
Nevada	615,130	Merced	-
Orange	52,341,395	Modoc	-
Placer	3,928,394	Mono	-
Plumas	-	Monterey	4,520,911
Riverside	21,226,163	Napa	-
Sacramento	25,798,064	Nevada	-
San Benito	-	Orange	38,846,003
San Bernardino	22,536,554	Placer	-
San Diego	50,764,874	Plumas	-
San Francisco	20,731,433	Riverside	17,857,241
San Joaquin	7,129,952	Sacramento	20,733,264
San Luis Obispo	4,447,550	San Benito	-
San Mateo	13,179,481	San Bernardino	20,227,102
Santa Barbara	7,516,435	San Diego	43,495,932
Santa Clara	32,910,617	San Francisco	19,295,303
Santa Cruz	4,634,736	San Joaquin	6,543,068
Shasta	2,750,564	San Luis Obispo	-

Sierra	-
Siskiyou	-
Solano	6,975,509
Sonoma	6,724,289
Stanislaus	5,872,184
Sutter	1,388,808
Tehama	-
Trinity	-
Tulare	5,252,388
Tuolumne	-
Ventura	11,392,454
Yolo	2,364,984
Yuba	-

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below which is based on an amount of fine and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001 and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda	\$ 9,912,156
Alpine	58,757
Amador	265,707
Butte	1,217,052
Calaveras	310,331
Colusa	397,468
Contra Costa	4,168,194
Del Norte	553,730
El Dorado	1,028,349
Fresno	3,695,633
Glenn	360,974
Humboldt	1,025,583

San Mateo	12,181,079
Santa Barbara	6,764,792
Santa Clara	28,689,450
Santa Cruz	-
Shasta	-
Sierra	-
Siskiyou	-
Solano	6,242,661
Sonoma	6,162,466
Stanislaus	3,506,297
Sutter	-
Tehama	-
Trinity	-
Tulare	-
Tuolumne	-
Ventura	9,734,190
Yolo	-
Yuba	-

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below, which is based on an amount of fee, fine, and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001, 1463.07, and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994-95 fiscal year:

Jurisdiction	Amount
Alameda	\$ 9,912,156
Alpine	58,757
Amador	265,707
Butte	1,217,052
Calaveras	310,331
Colusa	397,468
Contra Costa	4,486,486
Del Norte	124,085

Imperial	1,144,661	El Dorado	1,028,349
Inyo	614,920	Fresno	3,695,633
Kern	5,530,972	Glenn.....	360,974
Kings.....	982,208	Humboldt	1,025,583
Lake	375,570	Imperial	1,144,661
Lassen	430,163	Inyo	614,920
Los Angeles	71,002,129	Kern	5,530,972
Madera	1,042,797	Kings	982,208
Marin	2,111,712	Lake	375,570
Mariposa	135,457	Lassen	430,163
Mendocino	755,680	Los Angeles	71,002,129
Merced	1,733,156	Madera	1,042,797
Modoc	104,729	Marin	2,111,712
Mono	415,136	Mariposa	135,457
Monterey	3,330,125	Mendocino	717,075
Napa	721,437	Merced	1,733,156
Nevada	1,220,686	Modoc	104,729
Orange	19,572,810	Mono	415,136
Placer	1,243,754	Monterey	3,330,125
Plumas	193,772	Napa	719,168
Riverside	7,681,744	Nevada	1,220,686
Sacramento	6,440,273	Orange	19,572,810
San Benito	302,324	Placer	1,243,754
San Bernardino	9,092,380	Plumas	193,772
San Diego	16,166,735	Riverside	7,681,744
San Francisco	4,046,107	Sacramento.....	5,937,204
San Joaquin	3,562,835	San Benito	302,324
San Luis Obispo	2,036,515	San Bernardino	8,163,193
San Mateo	4,831,497	San Diego	16,166,735
Santa Barbara	3,277,610	San Francisco	4,046,107
Santa Clara	11,597,583	San Joaquin	3,562,835
Santa Cruz	1,902,096	San Luis Obispo	2,036,515
Shasta	1,044,700	San Mateo	4,831,497
Sierra	42,533	Santa Barbara	3,277,610
Siskiyou	615,581	Santa Clara	11,597,583

Solano	3,011,833
Sonoma	2,316,999
Stanislaus	1,855,169
Sutter	678,681
Tehama	640,303
Trinity	137,087
Tulare	1,840,422
Tuolumne	361,665
Ventura	4,575,349
Yolo	1,158,629
Yuba	318,242

(3) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(4) The amount a county is required to remit pursuant to paragraph (1) shall be adjusted by the amount equal to any adjustment resulting from the procedures in subdivision (c) of Section 77201 as it read on June 29, 1998.

(5) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county and (B) the county's portion of fines and forfeitures transmitted to the state in the 1994–95 fiscal year, shall reduce that county's remittance specified in paragraph (2) of this subdivision by an equal amount. Nothing in this paragraph is intended to limit judicial sentencing discretion.

(c) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(d) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law,

Santa Cruz	1,902,096
Shasta	1,044,700
Sierra	42,533
Siskiyou	615,581
Solano	2,708,758
Sonoma	2,316,999
Stanislaus	1,855,169
Sutter.....	678,681
Tehama	640,303
Trinity	137,087
Tulare	1,840,422
Tuolumne	361,665
Ventura	4,575,349
Yolo	880,798
Yuba	289,325

(3) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(4) Except for those counties with a population of 70,000 or fewer on January 1, 1996, the amount a county is required to remit pursuant to paragraph (1) shall be adjusted by the amount equal to any adjustment resulting from the procedures in subdivisions (c) and (d) of Section 77201 as that section read on June 30, 1998, to the extent a county filed an appeal with the Controller with respect to the findings made by the Department of Finance. This paragraph shall not be construed to establish a new appeal process beyond what was provided by Section 77201, as that section read on June 30, 1998.

(5) A change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county, and (B) the county's portion of fines and forfeitures transmitted to the state in the 1994-95 fiscal year, shall reduce that county's remittance specified in paragraph (2) of this subdivision by an equal amount. This paragraph is not intended to

including, but not limited to, indigent defense representation and investigation, and payment of youth authority charges.

(e) County base-year remittance requirements specified in paragraph (2) of subdivision (b) incorporate specific reductions to reflect those instances where the Department of Finance has determined that a county's remittance to both the General Fund and the Trial Court Trust Fund during the 1994–95 fiscal year exceeded the aggregate amount of state funding from the General Fund and the Trial Court Trust Fund. The amount of the reduction was determined by calculating the difference between the amount the county remitted to the General Fund and the Trial Court Trust Fund and the aggregate amount of state support from the General Fund and the Trial Court Trust Fund allocated to the county's trial courts. In making its determination of whether a county is entitled to a reduction pursuant to that paragraph, the Department of Finance subtracted from county revenues remitted to the state, all moneys derived from the fee required by Section 42007.1 of the Vehicle Code and the parking surcharge required by subdivision (c) of Section 76000.

(f) Notwithstanding subdivision (e), the Department of Finance shall not reduce a county's base-year remittance requirement, as specified in paragraph (2) of subdivision (b), if the county's trial court funding allocation was modified pursuant to the amendments to the allocation formula set forth in paragraph (4) of subdivision (d) of Section 77200, as amended by Chapter 2 of the Statutes of 1993, to provide a stable level of funding for small county courts in response to reductions in the State General Fund support for the trial courts.

(g) The Department of Finance shall notify the county, trial courts in the county, and Judicial Council of the final decision and resulting adjustment.

(h) This section shall become operative on July 1, 1998.

limit judicial sentencing discretion.

(6) In the 2005-06 fiscal year, the amount that the County of Santa Clara is required to remit to the state under paragraph (2) shall be reduced as described in this paragraph, rather than as described in subdivision (b) of Section 68085.7. It is the intent of the Legislature that this paragraph have retroactive effect.

(A) For the County of Santa Clara, the remittance under this subdivision for the 2005-06 fiscal year shall be reduced by an amount equal to one-half of the amount calculated by subtracting the budget reduction for the Superior Court of Santa Clara County for that fiscal year attributable to the reduction of the counties' payment obligation from thirty-one million dollars (\$31,000,000) pursuant to subdivision (a) of Section 68085.6 from the net civil assessments received in that county in that fiscal year. "Net civil assessments" as used in this paragraph means the amount of civil assessments collected minus the costs of collecting those civil assessments, under the guidelines of the Controller.

(B) The reduction under this paragraph of the amount that the County of Santa Clara is required to remit to the state for the 2005-06 fiscal year shall not exceed two million five hundred thousand dollars (\$2,500,000). If the reduction reaches two million five hundred thousand dollars (\$2,500,000), the amount the county is required to remit to the state under paragraph (2) of subdivision (a) of Section 77201.3 in each subsequent fiscal year shall be eight million four hundred sixty-one thousand two hundred ninety-three dollars (\$8,461,293).

(C) This paragraph does not affect the reduction of the annual remittance for the County of Santa Clara as provided in Section 68085.2.

(7) Notwithstanding the changes to the amounts in paragraph (2) made by Section 68085.7 or any other section, the amounts in paragraph (2) shall not be changed for purposes of the calculation required by subdivision (a) of Section 77205.

(c) This section is not intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 70311.

(d) This section is not intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of juvenile justice charges.

(e) County base year remittance requirements specified in paragraph (2) of subdivision (b) incorporate specific reductions to reflect those instances where the Department of Finance has determined that a county's remittance to both the General Fund and the Trial Court Trust Fund during the 1994-95 fiscal year exceeded the aggregate amount of state funding from the General Fund and the Trial Court Trust Fund. The amount of the reduction was determined by calculating the difference between the amount the county remitted to the General Fund and the Trial Court Trust Fund and the aggregate amount of state support from the General Fund and the Trial Court Trust Fund allocated to the county's trial courts. In making its determination of whether a county is entitled to a reduction pursuant to paragraph (2) of subdivision (b), the Department of Finance subtracted from county revenues remitted to the state, all moneys derived from the fee required by Section 42007.1 of the Vehicle Code and the parking surcharge required by subdivision (c) of Section 76000 of this code.

(f) Notwithstanding subdivision (e), the Department of Finance shall not reduce a county's base year remittance requirement, as specified in paragraph (2) of subdivision (b), if the county's trial court funding allocation was modified pursuant to the amendments to the allocation formula set forth in paragraph (4) of subdivision (d) of Section 77200, as amended by Chapter 2 of the Statutes of 1993, to provide a stable level of funding for small county courts in response to reductions in the General Fund support for the trial courts.

(g) In any fiscal year in which a county of the first class pays the

	<p>employer-paid retirement contribution for court employees, or other employees of the county who provide a service to the court, and the amounts of those payments are charged to the budget of the courts, the sum the county is required to pay to the state pursuant to paragraph (1) of subdivision (b) shall be increased by the actual amount charged to the trial court up to twenty-three million five hundred twenty-seven thousand nine hundred forty-nine dollars (\$23,527,949) in that fiscal year. The county and the trial court shall report to the Controller and the Department of Finance the actual amount charged in that fiscal year.</p> <p>(Amended by AB 2788 (Stats. 1998, ch. 1017, § 1), eff. Sept. 30, 1998, operative July 1, 1999; SB 1533 (Stats. 2000, ch. 447, § 9.4); SB 815 (Stats. 2000, ch. 671, § 2), eff. Sept. 26, 2000; AB 299 (Stats. 2007, ch. 130, § 145); AB 227 (Stats. 2007, ch. 383, § 2); SB 1498 (Stats. 2008, ch. 179, § 131).)</p>	
<p>Section 46, Cont'd. [State Finance Provisions] 77202. (a) The Legislature shall make an annual appropriation to the Judicial Council for the general operations of the trial courts based on the recommendations of the Trial Court Budget Commission, as approved by the Judicial Council, as specified in paragraph (4) of subdivision (a) of Section 68502.5. The Judicial Council's trial court budget request shall meet the needs of all trial courts in a manner which promotes equal access to the courts statewide. The Judicial Council shall allocate the appropriation to the trial courts in a manner that best ensures the ability of the courts to carry out their functions, promotes implementation of statewide policies, and promotes the immediate implementation of efficiencies and cost saving measures in court operations, in order to guarantee access to justice to citizens of the state.</p> <p>The Judicial Council shall ensure that the recommendations of the commission and the allocations made by the council reward each trial court's implementation of efficiencies and cost saving</p>	<p>Section 46, Cont'd. Section 77202 of the Government Code now reads:</p> <p>(a) The Legislature shall make an annual appropriation to the Judicial Council for the general operations of the trial courts based on the request of the Judicial Council. The Judicial Council's trial court budget request, which shall be submitted to the Governor and the Legislature, shall meet the needs of all trial courts in a manner that ensures a predictable fiscal environment for labor negotiations in accordance with the Trial Court Employment Protection and Governance Act (Chapter 7 (commencing with Section 71600) of Title 8), that promotes equal access to the courts statewide, and that promotes court financial accountability. The annual budget request shall include the following components:</p> <p>(1) Commencing with the 2006-07 fiscal year, annual General Fund appropriations to support the trial courts shall be comprised of both of the following:</p> <p>(A) The current fiscal year General Fund appropriations, which</p>	<p>The statute specifies what must be included in the Judicial Council's budget request to the Governor and Legislature. Current budget process does not follow this model. Among other things, the statute identifies SAL as a component of the funding request, although this funding was suspended in</p>

<p>measures.</p> <p>These efficiencies and cost saving measures shall include the following:</p> <p>(1) The use of blanket cross-assignments allowing judges to hear civil, criminal, or other types of cases within the jurisdiction of another court.</p> <p>(2) The coordinated or joint use of subordinate judicial officers to hear or try matters.</p> <p>(3) The coordinated or joint use, sharing, or merger of court support staff among trial courts within a county or across counties.</p> <p>(4) The assignment of civil, criminal, or other types of cases for hearing or trial, regardless of jurisdictional boundaries, to any available judicial officer.</p> <p>(5) The assignment of any type of case to a judge for all purposes commencing with the filing of the case and regardless of jurisdictional boundaries.</p> <p>(6) The establishment of a separate calendar or division to hear a particular type of case.</p> <p>(7) In rural counties, the use of all court facilities for hearings and trials of all types of cases and the acceptance of filing documents in any case before any court in the county participating in the coordination plan.</p> <p>(8) The coordinated or joint use of alternative dispute resolution programs, such as arbitration.</p> <p>(9) The unification of the trial courts within a county to the maximum extent permitted by the Constitution.</p> <p>(10) The development and use of joint automated accounting and case-processing systems.</p> <p>(b) The Judicial Council shall promulgate rules governing</p>	<p>include all of the following:</p> <p>(i) General Fund moneys appropriated for transfer or direct local assistance in support of the trial courts.</p> <p>(ii) Transfers to the State Trial Court Improvement and Modernization Fund.</p> <p>(iii) Local assistance grants made by the Judicial Council, including the Equal Access Fund.</p> <p>(iv) The full year cost of budget change proposals approved through the 2006-07 fiscal year or subsequently approved in accordance with paragraph (2), but excluding lease-revenue payments and funding for costs specifically and expressly reimbursed through other state or federal funding sources, excluding the cost of one-time or expiring programs.</p> <p>(B) A cost-of-living and growth adjustment computed by multiplying the year-to-year percentage change in the state appropriation limit as described in Section 3 of Article XIII B of the California Constitution by the sum of all of the following:</p> <p>(i) The current year General Fund appropriations for the trial courts, as defined in subparagraph (A).</p> <p>(ii) The amount of county obligations established pursuant to subdivision (b) of Section 77201.1 in effect as of June 30, 2005, six hundred ninety-eight million sixty-eight thousand dollars (\$698,068,000).</p> <p>(iii) The level of funding required to be transferred from the State Trial Court Improvement and Modernization Fund to the Trial Court Trust Fund pursuant to subdivision (k) of Section 77209, thirteen million three hundred ninety-seven thousand dollars (\$13,397,000).</p> <p>(iv) Funding deposited into the Court Facilities Trust Fund associated with each facility that was transferred to the state not less than two fiscal years earlier than the fiscal year for which the cost-of-living and growth adjustment is being calculated.</p>	<p>2009-10 by budget trailer bill language affecting all automatic increases (See AB X4 12 (Chapter 12 of 2009), adding Section 11019.10 to the Government Code.) The judicial branch budget request generally relates to new items, cost increases, and similar funding requests set forth in budget change proposals.</p> <p>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</p>
--	---	--

<p>practices and procedures for budgeting in the trial courts in a manner that best ensures the ability of the courts to carry out their functions. The Administrative Office of the Courts, after consultation with the Department of Finance, shall establish budget procedures and an annual schedule of budget development and management consistent with these rules.</p>	<p>(v) The court filing fees and surcharges projected to be deposited into the Trial Court Trust Fund in the 2005-06 fiscal year, adjusted to reflect the full-year implementation of the uniform civil fee structure implemented on January 1, 2006, three hundred sixty-nine million six hundred seventy-two thousand dollars (\$369,672,000).</p> <p>(2) In addition to the moneys to be applied pursuant to subdivision (b), the Judicial Council may identify and request additional funding for the trial courts for costs resulting from the implementation of statutory changes that result in either an increased level of service or a new activity that directly affects the programmatic or operational needs of the courts.</p> <p>(b) The Judicial Council shall allocate the funding from the Trial Court Trust Fund to the trial courts in a manner that best ensures the ability of the courts to carry out their functions, promotes implementation of statewide policies, and promotes the immediate implementation of efficiencies and cost-saving measures in court operations, in order to guarantee access to justice to citizens of the state.</p> <p>The Judicial Council shall ensure that allocations to the trial courts recognize each trial court's implementation of efficiencies and cost-saving measures.</p> <p>These efficiencies and cost-saving measures shall include, but not be limited to, the following:</p> <p>(1) The sharing or merger of court support staff among trial courts across counties.</p> <p>(2) The assignment of any type of case to a judge for all purposes commencing with the filing of the case and regardless of jurisdictional boundaries.</p> <p>(3) The establishment of a separate calendar or division to hear a particular type of case.</p> <p>(4) In rural counties, the use of all court facilities for hearings and trials of all types of cases and the acceptance of filing documents in</p>	<p>the initial baseline budgets. Funding has not been allocated based on the factors and considerations set forth in subdivision (a) (subdivision (b), as amended).</p> <p>The Judicial Council does identify and request additional funding for courts resulting from statutory changes that result in an increased service level or new activity.</p> <p>With regard to the requirements of subdivision (b), as enacted by AB 233 (now subdivision (c)) – Complete. The Judicial Council adopted Rules of Court (see, e.g.</p>
--	---	--

	<p>any case.</p> <p>(5) The use of alternative dispute resolution programs, such as arbitration.</p> <p>(6) The development and use of automated accounting and case-processing systems.</p> <p>(c)(1) The Judicial Council shall adopt policies and procedures governing practices and procedures for budgeting in the trial courts in a manner that best ensures the ability of the courts to carry out their functions and may delegate the adoption to the Administrative Director of the Courts. The Administrative Director of the Courts shall establish budget procedures and an annual schedule of budget development and management consistent with these rules.</p> <p>(2) The trial court policies and procedures shall specify the process for a court to transfer existing funds between or among the budgeted program components to reflect changes in the court's planned operation or to correct technical errors. If the process requires a trial court to request approval of a specific transfer of existing funds, the Administrative Office of the Courts shall review the request to transfer funds and respond within 30 days of receipt of the request. The Administrative Office of the Courts shall respond to the request for approval or denial to the affected court, in writing, with copies provided to the Department of Finance, the Legislative Analyst's Office, the Legislature's budget committees, and the court's affected labor organizations.</p> <p>(3) The Judicial Council shall circulate for comment to all affected entities any amendments proposed to the trial court policies and procedures as they relate to budget monitoring and reporting. Final changes shall be adopted at a meeting of the Judicial Council.</p> <p>(Amended by AB 223 (Stats. 2001, ch. 812, § 22); SB 129 (Stats. 2003, ch. 336, § 1); AB 3082 (Stats. 2004, ch. 183, § 183); SB 1102 (Stats. 2004, ch. 227, § 77), eff. Aug. 16, 2004; SB 1852 (Stats. 2006, ch. 538, § 333); AB 1806 (Stats. 2006, ch. 69, § 16), eff. July 12, 2006; AB 299 (Stats. 2007, ch. 130, § 146); SB 1021 (Stats. 2012, ch.</p>	<p>Rule 10.80 et seq.) as well as the Trial Court Financial Policies and Procedures Manual.</p> <p>(2) The Trial Court Financial Policies and Procedures Manual addresses transfers of funds.</p> <p>(3) Amendments are circulated for public comment.</p>
--	--	--

	41, § 55), eff. June 27, 2012.)	
<p>Section 46, Cont'd. [State Finance Provisions] 77203. The Judicial Council may authorize a trial court to carry unexpended funds over from one fiscal year to the next, provided that the court carrying over the funds has fully implemented all provisions of Rule 991 of the California Rules of Court as it read on July 1, 1996, regarding trial court coordination.</p>	<p>Section 46, Cont'd. Repealed by SB 1021 (Stats. 2012, ch. 41, § 56) and added (Stats. 2012, ch. 41, § 56), section 77203 now reads:</p> <p>(a) Prior to June 30, 2014, a trial court may carry over all unexpended funds from the courts operating budget from the prior fiscal year.</p> <p>(b) Commencing June 30, 2014, a trial court may carry over unexpended funds in an amount not to exceed 1 percent of the courts operating budget from the prior fiscal year.</p>	<p>Such authority provided. This section was substantially rewritten by budget trailer bill, effective June 27, 2012.</p>
<p>Section 46, Cont'd. [State Finance Provisions] 77204. (a) The Judicial Council shall have the authority to allocate funds appropriated annually to the State Trial Court Trust Fund for the purpose of paying legal costs resulting from lawsuits or claims arising out of the actions or conduct of a trial court, trial court bench officer, or trial court employee, and for which the state is named as a defendant or alleged to be the</p>	<p>Section 46, Cont'd. Section 77204 of the Government Code now reads:</p> <p>(a) The Judicial Council shall have the authority to allocate funds appropriated annually to the State Trial Court Improvement and Modernization Fund for the purpose of paying legal costs resulting from lawsuits or claims involving the state, the Judicial Council, or a member or employee of the Judicial Council or Administrative Office</p>	<p>Complete. This litigation management program annually manages approximately 500 claims and</p>

<p>responsible party.</p> <p>(b) For the purposes of this section, legal costs are further defined to be (1) the state's portion of any agreement, settlement decree, stipulation, or stipulated judgment in an action involving a trial court bench officer or employee, or challenging a California rule of court, form, local trial court rule or policy; (2) the state's portion of any judgment in an action involving a trial court bench officer or employee, or challenging a California rule of court, form, local trial court rule or policy; or (3) the state's portion of any attorneys' fees, legal assistant fees, and any litigation costs and expenses, including, but not limited to, experts' fees, incurred in an action involving a trial court bench officer or employee, or challenging a California rule of court, form, local trial court rule or policy.</p>	<p>of the Court and arising out of (1) the actions or conduct of a trial court, trial court bench officer, or trial court employee, (2) a challenge to a California rule of court, form, local trial court rule, or policy, or (3) the actions or conduct of the Judicial Council or the Administrative Office of the Court affecting one or more trial courts and for which the state is named as a defendant or alleged to be the responsible party.</p> <p>(b) For the purposes of this section, legal costs are defined to be (1) the state's or Judicial Council's portion of any agreement, settlement decree, stipulation, or stipulated judgment; (2) the state's or Judicial Council's portion of any payment required pursuant to a judgment or order; or (3) attorneys' fees, legal assistant fees, and any litigation costs and expenses, including, but not limited to, experts' fees incurred by the state or Judicial Council.</p> <p>(Amended by AB 1301 (Stats. 1998, ch. 146, § 9.5), eff. July 13, 1998; SB 1021 (Stats. 2012, ch. 41, § 58), eff. June 27, 2012.)</p>	<p>lawsuits against the courts with a \$4.5 million allocation.</p>
<p>Section 46, Cont'd. [State Finance Provisions]</p> <p>77205. (a) Notwithstanding any other provision of law, in any year in which a county collects and remits fine and forfeiture revenue pursuant to Sections 1463.001, 1463.07, and 1464 of the Penal Code and Sections 42007, 42007.1, and 42008 of the Vehicle Code, and Sections 27361 and 76000 of the Government Code that exceeds the amount specified in paragraph (2) of subdivision (b) of Section 77201, the excess amount shall be divided between the county or city and county and the state, with 50 percent of the excess transferred to the state for deposit in the Trial Court Improvement Fund and 50 percent of the excess being deposited into the county general fund. For the purpose of this subdivision, fine and forfeiture revenue shall not include revenue from penalty assessments.</p> <p>(b) Any amounts required to be distributed to the state pursuant to subdivision (a) shall be remitted to the Controller no later than 45 days after the end of the fiscal year in which those fines and</p>	<p>Section 46, Cont'd.</p> <p>Section 77205 of the Government Code now reads:</p> <p>77205. (a) Notwithstanding any other provision of law, in any year in which a county collects fee, fine, and forfeiture revenue for deposit into the county general fund pursuant to Sections 1463.001 and 1464 of the Penal Code, Sections 42007, 42007.1, and 42008 of the Vehicle Code, and Sections 27361 and 76000 of, and subdivision (f) of Section 29550 of, the Government Code that would have been deposited into the General Fund pursuant to these sections as they read on December 31, 1997, and pursuant to Section 1463.07 of the Penal Code, and that exceeds the amount specified in paragraph (2) of subdivision (b) of Section 77201 for the 1997-98 fiscal year, and paragraph (2) of subdivision (b) of Section 77201.1 for the 1998-99 fiscal year, and thereafter, the excess amount shall be divided between the county or city and county and the state, with 50 percent of the excess transferred to the state for deposit in the State Trial Court Improvement and Modernization Fund and 50 percent of the excess</p>	<p>Much of this statute imposes no requirements on the judicial branch. With regard to (a)(1)-(3), the Judicial Council allocated the funds in this manner in each fiscal year that exceeded the amount deposited in 2002-03. In recent years, that threshold level has not been</p>

forfeitures were collected. This remittance shall be accompanied by a remittance advice identifying the quarter of collection and stating that the amount should be deposited in the Trial Court Improvement Fund.

(c) Subject to subdivisions (a) and (b), moneys in the Trial Court Improvement Fund shall be subject to expenditure pursuant to Section 77213.

deposited into the county general fund. The Judicial Council shall allocate 80 percent of the amount deposited in the State Trial Court Improvement and Modernization Fund pursuant to this subdivision each fiscal year that exceeds the amount deposited in the 2002-03 fiscal year among:

- (1) The trial court in the county from which the revenue was deposited.
- (2) Other trial courts, as provided in paragraph (1) of subdivision (a) of Section 68085.
- (3) For retention in the State Trial Court Improvement and Modernization Fund.

For the purpose of this subdivision, fee, fine, and forfeiture revenue shall only include revenue that would otherwise have been deposited in the General Fund prior to January 1, 1998.

(b) Any amounts required to be distributed to the state pursuant to subdivision (a) shall be remitted to the Controller no later than 45 days after the end of the fiscal year in which those fees, fines, and forfeitures were collected. This remittance shall be accompanied by a remittance advice identifying the quarter of collection and stating that the amount should be deposited in the State Trial Court Improvement and Modernization Fund.

(c) Notwithstanding subdivision (a), the following counties whose base-year remittance requirement was reduced pursuant to subdivision (c) of Section 77201.1 shall not be required to split their annual fee, fine, and forfeiture revenues as provided in this section until such revenues exceed the following amounts:

County	Amount
Placer	\$ 1,554,677
Riverside	11,028,078
San Joaquin	3,694,810
San Mateo	5,304,995
Ventura	4,637,294

reached, so this allocation has not occurred.

	(Amended by AB 1301 (Stats. 1998, ch. 146, § 1), eff. July 13, 1998; AB 1935 (Stats. 1998, ch. 1004, § 8); SB 940 (Stats. 2003, ch. 275, § 2); AB 145 (Stats. 2005, ch. 75, § 140), eff. July 19, 2005, operative Jan. 1, 2006; SB 1021 (Stats. 2012, ch. 41, § 59), eff. June 27, 2012.)	
--	---	--

<p>Section 46, Cont'd. [State Finance Provisions] 77206. (a) The Judicial Council shall adopt appropriate rules for budget submission, budget management, and reporting of revenues and expenditures by each court. The Controller, in consultation with the Judicial Council, shall maintain appropriate regulations for recordkeeping and accounting by the courts, in order to determine all moneys collected by the courts, including filing fees, fines, forfeitures, and penalties, and all revenues and expenditures relating to court operations. (b) Regulations, rules, and reporting requirements adopted pursuant to this chapter shall be exempt from review and approval or other processing by the Office of Administrative Law as provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2. (c) The Controller, at the request of the Legislature or the Judicial Council, may perform and publish financial and fiscal compliance audits of the reports of court revenues and expenditures. The Controller shall report the results of these audits to the Legislature. (d) The Judicial Council shall provide for the transmission of summary information concerning court revenues and expenditures to the Controller.</p>	<p>Section 46, Cont'd. Section 77206 of the Government Code now reads: 77206. (a) Notwithstanding any other law, the Judicial Council may regulate the budget and fiscal management of the trial courts. The Judicial Council, in consultation with the Controller, shall maintain appropriate regulations for recordkeeping and accounting by the courts. The Judicial Council shall seek to ensure, by these provisions, both of the following: (1) That the fiscal affairs of the trial courts are managed efficiently, effectively, and responsibly. (2) That all moneys collected by the courts, including filing fees, fines, forfeitures, and penalties, and all revenues and expenditures relating to court operations are known. The Judicial Council may delegate its authority under this section, when appropriate, to the Administrative Director of the Courts. (b) Regulations, rules, and reporting requirements adopted pursuant to this chapter shall be exempt from review and approval or other processing by the Office of Administrative Law as provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2. (c) The Controller, at the request of the Legislature, may perform and publish financial and fiscal compliance audits of the reports of court revenues and expenditures. The Controller shall report the results of these audits to the Legislature and the Judicial Council. (d) The Judicial Council shall provide for the transmission of summary information concerning court revenues and expenditures to the Controller. (e) The Judicial Council shall adopt rules to provide for reasonable public access to budget allocation and expenditure information at the state and local levels. (f) The Judicial Council shall adopt rules ensuring that, upon written</p>	<p>As to the statute as enacted by AB 233 – Judicial Council has adopted rules for budget submission, management, and reporting of revenue and expenditures by each court. The Judicial Council adopted Rules of Court (see, e.g., Rule 10.800 et seq.) as well as the Trial Court Financial Policies and Procedures Manual. (a) As to the statute as subsequently amended: Judicial Council has adopted such rules. (See above.) (e) –(f) Complete. See Rule of Court rule 10.500 and 10.602.</p>
--	---	--

	<p>request, the trial courts provide, in a timely manner, information relating to the administration of the courts, including financial information and other information that affects the wages, hours, and working conditions of trial court employees.</p> <p>(g)(1) The Judicial Council or its representatives may do any of the following:</p> <p>(A) Inspect, review, and perform comprehensive oversight and analysis of court financial records wherever they may be located.</p> <p>(B) Investigate allegations of financial impropriety or mismanagement.</p> <p>(2) The authority granted pursuant to this subdivision shall not substitute for, or conflict with, the audits conducted pursuant to subdivisions (h) and (i).</p> <p>(h)(1) Commencing not earlier than July 1, 2011, and not later than December 15, 2012, the entity contracted with pursuant to subdivision (j) shall establish a pilot program to audit six trial courts. That entity shall select the trial courts using the following criteria:</p> <p>(A) Two trial courts selected from counties with a population of 200,000 or less.</p> <p>(B) Two trial courts selected from counties with a population greater than 200,000 and less than 750,000.</p> <p>(C) Two trial courts selected from counties with a population of 750,000 or greater.</p> <p>The audits shall be performed in accordance with generally accepted government auditing standards and shall determine the trial court's compliance with governing statutes, rules, and regulations relating to the revenues, expenditures, and fund balances of all material and significant funds, including state General Fund funds, funds generated from fees or fines, federal funds, grants, and any other funds within the trial court's administration or control. The audits required by this section shall be in addition to any audit regularly conducted pursuant</p>	<p>(g) Complete – Internal Audit Program adopted.</p> <p>(h) – (k) New provisions regarding fiscal compliance audits: quote from State Controller, BSA, and DOF received and currently being evaluated. Entity will soon be selected and contracts entered into.</p>
--	--	--

to any other provision of law.

(2) Based on the results of the pilot program audits described in paragraph (1), the entity contracted with pursuant to subdivision (j) shall, on or before December 15, 2013, commence an audit of the trial courts, provided that every trial court is audited in the manner prescribed by this section at least once every four years. The audits shall be performed in accordance with generally accepted government auditing standards and shall determine the trial court's compliance with governing statutes, rules, and regulations relating to the revenues, expenditures, and fund balances of all material and significant funds, including state General Fund funds, funds generated from fees or fines, federal funds, grants, or any other funds within the trial court's administration or control. The audits required by this paragraph shall be in addition to any audit regularly conducted pursuant to any other provision of law.

(3) Notwithstanding Section 10231.5, the auditing entity shall compile the trial court audit findings and report the results of these audits to the Legislature, the Judicial Council, and the Department of Finance no later than April 1 of each year. An audit report shall not be considered final until the audited entity is provided a reasonable opportunity to respond and the response is included with, or incorporated into, the report.

(4) The reasonable and necessary contracted cost of the audit conducted pursuant to this subdivision shall be paid from funds of the local trial court being audited.

(i)(1) On or before December 15, 2013, and biennially thereafter, the entity contracted with pursuant to subdivision (j) shall perform an audit of the Administrative Office of the Courts in accordance with generally accepted government auditing standards and shall determine the Administrative Office of the Court's compliance with governing statutes, rules, regulations, and policies relating to the revenues, expenditures, and fund balances of all material and significant funds under the administration, jurisdiction, or control of the Administrative

Office of the Courts.

(2) Notwithstanding Section 10231.5, the auditing entity shall provide a copy of the final audit report of the Administrative Office of the Courts to the Legislature, the Judicial Council, and the Department of Finance upon issuance. An audit report shall not be considered final until the audited entity is provided a reasonable opportunity to respond and the response is included with, or incorporated into, the report.

(3) Any reasonable and necessary contracted costs incurred by the auditing entity pursuant to this subdivision shall be reimbursed by the Administrative Office of the Courts.

(j) The Administrative Office of the Courts shall contract with the Controller to perform the audits described in subdivisions (h) and (i), unless either the Bureau of State Audits or the Department of Finance demonstrates that it can perform the audits pursuant to the same timeframes, scope, and methodology as the Controller for a cost that is less than that proposed by the Controller. In that case, the Administrative Office of the Courts may contract with the state entity named in this subdivision that is most cost effective. The Administrative Office of the Courts shall provide written notification to the chairs of the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Budget, and the Senate and Assembly Committees on Judiciary, if the Administrative Office of the Courts contracts with an entity other than the Controller. The contract period for any contract entered into pursuant to this section shall not exceed four years from the date of commencement.

(k) A report submitted pursuant to subdivision (h) or (i) shall be submitted in compliance with Section 9795.

(Amended by AB 2459 (Stats. 2000, ch. 969, § 1); AB 223 (Stats. 2001, ch. 812, § 23); SB 857 (Stats. 2010, ch. 720, § 28), eff. Oct. 19, 2010; SB 78 (Stats. 2011, ch. 10, § 4), eff. Mar. 24, 2011; SB 92 (Stats. 2011, ch. 36, § 17), eff. June 30, 2011.)

<p>Section 46, Cont'd. [State Finance Provisions] 77207. The Legislature shall appropriate trial court funding. The Controller shall apportion trial court funding payments to the courts pursuant to an allocation schedule adopted by the Judicial Council in four quarterly installments. Beginning in the 1997–98 fiscal year, the Controller shall make quarterly apportionment payments on July 15, October 15, January 15, and April 15, provided, that if the operative date of this section is less than 10 days prior to July 1, 1997, or thereafter, the Controller shall make the first quarterly apportionment payment within 10 days of the operative date of this section. In subsequent fiscal years, payments shall be due on July 15, October 15, January 15, and April 15.</p>	<p>Section 46, Cont'd. Section 77207 of the Government Code now reads: The Legislature shall appropriate trial court funding. The Controller shall apportion trial court funding payments to the courts as provided in Section 68085 pursuant to an allocation schedule adopted by the Judicial Council. (Amended by AB 1301 (Stats. 1998, ch. 146, § 11), eff. July 13, 1998.)</p>	<p>No judicial branch action required.</p>
<p>Section 46, Cont'd. [State Finance Provisions] 77208. Amounts appropriated in the annual Budget Act for assigned judges shall be transferred to the Judicial Council on a monthly basis. The Judicial Council shall certify the amount expended for judicial assignment purposes monthly, and the Controller shall transfer to the Judicial Council the amount certified. The amounts so transferred by the Controller shall be credited to the appropriation available to the Judicial Council in augmentation of the Budget Act.</p>	<p>Section 46, Cont'd. Repealed by AB 1700 (Stats. 2001, ch. 824, § 34).</p>	<p>Repealed</p>
<p>Section 46, Cont'd. [State Finance Provisions] 77209. (a) There is in the State Treasury the Trial Court Improvement Fund. (b) The Judicial Council shall reserve funds for the following projects by allocating 1 percent of the annual appropriation for the trial courts to the Trial Court Improvement Fund as follows: (1) At least one-half of 1 percent of the total appropriation for trial court operations shall be set aside as a reserve which shall not be allocated prior to March 15 of each year unless allocated to a court or courts for urgent needs.</p>	<p>Section 46, Cont'd. Section 77209 of the Government Code now reads: 77209. (a) There is in the State Treasury the State Trial Court Improvement and Modernization Fund. The State Trial Court Improvement and Modernization Fund is the successor fund of the Trial Court Improvement Fund and the Judicial Administration Efficiency and Modernization Fund. All assets, liabilities, revenues, and expenditures of the Trial Court Improvement Fund and the Judicial Administration Efficiency and Modernization Fund shall be transferred to and become a part of the State Trial Court Improvement and Modernization Fund. Any reference in state law to the Trial Court</p>	<p>Section substantially revised subsequent to AB 233. Fund has been established, in an interest bearing account, and the monies deposited allocated and</p>

<p>(2) Up to one-quarter of 1 percent of the total appropriation for trial court operations may be allocated from the fund to courts which have fully implemented the requirements of Rule 991 of the California Rules of Court, as it read on July 1, 1996, and which meet additional criteria as may be established by the Judicial Council.</p> <p>(3) Up to one-quarter of 1 percent of the total appropriation for trial court operations may be allocated from the fund for statewide projects or programs for the benefit of the trial courts.</p> <p>(c) Except as specified in this section, the funds in the Trial Court Improvement Fund shall be subject to expenditure as specified in Sections 77205 and 77213. Any funds in the Trial Court Improvement Fund that are unencumbered at the end of the fiscal year shall be reappropriated to the Trial Court Improvement Fund for the following fiscal year.</p> <p>(d) Moneys deposited in the Trial Court Improvement Fund shall be placed in an interest bearing account. Any interest earned shall accrue to the fund and shall be disbursed pursuant to subdivision (e).</p> <p>(e) Moneys deposited in the Trial Court Improvement Fund may be disbursed for purposes of this section.</p> <p>(f) Moneys deposited in the Trial Court Improvement Fund pursuant to Section 68090.8 shall be allocated by the Judicial Council for automated recordkeeping system improvements pursuant to that section and in furtherance of Rule 991 of the California Rules of Court, as it read on July 1, 1996.</p> <p>(g) Moneys deposited in the Trial Court Improvement Fund shall be administered by the Judicial Council. The Judicial Council may, with appropriate guidelines, delegate to the Administrative Office of the Courts the administration of the fund. Moneys in the fund may be expended to implement trial court projects approved by the Judicial Council. Expenditures may be made to vendors or individual trial courts that have the responsibility to</p>	<p>Improvement Fund or the Judicial Administration Efficiency and Modernization Fund shall be construed to refer to the State Trial Court Improvement and Modernization Fund.</p> <p>(b) Any funds in the State Trial Court Improvement and Modernization Fund that are unencumbered at the end of the fiscal year shall be reappropriated to the State Trial Court Improvement and Modernization Fund for the following fiscal year.</p> <p>(c) Moneys deposited in the State Trial Court Improvement and Modernization Fund shall be placed in an interest-bearing account. Any interest earned shall accrue to the fund and shall be disbursed pursuant to subdivision (d).</p> <p>(d) Moneys deposited in the State Trial Court Improvement and Modernization Fund may be disbursed for purposes of this section.</p> <p>(e) Moneys deposited in the State Trial Court Improvement and Modernization Fund pursuant to Section 68090.8 shall be allocated by the Judicial Council for automated administrative system improvements pursuant to that section and in furtherance of former Rule 991 of the California Rules of Court, as it read on July 1, 1996. As used in this subdivision, “automated administrative system” does not include electronic reporting systems for use in a courtroom.</p> <p>(f) Moneys deposited in the State Trial Court Improvement and Modernization Fund shall be administered by the Judicial Council. The Judicial Council may, with appropriate guidelines, delegate to the Administrative Director of the Courts the administration of the fund. Moneys in the fund may be expended to implement trial court projects approved by the Judicial Council. Expenditures may be made to vendors or individual trial courts that have the responsibility to implement approved projects.</p> <p>(g) Notwithstanding other provisions of this section, the 2-percent automation fund moneys deposited in the State Trial Court Improvement and Modernization Fund pursuant to Section 68090.8 shall be allocated by the Judicial Council to statewide initiatives related to trial court automation and their implementation. The</p>	<p>expended in accordance with the requirements of this section.</p> <p>The Judicial Council submits an annual report to the Legislature on the use of these monies. (See http://www.courts.ca.gov/documents/FY-2010-11-Special-Funds-Expenditure-Report-to-the-Legislature.pdf.)</p>
---	--	---

implement approved projects.

(h) Notwithstanding other provisions of this section, the 2 percent automation fund moneys deposited in the Trial Court Improvement Fund pursuant to Section 68090.8 shall be allocated by the Judicial Council to individual courts of the counties for deposit in the Trial Court Operations Fund of the county from which the money was collected in an amount not less than the revenues collected in the local 2 percent automation funds in fiscal year 1994–95. The Judicial Council shall allocate the remainder of the moneys deposited in the Trial Court Improvement Fund as specified in this section.

For the purposes of this subdivision, the term “2 percent automation fund” means the fund established pursuant to Section 68090.8 as it read on June 30, 1996.

(i) The Judicial Council shall present an annual report to the Legislature on the use of the Trial Court Improvement Fund. The report shall include appropriate recommendations.

Judicial Council shall allocate the remainder of the moneys deposited in the Trial Court Improvement Fund as specified in this section.

For the purposes of this subdivision, “2-percent automation fund” means the fund established pursuant to Section 68090.8 as it read on June 30, 1996. As used in this subdivision, “statewide initiatives related to trial court automation and their implementation” does not include electronic reporting systems for use in a courtroom.

(h) Royalties received from the publication of uniform jury instructions shall be deposited in the State Trial Court Improvement and Modernization Fund and used for the improvement of the jury system.

(i) The Judicial Council shall present an annual report to the Legislature on the use of the State Trial Court Improvement and Modernization Fund. The report shall include appropriate recommendations.

(j) Each fiscal year, the Controller shall transfer thirteen million three hundred ninety-seven thousand dollars (\$13,397,000) from the State Trial Court Improvement and Modernization Fund to the Trial Court Trust Fund for allocation to trial courts for court operations.

(Amended by AB 1301 (Stats. 1998, ch. 146, § 12), eff. July 13, 1998; AB 1700 (Stats. 2001, ch. 824, § 35); AB 1710 (Stats. 2003, ch. 365, § 3); AB 145 (Stats. 2005, ch. 75, § 142), eff. July 19, 2005, operative Jan. 1, 2006; AB 1742 (Stats. 2005, ch. 706, § 34); AB 1806 (Stats. 2006, ch. 69, § 17), eff. July 12, 2006; AB 299 (Stats. 2007, ch. 130, § 148); SB 1021 (Stats. 2012, ch. 41, § 60), eff. June 27, 2012.)

<p>Section 46, Cont'd. [State Finance Provisions] 77210. (a) The state shall provide municipal court judges retired under the Judges' Retirement System with retiree health, dental, and vision care plans equal to and in the same manner as the health, dental, and vision benefits provided to retired superior court judges.</p> <p>(b) No judge shall have any salary or benefits reduced solely by reason of the enactment of this section.</p>	<p>Section 46, Cont'd. No amendment.</p>	<p>No judicial branch action required.</p>
<p>Section 46, Cont'd. [State Finance Provisions] 77211. Any trial court may establish a "900" telephone number or numbers for traffic, misdemeanor, and other telephonic arraignment, for court scheduling, and for rendering tentative civil decisions, provided the court provides an alternative method of obtaining the service or information in a free and timely manner, and informs individuals of this alternative in the message preceding the "900" information. The proceeds from these "900" telephone numbers shall be continuously and solely appropriated to the use of that court for staff, information, and data-processing services for the purposes specified in this section.</p>	<p>Section 46, Cont'd. No amendment.</p>	<p>Permissive option for trial courts. No Judicial Council / statewide action required.</p>
<p>Section 46, Cont'd. [State Finance Provisions] 77212. (a) The State of California, the Counties of California, and the Trial Courts of California, recognize that a unique and interdependent relationship has evolved between the courts and the counties over a sustained period of time. While it is the intent of this act to transfer all fiscal responsibility for the support of the trial courts from the counties to the State of California, it is imperative that the activities of the state, the counties, and the trial courts be maintained in a manner that ensures that services to the people of California not be disrupted. Therefore, to this end, during the 1997-98 fiscal year, commencing on July 1, 1997, counties shall continue to provide and courts shall continue to use, county services provided to the trial courts on July 1,</p>	<p>Section 46, Cont'd. Section 77212 of the Government Code now reads: 77212. (a) The State of California, the counties of California, and the trial courts of California, recognize that a unique and interdependent relationship has evolved between the courts and the counties over a sustained period of time. While it is the intent of this act to transfer all fiscal responsibility for the support of the trial courts from the counties to the State of California, it is imperative that the activities of the state, the counties, and the trial courts be maintained in a manner that ensures that services to the people of California not be disrupted. Therefore, to this end, during the 1997-98 fiscal year, commencing on July 1, 1997, counties shall continue to provide and courts shall</p>	<p>No Judicial Council / statewide judicial branch action required.</p>

1997, including, but not limited to: auditor/controller services, coordination of telephone services, data-processing and information technology services, procurement, human resources services, affirmative action services, treasurer/tax collector services, county counsel services, facilities management, and legal representation. These services shall be provided to the court at a rate that shall not exceed the costs of providing similar services to county departments or special districts. If the cost was not included in the county base pursuant to paragraph (1) of subdivision (b) of Section 77201 or was not otherwise charged to the court prior to July 1, 1997, and were court operation costs as defined in Section 77003 in the fiscal year 1994-95, the court may seek adjustment of the amount the county is required to submit to the state pursuant to paragraph (2) of subdivision (c) of Section 77201.

(b) In fiscal year 1998-99 commencing on July 1, 1998, and thereafter the county may give notice to the court that the county will no longer provide a specific service except that the county shall cooperate with the court to ensure that a vital service for the court shall be available from the county or other entities that provide such services. The notice must be given at least 90 days prior to the end of the fiscal year and shall be effective only upon the first day of the succeeding fiscal year.

(c) In fiscal year 1998-99, commencing on July 1, 1998, and thereafter, the court may give notice to the county that the court will no longer use a specific county service. The notice shall be given at least 90 days prior to the end of the fiscal year and shall be effective only upon the first day of the succeeding fiscal year. However, for three years from the effective date of this section, a court shall not terminate a service that involved the acquisition of equipment, including, but not limited to, computer and data-processing systems financed by a long-term financing plan whereby the county is dependent upon the court's continued financial support for a portion of the cost of the acquisition

continue to use, county services provided to the trial courts on July 1, 1997, including, but not limited to: auditor/controller services, coordination of telephone services, data-processing and information technology services, procurement, human resources services, affirmative action services, treasurer/tax collector services, county counsel services, facilities management, and legal representation. These services shall be provided to the court at a rate that shall not exceed the costs of providing similar services to county departments or special districts. If the cost was not included in the county base pursuant to paragraph (1) of subdivision (b) of Section 77201 or was not otherwise charged to the court prior to July 1, 1997, and were court operation costs as defined in Section 77003 in fiscal year 1994-95, the court may seek adjustment of the amount the county is required to submit to the state pursuant Section 77201.

(b) In fiscal year 1998-99 commencing on July 1, 1998, and thereafter the county may give notice to the court that the county will no longer provide a specific service except that the county shall cooperate with the court to ensure that a vital service for the court shall be available from the county or other entities that provide the service. The notice must be given at least 90 days prior to the end of the fiscal year and shall be effective only upon the first day of the succeeding fiscal year.

(c) In fiscal year 1998-99, commencing on July 1, 1998, and thereafter, the court may give notice to the county that the court will no longer use a specific county service. The notice shall be given at least 90 days prior to the end of the fiscal year and shall be effective only upon the first day of the succeeding fiscal year. However, for three years from the effective date of this section, a court shall not terminate a service that involved the acquisition of equipment, including, but not limited to, computer and data processing systems, financed by a long-term financing plan whereby the county is dependent upon the court's continued financial support for a portion of the cost of the acquisition.

(d)(1) If a trial court desires to receive or continue to receive a specific service from a county or city and county as provided in subdivision

	<p>(c), and the county or city and county desires to provide or continue to provide that service as provided in subdivision (b), the presiding judge of that court and the county or city and county shall enter into a contract for that service. The contract shall identify the scope of service, method of service delivery, term of agreement, anticipated service outcomes, and the cost of the service. The court and the county or city and county shall cooperate in developing and implementing the contract.</p> <p>For any contract entered into after January 1, 2002, the amount of any indirect or overhead costs shall be individually stated in any contract together with the method of calculation of the indirect or overhead costs. This amount shall not contain items that are not otherwise allowable court operations. The Judicial Council may audit the county figures to ensure compliance with this section and to determine the reasonableness of the figures.</p> <p>(2) This subdivision applies to services to be provided in fiscal year 1999-2000 and thereafter.</p> <p>(Amended by AB 1301 (Stats. 1998, ch. 146, § 13), eff. July 13, 1998; AB 1590 (Stats. 1998, ch. 406, § 7), eff. Aug. 26, 1998; AB 1935 (Stats. 1998, ch. 1004, § 10); SB 1533 (Stats. 2000, ch. 447, § 10); AB 223 (Stats. 2001, ch. 812, § 24).)</p>	
<p>Section 46, Cont'd. [State Finance Provisions] 77213. (a) There is in the State Treasury the Judicial Administration Efficiency and Modernization Fund.</p> <p>(b) Moneys deposited into this fund shall be administered by the Judicial Council, subject to appropriation by the Legislature. The Judicial Council may, with appropriate guidelines, delegate to the Administrative Office of the Courts the administration of the fund. Moneys in the fund may be expended to promote improved access, efficiency, and effectiveness in trial courts that have unified to the fullest extent permitted by law. Moneys in the fund may be expended to implement projects approved by the Judicial</p>	<p>Section 46, Cont'd. Repealed by SB 1021 (Stats. 2012, ch. 41, § 61), eff. June 27, 2012. [See also Government Code section 77209.]</p>	<p>Repealed. Requirements merged with section 77209, see above.</p>

Council. Expenditures may be made to vendors or individual trial courts that have the responsibility to implement approved projects. Projects approved by the Judicial Council may include, but are not limited to, the following:

(1) Support the payment for cost of judicial officers or court staff who participate in in-state education programs, or to support local trial court education programs.

(2) Improved technology including information systems programming or equipment upgrades that meet standards approved by the Judicial Council and that promote efficiency and access to justice, or other technology that promotes access, efficiency, or security.

(3) Retain experienced jurists by establishing incentives of enhanced judicial benefits and educational sabbaticals, not to exceed 120 days every five years, as provided for by rules of court adopted by the Judicial Council.

(4) Acquire improved legal research through the use of law clerks or technology.

(c) Annually, the Judicial Council shall adopt criteria, timelines, and procedures for the allocation of funds to support activities for the benefit of qualified courts. The Judicial Council may allocate funding to pay program costs directly, contract with courts, and permanently reallocate funding to courts subject to the following limitations:

(1) Not more than 20 percent of the fund may be permanently reallocated pursuant to paragraph (1) of subdivision (b). The Judicial Council shall develop a plan which will permit the extension of the benefits to all judges of the state at such time when the trial courts of all counties have unified to the maximum extent permitted by law.

(2) Not more than 40 percent may be permanently reallocated to trial courts for any other purpose approved by the Judicial

<p>Council.</p> <p>(3) The Judicial Council shall retain at least 40 percent of the funding to support annual allocations for improvement projects and programs in qualifying courts.</p> <p>(4) Written notice shall be given to the Director of the Department of Finance and the Joint Legislative Budget Committee of any permanent reallocation.</p> <p>(d) Except as specified in this section, the funding in the Judicial Administration Efficiency and Modernization Fund shall be subject to the expenditures as specified in Section 77205. Any funds in the Judicial Administration Efficiency and Modernization Fund that are unencumbered at the end of the fiscal year shall be retained in the Judicial Administration Efficiency and Modernization Fund for the following fiscal year.</p> <p>(e) Moneys deposited in the Judicial Administration Efficiency and Modernization Fund shall be placed in an interest-bearing account. Any interest earned shall accrue to the fund and shall be disbursed pursuant to subdivision (f).</p> <p>(f) Money deposited in the Judicial Administration Efficiency and Modernization Fund may be disbursed for purposes of this section.</p>		
<p>SECTION 47 [Repeal State Block Grant Funding] Article 4 (commencing with Section 77300) of Chapter 13 of Title 8 of the Government Code is repealed.</p>	<p>SECTION 47</p>	<p>No action required.</p>
<p>SECTION 48 [Task Forces on Trial Court Employees and Court Facilities] Chapter 14 (commencing with Section 77600) is added to Title 8 of the Government Code, to read: Chapter 14. Trial Court Funding and Improvement Act of 1997</p>	<p>SECTION 48 No new sections added to this chapter of the Government Code after enactment of AB 233.</p>	<p>No action required.</p>
<p>Section 48, cont'd. [Task Force on Trial Court Employees]</p>	<p>Section 48, cont'd.</p>	<p>No action</p>

<p>Article 1. The Task Force on Trial Court Employees</p>	<p>No new sections added to this article of the Government Code after enactment of AB 233.</p>	<p>required.</p>
<p>Section 48, cont'd. [Task Force on Trial Court Employees] 77600. The Task Force on Trial Court Employees shall be established pursuant to this article on or before January 1, 1998, and is charged with recommending an appropriate system of employment and governance for trial court employees.</p>	<p>Section 48, cont'd. No amendment.</p>	<p>Task Force on Trial Court Employees - Complete – the task force was formed, completed its charge; the status of trial court employees was created, with each court as the employer. Legislation enacting the recommendations of the Task Force was enacted – SB 2140 (Stats. 2000, ch. 1010)</p>
<p>Section 48, cont'd. [Task Force on Trial Court Employees] 77601. The task force shall be comprised of the following members:</p> <p>(a) Four representatives of trial courts, appointed by the Chief Justice, representing two urban, one suburban, and one rural courts.</p> <p>(b) Four representatives of counties, appointed by the Governor from a list of nominees submitted by the California State Association of Counties, representing urban, suburban, and rural counties.</p>	<p>Section 48, cont'd. Section 77601 of the Government Code now reads: 77601. The task force shall be comprised of the following members:</p> <p>(a) Four representatives of trial courts, appointed by the Chief Justice, representing two urban, one suburban, and one rural courts.</p> <p>(b) Four representatives of counties, appointed by the Governor from a list of nominees submitted by the California State Association of Counties, representing urban, suburban, and rural counties.</p> <p>(c) Three representatives appointed by the Senate Rules Committee, at</p>	<p>Complete. See Gov. Code, § 77600, above.</p>

<p>(c) Three representatives appointed by the Senate Rules Committee, at least two of whom shall represent trial court employee organizations.</p> <p>(d) Three representatives appointed by the Speaker of the Assembly, at least two of whom shall represent trial court employee organizations.</p> <p>(e) The Director of the Department of Personnel Administration or his or her representative.</p> <p>(f) The Chief Executive Officer of PERS or his or her representative.</p> <p>(g) The Director of Finance or his or her representative.</p> <p>(h) The Chief Justice shall designate a justice of the court of appeal as nonvoting chairperson.</p>	<p>least two of whom shall represent trial court employee organizations.</p> <p>(d) Three representatives appointed by the Speaker of the Assembly, at least two of whom shall represent trial court employee organizations.</p> <p>(e) The Director of the Department of Human Resources or his or her representative.</p> <p>(f) The Chief Executive Officer of PERS or his or her representative.</p> <p>(g) The Director of Finance or his or her representative.</p> <p>(h) The Chief Justice shall designate a justice of the court of appeal as nonvoting chairperson.</p> <p>(Amended by Gov.Reorg.Plan No. 1 of 2011, § 186, eff. Sept. 9, 2011, operative July 1, 2012, to reflect change from “Department of Personnel Administration” to “California Department of Human Resources.”)</p>	
<p>Section 48, cont’d. [Task Force on Trial Court Employees] 77602. The Judicial Council shall provide staff support for the task force and shall develop guidelines for procedures and practices for the task force, which shall include input from and approval of the task force. The Department of Personnel Administration, the Department of Finance, and the Legislative Analyst shall provide additional support, at the request of the Judicial Council. The California State Association of Counties is encouraged to provide additional staff support.</p>	<p>Section 48, cont’d. Section 77602 of the Government Code now reads:</p> <p>77602. The Judicial Council shall provide staff support for the task force and shall develop guidelines for procedures and practices for the task force, which shall include input from and approval of the task force. The Department of Human Resources, the Department of Finance, and the Legislative Analyst shall provide additional support, at the request of the Judicial Council. The California State Association of Counties is encouraged to provide additional staff support.</p> <p>(Amended by Gov.Reorg.Plan No. 1 of 2011, § 186, eff. Sept. 9, 2011, operative July 1, 2012, to reflect change from “Department of Personnel Administration” to “California Department of Human Resources.”)</p>	<p>Complete. See Gov. Code, § 77600, above.</p>
<p>Section 48, cont’d. [Task Force on Trial Court Employees] 77603. The duties of the task force shall include, but not be</p>	<p>Section 48, cont’d. No amendment.</p>	<p>Complete. See Gov. Code, §</p>

<p>limited to, the following:</p> <p>(a) Complete a survey of all trial courts regarding court employee status, classification, and salary.</p> <p>(b) Document the local retirement systems in which trial court employees are members and the terms of the systems, and identify future retirement options.</p> <p>(c) Determine the costs associated with a change in retirement benefits for court employees, including the cost to counties resulting from such change, including, but not limited to, the impact of such a change on pension obligation bonds, unfunded liabilities, and changes in actuarial assumptions.</p> <p>(d) Document existing contractual agreements and the terms and conditions of employment, and document exclusive bargaining agents representing court employees by court, county, and unit.</p> <p>(e) Document existing constitutional, statutory, and other provisions relating to classification, compensation, and benefits of court employees.</p> <p>(f) Identify functions relating to trial courts that are provided by county employees.</p> <p>(g) Examine and outline issues relating to the establishment of a local personnel structure for trial court employees under (1) court employment, (2) county employment, with the concurrence of the county and the courts in the county (3) state employment with the concurrence of the state and the courts in the county, or (4) other options identified by the task force. The task force, in recommending options for employee status, shall consider the complexity of the interests of employees and various governmental entities. Their recommendations shall, to the greatest extent possible, recognize the need for achieving the concurrence of the affected parties.</p> <p>In outlining these issues, consideration shall be given to contractual obligations, minimizing disruption of the trial court</p>		<p>77600, above.</p>
--	--	----------------------

<p>work force, and protecting the rights accrued by employees under their current systems.</p> <p>(h) Prepare a method for submitting the issue of employment status to an advisory vote of trial court employees in each county.</p> <p>(i) Recommend a personnel structure for trial court employees.</p>		
<p>Section 48, cont'd. [Task Force on Trial Court Employees] 77604. (a) The task force shall be appointed by October 1, 1997.</p> <p>(b) The task force shall meet and establish its operating procedures on or before January 1, 1998.</p> <p>(c) The task force shall submit an interim report to the Judicial Council, the Legislature, and the Governor on or before January 30, 1999. The report shall include the findings and recommendations of the task force with respect to the issues listed in Section 77603. The report shall be circulated for comment to the counties, judiciary, the Legislature, the Governor, and local and state employee organizations.</p> <p>(d) The task force shall submit a final report to the above on or before June 1, 1999.</p>	<p>Section 48, cont'd. Section 77604 of the Government Code now reads:</p> <p>77604. (a) The task force shall be appointed by October 1, 1997.</p> <p>(b) The task force shall meet and establish its operating procedures on or before January 1, 1998.</p> <p>(Amended by SB 1191 (Stats. 2001, ch. 745, § 116, eff. Oct. 12, 2001.)</p>	<p>Complete. See Gov. Code, § 77600, above.</p>
<p>Section 48, cont'd. [Task Force on Trial Court Employees] 77605. (a) After giving consideration and due weight to the report of the task force, on or before January 1, 2000, the Judicial Council shall submit findings and recommendations to the Legislature relative to the establishment of a system of uniform court employee classifications, which may provide for local flexibility. These classifications shall include duty statements, minimum qualifications, and salary ranges. The classifications shall be broad enough so that the employees and their managers have maximum flexibility to accommodate the needs of the courts and the employees.</p>	<p>Section 48, cont'd. Section 77605 of the Government Code now reads:</p> <p>77605. (a) It is the intent of the Legislature to enact a personnel system, that shall take effect on or before January 1, 2001, for employment of trial court employees. The personnel system shall have uniform statewide applicability and promote organizational and operational flexibility in accordance with Section 77001.</p> <p>(b) Nothing in this chapter is intended to prejudice or compel a finding by the task force that court or county or state employment is preferred.</p> <p>(c) No provision of this article is intended to reduce judicial or court</p>	<p>Complete. See Gov. Code, § 77600, above.</p>

<p>(b) It is the intent of the Legislature to enact a personnel system, that shall take effect on or before January 1, 2001, for employment of trial court employees. The personnel system shall have uniform statewide applicability and promote organizational and operational flexibility in accordance with Section 77001.</p> <p>(c) Nothing herein is intended to prejudice or compel a finding by the task force that court or county or state employment is preferred.</p> <p>(d) No provision of this article is intended to reduce judicial or court employee salary or benefits.</p> <p>(e) No provision of this act shall be deemed to affect the current employment status of, or reduce benefits for, any peace officer involved in court operations.</p>	<p>employee salary or benefits.</p> <p>(d) No provision of this chapter shall be deemed to affect the current employment status of, or reduce benefits for, any peace officer involved in court operations.</p> <p>(Amended by Stats.2001, c. 745 (S.B.1191), § 117, eff. Oct. 12, 2001.)</p>	
<p>Section 48, cont'd. [Task Force on Court Employees] 77606. The recommendations of the task force shall take effect only upon subsequent action of the Legislature.</p>	<p>Section 48, cont'd. No amendment.</p>	<p>Complete. See Gov. Code, § 77600, above.</p>
<p>Section 48, cont'd. [Task Force on Court Facilities] Article 2. The Task Force on Court Facilities</p>	<p>Section 48, cont'd. No new sections added to this article of the Government Code since the enactment of AB 233.</p>	<p>No action required.</p>
<p>Section 48, cont'd. [Task Force on Court Facilities] 77650. The Task Force on Court Facilities is hereby established in state government and charged with identifying the needs related to trial and appellate court facilities, and options and recommendations for funding court facility maintenance, improvements, and expansion, including the specific responsibilities of each entity of government.</p>	<p>Section 48, cont'd. No amendment.</p>	<p>Task Force on Trial Court Facilities – Complete. Task force was formed, completed its work, and submitted its final report on October 1, 2001 identifying the</p>

		<p>then current, pressing needs for improvements to court facilities. The Trial Court Facilities Act of 2002 was enacted (SB 1732, Stats. 2002, ch. 1082) implementing the recommendations of the task force. Pursuant to that act, court facilities were transferred from the county to the state, a county facility payment was established, and to the extent there are any continuing county obligations, they are covered by an MOU between the county and the state.</p>
<p>Section 48, cont'd. [Task Force on Trial Court Facilities] 77651. The task force shall be composed of 18 members, appointed as follows:</p> <p>(a) Six members appointed by the Chief Justice who shall be from urban, suburban, and rural courts. Four representatives may be either trial court judges or trial court administrators. One representative shall be a justice of the courts of appeal.</p>	<p>Section 48, cont'd. No amendment.</p>	<p>Complete. See Gov. Code, § 77650, above.</p>

<p>(b) Six members appointed by the Governor from a list of nominees submitted by the California State Association of Counties, who represent urban, suburban, and rural counties. Four representatives may be either county supervisors or county administrators. One representative shall be a person with court security responsibility.</p> <p>(c) Two members appointed by the Senate Rules Committee, one of whom shall represent the State Bar or an associated attorney organization, neither of whom would be eligible for appointment under subdivision (a) or (b).</p> <p>(d) Two members appointed by the Speaker of the Assembly, one of whom shall represent the State Bar or an associated attorney organization, neither of whom would be eligible for appointment under subdivision (a) or (b).</p> <p>(e) The Director of General Services and the Director of Finance.</p> <p>(f) The Chief Justice shall designate one of these representatives as the chairperson of the task force.</p>		
<p>Section 48, cont'd. [Task Force on Trial Court Facilities] 77652. The Judicial Council shall provide staff support for the task force and shall develop guidelines for procedures and practices for the task force. The Department of General Services, the Department of Finance, and the Legislative Analyst shall provide additional support, at the request of the Judicial Council. The California State Association of Counties is encouraged to provide additional staff support.</p>	<p>Section 48, cont'd. No amendment.</p>	<p>Complete. See Gov. Code, § 77650, above.</p>
<p>Section 48, cont'd. [Task Force on Trial Court Facilities] 77653. The duties of the task force shall include all of the following:</p> <p>(a) Document the state of existing court facilities.</p> <p>(b) Document the need for new or modified court facilities and</p>	<p>Section 48, cont'd. No amendment.</p>	<p>Complete. See Gov. Code, § 77650, above.</p>

<p>the extent to which current court facilities are fully utilized.</p> <p>(c) Document the funding mechanisms currently available for maintenance, operation, construction, and renovation of court facilities.</p> <p>(d) Examine existing standards for court facility construction.</p> <p>(e) Document the impacts of state actions on court facilities and other state and local justice system facilities.</p> <p>(f) Review and recommend operational changes which may mitigate the need for additional court facilities, including the implementation of methods to more fully utilize existing facilities.</p> <p>(g) Review and provide recommendations on concepts regarding security; operational flexibility; alternative dispute resolution; meeting space; special needs of children, families, victims, and disabled persons; technology; the dignity of the participants; and any other special needs of court facilities.</p> <p>(h) Recommend specific funding responsibilities among the various entities of government for support of trial court facilities and facility maintenance including, but not limited to, full state responsibility or continued county responsibility.</p> <p>(i) Recommend funding sources and financing mechanisms for support of court facilities and facility maintenance.</p>		
<p>Section 48, cont'd. [Task Force on Trial Court Facilities] 77654. (a) The task force shall be appointed on or before October 1, 1997.</p> <p>(b) The task force shall meet and establish its operating procedures on or before January 1, 1998.</p> <p>(c) The task force shall review all available court facility standards and make preliminary determinations of acceptable standards for construction, renovation, and remodeling of court</p>	<p>Section 48, cont'd. 77654 of the Government Code now reads: 77654. (a) The task force shall be appointed on or before October 1, 1997.</p> <p>(b) The task force shall meet and establish its operating procedures on or before September 1, 1998, and submit its plan for the entire review of court facilities by October 1, 1998, to the Judicial Council,</p>	<p>Complete. See Gov. Code, § 77650, above.</p>

<p>facilities on or before July 1, 1998.</p> <p>(d) The task force shall complete a survey of all trial and appellate court facilities in the state and report its findings to the Judicial Council, the Legislature, and the Governor in a first interim report on or before July 1, 1999. The report shall document all of the following:</p> <ol style="list-style-type: none"> (1) The state of existing court facilities. (2) The need for new or modified court facilities. (3) The currently available funding options for constructing or renovating court facilities, and the task force plan for the succeeding year. <p>(e) The task force shall submit a second interim report to the Judicial Council, the Legislature, and the Governor on or before July 1, 2000. The report shall document all of the following:</p> <ol style="list-style-type: none"> (1) The impact which creating additional judgeships has upon court facility and other justice system facility needs. (2) The effects which trial court coordination and consolidation have upon court and justice system facilities needs. (3) Administrative and operational changes which can reduce or mitigate the need for added court or justice system facilities. <p>(f) The task force shall submit a third interim report to the Judicial Council, the Legislature, and the Governor on or before January 1, 2001. The report shall include all of the following:</p> <ol style="list-style-type: none"> (1) Recommendations for specific funding responsibilities among the entities of government including full state responsibility, full county responsibility, or shared responsibility. (2) A proposed transition plan if responsibility is to be changed. (3) Recommendations regarding funding sources for court facilities and funding mechanisms to support court facilities. 	<p>Legislature, and Governor.</p> <p>(c) The task force shall review all available court facility standards and make preliminary determinations of acceptable standards for construction, renovation, and remodeling of court facilities, and shall report those preliminary determinations to the Judicial Council, the Legislature, and the Governor in an interim report on or before July 1, 1999.</p> <p>(d) The task force shall complete a survey of all trial and appellate court facilities in the state and report its findings to the Judicial Council, the Legislature, and the Governor in a second interim report on or before January 1, 2001. The report shall document all of the following:</p> <ol style="list-style-type: none"> (1) The state of existing court facilities. (2) The need for new or modified court facilities. (3) The currently available funding options for constructing or renovating court facilities. (4) The impact which creating additional judgeships has upon court facility and other justice system facility needs. (5) The effects which trial court coordination and consolidation have upon court and justice system facilities needs. (6) Administrative and operational changes which can reduce or mitigate the need for added court or justice system facilities. (7) Recommendations for specific funding responsibilities among the entities of government including full state responsibility, full county responsibility, or shared responsibility. (8) A proposed transition plan if responsibility is to be changed. (9) Recommendations regarding funding sources for court facilities and funding mechanisms to support court facilities. <p>(e) The interim reports shall be circulated for comment to the counties, the judiciary, the Legislature, and the Governor. The task</p>	
---	--	--

<p>(g) All interim reports shall be circulated for comment to the counties, the judiciary, the Legislature, and the Governor. The task force may also circulate these reports to users of the court facilities.</p> <p>(h) The task force shall submit a final report to the Judicial Council, the Legislature, and the Governor on or before July 1, 2001. The report shall include all elements of the interim reports incorporating any changes recommended by the task force in response to comments received.</p> <p>(i) Notwithstanding any other provision of law, during the period from July 1, 1997 to June 30, 2001, the board of supervisors of each county shall be responsible for providing suitable and necessary facilities for judicial officers and court support staff for judicial positions created prior to January 1, 1996, to the extent required by Section 68073. The board of supervisors of each county shall also be responsible for providing suitable and necessary facilities for judicial officers and court support staff for judgeships authorized by statutes chaptered in 1996 to the extent required by Section 68073, provided that the board of supervisors agrees that new facilities are either not required or that the county is willing to provide funding for court facilities. Unless a court and a county otherwise mutually agree, the state shall assume responsibility for suitable and necessary facilities for judicial officers and support staff for any judgeships authorized during the period from January 1, 1998, to June 30, 2001.</p>	<p>force may also circulate these reports to users of the court facilities.</p> <p>(f) The task force shall submit a final report to the Judicial Council, the Legislature, and the Governor on or before July 1, 2001. The report shall include all elements of the interim reports incorporating any changes recommended by the task force in response to comments received.</p> <p>(g) Notwithstanding any other provision of law, during the period from July 1, 1997 to December 31, 2002, inclusive, the board of supervisors of each county shall be responsible for providing suitable and necessary facilities for judicial officers and court support staff for judicial positions created prior to July 1, 1996, to the extent required by Section 68073. The board of supervisors of each county shall also be responsible for providing suitable and necessary facilities for judicial officers and court support staff for judgeships authorized by statutes chaptered in 1996 to the extent required by Section 68073, provided that the board of supervisors agrees that new facilities are either not required or that the county is willing to provide funding for court facilities. Unless a court and a county otherwise mutually agree, the state shall assume responsibility for suitable and necessary facilities for judicial officers and support staff for any judgeships authorized during the period from January 1, 1998, to December 31, 2002, inclusive.</p> <p>(Amended by 1301 (Stats.1998, ch. 146, § 14), eff. July 13, 1998; AB 1935 (Stats.1998, ch. 1004, § 11); SB 1191 (Stats. 2001, ch. 745, § 118), eff. Oct. 12, 2001; AB 1549 (Stats.2001, ch. 852, § 1, eff. Oct. 13, 2001.)</p>	
<p>Section 48, cont'd. [Task Force on Trial Court Facilities] 77655. Notwithstanding any other provision of law, including Section 68073, the findings of the task force shall not be considered or entered into evidence in any action brought by trial courts to compel a county to provide facilities that the trial court contends are necessary and suitable.</p>	<p>Section 48, cont'd. No amendment.</p>	<p>Complete. See Gov. Code, § 77650, above.</p>

<p>SECTION 48.5¹⁰ [Data on Criminal Cases] Section 1170.45 is added to the Penal Code, to read:</p> <p>1170.45. The Judicial Council shall collect data on criminal cases statewide relating to the disposition of those cases according to the race and ethnicity of the defendant, and report annually thereon to the Legislature beginning no later than January 1, 1999. It is the intent of the Legislature to appropriate funds to the Judicial Council for this purpose.</p>	<p>SECTION 48.5 No amendment.</p>	<p>Complete. Report to the Legislature issued annually. Most recent report may be accessed at the following link: http://www.courts.ca.gov/document/s/jc-20121214-itemQ.pdf.</p>
<p>SECTION 49 [Imposition and Collection of Criminal Fines] Section 1463.001 of the Penal Code is amended to read:</p> <p>1463.001. < * * * ><Except as otherwise provided in this section, a>ll fines and forfeitures imposed and collected for crimes other than parking offenses resulting from a filing in a court shall as soon as practicable after receipt thereof, be deposited with the county treasurer, and each month the total fines and forfeitures which have accumulated within the past month shall be distributed, as follows:</p> <p>(a) The state penalties, county penalties, special penalties, service charges, and penalty allocations shall be transferred to the proper funds as required by law.</p> <p>(b) The base fines shall be distributed, as follows:</p> <p>(1) Any base fines which are subject to specific distribution under any other section shall be distributed to the specified funds of the state or local agency.</p> <p>< * * * ></p> <p>(2) < * * * >ase fines resulting from county arrest not</p>	<p>SECTION 49 Section 1463.001 of the Penal Code now reads:</p> <p>1463.001. Except as otherwise provided in this section, all fines and forfeitures imposed and collected for crimes other than parking offenses resulting from a filing in a court shall as soon as practicable after receipt thereof, be deposited with the county treasurer, and each month the total fines and forfeitures which have accumulated within the past month shall be distributed, as follows:</p> <p>(a) The state penalties, county penalties, special penalties, service charges, and penalty allocations shall be transferred to the proper funds as required by law.</p> <p>(b) The base fines shall be distributed, as follows:</p> <p>(1) Any base fines which are subject to specific distribution under any other section shall be distributed to the specified funds of the state or local agency.</p> <p>(2) Base fines resulting from county arrest not included in paragraph (1), shall be transferred into the proper funds of the county.</p> <p>(3) Base fines resulting from city arrests not included in paragraph (1),</p>	<p>Section 49 – 57 deal broadly with the collection and distribution of fines, fees, and penalties. Some statutes were not significantly amended by AB 233. Overall, significant improvements and advancements have been made with regard to the collection of court-ordered debt and the creation of comprehensive collection programs.</p>

¹⁰ As chaptered, AB 233 does not include any sections between 48 and 48.5.

included in paragraph (1), <***>shall be transferred into the proper funds of the county<***>.

In any fiscal year that a county, which has an agreement that was in effect as of March 22, 1977, that provides for city fines and forfeitures to accrue to the county in exchange for sales tax receipts, does not remit to the General Fund an amount equal to the amount transmitted during the 1993–94 fiscal year, that county shall make a payment from county funds equal to the difference to the General Fund by October 1 of the subsequent fiscal year.

<***><(3) B>ase fines resulting from city arrests not included in paragraph (1), an amount equal to the applicable county percentages set forth in Section 1463.002, as modified by Section 1463.28, shall be <***>transferred into the proper funds of the county. <***><Until July 1, 1998, t>he remainder of base fines resulting from city arrests shall be divided between each city <***><and county>, with 50 percent deposited to the <***><county's g>eneral <f>und, and 50 percent deposited to the treasury of the appropriate city<, and thereafter the remainder of base fines resulting from city arrests shall be deposited to the treasury of the appropriate city>.

<(4)> In a county that had an agreement as of March 22, 1977, that provides for city fines and forfeitures to accrue to the county in exchange for sales tax receipts, of base fines resulting from city arrests not included in paragraph (1), 50 percent shall be deposited to the General Fund, and 50 percent shall be deposited into the proper funds of the county.

(c) Each county shall keep a record of its deposits to its treasury and its transmittal to each city treasury pursuant to this section<***>.

<***>

<(d)> The distribution specified in subdivision (b) applies to all funds subject thereto distributed on or after July 1, 1992,

an amount equal to the applicable county percentages set forth in Section 1463.002, as modified by Section 1463.28, shall be transferred into the proper funds of the county. Until July 1, 1998, the remainder of base fines resulting from city arrests shall be divided between each city and county, with 50 percent deposited to the county's general fund, and 50 percent deposited to the treasury of the appropriate city, and thereafter the remainder of base fines resulting from city arrests shall be deposited to the treasury of the appropriate city.

(4) In a county that had an agreement as of March 22, 1977, that provides for city fines and forfeitures to accrue to the county in exchange for sales tax receipts, base fines resulting from city arrests not included in paragraph (1) shall be deposited into the proper funds of the county.

(c) Each county shall keep a record of its deposits to its treasury and its transmittal to each city treasury pursuant to this section.

(d) The distribution specified in subdivision (b) applies to all funds subject thereto distributed on or after July 1, 1992, regardless of whether the court has elected to allocate and distribute funds pursuant to Section 1464.8.

(e) Any amounts remitted to the county from amounts collected by the Franchise Tax Board upon referral by a county pursuant to Article 6 (commencing with Section 19280) of Chapter 5 of Part 10.2 of Division 2 of the Revenue and Taxation Code shall be allocated pursuant to this section.

(Amended by AB 1301 (Stats. 1998, ch. 146, § 14.5), eff. July 13, 1998.)

Collection programs are operated by either the court or the county, by agreement between the court and the county. The Judicial Council and the California State Association of Counties have worked together over the years to improve collection tools, improve collection processes, and improve results of collection programs. The most recent annual report describing the activities of the collection programs can be found at the following link: <http://www.courts.ca.gov/document/s/jc-20121214-itemI.pdf>.

<p>regardless of whether the court has elected to allocate and distribute funds pursuant to Section 1464.8.</p> <p><(e)> Any amounts remitted to the county from amounts collected by the Franchise Tax Board upon referral by a county pursuant to Article 6 (commencing with Section 19280) of Chapter 5 of Part 10.2 of Division 2 of the Revenue and Taxation Code shall be allocated pursuant to this section.</p>		<p>Amounts collected and distributed are subject to audit by the State Controller.</p>
<p>SECTION 50 [Imposition and Collection of Criminal Fines] Section 1463.003 of the Penal Code is repealed.</p>	<p>SECTION 50</p>	<p>See Penal Code, § 1463.001, above.</p>
<p>SECTION 51 [Imposition and Collection of Criminal Fines] Section 1463.005 of the Penal Code is amended to read:</p> <p>1463.005. Notwithstanding Section 1463.001, in a county subject to Section 77202.5 of the Government Code, of base fines resulting from arrests not subject to allocation under paragraph (1) of subdivision (b) of Section 1463.001, by a California Highway Patrol Officer on state highways constructed as freeways within the city whereon city police officers enforced the provisions of the Vehicle Code on April 1, 1965, 25 percent shall be deposited in the treasury of the appropriate city, <75> percent shall be deposited in the proper funds of the county< * * *>.</p>	<p>SECTION 51 No amendment.</p>	<p>See Penal Code, § 1463.001, above.</p>
<p>SECTION 52 [Imposition and Collection of Criminal Fines] Section 1463.007 of the Penal Code is amended to read:</p> <p>1463.007. Notwithstanding any other provision of law, any county or court that implements or has implemented a comprehensive program to identify and collect fines and forfeitures which have not been paid after 60 days from the date on which they were due and payable, with or without warrant having been issued against the alleged violator, and for which the base fine excluding state and county penalties is at least one</p>	<p>SECTION 52 Repealed by AB 367 (Stats. 2007, ch. 132), a different version of section 1463.007, also related to collection programs, now reads:</p> <p>1463.007. (a) Notwithstanding any other provision of law, any county or court that operates a comprehensive collection program may deduct the costs of operating that program, excluding capital expenditures, from any revenues collected under that program. The costs shall be deducted before any distribution of revenues to other governmental entities required by any other provision of law. Any county or court</p>	<p>See Penal Code, § 1463.001, above.</p>

hundred dollars (\$100), may deduct and deposit in the county treasury the cost of operating that program, excluding capital expenditures, from any revenues collected thereby prior to making any distribution of revenues to other governmental entities required by any other provision of law. This section does not apply to a defendant who is paying a fine or forfeiture through time payments, unless he or she is delinquent in making payments according to the agreed-upon payment schedule. For purposes of this section, a comprehensive collection program is a separate and distinct revenue collection activity and shall include at least 10 of the following components:

- (a) Monthly bill statements to all debtors.
- (b) Telephone contact with delinquent debtors to apprise them of their failure to meet payment obligations.
- (c) Issuance of warning letters to advise delinquent debtors of an outstanding obligation.
- (d) Requests for credit reports to assist in locating delinquent debtors.
- (e) Access to Employment Development Department employment and wage information.
- (f) The generation of monthly delinquent reports.
- (g) Participation in the Franchise Tax Board's tax intercept program.
- (h) The use of Department of Motor Vehicle information to locate delinquent debtors.
- (i) The use of wage and bank account garnishments.
- (j) The imposition of liens on real property and proceeds from the sale of real property held by a title company.
- (k) The filing of objections to the inclusion of outstanding fines and forfeitures in bankruptcy proceedings.

operating a comprehensive collection program may establish a minimum base fee, fine, forfeiture, penalty, or assessment amount for inclusion in the program.

(b) Once debt becomes delinquent, it continues to be delinquent and may be subject to collection by a comprehensive collection program. Debt is delinquent and subject to collection by a comprehensive collection program if any of the following conditions is met:

(1) A defendant does not post bail or appear on or before the date on which he or she promised to appear, or any lawful continuance of that date, if that defendant was eligible to post and forfeit bail.

(2) A defendant does not pay the amount imposed by the court on or before the date ordered by the court, or any lawful continuance of that date.

(3) A defendant has failed to make an installment payment on the date specified by the court.

(c) For the purposes of this section, a "comprehensive collection program" is a separate and distinct revenue collection activity that meets each of the following criteria:

(1) The program identifies and collects amounts arising from delinquent court-ordered debt, whether or not a warrant has been issued against the alleged violator.

(2) The program complies with the requirements of subdivision (b) of Section 1463.010.

(3) The program engages in each of the following activities:

(A) Attempts telephone contact with delinquent debtors for whom the program has a phone number to inform them of their delinquent status and payment options.

(B) Notifies delinquent debtors for whom the program has an address in writing of their outstanding obligation within 95 days of delinquency.

<p>(l) Coordination with the probation department to locate debtors who may be on formal or informal probation.</p> <p>(m) The initiation of drivers' license suspension actions where appropriate.</p> <p>(n) The capability to accept credit card payments.</p> <p><* * *></p>	<p>(C) Generates internal monthly reports to track collections data, such as age of debt and delinquent amounts outstanding.</p> <p>(D) Uses Department of Motor Vehicles information to locate delinquent debtors.</p> <p>(E) Accepts payment of delinquent debt by credit card.</p> <p>(4) The program engages in at least five of the following activities:</p> <p>(A) Sends delinquent debt to the Franchise Tax Board's Court-Ordered Debt Collections Program.</p> <p>(B) Sends delinquent debt to the Franchise Tax Board's Interagency Intercept Collections Program.</p> <p>(C) Initiates driver's license suspension or hold actions when appropriate.</p> <p>(D) Contracts with one or more private debt collectors to collect delinquent debt.</p> <p>(E) Sends monthly bills or account statements to all delinquent debtors.</p> <p>(F) Contracts with local, regional, state, or national skip tracing or locator resources or services to locate delinquent debtors.</p> <p>(G) Coordinates with the probation department to locate debtors who may be on formal or informal probation.</p> <p>(H) Uses Employment Development Department employment and wage information to collect delinquent debt.</p> <p>(I) Establishes wage and bank account garnishments where appropriate.</p> <p>(J) Places liens on real property owned by delinquent debtors when appropriate.</p> <p>(K) Uses an automated dialer or automatic call distribution system to manage telephone calls.</p>	
--	--	--

	<p>(d) This section shall become operative on July 1, 2012.</p> <p>(Added by SB 857 (Stats. 2010, ch. 720, § 31), operative July 1, 2012.)</p>	
<p>SECTION 53 [Imposition and Collection of Criminal Fines] Section 1463.009 of the Penal Code is amended to read:</p> <p>1463.009. Notwithstanding Section 1463, all bail forfeitures that are collected from any source in a case in which a defendant is charged and convicted of a violation of Section 261, 264.1, 286, 288, 288a, 288.5, or 289, or of a violent felony as defined in subdivision (c) of Section 667.5 or a serious felony as defined in subdivision (c) of Section 1192.7, and that are required to be deposited with the county treasurer shall be allocated according to the following priority:</p> <p>(a) The county shall be reimbursed for reasonable administrative costs for the collection of the forfeited property, the maintenance and preservation of the property, and the distribution of the property pursuant to this section.</p> <p>(b) Out of the remainder of the forfeited bail money, a total of up to 50 percent shall be distributed in the amount necessary to satisfy any civil court judgment in favor of a victim as a result of the offense or a restitution order due to a criminal conviction to a victim who was under 18 years of age at the time of the commission of the offense if the defendant is convicted under Section 261, 264.1, 286, 288, 288a, 288.5, or 289, and to a victim of any age if the defendant has been convicted of a violent felony as defined in subdivision (c) of Section 667.5 or a serious felony as defined in subdivision (c) of Section 1192.7.</p> <p>(c) The balance of the amount collected shall be deposited pursuant to Section 1463.</p> <p><* * *></p>	<p>SECTION 53 No amendment.</p>	<p>See Penal Code, § 1463.001, above.</p>

SECTION 54 [Imposition and Collection of Criminal Fines]

Section 1463.010 is added to the Penal Code, to read:

1463.010. The enforcement of court orders is recognized as an important element of collections efforts. Therefore, the courts and counties shall maintain the collection program which was in place on January 1, 1996, unless otherwise agreed to by the court and county. The program may wholly or partially be staffed and operated within the court itself, may be wholly or partially staffed and operated by the county, or may be wholly or partially contracted with a third party.

SECTION 54

Section 1463.010 of the Penal Code now reads:

The uniform imposition and enforcement of court-ordered debts are recognized as an important element of California's judicial system. Prompt, efficient, and effective imposition and collection of court-ordered fees, fines, forfeitures, penalties, restitution, and assessments ensure the appropriate respect for court orders. The California State Association of Counties and the Administrative Office of the Courts are jointly committed to identifying, improving, and seeking to expand access to mechanisms and tools that will enhance efforts to collect court-ordered debt. To provide for this prompt, efficient, and effective collection:

(a) The Judicial Council shall adopt guidelines for a comprehensive program concerning the collection of moneys owed for fees, fines, forfeitures, penalties, and assessments imposed by court order. As part of its guidelines, the Judicial Council may establish standard agreements for entities to provide collection services. As part of its guidelines, the Judicial Council shall include provisions that promote competition by and between entities in providing collection services to courts and counties. The Judicial Council may delegate to the Administrative Director of the Courts the implementation of the aspects of this program to be carried out at the state level.

(b) The courts and counties shall maintain the collection program that was in place on January 1, 1996, unless otherwise agreed to in writing by the court and county. The program may wholly or partially be staffed and operated within the court itself, may be wholly or partially staffed and operated by the county, or may be wholly or partially contracted with a third party. In carrying out this collection program, each superior court and county shall develop a cooperative plan to implement the Judicial Council guidelines. In the event that a court and a county are unwilling or unable to enter into a cooperative plan pursuant to this section, prior to the arbitration procedures required by subdivision (e) of Section 1214.1, the court or the county may request the continuation of negotiations with mediation assistance as mutually

See Penal Code, § 1463.001, above.

(a) Complete

(b) Continuing obligation

	<p>agreed upon and provided by the Administrative Director of the Courts and the California State Association of Counties.</p> <p>(c) The Judicial Council shall develop performance measures and benchmarks to review the effectiveness of the cooperative superior court and county collection programs operating pursuant to this section. Each superior court and county shall jointly report to the Judicial Council, as provided by the Judicial Council, information requested in a reporting template on or before September 1, 2009, and annually thereafter. The Judicial Council shall report to the Legislature on December 31, 2009, and annually thereafter, on all of the following:</p> <p>(1) The extent to which each court or county is following best practices for its collection program.</p> <p>(2) The performance of each collection program.</p> <p>(3) Any changes necessary to improve performance of collection programs statewide.</p> <p>(d) The Judicial Council may, when the efficiency and effectiveness of the collection process may be improved, facilitate a joint collection program between superior courts, between counties, or between superior courts and counties.</p> <p>(e) The Judicial Council may establish, by court rule, a program providing for the suspension and nonrenewal of a business and professional license if the holder of the license has unpaid fees, fines, forfeitures, penalties, and assessments imposed upon them under a court order. The Judicial Council may provide that some or all of the superior courts or counties participate in the program. Any program established by the Judicial Council shall ensure that the licensee receives adequate and appropriate notice of the proposed suspension or nonrenewal of his or her license and has an opportunity to contest the suspension or nonrenewal. The opportunity to contest may not require a court hearing.</p> <p>(f) Notwithstanding any other provision of law, the Judicial Council,</p>	<p>(c) Complete</p>
--	--	---------------------

	<p>after consultation with the Franchise Tax Board with respect to collections under Section 19280 of the Revenue and Taxation Code, may provide for an amnesty program involving the collection of outstanding fees, fines, forfeitures, penalties, and assessments, applicable either statewide or within one or more counties. The amnesty program shall provide that some or all of the interest or collections costs imposed on outstanding fees, fines, forfeitures, penalties, and assessments may be waived if the remaining amounts due are paid within the amnesty period.</p> <p>(Amended by SB 940 (Stats. 2003, ch. 275, § 3); AB 3082 (Stats. 2004, ch. 183, § 272); AB 367 (Stats. 2007, ch. 132, § 3); SB 1407 (Stats. 2008, ch. 311, § 28).)</p>	(f) Complete
<p>SECTION 55 <i>[Imposition and Collection of Criminal Fines]</i> Section 1463.01 of the Penal Code is repealed.</p>	<p>SECTION 55</p>	<p>See Penal Code, § 1463.001, above.</p>
<p>SECTION 56 <i>[Imposition and Collection of Criminal Fines]</i> Section 1463.07 is added to the Penal Code, to read:</p> <p>1463.07. An administrative screening fee of twenty-five dollars (\$25) shall be collected from each person arrested and released on his or her own recognizance upon conviction of any criminal offense related to the arrest other than an infraction. A citation processing fee in the amount of ten dollars (\$10) shall be collected from each person cited and released by any peace officer in the field or at a jail facility upon conviction of any criminal offense, other than an infraction, related to the criminal offense cited in the notice to appear. However, the court may determine a lesser fee than otherwise provided in this subdivision upon a showing that the defendant is unable to pay the full amount. All fees collected pursuant to this subdivision shall be deposited by the county auditor in the general fund of the county. This subdivision applies only to convictions occurring on or after the effective date of the act adding this subdivision.</p>	<p>SECTION 56 No amendment.</p>	<p>See Penal Code, § 1463.001, above.</p>

SECTION 57 [Imposition and Collection of Criminal Fines]

Section 1464 of the Penal Code is amended to read:

1464. (a) Subject to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, there shall be levied a state penalty, in an amount equal to ten dollars (\$10) for every ten dollars (\$10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. Any bail schedule adopted pursuant to Section 1269b may include the necessary amount to pay the state penalties established by this section and Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine.

(b) Where multiple offenses are involved, the state penalty shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the state penalty shall be reduced in proportion to the suspension.

(c) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making the deposit shall also deposit a sufficient amount to include the state penalty prescribed by this section for forfeited bail. If bail is returned, the state penalty paid thereon pursuant to this section shall also be returned.

(d) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the state penalty, the payment of which would work a hardship on the person convicted or his or her immediate family.

(e) After a determination by the court of the amount due, the

SECTION 57

Section 1464 of the Penal Code now reads:

1464. (a)(1) Subject to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, and except as otherwise provided in this section, there shall be levied a state penalty in the amount of ten dollars (\$10) for every ten dollars (\$10), or part of ten dollars (\$10), upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including all offenses, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.

(2) Any bail schedule adopted pursuant to Section 1269b or bail schedule adopted by the Judicial Council pursuant to Section 40310 of the Vehicle Code may include the necessary amount to pay the penalties established by this section and Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, and the surcharge authorized by Section 1465.7, for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine.

(3) The penalty imposed by this section does not apply to the following:

(A) Any restitution fine.

(B) Any penalty authorized by Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code.

(C) Any parking offense subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

(D) The state surcharge authorized by Section 1465.7.

(b) Where multiple offenses are involved, the state penalty shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the state penalty shall be reduced in proportion to the suspension.

See Penal Code, § 1463.001, above.

clerk of the court shall collect the penalty and transmit it to the county treasury. The portion thereof attributable to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code shall be deposited in the appropriate county fund and <70 percent of> the balance shall then be transmitted to the State Treasury, <* * * >to be deposited in the State Penalty Fund, which is hereby created, and 30 percent to remain on deposit in the <* * * ><county g>eneral <f>und. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

(f) The moneys so deposited in the State Penalty Fund shall be distributed as follows:

(1) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.33 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month, except that the total amount shall not be less than the state penalty levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. These moneys shall be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(2) Once a month there shall be transferred into the Restitution Fund an amount equal to 32.02 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Those funds shall be made available in accordance with Section 13967 of the Government Code.

(3) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 23.99 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(4) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 25.70 percent of the state penalty funds deposited in the State Penalty

(c) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making the deposit shall also deposit a sufficient amount to include the state penalty prescribed by this section for forfeited bail. If bail is returned, the state penalty paid thereon pursuant to this section shall also be returned.

(d) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the state penalty, the payment of which would work a hardship on the person convicted or his or her immediate family.

(e) After a determination by the court of the amount due, the clerk of the court shall collect the penalty and transmit it to the county treasury. The portion thereof attributable to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code shall be deposited in the appropriate county fund and 70 percent of the balance shall then be transmitted to the State Treasury, to be deposited in the State Penalty Fund, which is hereby created, and 30 percent to remain on deposit in the county general fund. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

(f) The moneys so deposited in the State Penalty Fund shall be distributed as follows:

(1) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.33 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month, except that the total amount shall not be less than the state penalty levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. These moneys shall be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(2) Once a month there shall be transferred into the Restitution Fund

Fund during the preceding month.

(5) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 7.88 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Money in the Corrections Training Fund is not continuously appropriated and shall be appropriated in the Budget Act.

(6) Once a month there shall be transferred into the Local Public Prosecutors and Public Defenders Training Fund established pursuant to Section 11503 an amount equal to 0.78 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. The amount so transferred shall not exceed the sum of eight hundred fifty thousand dollars (\$850,000) in any fiscal year. The remainder in excess of eight hundred fifty thousand dollars (\$850,000) shall be transferred to the Restitution Fund.

(7) Once a month there shall be transferred into the Victim–Witness Assistance Fund an amount equal to 8.64 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(8)(A) Once a month there shall be transferred into the Traumatic Brain Injury Fund, created pursuant to Section 4358 of the Welfare and Institutions Code, an amount equal to 0.66 percent of the state penalty funds deposited into the State Penalty Fund during the preceding month. However, the amount of funds transferred into the Traumatic Brain Injury Fund for the 1996–97 fiscal year shall not exceed the amount of five hundred thousand dollars (\$500,000). Thereafter, funds shall be transferred pursuant to the requirements of this section.

(B) Any moneys deposited in the State Penalty Fund attributable to the assessments made pursuant to subdivision (i) of Section 27315 of the Vehicle Code on or after the date that Chapter 6.6

an amount equal to 32.02 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Those funds shall be made available in accordance with Section 13967 of the Government Code.

(3) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 23.99 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(4) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 25.70 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(5) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 7.88 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. Money in the Corrections Training Fund is not continuously appropriated and shall be appropriated in the Budget Act.

(6) Once a month there shall be transferred into the Local Public Prosecutors and Public Defenders Training Fund established pursuant to Section 11503 an amount equal to 0.78 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month. The amount so transferred shall not exceed the sum of eight hundred fifty thousand dollars (\$850,000) in any fiscal year. The remainder in excess of eight hundred fifty thousand dollars (\$850,000) shall be transferred to the Restitution Fund.

(7) Once a month there shall be transferred into the Victim-Witness Assistance Fund an amount equal to 8.64 percent of the state penalty funds deposited in the State Penalty Fund during the preceding month.

(8)(A) Once a month there shall be transferred into the Traumatic Brain Injury Fund, created pursuant to Section 4358 of the Welfare and Institutions Code, an amount equal to 0.66 percent of the state penalty funds deposited into the State Penalty Fund during the preceding month. However, the amount of funds transferred into the Traumatic Brain Injury Fund for the 1996-97 fiscal year shall not

<p>(commencing with Section 5564) of Part 1 of Division 5 of the Welfare and Institutions Code is repealed shall be utilized in accordance with paragraphs (1) to (8), inclusive, of this subdivision.</p>	<p>exceed the amount of five hundred thousand dollars (\$500,000). Thereafter, funds shall be transferred pursuant to the requirements of this section. Notwithstanding any other provision of law, the funds transferred into the Traumatic Brain Injury Fund for the 1997-98, 1998-99, and 1999-2000 fiscal years, may be expended by the State Department of Mental Health, in the current fiscal year or a subsequent fiscal year, to provide additional funding to the existing projects funded by the Traumatic Brain Injury Fund, to support new projects, or to do both.</p> <p>(B) Any moneys deposited in the State Penalty Fund attributable to the assessments made pursuant to subdivision (i) of Section 27315 of the Vehicle Code on or after the date that Chapter 6.6 (commencing with Section 5564) of Part 1 of Division 5 of the Welfare and Institutions Code is repealed shall be utilized in accordance with paragraphs (1) to (8), inclusive, of this subdivision.</p> <p>(Amended by AB 1492 (Stats. 1999, ch. 1023, § 1); AB 1053 (Stats. 2000, ch. 248, § 1), eff. Aug. 28, 2000; SB 425 (Stats. 2007, ch. 302, § 17).)</p>	
--	--	--

<p>SECTION 58 [Fees] Section 11205.1 is added to the Vehicle Code, to read:</p> <p>11205.1. The fee authorized in subdivision (m) of Section 11205 shall be applicable only in those instances where a traffic violator has agreed to attend or has been ordered to attend a traffic violator school pursuant to Section 42005, a licensed driving school, or any other court-approved program for driving instruction.</p>	<p>SECTION 58 Section 11205.1 of the Vehicle Code now reads:</p> <p>11205.1. Until January 1, 2013, the fee authorized in subdivision (d) of Section 11205.2, and after January 1, 2013, the fee authorized in subdivision (c) of Section 11205.2, shall be applicable only in those instances where a traffic violator has agreed to attend or has been ordered to attend a traffic violator school pursuant to Section 41501 or 42005.</p> <p>(Amended by AB 2499 (Stats. 2010, ch. 599, § 6).)</p>	<p>Substantial revision to all traffic violator school provisions in 2010 pursuant to AB 2499 (Stats. 2010, ch. 599) to, among other things, remove from the courts the executive branch function of monitoring traffic violator schools.</p>
<p>SECTION 59 [Fees] Section 42007 of the Vehicle Code is amended to read:</p> <p>42007. (a) The clerk of the court shall collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to Section 42005 or who attends any other court-supervised program of traffic safety instruction. The fee shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule. As used in this subdivision, “total bail” means the amount established pursuant to Section 1269b of the Penal Code in accordance with the Uniform Statewide Bail Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts. Where multiple offenses are charged in a single notice to appear, the “total bail” is the amount applicable for the greater of the qualifying offenses. However, the court may determine a lesser fee under this subdivision upon a showing that the defendant is unable to pay the full amount.</p> <p>The fee shall not include the cost, or any part thereof, of traffic safety instruction offered by the school or other program.</p>	<p>SECTION 59 Section 42007 of the Vehicle Code now reads:</p> <p>(a)(1) The clerk of the court shall collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to Section 41501 or 42005 in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule. As used in this subdivision, “total bail” means the amount established pursuant to Section 1269b of the Penal Code in accordance with the Uniform Bail and Penalty Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts. Where multiple offenses are charged in a single notice to appear, the “total bail” is the amount applicable for the greater of the qualifying offenses. However, the court may determine a lesser fee under this subdivision upon a showing that the defendant is unable to pay the full amount.</p> <p>The fee shall not include the cost, or any part thereof, of traffic safety instruction offered by a traffic violator school.</p> <p>(2) The clerk may accept from a defendant who is ordered or permitted to attend traffic violator school a payment of at least 10</p>	<p>AB 233 amendments address only distribution of these fees.</p> <p>Distributions are audited by the State Controller, as noted above.</p>

(b)<(1)> Revenues derived from the fee collected under this section shall be deposited in accordance with Section 68084 of the Government Code <* * * >in the general fund of the county, provided that in any county in which a fund is established pursuant to Section 76100 or 76101 of the Government Code, the sum of one dollar (\$1) for each fund so established shall be deposited with the county treasurer and placed in that fund.

<(2) Commencing July 1, 1998, for fees resulting from city arrests, an amount equal to the amount of base fines that would have been deposited in the treasury of the appropriate city pursuant to paragraph (3) of subdivision (b) of Section 1463.001 of the Penal Code shall be deposited in the treasury of the appropriate city.>

(c) As used in this section, “court-supervised program” includes, but is not limited to, any program of traffic safety instruction the successful completion of which is accepted by the court in lieu of adjudicating a violation of this code.

(d) The Judicial Council shall study the minimum eligibility criteria governing drivers seeking to attend traffic violator's school, and report to the Legislature on the advisability of uniform statewide criteria on or before January 1, 1993.

(e) The clerk of the court, in a county that offers traffic school shall include in any courtesy notice mailed to a defendant for an offense that qualifies for traffic school attendance the following statement:

NOTICE: If you are eligible and decide not to attend traffic school your automobile insurance may be adversely affected.

percent of the fee required by paragraph (1) upon filing a written agreement by the defendant to pay the remainder of the fee according to an installment payment schedule of no more than 90 days as agreed upon with the court. The Judicial Council shall prescribe the form of the agreement for payment of the fee in installments. When the defendant signs the Judicial Council form for payment of the fee in installments, the court shall continue the case to the date in the agreement to complete payment of the fee and submit the certificate of completion of traffic violator school to the court. The clerk shall collect a fee of up to thirty-five dollars (\$35) to cover administrative and clerical costs for processing an installment payment of the traffic violator school fee under this paragraph.

(3) If a defendant fails to make an installment payment of the fee according to an installment agreement, the court may convert the fee to bail, declare it forfeited, and report the forfeiture as a conviction under Section 1803. The court may also charge a failure to pay under Section 40508 and impose a civil assessment as provided in Section 1214.1 of the Penal Code or issue an arrest warrant for a failure to pay. For the purposes of reporting a conviction under this subdivision to the department under Section 1803, the date that the court declares the bail forfeited shall be reported as the date of conviction.

(b) Revenues derived from the fee collected under this section shall be deposited in accordance with Section 68084 of the Government Code in the general fund of the county and, as may be applicable, distributed as follows:

(1) In any county in which a fund is established pursuant to Section 76100 or 76101 of the Government Code, the sum of one dollar (\$1) for each fund so established shall be deposited with the county treasurer and placed in that fund.

(2) In any county that has established a Maddy Emergency Medical Services Fund pursuant to Section 1797.98a of the Health and Safety Code, an amount equal to the sum of each two dollars (\$2) for every seven dollars (\$7) that would have been collected pursuant to Section

76000 of the Government Code and, commencing January 1, 2009, an amount equal to the sum of each two dollars (\$2) for every ten dollars (\$10) that would have been collected pursuant to Section 76000.5 of the Government Code with respect to those counties to which that section is applicable shall be deposited in that fund. Nothing in the act that added this paragraph shall be interpreted in a manner that would result in either of the following:

(A) The utilization of penalty assessment funds that had been set aside, on or before January 1, 2000, to finance debt service on a capital facility that existed before January 1, 2000.

(B) The reduction of the availability of penalty assessment revenues that had been pledged, on or before January 1, 2000, as a means of financing a facility which was approved by a county board of supervisors, but on January 1, 2000, is not under construction.

(3) The amount of the fee that is attributable to Section 70372 of the Government Code shall be transferred pursuant to subdivision (f) of that section.

(c) For fees resulting from city arrests, an amount equal to the amount of base fines that would have been deposited in the treasury of the appropriate city pursuant to paragraph (3) of subdivision (b) of Section 1463.001 of the Penal Code shall be deposited in the treasury of the appropriate city.

(d) The clerk of the court, in a county that offers traffic school shall include in any courtesy notice mailed to a defendant for an offense that qualifies for traffic school attendance the following statement:

NOTICE: If you are eligible and decide not to attend traffic school your automobile insurance may be adversely affected. One conviction in any 18-month period will be held confidential and not show on your driving record if you complete a traffic violator school program.

(e) Notwithstanding any other provision of law, a county that has established a Maddy Emergency Medical Services Fund pursuant to

	<p>Section 1797. 98a of the Health and Safety Code shall not be held liable for having deposited into the fund, prior to January 1, 2009, an amount equal to two dollars (\$2) for every ten dollars (\$10) that would have been collected pursuant to Section 76000.5 of the Government Code from revenues derived from traffic violator school fees collected pursuant to this section.</p> <p>(Amended by SB 623 (Stats. 1999, ch. 679, § 2); SB 256 (Stats. 2003, ch. 592, § 26); SB 111 (Stats. 2004, ch. 193, § 201); AB 1248 (Stats. 2007, ch. 738, § 54); AB 3076 (Stats. 2008, ch. 511, § 1), eff. Sept. 28, 2008; AB 2499 (Stats. 2010, ch. 599, § 16); SB 857 (Stats. 2010, ch. 720, § 37), eff. Oct. 19, 2010; SB 565 (Stats. 2011, ch. 341, § 6).)</p>	
<p>SECTION 60 [Fees] Section 42007.1 is added to the Vehicle Code, to read:</p> <p>42007.1. (a) The fee collected by the clerk pursuant to subdivision (a) of Section 42007 shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule plus twenty-four dollars (\$24).</p> <p>(b) Notwithstanding subdivision (b) of Section 42007, the revenue from the twenty-four dollar (\$24) fee collected under this section shall be deposited in the county general fund.</p>	<p>SECTION 60 Section 42007.1 of the Vehicle Code now reads:</p> <p>(a) The amount collected by the clerk pursuant to subdivision (a) of Section 42007 shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule plus a forty-nine-dollar (\$49) fee, and a fee determined by the department to be sufficient to defray the cost of routine monitoring of traffic violator school instruction pursuant to subdivision (c) of Section 11208, and a fee, if any, established by the court pursuant to subdivision (c) of Section 11205.2 to defray the costs incurred by a traffic assistance program.</p> <p>(b) Notwithstanding subdivision (b) of Section 42007, the revenue from the forty-nine-dollar (\$49) fee collected under this section shall be deposited in the county general fund. Fifty-one percent of the amount collected under this section and deposited into the county general fund shall be transmitted therefrom monthly to the Controller for deposit in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5 of the Government Code.</p> <p>(c) The fee assessed pursuant to subdivision (c) of Section 11208 shall be allocated to the department to defray the costs of monitoring traffic</p>	<p>Fees assessed and collected as required. Distributions are subject to audit by the State Controller, as noted above.</p>

	<p>violator school instruction.</p> <p>(Added by AB 233 (Stats. 1997, ch. 850, § 60). Amended by SB 1407 (Stats. 2008, ch. 311, § 31); AB 2499 (Stats. 2010, ch. 599, § 17).)</p>	
<p>SECTION 61 [Fiscal Impact of Legislation Affecting Courts] The Judicial Council shall forward information regarding the fiscal impact of pending legislation affecting courts to the Legislature when the council deems that the information will assist the Legislature in its consideration of the legislation.</p>	<p>SECTION 61 No amendment (uncodified).</p>	<p>The Judicial Council continues to perform this function.</p>
<p>SECTION 62 [Civil Delay Reduction Team] (a) There shall be a Civil Delay Reduction Team comprised of judges assigned by and under the authority of the Chief Justice.</p> <p>(b) The primary responsibility of the team is to assist counties and courts in reducing or eliminating the delay in adjudicating civil cases.</p> <p>(c) Team judges will be assigned by the Chief Justice after taking into account the following.</p> <ol style="list-style-type: none"> (1) The number of delayed civil cases in each county and court. (2) The delay in processing civil cases. (3) The age of inventory of cases, with greater weight to be given to cases with a long delay without resolution. (4) The average length of time needed to dispose of civil cases. (5) The adverse impact on civil litigants. (6) The likelihood that utilization of the team will encourage effective and efficient use of existing local court resources. <p>(d) Delay reduction team assignments shall be for the purpose of supplementing civil court resources, and shall not be made for the purpose of supplanting a judge currently assigned to the civil court calendar.</p>	<p>SECTION 62 No amendment (uncodified).</p>	<p>Complete</p>

<p>(e) During the 1997–98 fiscal year, special attention shall be given to those counties and courts where civil delay is much greater than the state average delay for all trial courts.</p> <p>(f) The Judicial Council shall report to the Legislature annually on the assignment of team judges and the impact on civil case delay reduction.</p> <p>(g) This section shall become inoperative on July 1, 1999, and, as of January 1, 2000, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2000, deletes or extends the dates on which it becomes inoperative and is repealed.</p>		
<p>SECTION 63 [Civil Delay Reduction Team] As provided in the Budget Act of 1997, of funds appropriated in Schedule (a) of Item 0450–101–0932 of the Budget Act of 1997, the Judicial Council shall transfer up to two million dollars (\$2,000,000) to Schedule (c) of that item for support of the Civil Delay Reduction Team established by this act.</p>	<p>SECTION 63 No amendment (uncodified).</p>	<p>Complete</p>
<p>SECTION 64 [No Unfunded Mandate] No provision of this act shall be deemed to constitute a mandate upon a county because the state's assumption of increased funding support for the trial courts, pursuant to Section 77001 of the Government Code, effectively relieves a county of the responsibility to provide otherwise increasing funds to the trial courts to help finance their operations.</p>	<p>SECTION 64 No amendment (uncodified).</p>	<p>No judicial branch action required.</p>
<p>SECTION 65 [No Unfunded Mandate] No provision of this act shall be deemed to constitute a mandate upon a trial court because the state's assumption of increased funding support for the trial courts, pursuant to Section 77001 of the Government Code, directly benefits the trial courts through the provision of more adequate, consistent, and stable financial support for their operations.</p>	<p>SECTION 65 No amendment (uncodified).</p>	<p>No judicial branch action required.</p>

ATTACHMENT 4

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> <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. <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 <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 <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

ATTACHMENT 5

Realizing the Goals of Assembly Bill 233 (Stats. 1997, ch. 850)

A sampling of judicial branch accomplishments¹

In legislative findings and declarations, AB 233 asserts that state funding of trial courts is necessary to provide uniform standards and procedures, economies of scale, and structural efficiency and simplicity. The Legislature also found that structural improvement will provide for an improved court system, a uniform and equitable court system, and will, therefore, increase access to justice for the citizens of the State of California.

This document sets out a sampling of judicial branch accomplishments that realize those goals, organized into the following 8 subject matter areas:

- Administrative, Legal, and Human Resources
- Case Management
- Direct Public Services
- Education and Guidance
- Fiscal Management and Reporting
- Judges and Jury Practices
- Records and Technology
- Security

For each accomplishment, the document identifies the AB 233 goal realized by the accomplishment, (i.e., (1) uniform standards, (2) economies of scale, (3) efficiency and simplicity, or (4) structural improvement), whether it is mandatory or permissive, and whether the accomplishment is found in all trial courts.

¹ Note: the listing of achievements is *not* a comprehensive list of each and every judicial branch achievement in the respective categories, but is only a sampling.

Accomplishments Implications or Benefits to Courts and Users		AB 233 Goals	Mandatory / Permissive	All Courts?
I. Administrative, Legal, and Human Resources				
1.	Statewide Strategic and Operational Plans Promotes uniformity and provides direction.	Uniform Standards	M (CRC ² 10.1)	Y
2.	Litigation Management Program The Litigation Management Program annually manages approximately 500 claims and lawsuits against the courts without exceeding its 4.5 million budget. The Litigation Management Program fulfills the duty of the Judicial Council to provide for the representation, defense, and indemnification of courts, judicial officers, and court employees with a small group of experienced attorneys who centrally manage the claims and outside counsel under the oversight of the Judicial Council in a way that promotes the cost-effective, prompt, and fair resolution of claims against the courts for a cost considerably lower than if managed individually.	Economies of Scale	M (Gov. Code, § 68119; CRC 10.202)	Y
3.	Regional collective bargaining for interpreters Leverages resources and expertise by reducing labor agreements from 58 to 4 statewide for court interpreters.	Economies of Scale	M (Gov. Code, §§ 71807 and 71808)	Y
4.	Workers' Compensation Program Streamlined workers' compensation administration for the trial courts.	Economies of Scale	P (CRC 10.350)	N
5.	Court construction program The judicial branch established a court construction program to identify, prioritize, and remedy courts that are in most need of structural improvements, designed to provide access and safety to the public and all court users. Providing access to justice through safe, secure, accessible, functional courthouses is a critical priority for the California judicial branch. The courthouse construction program focuses on the most immediate and critical needs in the branch. Many buildings that house California's courts are in a critical state of disrepair and antiquated design. Inadequate security	Structural Improvement	N/A	N/A

² Denotes the rule set forth in the California Rules of Court

Accomplishments Implications or Benefits to Courts and Users	AB 233 Goals	Mandatory / Permissive	All Courts?
has created dangerous conditions that place children, jurors, witnesses, litigants, visitors, and court employees at risk. Without the necessary improvements in physical infrastructure, the courts are in danger of losing their ability to safely and effectively carry out justice.			
6. Statewide services in areas of legal, human resources, and education Centralized services and support by the AOC provide greater access and enhanced services to courts. Includes training and education, legal opinions, litigation management, and labor and employee relations assistance. Expertise is leveraged and need for redundancy and duplicative efforts are eliminated.	Economies of Scale	P	N
7. Statewide manuals adopted Statewide manuals include Judicial Branch Contract Manual, Trial Court Financial Policies and Procedures, Court Records Manual, and others. Goals are to ensure consistent practices, provide guidance, and promote best practices statewide.	Uniform Standards Structural Improvement	M/P (Varies depending on practice)	N
8. Statewide procurement strategies The judicial branch has established statewide procurement strategies to leverage economies of scale and minimize trial court costs by drawing on the purchasing power of the statewide judicial branch (by, among other things, the development of master service agreements for various products and services) These save court resources – both time and money.	Economies of Scale	P	N
9. Shared services When appropriate, courts develop shared administrative services such as the Shared Procurement Services provided by the Riverside County Superior Court where the Riverside Court performs the competitive bidding process for 18 other courts to provide economies of scale and ensure the process complies with legal requirements.	Economies of Scale	P	N
10. Comprehensive collections program guidelines and standards, performance measures, and best practices Encourage the optimal collection of criminal and traffic fines and fees and ensure the enforcement of court orders and respect for the rule of law.	Efficiency/Simplicity	P	N

Accomplishments Implications or Benefits to Courts and Users		AB 233 Goals	Mandatory / Permissive	All Courts?
II. Case Management				
11.	<p>Blue Ribbon Panel on the Fair and Efficient Administration of Civil Cases</p> <p>The panel recommended a series of practices to improve civil case processing, leading to rules of court and time standards to make the civil delay reduction program more flexible and practical for court users.</p>	Efficiency/Simplicity Uniform Standards	P	N
12.	<p>Streamline and simplify processes in civil cases</p> <p>These innovations include: expedited jury trials, modernized statutes and rules related to e-discovery, uniform standards for telephonic appearances. Expedited jury trials are an alternative, streamlined method for handling civil actions to promote the speedy and economic resolution of cases and to conserve judicial resources. An expedited jury trial is heard by a smaller jury, and the goal is to complete the trial in one day. Lawyers around the state raised concerns with the seeming inconsistent practice of allowing appearances by telephone in certain proceedings. The rules establish presumptions allowing for telephonic appearances in certain cases, eliminating time and cost for litigants, but providing the courts with necessary tools to require parties to appear in person when necessary.</p>	Efficiency/Simplicity Uniform Standards	P	N
13.	<p>Complex civil litigation program</p> <p>Provides judges training and resources to help manage complex civil cases efficiently and effectively.</p>	Efficiency/Simplicity Economies of Scale	P	N
14.	<p>Technical assistance to courts on criminal case flow management</p> <p>To ensure the most effective practices in criminal, dependency, and delinquency cases, identifies methods for improving efficiency in case processing, and identifies the major caseflow management issues facing California judges and justice system partners. It is designed to familiarize judges and administrators with the underlying principles of effective caseflow management and improve the delivery of justice to the public.</p>	Efficiency/Simplicity Economies of Scale	P	N

Accomplishments Implications or Benefits to Courts and Users		AB 233 Goals	Mandatory / Permissive	All Courts?
15.	<p>Task forces to conduct comprehensive studies of practices in family law, juvenile dependency, domestic violence cases, and probate conservatorships</p> <p>Resulted in the adoption of rules, procedures, standards and measures of case processing to improve offender accountability in domestic violence cases, ensure permanence and safety in dependency, and provide heightened oversight and protections of elder and dependent adults.</p>	Structural Improvement Efficiency/Simplicity	M/P (depending on rule or practices)	Y/N (depending on rule or practice)
16.	<p>Technical assistance to courts, including a resource manual on effective practices in family law, to improve the efficiency of courts' family law operations</p> <p>A resource manual on caseload management was developed based on best practices submitted by local courts. This manual was used for a series of workshops that enabled teams of court staff to develop plans for improving the efficiency and effectiveness of their family law processes. Based on the success of that project, the Judicial Council allocated funds to continue the work of developing best practices in other areas of family law. Teams of court staff, judges, self-help center attorneys and others from throughout the state discussed ways to improve family law court operations and agreed on a series of best practices. Those practices were studied to determine how they operated and to report on their costs and benefits. This information is being finalized to provide guidance to courts on how best to use limited resources.</p>	Efficiency/Simplicity Economies of Scale	P	N
17.	<p>Dependency court-appointed counsel programs (DRAFT)</p> <p>The Dependency Representation, Administration, Funding and Training (DRAFT) program was established by the Judicial Council to improve dependency counsel on behalf of courts statewide. DRAFT is in 20 courts serving approximately 70 percent of the foster care population. Through DRAFT the state has made significant progress in reducing disparate caseloads statewide and managing contracts so that all participating courts will reach the Judicial Council caseload standard for dependency, and provide education to attorneys to ensure a high level of competence. Judges, parents and children can now count on representation from counsel who are</p>	Structural Improvement	P	N

Accomplishments Implications or Benefits to Courts and Users	AB 233 Goals	Mandatory / Permissive	All Courts?
not carrying caseloads of 200 or more clients and who are specialists in dependency law.			
<p>18. Collaborative justice courts Developed principles for collaborative justice courts. Over 400 hundred collaborative justice courts statewide serve approximately 40,000 high risk/high need participants annually in all jurisdictions and every case type, including emerging areas such as veterans' courts, elder courts, and reentry courts. The Judicial Council's Drug Court Cost Study showed that approximately \$90,000 is saved annually through drug courts. Identified effective practices and funding opportunities to support effective, efficient case processing for cases involving mental health issues, including a study of mental health courts, survey of judicial needs in processing mental health cases, and tools to assist judges in adjudicating cases involving elders. Collaborative courts show a reduction in recidivism, and county jail populations, and increase in family reunification. Research shows that litigants involved in their own treatment and outcome are more likely to comply with judicial orders and are satisfied with the court system. Treatment courts (family, juvenile, drug) provide greater access to justice for not only litigants, but everyone involved. Courts focus on outcomes increase access to services and gain higher level of public trust and confidence.</p>	Structural Improvement	P	N
<p>19. Appellate division project in Lassen, Plumas, Sierra, and Modoc Merged appellate divisions from these 4 courts into a single appellate division serving these courts. A cost efficient and effective approach to maximize the use of limited resources while not impacting public access to justice.</p>	Economies of Scale Efficiency/Simplicity	P	N
III. Direct Public Services			
<p>20. Mandatory Judicial Council rules and forms Eliminated, for the most part, widely divergent practices dealing with,</p>	Uniform Standards	M (Gov. Code, §	Y

Accomplishments Implications or Benefits to Courts and Users	AB 233 Goals	Mandatory / Permissive	All Courts?
among other things, personal appearance requirements, fees, ex parte hearings, tentative rulings, page formats, bindings, blue-backs, the color of ink, which forms were required, etc. Previously, lawyers and litigants were confronted with inconsistent rules and practices, some of which they knew nothing about.		68115; CRC 1.31)	
21. Adoption of plain language, easy to read court forms These make the court system more accessible for unrepresented litigants. Forms also translated into Spanish, Chinese, Korean, and Vietnamese, allowing limited English proficient litigants to secure restraining orders or otherwise protect themselves and their children.	Uniform Standards Efficiency/Simplicity	M/P (depending on the form)	Y
22. Rules eliminate limitations on submission of handwritten forms imposed by some courts These rules have been a significant benefit to low income, self-represented litigants, especially in family law matters, who in the past, found themselves turned away from some courts because they had prepared all of their forms by hand, and not with the assistance of a computer or typewriter.	Uniform Standards	M (CRC 2.118, 2.135, 5.330.)	Y
23. Statewide rules on fee waiver petitions Litigants were faced with inconsistent local rules and denied the ability to proceed with critical custody, support, or other family law matters when courts required some to provide additional documentation to demonstrate eligibility for a fee waiver. Litigants often were not prepared with, or unable to access such documentation, delaying their ability to get critical problems resolved, when courts in other parts of the state would not require the same proof of eligibility.	Uniform Standards Efficiency/Simplicity	M (Gov. Code, § 68630, et seq.; CRC 3.50, et seq.)	Y
24. Self-help centers and family law facilitators Self-help centers and family law facilitators are now found in every court in the state, serving nearly 1 million litigants each year. Educates litigants, improves the flow of cases for everyone because pro pers are prepared. JC allocates more than \$10 million in ongoing funding for courts to start or expand self-help centers. Services provided by court self-help centers facilitate the timely and cost-effective processing of cases involving self-	Structural Improvement	M (Fam. Code, § 10002; CRC 10.960)	Y

Accomplishments Implications or Benefits to Courts and Users	AB 233 Goals	Mandatory / Permissive	All Courts?
<p>represented litigants and improve the delivery of justice to the public. The Judicial Council provides \$11.2 million in funding for self-help centers. Self-help centers assist individuals to complete legal forms, explaining the court process and legal issues, and provide referrals for additional assistance. Self-help services save time for clerks and judicial officers. Evaluations show that court-based assistance to self-represented litigants is operationally effective and carries measurable short and long-term cost benefits to the court. One study found that self-help center workshops save \$1.00 for every \$.23 spent. When the court provides one-on-one individual assistance to self-represented litigants, savings of \$1.00 can be achieved from expenditures ranging from \$.36 to \$.55. If the self-help center also provides assistance to self-represented litigants to bring their cases to disposition at the first court appearance, the court saves \$1.00 for every \$.45 spent.</p>			
<p>25. Nationally recognized self-help website provides tools to unrepresented litigants to help them manage their own cases This enables litigants to gain answers to basic questions 24/7, to complete their forms online to increase legibility and accuracy, and to enable clerks and other court staff to make referrals to accurate and helpful information that is applicable statewide. There are over 4,000 pages of legal and procedural information about cases in which many people represent themselves - family law, domestic violence, small claims, child support, landlord/tenant, consumer issues, traffic, guardianships and conservatorships. The site links to thousands of free, credible resources for additional online information, legal assistance and other help. The entire site is translated into Spanish and there are some materials in other languages as well. The site receives over 3 million views each year.</p>	Structural Improvement	N/A	N/A
<p>26. Children's waiting rooms The number of children's waiting rooms has increased. As of 2009, there were 70 staffed children's waiting rooms in 17 different counties. When</p>	Structural Improvement	P	N

Accomplishments Implications or Benefits to Courts and Users	AB 233 Goals	Mandatory / Permissive	All Courts?
<p>new facilities are planned, the need for children’s waiting rooms, by law, must be considered and generally is always included in the plan. Funds are collected and maintained statewide for staffing of those waiting rooms, but most courts must augment those funds with other trial court funds. The waiting rooms that are in place provide greater access for adults needing to visit a court for a hearing or to file papers, attend mandatory services such as mediation, or benefit from visiting a self-help center or parent education, and increases the likelihood that they will be able to comply with requirements. It is also provides a child-friendly place for families accessing the courts when children need to testify or otherwise participate in court processes.</p>			
<p>27. Expanded availability of interpreters There is no access to justice if litigants cannot understand the basic processes, understand what is occurring in the courtroom, or even find their way around the courthouse. These services have provided incredible advances in the ability of courts to serve limited English proficient individuals so they can have access to the courts for basic services or the most complex or sensitive issues. Bilingual staff has been expanded at self help centers; forms translated into several languages; dedicated funds for interpreters in domestic violence cases; testing and qualification standards that ensure access to qualified interpreters; a master agreement to enable courts to easily purchase competent translation services; a master agreement to allow testing of bilingual staff and volunteers to determine their language proficiency; sample instructional materials in a wide variety of languages; trainings provided for judges, court staff and self-help center personnel in assisting litigants with limited English proficiency, assistance for courts in developing plans for serving litigants with limited English proficiency as required by the federal Department of Justice; multilingual signage provided to courts regarding holiday closures and other signs that are needed statewide.</p>	Structural Improvement Efficiency/Simplicity	M/P (depending on item)	Y/N (depending on item)

Accomplishments Implications or Benefits to Courts and Users		AB 233 Goals	Mandatory / Permissive	All Courts?
28.	Expanded ADR and other conflict resolution programs Courts offer a variety of Alternative Dispute Resolution (ADR) and other conflict resolution programs to help people resolve disputes without a trial and as early in the process as possible. Offering ADR programs saves litigants time, money, and increases control over the process and outcome.	Structural Improvement Efficiency/Simplicity	P	N
29.	Uniform Fee Schedule Created consistency within the branch on fees assessed to file documents regardless of jurisdiction.	Uniform Standards	M (Gov. Code, §§ 70600, 70603)	Y
IV. Education and Guidance				
30.	CJER – provides uniform training for judicial officers and court staff CJER is acknowledged nationwide as a model in judicial branch education. CJER’s offerings include educational programs and services for justices, judges, and subordinate judicial officers, including orientation programs for new judges, continuing education programs, judge’s benchbooks, benchguides, videotapes, and other educational aids. Its mission is to enhance the quality of justice by providing a comprehensive program of educational services that reinforce the unique roles of justices, judges, subordinate judicial officers, and court personnel; enhance decision making skills; encourage uniformity in judicial procedures; and promote fairness, access, and equal justice for all. By providing judges and court staff recent updates on changes in the law, it helps ensure equal justice throughout the state. Provides standards of uniformity in qualifications, training, and expectations for temporary judges who serve throughout the state.	Structural Improvement Economies of Scale	M/P (A certain amount and certain types of training are mandated, but what provider is used is optional.)	Y
31.	Benchguides The California Judges Benchguides are a series of reference guides detailing specific court proceedings and procedures. Written from the judge's point of view, the benchguides are designed for use on and off the bench. The benchguides include procedural checklists, discussion of the applicable law, scripts, and written forms. Benchguides covering civil, criminal, family law, juvenile court, probate and conservatorship, special proceedings, and many	Structural Improvement Uniform Standards	P	N

Accomplishments Implications or Benefits to Courts and Users	AB 233 Goals	Mandatory / Permissive	All Courts?
<p>more are currently available. All benchguides are available on line for ease of access by judicial officers.</p>			
<p>32. Bench Handbook-Handling Cases Involving Self-Represented Litigants Most judges spend a significant portion of their judicial career handling cases in which at least one party is self-represented. Self-represented litigants often have difficulty preparing complete pleadings, meeting procedural requirements, and articulating their cases clearly to a judicial officer. This bench handbook is designed to help judicial officers handle the growing self-represented litigant portion of their caseload. Based on the experiences of hundreds of judicial officers who have shared their perspectives, ideas, and suggestions, this handbook includes tools and techniques to help judges run their courtrooms effectively, comply with the law, maintain neutrality, and increase access to justice. The bench handbook starts with a general discussion of the characteristics and needs of the self-represented and offers guidance on how to handle cases with self-represented litigants, including a review. It discusses caseflow and calendar management and provides scripts and suggestions on managing a courtroom with self-represented litigants to ensure that it runs smoothly. The bench handbook provides specific information and tools on enhancing communication skills and on recognizing and dealing with potential unintended bias.</p> <p>The handbook is available on line for ease of access by all judicial officers.</p>	Uniform Standards	P	N
<p>33. New laws workshops and materials Annual trainings and/or materials provided to court staff to ensure consistent understanding of new legislation enacted during that year that will affect court operations commencing January 1 (or earlier). Ensures courts can implement necessary changes and strategies in a timely manner.</p>	Structural Improvement Economies of Scale	P	N

Accomplishments Implications or Benefits to Courts and Users		AB 233 Goals	Mandatory / Permissive	All Courts?
34.	<p>Outreach efforts Expand courtrooms beyond courthouse; mock trials, court visits, iCivics, courts in the schools, Law Day, etc. Increase public trust and confidence through education about judicial system.</p>	Structural Improvement	P	N
V. Fiscal Management and Reporting				
35.	<p>Phoenix Financial System standardizes all accounting functions The Phoenix Financial System provides a diverse range of services, including accounting and financial services, a centralized treasury system, trust accounting services, and core business analysis and support. Implementation of the statewide trial court financial system and centralized treasury enables courts to produce a standardized set of monthly, quarterly, and annual financial statements that comply with existing statutes, rules, and regulations. The objectives of the system are to: a) standardize the accounting and business functions; b) maximize investment opportunities and timely use and disbursement of cash; c) ensure uniformity of financial record keeping and maintenance; d) provide consistency of data and quality of management information; and e) provide judicial partners with comprehensive financial information on a regular and timely basis.</p> <p>Automation provides tool to enhance court's ability to not only fiscally manage the court, but also maximize personnel resources.</p>	Efficiency/Simplicity Economies of Scale Uniform Standards	M (Gov. Code, § 68505)	Y
36.	<p>Treasury function for the judicial branch The treasury function allows for the statewide management of court funds in a pooled operating bank account under a Master Banking Agreement, and maintenance of pooled bank accounts for civil filing fees, criminal fines and fees, and trust deposits. The use of pooled bank accounts alone saves the state just under \$1 million each year in banking service fees.</p>	Economies of Scale Structural Improvement	M (Gov. Code, § 77009)	Y

Accomplishments Implications or Benefits to Courts and Users		AB 233 Goals	Mandatory / Permissive	All Courts?
37.	Internal audit function The internal audit services office of the AOC improves accountability for the use of public resources and adherence to statutory and constitutional mandates.	Structural Improvement	M (Gov. Code, §§ 77009 and 77206; Internal Audit Services Charter ³)	Y
VI. Judges and Juries				
38.	Assigned judges program Streamlined, statewide administration of assigned judges to provide assistance to courts with judicial shortages for long or short term periods.	Economies of Scale	P (Cal. Const., Art. VI, § 6)	N
39.	Effective methodology for determining judgeship needs Ensured that judgeships, when authorized and funded, are provided to the courts most in need.	Structural Improvement	N/A, but applies statewide, to all courts	N/A, but applies statewide, to all courts
40.	One-day one-trial jury management While jury service is required by state law, it nonetheless impacts businesses and employees. The one-day or one-trial system is designed to reduce unproductive waiting time of jurors as well as the potential for lost income, and it reduces the uncertainty of when and for how long employees will be unavailable for work.	Uniform Standards Efficiency/Simplicity Structural Improvement	M (Gov. Code, § 68550; CRC 2.1002)	Y
41.	Statewide juror orientation video Ensures consistent information to jurors about the importance and value of jury duty and their role as jurors.	Uniform Standards	P	N (courts that do not use the statewide video use their own or in person information)
42.	Uniform rules and standards for jury management Task Force on Jury System Improvements (1998–2002) oversaw implementation of the recommendations of the Blue Ribbon Commission on	Uniform Standards	M/P (Depends on practice)	Y/N

³ Approved by Judicial Council February 2004

Accomplishments Implications or Benefits to Courts and Users	AB 233 Goals	Mandatory / Permissive	All Courts?
<p>Jury System Improvement. The Judicial Council has adopted California Rules of Court and Standards of Judicial Administration to improve jury service and experiences, including: Rule 2.1004, accommodation of jurors' schedules by granting one-time deferral of jury service; Rule 2.1006, mothers who breastfeed a child may request that jury service be deferred for up to one year and may renew that request as long as breastfeeding continues; Rule 2.1008, jury commissioners are required to apply standards for hardship excuses determined by the Judicial Council and set forth in the rule; Rule 2.1031, jurors must be permitted to take written notes during civil and criminal trials; Rule 2.1033, encourages trial judges to allow jurors to submit written questions directed to witnesses during trials; Standard 10.51, recommends that each court establish a reasonable mechanism for receiving and responding to juror complaints.</p>			
<p>43. Adoption of model jury summons At least 16 courts have implemented the standardized, statewide summons for jury service. The model summons has a simple and open layout; improves the appearance and readability of the summons; lowers the costs of a two-step process through use of a one-step summons; has consumer appeal; and improves juror comprehension of the summons and knowledge about jury service with the goal of increasing juror compliance and decreasing consumer confusion and frustration.</p>	Uniform Standards	P (Code of Civ. Proc., § 210.5)	Y/N
<p>44. Plain language civil and criminal jury instructions The California jury instructions approved by the Judicial Council are the official instructions for use in the state of California. The goal of these instructions is to improve the quality of jury decision making by providing standardized instructions that accurately state the law in a way that is understandable to the average juror. Use of the Judicial Council instructions is strongly encouraged.</p>	Efficiency/Simplicity	P (CRC 2.1050(e) strongly recommends their use)	N

Accomplishments Implications or Benefits to Courts and Users		AB 233 Goals	Mandatory / Permissive	All Courts?
VII. Records and Technology				
45.	Judicial Branch Statistical Information Systems data standards Standards provide for uniform reporting of court data and uniform measurement of some performance indicators such as caseload clearance, time to disposition, and age of active, pending caseload. Such measures are critical to the evaluation of court operations and reflect directly on the quality of justice. Combined, these three measures help evaluate the timeliness of case processing and the extent to which delay is a problem in the courts. The benefit to courts and the public is the transparency that these measures provide in looking at court operations and holding the courts accountable.	Uniform Standards	M (Gov. Code, § 68505; CRC 10.400, contingent upon funding)	N
46.	Management of court records using modern technologies The Judicial Council sponsored legislation to amend Government Code sections 68150 and 68151 and adopted new California Rules of Court pertaining to the creation, maintenance, retention, and destruction of trial court records to authorize trial courts to manage and retain court records using modern technologies and to transfer the oversight of such activities to the Judicial Council and the trial courts. These rules facilitate the transition from paper records to records that are created and may exist only in electronic form. Standards and guidelines for managing trial court records are now published in the Trial Court Records Manual.	Uniform Standards Efficiency/Simplicity	P (CRC 10.850, et seq.)	N
47.	California Courts Protective Order Registry (CCPOR) CCPOR is a statewide repository of protective orders containing both data and scanned images of orders that can be accessed by judges, court staff, and law enforcement. CCPOR provides statewide court access to images at other courts within the county and across the state. Access to this information allows judges to make more informed decisions and avoid issuing multiple protective orders with conflicting terms and conditions. Law enforcement officers can also view the complete images of orders, including notes, special conditions, and warnings. It also provides a gateway	Efficiency/Simplicity Structural Improvement	P	N

Accomplishments Implications or Benefits to Courts and Users	AB 233 Goals	Mandatory / Permissive	All Courts?
for entering orders into the Department of Justice's California Restraining and Protective Order System (CARPOS). CCPOR is currently deployed in 21 courts. For fiscal year 2012-2013, 10 additional courts are targeted for CCPOR Deployment.			
48. Smart Judicial Council Forms Building on the fillable, savable Judicial Council forms, three superior courts have joined to add intelligence to the forms to assist litigants in preparing them. When completing a form, the 'intelligence' assists by making sure that all required fields have information entered, that the information entered is proper, and that all associated forms in a packet are completed. The results are legible, complete forms and form packets submitted to the court. This significantly reduces the number of hearings that must be continued for lack of forms or information, and reduces unproductive appearances by litigants and attorneys.	Efficiency/Simplicity	P	Will be available to all courts (currently 3 courts are developing the system)
49. Certifying E-Filing Service Providers (EFSP) Spearheaded by one superior court, a process has been developed to certify vendors who want to provide e-filing services to lawyers and litigants. The process uses a single statewide standard for the format and transmission of information and documents directly into a court's case management system (CMS) and document management system. E-filing avoids data entry and scanning by court staff, and eliminates trips to the court house to file documents. Once certified, an EFSP vendor can e-file documents to any superior court using the V3 CMS that is ready to accept e-filing. Currently there are 5 courts using the V3 CMS, representing 25% of the total state filings for case types managed by the V3 CMS. Courts using other CMSs can also take advantage of the certification when their CMS is modified to accept the standard information and documents.	Efficiency/Simplicity	P	N
50. Telecommunications program Provides a uniform set of standards for the trial courts and establishes a basic framework to manage and upgrade the networks of participating courts. The Telecommunications program offers a yearly technical refresh,	Economies of Scale	P	N

Accomplishments Implications or Benefits to Courts and Users		AB 233 Goals	Mandatory / Permissive	All Courts?
	the Managed Intrusion Prevention Service, a suite of security tools, and free maintenance on eligible equipment for participating courts. Benefits include: a network that is compliant with regulatory requirements for data protection, confidentiality, integrity and availability; a maintained and/or updated network improving the user experience for all courts and the public; a network infrastructure ready to support new technologies and enterprise system applications.			
51.	Web page templates and web design assistance for the courts Results in a uniform look and leads to maintaining of consistent online information, improving access to court users.	Structural Improvement	P	N
52.	Sharing of Information Services resources by Butte and Glenn Courts Cost efficient approach to secure and maintain technology and assist the courts to stabilize their IT infrastructure and manage IT problems.	Efficiency/Simplicity	P	N
VIII. Security				
53.	Established guidelines for security plans Uniform subject areas for court security practices. Improves safety for all court users.	Uniform Standards Structural Improvement	M (Gov. Code, § 69925; CRC 10.172)	Y
54.	Continuity of Operations Planning (COOP) Statewide web-based planning tools and training provided to ensure minimum disruption in the case of disaster.	Structural Improvement	P	N
55.	Fund security screening equipment Screening and perimeter security provide a safer environment for all court users.	Structural Improvement	P	N
56.	Emergency and security services consultation and specific services and assistance for judges and court facilities AOC security staff offer the courts centralized guidance, templates, tools, and staff assistance for the creation of comprehensive court security plans; administer all aspects of entrance security screening equipment program for the trial courts, surveying, assessing, tracking, and evaluating hundreds of	Economies of Scale	P	N

Accomplishments Implications or Benefits to Courts and Users	AB 233 Goals	Mandatory / Permissive	All Courts?
<p>pieces of screening equipment and facilitating replacement; assist trial courts with critical security enhancements by purchasing, installing, and maintaining systems and equipment for needs such as access control, video surveillance, duress alarms, ballistic glass, and perimeter fencing; facilitate access to high-quality, reasonably-priced security equipment that is vetted by specialists by managing statewide master agreements; runs privacy protection program to assist judicial officers with online privacy; and provide assistance in creating emergency plans and continuity of operations plans.</p>			

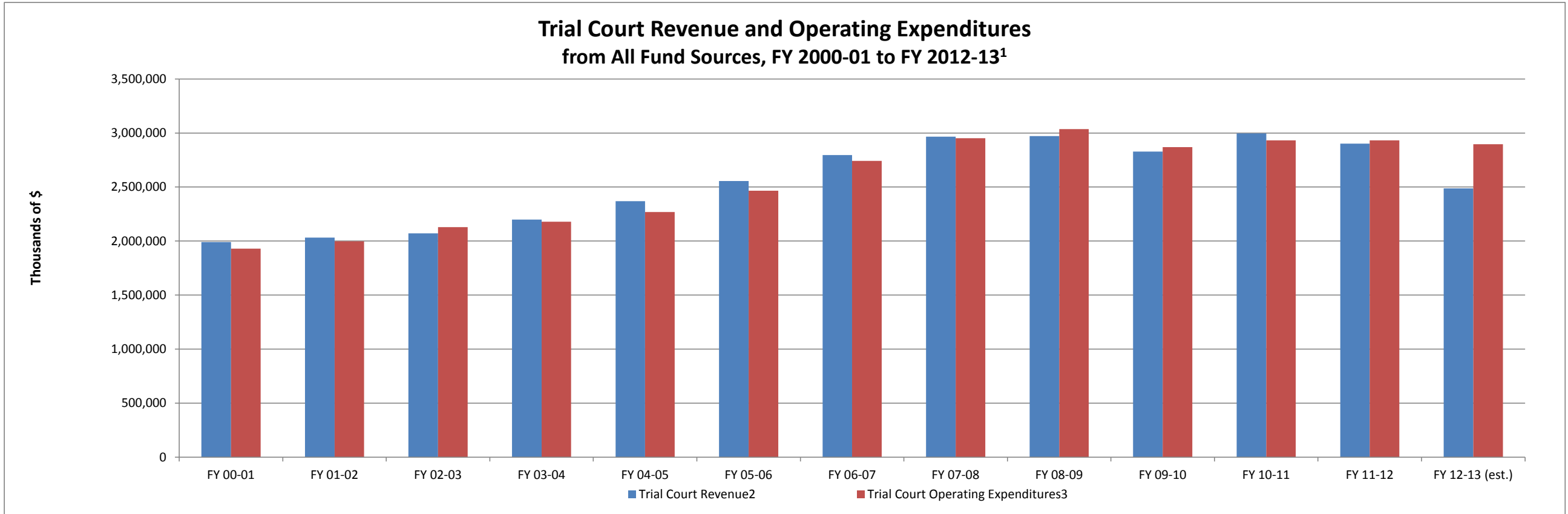
ATTACHMENT 6

CHART 6 -- TRIAL COURT REVENUE AND OPERATING EXPENDITURES FROM ALL FUND SOURCES

From FY 2000-2001 to FY 2012-2013 (estimated)

(Thousands of \$)

Trial Court Financial Information ¹	FY 00-01	FY 01-02	FY 02-03	FY 03-04	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13 (est.)
Trial Court Revenue ²	1,989,914	2,031,228	2,070,903	2,199,225	2,368,396	2,554,822	2,795,165	2,966,854	2,971,612	2,828,759	2,995,680	2,901,051	2,486,680
Trial Court Operating Expenditures ³	1,929,602	1,997,353	2,129,174	2,179,591	2,269,488	2,465,935	2,741,152	2,951,337	3,036,466	2,869,525	2,932,804	2,931,521	2,895,463



¹ In FY 2011-12, funding for sheriff-provided court security costs was transferred from the Trial Court Trust Fund to the counties. FY 2011-12 and FY 2012-13 revenue and operating expenditures include sheriff's security costs funding for comparison purposes only. The figures for 2012-2013 are estimated revenue and expenditures based on courts' 2012-2013 Schedule 1 budgets.

² Total revenue reported by courts includes revenues not received from trial court operations allocations, such as fee revenues retained locally, and enhanced collections reimbursements. For this and other reasons, total revenues reported by courts in their financial statements are not equivalent to total trial court operations allocations.

³ Trial court operating expenditures can include the use of trial court fund balances. Due to this, total expenditures can exceed total revenue, which occurred in FY 2008-09, 2009-10, and 2011-12 and 2012-13 (est.).

Data source: Quarterly Financial Statements and Schedule 1s (budgets) submitted by the courts.

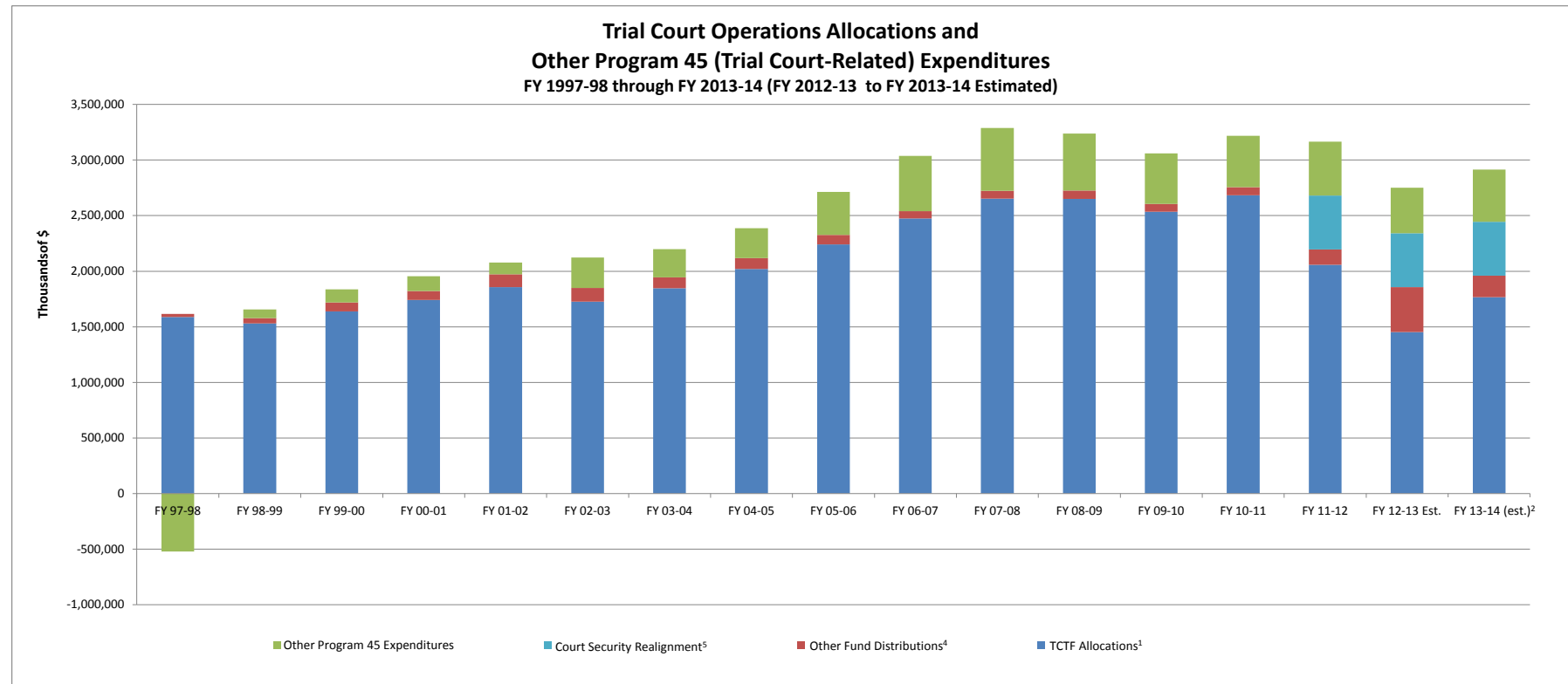
**THIS PAGE
INTENTIONALLY
LEFT BLANK**

ATTACHMENT 7

CHART 1 -- TOTAL TRIAL COURT OPERATIONS ALLOCATIONS AND OTHER PROGRAM 45 (TRIAL COURT-RELATED) EXPENDITURES

(Thousands of \$)

Court Allocations ³	FY 97-98	FY 98-99	FY 99-00	FY 00-01	FY 01-02	FY 02-03	FY 03-04	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13 Est.	FY 13-14 Est. ²
TCTF Allocations ¹	1,588,123	1,530,229	1,638,510	1,740,091	1,857,689	1,725,659	1,846,486	2,019,253	2,240,426	2,474,029	2,653,097	2,649,911	2,533,915	2,683,225	2,058,661	1,453,408	1,767,244
Other Fund Distributions ⁴	27,124	47,326	81,161	81,724	114,758	123,713	97,403	99,677	87,034	66,010	70,198	76,794	70,339	72,244	136,709	403,551	192,019
Court Security Realignment ⁵	-	-	-	-	-	-	-	-	-	-	-	-	-	-	484,614	484,614	484,614
Total Operations Allocations	1,615,247	1,577,555	1,719,671	1,821,815	1,972,446	1,849,372	1,943,890	2,118,930	2,327,460	2,540,039	2,723,295	2,726,705	2,604,254	2,755,469	2,679,984	2,341,573	2,443,877
Other Program 45 Expenditures	-521,308	79,564	117,065	133,893	105,236	272,725	254,556	266,960	386,483	497,122	565,578	511,186	456,370	462,632	484,770	410,673	471,303
<i>Trial Court Operations - Non-TC Allocation (45.10)</i>	<i>(605,067)</i>	<i>(42,215)</i>	<i>(20,444)</i>	<i>(30,298)</i>	<i>(75,002)</i>	<i>86,646</i>	<i>55,219</i>	<i>64,478</i>	<i>110,990</i>	<i>192,304</i>	<i>227,549</i>	<i>169,732</i>	<i>116,261</i>	<i>114,513</i>	<i>50,723</i>	<i>47,646</i>	<i>109,096</i>
<i>TCIF - Non-TC Allocation (45.10)</i>	<i>-</i>	<i>30,079</i>	<i>19,068</i>	<i>17,750</i>	<i>9,767</i>	<i>28,764</i>	<i>14,182</i>	<i>21,296</i>	<i>72,960</i>	<i>114,272</i>	<i>168,708</i>	<i>116,969</i>	<i>56,797</i>	<i>28,275</i>	<i>23,275</i>	<i>-</i>	<i>-</i>
<i>Modernization Fund - Non-TC Allocation (45.10)</i>	<i>-</i>	<i>-</i>	<i>23,642</i>	<i>25,272</i>	<i>16,340</i>	<i>38,020</i>	<i>24,125</i>	<i>28,780</i>	<i>27,845</i>	<i>30,683</i>	<i>31,971</i>	<i>32,328</i>	<i>33,434</i>	<i>30,967</i>	<i>11,084</i>	<i>-</i>	<i>-</i>
<i>STCIMF - Non-TC Allocation (45.10)</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>43,668</i>	<i>59,958</i>
<i>TCTF - Non-TC Allocation (45.10)</i>	<i>(605,067)</i>	<i>(72,294)</i>	<i>(63,154)</i>	<i>(73,320)</i>	<i>(101,109)</i>	<i>19,861</i>	<i>16,912</i>	<i>14,403</i>	<i>10,185</i>	<i>47,348</i>	<i>26,871</i>	<i>20,434</i>	<i>26,030</i>	<i>55,271</i>	<i>16,365</i>	<i>3,978</i>	<i>49,138</i>
<i>Trial Court Security (45.15)</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>82,546</i>	<i>-</i>	<i>-</i>
<i>Judges' Compensation (45.25)</i>	<i>88,650</i>	<i>138,295</i>	<i>160,232</i>	<i>188,235</i>	<i>204,440</i>	<i>213,423</i>	<i>223,757</i>	<i>225,575</i>	<i>234,784</i>	<i>259,025</i>	<i>284,723</i>	<i>288,092</i>	<i>288,148</i>	<i>302,097</i>	<i>306,267</i>	<i>306,829</i>	<i>306,829</i>
<i>Assigned Judges (45.35)</i>	<i>18,539</i>	<i>18,295</i>	<i>16,745</i>	<i>18,063</i>	<i>20,062</i>	<i>17,684</i>	<i>17,269</i>	<i>21,105</i>	<i>21,984</i>	<i>24,921</i>	<i>31,305</i>	<i>30,866</i>	<i>26,998</i>	<i>25,665</i>	<i>25,413</i>	<i>26,047</i>	<i>26,047</i>
<i>Court Interpreters - Non-TC Allocation (45.45)</i>	<i>3,661</i>	<i>0</i>	<i>647</i>	<i>0</i>	<i>(415)</i>	<i>438</i>	<i>4,491</i>	<i>2,645</i>	<i>2,487</i>	<i>2,519</i>	<i>1,514</i>	<i>(912)</i>	<i>3,903</i>	<i>11</i>	<i>929</i>	<i>3,606</i>	<i>3,607</i>
<i>Grants - Non-TC Allocation (45.55)</i>	<i>(27,092)</i>	<i>(34,812)</i>	<i>(40,115)</i>	<i>(42,108)</i>	<i>(43,849)</i>	<i>(45,466)</i>	<i>(46,180)</i>	<i>(46,843)</i>	<i>16,238</i>	<i>18,353</i>	<i>20,487</i>	<i>23,409</i>	<i>21,060</i>	<i>20,346</i>	<i>18,892</i>	<i>26,545</i>	<i>25,724</i>



¹ TCTF trial court allocations include TCTF Program 45.10 allocations, court-appointed counsel DRAFT program expenditures, Program 45.45 court interpreter program distributions, and the portion of Program 45.55 monies distributed to the courts. Excludes TCTF expenditures related to Program 45.25 - Judges' Compensation and Program 45.35 - Assigned Judges.

² In FY 2013-14, reflects allocations based on Governor's 2013 proposed budget released January 10, 2013. Reinstatement of funding related to the \$385 million one-time allocated reductions in FY 2012-2013, but the allocation of \$261 million in ongoing reductions because of the limited availability of fund redirections to offset reductions in FY 2013-2014.

³ Courts' use of fund balances to address reduced allocations is included in their total expenditures amounts displayed on Chart 6 -- Trial Court Revenue and Expenditures Information from All Fund Sources (see Footnote 3).

⁴ Other Fund Distributions include allocations from the Trial Court Improvement Fund (TCIF), Judicial Administration Efficiency and Modernization Fund (Modernization Fund), General Fund, State Trial Court Improvement and Modernization Fund (IMF), and Immediate and Critical Needs Account. Examples include TCIF, Modernization Fund, and IMF allocations to the courts for trial court operations funding (e.g. Domestic Violence Family Law Interpreter Program, Self-Help Center Funding, Complex Civil Litigation, etc.), and General Fund retirement, health, and retiree health benefits cost changes funding.

⁵ In FY 2011-12, funding for sheriff-provided court security costs was transferred from the Trial Court Trust Fund to the counties. FY 2011-12 through FY 2013-14 allocations include sheriff's security costs funding for comparison purposes only.

**THIS PAGE
INTENTIONALLY
LEFT BLANK**

ATTACHMENT 8

FY 2011-2012 Total Expenditures By Object - All Funds
Source: FY 2011-2012 Quarterly Financial Statement (4th Quarter)

Court	Personal Services	Operating Expenses and Equipment	Special Items of Expense	Capital Costs	Internal Cost Recovery	Prior Year Expense Adjustments	Total
Alameda	81,412,193	22,664,027	931,526	-	0	(1,952,900)	103,054,846
Alpine	387,056	214,882	-	-	-	(3,756)	598,181
Amador	2,375,420	604,302	4,036	-	-	-	2,983,758
Butte	9,468,535	2,780,538	673,039	-	(0)	-	12,922,111
Calaveras	2,400,840	675,225	5,621	-	(0)	-	3,081,686
Colusa	1,355,438	820,837	3,369	-	-	42	2,179,686
Contra Costa	41,658,277	14,978,280	748,883	-	0	(3,023)	57,382,417
Del Norte	2,363,196	1,103,604	5,824	-	-	(8,000)	3,464,624
El Dorado	7,517,552	3,115,702	56,064	-	0	(22,802)	10,666,516
Fresno	48,830,730	13,229,329	411,409	-	(0)	(18,937)	62,452,532
Glenn	1,780,030	1,221,337	3,417	-	0	4,616	3,009,399
Humboldt	5,384,477	2,265,225	97,626	-	0	17,659	7,764,987
Imperial	8,868,887	4,039,978	86,579	-	(0)	-	12,995,444
Inyo	1,907,211	1,111,717	19,816	-	-	(4,076)	3,034,668
Kern	45,599,356	11,399,914	6,479,430	-	-	-	63,478,700
Kings	6,143,879	3,003,729	38,396	-	-	-	9,186,004
Lake	2,856,927	1,500,475	49,879	-	0	(1,571)	4,405,711
Lassen	2,571,062	1,104,477	65,142	-	(0)	-	3,740,681
Los Angeles	570,339,072	111,000,434	5,903,547	-	-	(54)	687,243,000
Madera	7,583,139	2,156,214	100,194	-	-	(14,924)	9,824,623
Marin	13,064,322	4,276,493	1,092,080	-	-	93,691	18,526,584
Mariposa	1,023,181	515,997	4,473	-	-	-	1,543,651
Mendocino	5,158,134	1,140,010	38,834	-	-	-	6,336,979
Merced	10,539,162	3,430,544	128,075	-	0	(197,520)	13,900,262
Modoc	872,433	429,621	4,455	-	-	(15)	1,306,493
Mono	1,423,589	967,968	111,447	-	0	6,419	2,509,423
Monterey	17,864,995	4,881,584	192,537	-	0	(1)	22,939,117
Napa	8,202,323	1,696,846	26,325	-	(0)	-	9,925,494
Nevada	5,906,109	2,310,046	11,251	-	-	-	8,227,406
Orange	166,758,283	39,491,156	1,276,749	-	-	-	207,526,187
Placer	14,348,620	3,008,247	110,736	-	(0)	-	17,467,603
Plumas	1,197,769	645,939	1,643	-	-	-	1,845,351
Riverside	102,958,274	32,736,232	1,723,224	-	0	(0)	137,417,730
Sacramento	78,220,572	15,035,500	1,037,459	-	0	-	94,293,531
San Benito	2,628,651	870,450	14,970	-	0	-	3,514,071
San Bernardino	84,939,246	22,096,103	789,974	-	0	(21,765)	107,803,559
San Diego	154,067,005	37,823,271	1,256,609	-	-	(179,355)	192,967,530
San Francisco	56,560,712	16,839,332	816,074	-	0	-	74,216,118
San Joaquin	27,587,686	7,506,089	378,867	-	(0)	(11,244)	35,461,399
San Luis Obispo	13,964,129	3,108,100	94,941	-	0	-	17,167,170
San Mateo	35,837,184	6,825,390	271,430	-	(0)	(4,091)	42,929,913
Santa Barbara	24,938,896	6,476,286	227,647	-	(0)	5,689	31,648,518
Santa Clara	90,653,682	15,529,822	720,620	2,500,000	0	(13,248)	109,390,876
Santa Cruz	11,707,924	4,341,525	116,650	-	0	-	16,166,100
Shasta	13,156,376	2,935,597	85,804	-	-	-	16,177,777
Sierra	376,394	260,248	-	-	-	-	636,642
Siskiyou	4,136,881	1,332,988	68,879	-	(0)	11,503	5,550,251
Solano	20,869,851	4,511,637	167,931	-	0	375	25,549,794
Sonoma	22,329,334	5,643,706	884,403	-	0	(4,651)	28,852,791
Stanislaus	19,518,763	4,814,137	133,846	-	0	(38,471)	24,428,276
Sutter	5,248,799	1,206,896	8,690	-	(0)	-	6,464,386
Tehama	3,178,896	837,366	4,920	-	(0)	(3,134)	4,018,048
Trinity	1,246,198	453,905	3,422	-	(0)	-	1,703,525
Tulare	18,745,292	6,611,667	211,522	-	0	(260)	25,568,221
Tuolumne	3,338,053	1,241,891	13,671	-	0	-	4,593,615
Ventura	35,546,024	9,769,904	394,665	-	(0)	(28,652)	45,681,942
Yolo	9,404,572	3,801,674	117,134	-	0	(594)	13,322,785
Yuba	4,165,244	1,702,412	12,957	-	(0)	(22,752)	5,857,861
Total	1,942,486,835	476,096,805	28,238,711	2,500,000	0	(2,415,802)	2,446,906,549

**THIS PAGE
INTENTIONALLY
LEFT BLANK**

ATTACHMENT 9

FY 2011-2012 Total Expenditures by Component or Element - All Funds
 Source: FY 2011-2012 Quarterly Financial Statement (4th Quarter)

Court	Court Operations Program								Non-Court Operations Program		Court Administration Program						Total
	Judges and Courtroom Support	Criminal	Civil	Family and Children	Other Support Operations	Court Interpreters	Jury Services	Security	Enhanced Collections	Other Non-Court Operations	Executive Office	Fiscal Services	Human Resources	Business & Facilities Services	Information Technology	Distributed Expenditures	
Alameda	31%	14%	6%	11%	3%	4%	3%	3%	0%	1%	2%	3%	2%	7%	10%	0%	100%
Alpine	41%	0%	0%	6%	9%	0%	3%	3%	4%	3%	2%	11%	0%	4%	13%	1%	100%
Amador	24%	8%	9%	11%	2%	1%	1%	1%	2%	0%	15%	10%	1%	11%	6%	0%	100%
Butte	23%	10%	4%	20%	4%	2%	1%	5%	5%	3%	2%	4%	7%	2%	4%	4%	100%
Calaveras	26%	10%	5%	13%	9%	1%	2%	0%	7%	0%	8%	7%	3%	3%	7%	0%	100%
Colusa	10%	11%	2%	15%	19%	7%	1%	0%	1%	0%	11%	5%	3%	6%	9%	1%	100%
Contra Costa	24%	9%	9%	18%	6%	3%	2%	0%	6%	0%	2%	4%	7%	4%	7%	0%	100%
Del Norte	14%	17%	5%	26%	9%	2%	0%	0%	2%	0%	5%	8%	4%	1%	4%	2%	100%
El Dorado	26%	8%	6%	17%	5%	2%	2%	1%	1%	4%	4%	4%	4%	12%	5%	0%	100%
Fresno	26%	17%	7%	20%	4%	4%	2%	1%	3%	0%	1%	3%	3%	4%	7%	0%	100%
Glenn	8%	26%	2%	27%	4%	4%	1%	2%	8%	1%	6%	4%	2%	3%	3%	0%	100%
Humboldt	31%	11%	8%	19%	1%	2%	4%	2%	0%	0%	2%	4%	2%	5%	5%	3%	100%
Imperial	24%	20%	6%	12%	4%	4%	2%	3%	9%	1%	3%	2%	3%	3%	3%	0%	100%
Inyo	15%	13%	3%	19%	10%	2%	4%	3%	3%	0%	5%	3%	3%	10%	7%	0%	100%
Kern	27%	8%	5%	14%	5%	4%	2%	0%	6%	14%	2%	3%	1%	3%	6%	0%	100%
Kings	25%	12%	7%	13%	3%	3%	3%	5%	4%	0%	5%	4%	3%	9%	4%	0%	100%
Lake	31%	12%	3%	10%	8%	2%	1%	4%	1%	0%	7%	3%	2%	5%	11%	0%	100%
Lassen	10%	7%	3%	26%	10%	1%	2%	6%	7%	0%	5%	5%	5%	8%	4%	0%	100%
Los Angeles	42%	12%	5%	7%	4%	5%	3%	3%	0%	0%	3%	3%	1%	5%	8%	0%	100%
Madera	29%	13%	5%	16%	2%	6%	4%	5%	0%	0%	4%	4%	2%	3%	3%	6%	100%
Marin	26%	10%	10%	6%	1%	3%	2%	0%	0%	0%	2%	10%	4%	3%	21%	0%	100%
Mariposa	13%	14%	9%	13%	3%	2%	2%	2%	0%	0%	5%	8%	2%	16%	9%	0%	100%
Mendocino	21%	10%	4%	18%	20%	3%	2%	5%	0%	0%	7%	6%	1%	0%	4%	0%	100%
Merced	32%	15%	8%	14%	1%	7%	2%	0%	1%	0%	2%	3%	2%	4%	8%	1%	100%
Modoc	14%	16%	12%	14%	0%	0%	1%	1%	5%	0%	10%	9%	4%	1%	13%	0%	100%
Mono	14%	20%	7%	7%	0%	1%	2%	0%	0%	0%	10%	14%	1%	5%	19%	0%	100%
Monterey	27%	22%	6%	12%	3%	5%	3%	3%	0%	0%	3%	4%	3%	3%	6%	0%	100%
Napa	34%	12%	6%	15%	0%	5%	2%	2%	0%	0%	5%	4%	3%	2%	9%	1%	100%
Nevada	13%	16%	7%	24%	0%	1%	1%	4%	3%	0%	3%	4%	10%	2%	11%	0%	100%
Orange	33%	12%	5%	13%	10%	4%	2%	2%	2%	1%	0%	4%	3%	5%	5%	0%	100%
Placer	33%	13%	4%	20%	2%	2%	2%	0%	0%	0%	4%	3%	5%	5%	6%	0%	100%
Plumas	22%	13%	2%	18%	15%	1%	2%	0%	0%	0%	8%	5%	2%	1%	10%	2%	100%
Riverside	30%	14%	6%	15%	0%	3%	2%	2%	5%	2%	2%	3%	3%	5%	8%	0%	100%
Sacramento	34%	10%	5%	12%	5%	4%	2%	2%	1%	0%	2%	5%	2%	5%	9%	0%	100%
San Benito	8%	23%	19%	0%	0%	3%	1%	0%	0%	0%	12%	16%	3%	0%	5%	0%	100%
San Bernardino	32%	9%	6%	16%	10%	4%	2%	3%	0%	0%	2%	3%	2%	3%	7%	0%	100%
San Diego	34%	13%	6%	12%	2%	3%	2%	0%	5%	1%	2%	3%	1%	3%	12%	0%	100%
San Francisco	33%	10%	5%	16%	4%	3%	3%	0%	2%	1%	1%	3%	7%	3%	8%	0%	100%
San Joaquin	31%	20%	7%	12%	5%	4%	2%	2%	0%	1%	2%	3%	2%	2%	8%	0%	100%
San Luis Obispo	31%	17%	9%	12%	2%	3%	2%	1%	2%	0%	4%	3%	2%	3%	10%	0%	100%
San Mateo	33%	16%	7%	11%	6%	4%	3%	0%	0%	0%	4%	3%	1%	2%	8%	0%	100%
Santa Barbara	26%	12%	6%	9%	14%	4%	3%	3%	3%	3%	2%	4%	2%	1%	9%	0%	100%
Santa Clara	26%	19%	9%	16%	0%	3%	2%	1%	0%	2%	3%	3%	2%	8%	6%	0%	100%
Santa Cruz	27%	9%	6%	8%	3%	5%	2%	1%	2%	10%	2%	4%	3%	7%	12%	0%	100%
Shasta	22%	9%	6%	14%	2%	2%	2%	16%	11%	4%	4%	6%	2%	1%	0%	0%	100%
Sierra	9%	14%	13%	11%	10%	2%	0%	0%	7%	0%	8%	1%	5%	1%	1%	19%	100%
Siskiyou	14%	14%	3%	22%	7%	2%	2%	1%	2%	0%	8%	4%	2%	3%	9%	6%	100%
Solano	39%	19%	6%	13%	0%	2%	3%	1%	0%	0%	3%	4%	3%	3%	4%	0%	100%
Sonoma	38%	8%	4%	14%	6%	5%	2%	1%	5%	0%	2%	3%	4%	1%	5%	0%	100%
Stanislaus	31%	15%	9%	10%	3%	2%	2%	1%	2%	0%	6%	4%	3%	3%	8%	0%	100%
Sutter	10%	22%	7%	20%	6%	5%	1%	4%	3%	0%	5%	5%	1%	3%	7%	2%	100%
Tehama	24%	2%	-2%		37%	3%	2%	0%	0%	0%	6%	3%	1%	0%	6%	7%	100%
Trinity	26%	4%	3%	15%	3%	3%	2%	25%	0%	0%	4%	8%	1%	4%	1%	0%	100%
Tulare	30%	11%	4%	13%	12%	6%	2%	1%	8%	0%	2%	3%	2%	1%	6%	0%	100%
Tuolumne	26%	11%	5%	13%	4%	1%	3%	5%	1%	1%	5%	7%	7%	4%	8%	0%	100%
Ventura	30%	5%	4%	11%	8%	3%	2%	2%	11%	0%	3%	7%	3%	4%	6%	0%	100%
Yolo	31%	9%	3%	8%	4%	4%	3%	5%	6%	1%	9%	4%	3%	4%	7%	0%	100%
Yuba	21%	13%	3%	24%	2%	1%	2%	2%	11%	0%	6%	4%	0%	4%	7%	0%	100%
Statewide	33%	12%	6%	12%	5%	4%	2%	2%	2%	1%	3%	3%	2%	4%	8%	0%	100%

THIS PAGE
INTENTIONALLY
LEFT BLANK

ATTACHMENT 10

Filings from FY 1997-98 through FY 2010-11

Court	FY 1997-98	FY 1998-99	FY 1990-00	FY 2000-01	FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11
Alameda	375,671	354,581	371,671	354,118	336,286	373,862	408,140	403,452	401,353	405,832	410,411	444,705	427,945	385,802
Alpine	2,238	2,124	1,827	1,600	2,210	2,038	1,980	1,317	1,130	1,077	1,075	1,286	1,462	1,389
Amador	10,774	9,087	8,834	9,355	7,541	10,223	10,958	10,230	11,410	11,176	11,360	10,480	8,974	9,078
Butte	43,560	46,145	44,457	45,775	45,401	45,845	46,608	39,439	41,596	41,837	45,891	45,110	45,064	44,697
Calaveras	8,560	8,083	6,864	7,543	7,793	9,343	9,703	9,468	12,097	12,554	11,455	8,724	7,208	7,278
Colusa	11,935	13,788	12,913	11,705	9,548	10,369	12,384	12,603	12,292	10,486	10,285	9,509	12,235	13,585
Contra Costa	208,382	201,597	213,678	194,649	189,705	203,945	200,742	207,617	175,427	180,407	193,246	215,564	200,153	197,302
Del Norte	10,297	11,468	10,568	10,531	13,514	10,359	14,070	14,136	12,721	10,745	11,769	10,502	8,956	9,276
El Dorado	33,341	33,275	28,784	28,802	34,855	36,344	35,840	32,414	32,281	30,781	29,186	34,832	34,364	30,510
Fresno	184,920	181,056	186,509	164,105	171,240	214,494	248,220	251,000	252,123	259,845	256,649	241,513	228,475	211,653
Glenn	10,390	10,886	11,563	11,277	11,398	12,548	14,492	12,565	15,297	14,113	13,723	14,909	16,027	14,082
Humboldt	30,715	29,889	27,274	28,772	29,383	33,354	32,329	28,251	33,573	33,079	35,302	32,618	41,874	33,431
Imperial	48,525	49,172	55,605	55,543	53,654	64,083	50,123	64,448	81,434	74,378	73,185	80,245	84,296	76,022
Inyo	16,820	15,076	14,858	14,446	15,006	16,024	16,581	14,279	16,049	14,498	13,973	15,502	14,790	13,849
Kern	175,058	176,958	180,487	184,372	194,670	223,004	236,521	220,447	219,891	226,156	237,129	255,225	259,187	260,964
Kings	36,583	35,368	34,952	34,009	35,310	32,143	30,547	35,621	32,636	35,698	37,379	43,312	39,396	41,654
Lake	14,275	15,072	14,723	15,593	15,885	15,601	14,320	14,768	15,016	14,878	15,608	13,984	12,822	13,305
Lassen	10,150	11,574	11,714	10,644	11,071	14,532	13,456	12,947	12,868	13,211	13,217	12,919	11,828	11,586
Los Angeles	2,669,922	2,694,477	2,716,837	2,567,042	2,665,568	2,555,920	2,679,681	2,703,209	2,841,559	2,882,349	2,899,343	2,998,793	3,048,138	2,906,963
Madera	31,769	29,799	31,731	28,058	26,202	24,988	37,602	33,842	34,171	37,316	37,832	39,486	34,410	31,974
Marin	58,081	60,042	57,536	50,981	51,159	49,455	61,741	67,103	56,912	57,654	59,923	62,367	60,975	62,055
Mariposa	3,121	2,803	2,174	1,613	2,145	3,310	2,640	311	-	6,418	4,884	4,949	4,915	4,403
Mendocino	25,812	26,249	17,341	29,781	25,561	25,108	25,159	25,798	26,157	27,691	25,957	26,731	29,145	23,474
Merced	67,835	65,714	63,448	62,860	71,110	69,455	69,770	70,556	77,307	75,223	78,074	79,192	84,838	71,495
Modoc	3,799	3,299	3,173	1,699	-	1,323	2,695	3,060	3,074	2,768	2,598	2,509	2,475	2,314
Mono	4,465	6,303	6,302	6,020	8,118	9,218	7,142	6,423	7,083	6,790	8,238	9,084	8,364	10,569
Monterey	95,694	90,837	95,987	95,026	88,438	83,535	74,864	106,958	99,475	97,138	101,223	111,448	104,165	94,865
Napa	26,230	26,846	25,999	25,761	25,265	26,198	28,006	27,061	28,313	29,762	28,498	30,821	31,555	27,553
Nevada	24,133	26,607	27,199	20,900	22,309	25,896	27,025	26,714	31,463	28,277	28,059	27,577	28,893	23,289
Orange	696,673	683,203	693,977	674,423	661,803	657,495	700,250	671,547	682,431	687,326	698,715	741,144	735,289	683,321
Placer	69,005	63,642	63,075	68,144	70,644	82,202	85,550	85,752	83,907	88,402	96,538	97,313	88,527	62,095
Plumas	7,155	7,209	7,300	7,198	7,165	7,400	7,059	7,189	6,586	7,111	6,539	2,498	5,983	4,489
Riverside	330,881	350,145	368,692	389,754	371,912	403,203	430,283	407,595	448,412	502,948	480,732	565,162	535,054	499,996
Sacramento	282,633	287,963	167,560	286,177	304,885	322,693	367,197	370,981	395,433	405,612	400,725	417,150	409,189	407,117
San Benito	7,967	8,649	10,769	14,045	11,950	12,854	13,783	12,731	13,482	11,488	11,374	11,652	10,644	9,662
San Bernardino	468,589	466,204	437,260	427,565	442,697	441,774	464,985	492,732	509,468	517,426	528,374	629,174	594,519	523,109
San Diego	629,772	638,784	672,155	654,371	635,082	617,423	658,205	644,769	635,634	664,460	678,679	760,757	732,280	716,411
San Francisco	172,900	185,941	204,547	205,940	189,858	188,270	167,530	182,566	188,272	206,650	207,514	234,359	229,274	212,113
San Joaquin	156,376	145,058	150,397	139,669	134,466	150,675	157,561	176,377	182,075	171,598	190,972	207,392	191,468	149,495
San Luis Obispo	67,659	66,741	64,216	69,257	66,380	64,233	63,205	61,241	64,944	67,533	69,415	77,691	72,778	64,596
San Mateo	171,182	171,142	159,739	146,864	144,147	165,785	152,822	41,459	100,745	159,938	156,030	190,876	204,203	193,794
Santa Barbara	114,927	114,388	109,952	106,854	99,721	103,095	108,684	108,686	109,783	104,056	112,255	123,235	120,593	112,635
Santa Clara	390,503	374,406	380,506	345,650	349,847	353,075	374,259	350,785	343,252	324,435	350,581	368,202	352,104	330,109
Santa Cruz	61,007	61,549	55,311	54,330	54,783	61,984	60,830	62,129	54,802	50,696	45,180	48,061	61,659	52,772
Shasta	46,210	49,402	46,297	43,687	46,884	49,665	55,201	51,138	51,172	56,326	58,209	59,987	52,455	44,926
Sierra	1,212	1,009	1,254	1,274	1,755	1,634	1,567	1,424	1,591	1,804	1,565	1,185	1,114	886
Siskiyou	21,840	22,056	23,422	21,420	24,767	24,296	28,806	28,662	27,052	25,376	24,306	23,951	25,256	21,960
Solano	113,919	107,912	98,419	104,466	97,502	101,798	111,955	119,784	120,428	114,278	111,538	114,739	97,869	86,056
Sonoma	95,383	99,640	99,542	97,460	91,724	90,157	101,409	107,731	106,549	118,359	118,706	118,847	121,121	113,923
Stanislaus	99,493	100,027	88,256	79,603	84,969	95,408	105,113	98,850	58,630	118,067	120,669	120,066	117,276	102,268
Sutter	23,732	21,820	21,271	18,066	20,276	23,063	22,609	20,885	21,275	26,750	26,755	24,563	20,642	20,743
Tehama	18,263	19,667	24,535	23,203	22,577	20,697	23,253	22,294	23,900	21,201	22,661	24,269	22,544	20,795
Trinity	2,342	-	-	-	-	-	-	4,213	930	3,952	4,899	4,663	4,842	4,344
Tulare	83,345	90,254	88,528	82,964	85,002	81,597	81,733	89,311	93,906	98,709	103,799	101,423	104,954	95,179
Tuolumne	10,325	11,013	11,372	10,747	11,109	14,850	14,301	13,260	12,557	12,581	13,015	13,653	11,948	11,318
Ventura	180,855	175,829	177,637	161,126	171,719	188,212	200,798	183,104	192,909	193,553	189,544	223,732	201,771	187,690
Yolo	42,176	41,553	41,044	35,940	36,858	37,175	41,423	37,434	32,773	37,808	43,816	45,240	39,975	42,036
Yuba	18,990	17,308	14,360	12,992	15,581	17,844	17,178	16,736	25,158	28,316	23,306	21,033	18,947	17,209
Statewide	8,628,369	8,620,689	8,566,431	8,355,805	8,426,408	8,581,074	9,031,188	8,927,402	9,172,764	9,468,896	9,591,883	10,255,913	10,077,207	9,425,464

Source: Court Statistics Report

"-" means court did not submit data for that year

February 15, 2013

**THIS PAGE
INTENTIONALLY
LEFT BLANK**

ATTACHMENT 11

Total TCTF Allocations

(includes allocations from Program 45.10, Program 45.45 court interpreter, DRAFT payments to vendors, backfill from the Improvement Fund, and court operations funding that was funded from TCIF then put into the Program 45.10 base in 06-07)

Court	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Alameda	74,125,906	72,530,998	81,422,325	85,174,870	88,562,744	88,937,347	90,991,023	104,618,985	110,841,045	120,189,516	127,182,865	124,288,650	118,338,250	123,887,304	96,564,911
Alpine	463,680	289,667	434,826	443,279	540,452	508,415	509,182	337,446	598,425	656,573	671,458	663,103	617,326	702,165	650,360
Amador	1,625,194	1,593,066	1,701,611	1,816,611	1,953,248	1,967,733	2,129,905	2,425,438	2,622,700	3,129,554	3,640,897	3,364,750	3,217,259	3,397,079	2,602,850
Butte	6,573,413	6,503,788	7,536,150	7,805,877	9,420,668	8,422,725	8,453,191	10,339,904	11,067,173	11,788,250	13,031,043	13,017,899	12,512,455	12,928,256	10,858,556
Calaveras	1,208,036	1,274,191	1,394,974	1,524,411	1,592,811	1,627,801	1,603,605	1,574,152	2,203,780	2,667,843	2,916,459	2,902,846	2,753,867	3,000,818	2,462,387
Colusa	966,629	964,246	1,119,425	1,135,337	1,253,185	1,276,767	1,297,374	1,216,698	1,600,724	1,907,733	2,056,466	2,034,077	1,917,757	2,060,114	1,748,646
Contra Costa	35,023,470	36,790,319	38,602,901	41,755,435	46,074,075	44,513,070	48,589,306	52,714,268	57,240,384	63,434,800	66,225,533	63,845,974	61,229,767	66,504,045	51,069,401
Del Norte	1,867,833	1,762,027	1,801,959	1,994,966	2,028,399	2,080,498	2,248,321	1,695,532	2,613,998	2,823,897	3,324,766	3,307,628	3,368,873	3,580,233	3,083,693
El Dorado	6,638,069	6,838,665	7,102,825	7,450,916	7,615,308	7,677,294	8,102,722	9,043,245	9,947,174	10,282,557	11,103,607	11,141,459	10,770,756	11,513,928	8,459,907
Fresno	28,961,492	29,672,342	31,958,878	34,818,920	36,808,776	36,332,003	40,045,615	45,949,616	49,515,358	54,110,220	64,148,121	64,392,443	62,972,418	65,566,354	49,430,418
Glenn	1,198,149	1,139,490	1,206,948	1,392,296	1,456,976	1,479,373	1,519,410	1,807,938	2,015,250	2,449,097	2,666,288	2,711,216	2,596,864	2,896,143	2,368,321
Humboldt	5,021,771	4,613,242	5,003,605	5,705,787	6,250,868	6,170,401	5,799,052	7,296,201	7,365,490	8,441,609	8,653,955	8,832,308	8,543,624	9,047,861	8,018,671
Imperial	5,695,889	5,310,706	6,335,818	6,617,909	6,879,748	6,814,886	7,243,063	7,673,597	9,196,982	11,107,146	11,987,092	12,552,080	11,522,042	12,222,347	10,570,987
Inyo	1,598,363	1,460,934	1,615,049	1,805,864	1,830,980	1,798,326	1,911,922	1,893,408	2,145,315	2,113,687	2,631,131	2,524,533	2,527,956	2,715,458	2,208,236
Kern	30,097,618	29,477,651	30,728,855	32,366,278	34,898,827	34,508,049	36,570,141	34,490,389	42,456,035	45,673,859	49,926,493	49,550,377	48,341,247	52,300,489	41,079,903
Kings	4,856,956	4,719,074	5,419,368	5,678,871	5,329,442	5,461,114	5,869,215	6,391,407	7,084,476	7,565,981	8,857,874	8,543,643	8,189,244	8,721,689	7,295,837
Lake	2,181,322	1,975,300	2,355,335	2,784,712	2,632,570	2,468,587	2,436,845	2,897,478	3,454,855	4,355,971	4,817,421	5,085,790	4,653,599	5,038,985	4,127,440
Lassen	1,013,160	1,130,591	1,238,659	1,364,922	1,474,332	1,402,154	1,458,745	1,627,225	2,091,633	2,649,151	3,081,705	3,135,470	2,968,065	3,156,509	2,919,753
Los Angeles	509,308,186	475,165,040	502,585,116	529,343,110	542,085,959	549,255,571	577,114,713	607,761,499	647,076,989	721,301,708	757,480,819	763,317,958	721,610,045	756,054,283	569,976,696
Madera	3,811,504	3,645,749	4,069,399	4,391,521	4,617,366	4,551,142	4,454,471	3,232,756	6,255,661	8,169,212	9,307,625	9,699,302	9,288,641	9,756,313	7,965,266
Marin	13,974,836	14,483,310	15,245,869	15,947,845	16,541,298	16,348,062	17,064,776	17,611,027	18,610,415	19,883,097	20,899,921	20,829,573	19,594,808	21,212,381	17,212,928
Mariposa	699,781	521,792	663,217	757,304	707,142	697,629	721,578	737,329	947,107	1,286,326	1,470,404	1,468,930	1,411,457	1,489,541	1,204,109
Mendocino	4,948,762	4,336,790	4,760,889	5,106,166	5,550,550	5,296,829	5,955,201	6,053,180	7,147,674	7,694,074	8,058,554	8,356,132	8,002,460	8,040,173	5,847,578
Merced	6,042,493	5,864,308	6,698,619	7,100,598	7,887,194	7,496,670	8,031,989	8,646,949	11,609,199	13,681,588	16,390,995	16,425,738	15,722,729	16,867,504	13,379,403
Modoc	677,601	579,533	552,360	608,900	626,683	652,515	639,317	778,090	778,524	1,012,501	1,506,487	1,323,873	1,238,340	1,316,592	1,134,818
Mono	769,537	1,075,037	1,102,573	1,318,243	1,263,753	1,265,188	1,189,477	606,331	1,464,949	1,559,658	1,869,437	1,914,413	1,895,704	2,057,028	1,435,659
Monterey	13,791,978	13,191,927	14,675,857	15,287,359	15,112,866	14,809,065	15,625,258	17,016,689	19,557,462	20,733,805	23,848,358	23,304,338	23,469,130	24,311,048	19,886,353
Napa	5,412,037	6,161,929	6,442,977	6,986,020	7,824,102	7,843,135	8,050,853	8,923,050	10,026,141	10,308,113	10,948,714	10,777,851	10,339,370	10,886,207	8,714,164
Nevada	3,617,876	3,145,672	3,730,734	4,124,246	4,387,975	4,397,434	4,551,157	5,238,172	5,693,784	6,625,995	6,947,787	6,944,441	6,829,199	7,259,751	5,946,402
Orange	125,605,488	122,313,133	131,606,559	141,150,758	148,124,345	147,748,993	157,144,819	168,351,459	194,298,856	204,927,144	220,739,040	227,611,568	210,523,310	224,156,623	167,760,182
Placer	8,689,566	8,130,729	8,793,047	9,288,265	9,627,296	9,629,590	10,610,025	11,673,939	15,148,768	18,573,857	19,834,799	19,748,411	19,435,117	20,848,311	15,851,210
Plumas	1,111,578	1,090,419	1,255,559	1,400,003	1,519,385	1,461,907	1,530,697	1,639,753	1,782,582	2,019,984	2,135,066	2,207,553	2,183,588	2,469,428	1,838,379
Riverside	55,916,279	52,959,262	57,398,151	62,332,356	67,166,794	65,804,082	70,994,188	78,874,019	89,020,581	100,496,063	111,510,265	113,005,418	106,006,140	115,421,943	91,600,814
Sacramento	63,346,324	60,557,380	63,731,540	67,654,367	74,257,930	72,360,330	77,797,971	86,878,562	96,659,867	103,538,982	109,779,747	110,350,480	106,804,188	116,099,520	87,762,671
San Benito	1,318,036	1,377,503	1,475,039	1,654,048	1,659,228	1,626,298	1,736,498	1,437,472	2,267,603	3,520,421	3,795,927	3,621,582	3,587,898	3,819,788	3,210,601
San Bernardino	59,543,455	55,851,865	60,525,466	63,649,262	68,277,951	68,012,622	72,759,452	85,143,900	96,093,677	108,785,344	122,162,410	120,021,452	114,924,856	120,944,973	89,801,615
San Diego	120,509,152	116,094,976	123,571,861	129,072,281	133,384,108	142,141,865	152,101,705	183,661,442	204,074,212	214,523,738	223,643,658	219,359,531	208,501,019	218,724,828	175,025,593
San Francisco	54,110,611	52,982,772	55,355,267	59,187,606	62,424,276	62,482,219	64,453,507	71,546,535	78,118,813	81,612,812	86,164,983	84,864,628	82,605,191	87,263,225	71,207,770
San Joaquin	19,916,661	18,674,541	20,163,994	21,537,479	22,678,933	22,372,223	23,465,301	26,230,606	32,153,617	37,327,014	46,061,192	45,350,584	43,433,965	43,261,764	32,806,462
San Luis Obispo	10,957,775	11,015,542	11,452,119	12,130,597	12,609,324	12,574,641	13,936,145	15,027,321	16,445,692	17,318,175	19,892,784	20,279,187	19,212,119	20,218,602	15,196,841
San Mateo	31,771,231	31,438,833	33,071,301	34,738,939	36,138,786	35,619,583	36,974,138	40,593,045	43,991,307	46,736,515	48,542,637	48,114,243	46,122,982	50,885,509	37,653,254
Santa Barbara	19,362,495	18,003,672	19,347,326	20,908,042	21,723,670	21,402,918	22,548,626	24,697,674	27,122,102	29,043,838	31,187,240	32,258,555	32,213,654	37,003,013	28,374,003
Santa Clara	84,004,858	76,931,137	82,313,099	87,914,000	91,645,845	91,201,562	96,394,677	106,905,638	116,511,769	121,257,430	128,642,396	133,279,709	128,040,195	136,824,364	99,381,238
Santa Cruz	11,044,660	10,389,431	11,197,845	11,842,454	12,251,238	12,302,837	13,082,615	14,916,195	16,049,200	16,515,304	18,232,047	17,605,612	17,031,126	18,565,131	14,918,185
Shasta	7,096,331	6,682,546	7,234,400	7,618,491	7,832,256	7,712,562	7,892,209	8,813,734	9,783,673	11,119,331	13,006,528	13,428,505	12,351,013	12,864,363	12,263,092
Sierra	492,110	298,706	453,415	454,612	501,844	467,328	479,937	588,636	569,561	642,548	758,746	730,436	683,085	720,551	652,561
Siskiyou	2,223,793	2,435,125	2,573,633	3,245,512	3,671,232	3,834,722	4,337,040	4,491,526	4,791,931	5,302,956	5,514,580	5,467,138	5,146,953	5,292,393	4,446,571
Solano	17,046,904	15,791,607	17,612,708	18,966,055	19,218,594	19,024,626	19,737,922	24,302,802	26,694,543	28,658,018	30,556,212	29,688,027	28,245,424	29,364,479	22,586,513
Sonoma	17,855,746	17,234,797	18,226,446	19,617,960	21,107,697	21,211,533	23,451,725	24,939,794	28,632,337	32,085,694	32,524,940	34,017,188	32,756,527	35,071,425	25,757,030
Stanislaus	13,827,519	13,183,633	14,396,245	15,348,539	15,842,376	15,477,986	15,477,986	17,282,483	20,765,770	22,429,818	26,387,294	26,220,365	25,075,490	26,100,947	19,852,445
Sutter	2,630,679	2,728,287	3,043,750	3,252,970	3,585,883	3,558,532	3,731,438	3,436,497	4,716,126	5,238,588	5,661,024	5,806,029	5,473,119	5,739,942	4,910,839
Tehama	2,837,604	2,531,624	2,815,323	2,909,909	2,954,839	3,022,856	3,105,256	2,762,195	3,830,300	4,043,334	4,426,165	4,427,125	4,192,055	4,463,024	3,668,786
Trinity	885,776	840,408	876,621	944,096	909,032	891,102	890,417	556,425	1,157,688	1,403,206	1,45				

**THIS PAGE
INTENTIONALLY
LEFT BLANK**

ATTACHMENT 12

Total Authorized Judicial Officer Positions by Fiscal Year													
Court	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	FY 2007-2008	2008-2009	2009-2010
Alameda	83.0	84.0	84.0	85.0	85.0	85.0	85.0	85.0	85.0	85.0	85.0	85.0	85.0
Alpine	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.3	2.3	2.3	2.3	2.3
Amador	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3
Butte	11.0	11.0	11.0	12.0	12.0	12.0	12.0	12.0	12.0	13.0	14.0	14.0	14.0
Calaveras	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3
Colusa	2.0	2.3	2.3	2.3	2.1	2.2	2.1	2.1	2.3	2.3	2.3	2.3	2.3
Contra Costa	42.0	43.0	47.0	45.0	45.0	45.0	45.0	45.0	45.0	46.0	47.0	47.0	47.0
Del Norte	2.1	2.1	2.0	2.8	2.8	2.8	2.8	2.3	2.8	2.8	3.8	3.8	3.8
El Dorado	8.0	8.0	8.0	8.0	9.0	9.0	9.0	9.0	9.0	9.0	9.0	9.0	9.0
Fresno	43.0	44.0	44.0	45.0	45.0	45.0	45.0	45.0	45.0	49.0	53.0	53.0	53.0
Glenn	2.0	2.3	3.0	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3
Humboldt	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0
Imperial	10.4	11.4	10.8	10.9	10.8	10.9	10.9	11.6	11.4	11.4	11.4	11.4	11.4
Inyo	2.0	3.0	2.0	2.1	2.0	2.1	2.1	2.1	2.3	2.3	2.3	2.3	2.3
Kern	39.0	40.0	40.0	41.0	41.0	41.0	41.0	41.0	41.0	43.0	46.0	46.0	46.0
Kings	8.0	8.5	8.5	8.0	8.5	8.5	8.5	8.5	8.5	8.5	9.5	9.5	9.5
Lake	4.3	4.3	4.3	4.6	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8
Lassen	2.0	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3
Los Angeles	578.2	579.0	579.0	583.0	583.0	583.0	583.0	583.0	583.3	585.3	586.3	586.3	586.3
Madera	7.0	7.3	7.3	7.3	7.3	7.3	7.3	7.3	7.3	9.3	10.3	10.3	10.3
Marin	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5
Mariposa	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.3	2.3	2.3	2.3	2.3
Mendocino	10.3	9.3	10.0	8.3	8.3	8.3	8.3	8.3	8.4	8.4	8.4	8.4	8.4
Merced	9.6	9.7	9.6	9.6	9.6	9.7	9.7	9.7	10.0	12.0	14.0	14.0	14.0
Modoc	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.3	2.3	2.3	2.3	2.3
Mono	2.0	2.2	2.1	2.0	2.1	2.1	2.1	2.1	2.3	2.3	2.3	2.3	2.3
Monterey	19.5	19.5	19.5	19.0	19.6	20.6	19.6	19.6	20.0	21.0	22.0	22.0	22.0
Napa	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0
Nevada	6.6	7.0	7.0	6.4	6.4	6.4	6.8	6.8	7.6	7.6	7.6	7.6	7.6
Orange	141.0	142.0	142.0	143.0	143.0	143.0	143.0	143.0	143.0	144.0	145.0	145.0	145.0
Placer	12.0	12.0	12.0	13.0	13.5	13.0	13.5	14.5	13.5	14.5	16.5	16.5	16.5
Plumas	2.3	2.3	2.3	3.0	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3
Riverside	68.0	68.0	68.0	69.0	69.0	69.0	69.0	70.0	69.0	76.0	83.0	83.0	83.0
Sacramento	62.0	62.0	62.0	64.0	66.0	66.0	66.0	66.0	67.5	72.5	78.5	78.5	78.5
San Benito	2.3	2.3	3.0	2.3	2.3	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
San Bernardino	70.0	70.0	71.0	74.0	74.0	74.0	75.0	75.0	76.0	84.0	91.0	91.0	91.0
San Diego	151.0	151.0	152.0	153.0	153.0	154.0	154.0	154.0	154.0	154.0	154.0	154.0	154.0
San Francisco	64.0	64.0	64.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0	65.0
San Joaquin	28.0	28.0	29.0	30.0	30.0	30.0	30.0	30.0	30.5	33.5	36.5	36.5	36.5
San Luis Obispo	13.3	14.0	14.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0
San Mateo	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
Santa Barbara	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0
Santa Clara	89.0	89.0	89.0	89.0	89.0	89.0	89.0	89.0	89.0	89.0	89.0	89.0	89.0
Santa Cruz	13.5	13.5	13.5	13.0	13.5	13.5	13.5	13.5	13.5	13.5	13.5	13.5	13.5
Shasta	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0	12.0	13.0	13.0	13.0
Sierra	2.0	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3
Siskiyou	4.5	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Solano	22.0	22.0	22.0	22.0	22.0	22.0	22.0	22.0	22.0	23.0	24.0	24.0	24.0
Sonoma	19.0	19.0	19.0	21.0	21.0	21.0	21.0	21.0	21.0	23.0	24.0	24.0	24.0

Total Authorized Judicial Officer Positions by Fiscal Year													
Court	1997–1998	1998–1999	1999–2000	2000–2001	2001–2002	2002–2003	2003–2004	2004–2005	2005–2006	2006–2007	FY 2007–2008	2008–2009	2009–2010
Stanislaus	21.4	21.4	21.4	21.4	21.4	21.0	21.0	21.0	21.0	24.0	26.0	26.0	26.0
Sutter	5.0	5.3	5.3	5.3	5.3	5.3	5.3	5.3	5.3	5.3	5.3	5.3	5.3
Tehama	4.3	4.3	4.3	4.3	4.3	4.3	4.3	4.3	4.3	4.3	4.3	4.3	4.3
Trinity	2.0	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3
Tulare	20.0	20.0	20.0	20.0	21.0	21.0	21.0	21.0	21.0	23.0	25.0	25.0	25.0
Tuolumne	4.3	4.3	4.3	4.3	4.3	4.3	4.3	4.3	4.8	4.8	4.8	4.8	4.8
Ventura	31.0	31.0	31.0	32.0	32.0	32.0	32.0	32.0	32.0	33.0	33.0	33.0	33.0
Yolo	10.3	10.4	10.4	11.4	12.4	12.4	12.4	12.4	12.4	12.4	13.4	13.4	13.4
Yuba	5.0	5.3	5.3	5.3	5.3	5.3	5.3	5.3	5.3	5.3	5.3	5.3	5.3
Statewide Totals	1,868.4	1,880.1	1,887.3	1,906.0	1,912.3	1,914.0	1,914.8	1,917.0	1,922.1	1,972.1	2,022.1	2,022.1	2,022.1

Authorized judicial officer positions include judges and subordinate judicial officers.