



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 29, 2014

Title	Agenda Item Type
Executive and Planning Committee Chair's Report	Information Only
Submitted by	Date of Report
Justice Douglas P. Miller, Chair Executive and Planning Committee	July 22, 2014
	Contact
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Executive Summary

As outlined in the California Rules of Court, rule 10.11, the Executive and Planning Committee (E&P) oversees the council's meeting process and operating procedures, including agenda setting for council meetings, development of the council's long-range strategic plan for the judicial branch, and development of policies and procedures related to court facilities and communications with the branch. The committee is also charged with directing the nominations process for vacancies on the council and its advisory bodies and overseeing specific advisory bodies. This report summarizes the committee's activities since the last Judicial Council internal committee presentations during the council's April business meeting.

Overview of Committee Meetings

Since the April council meeting, the committee has met four times: in person on June 26 and by conference call on May 29, June 16, and July 21. The committee also deliberated by e-mail on May 16 and June 17.

Additionally, the committee will meet in person on Monday, June 28, the day before the council meets, to review materials and determine its recommendations to the Chief Justice for advisory committee vacancies.

Agenda Setting and Other Business

During its meetings and e-mail deliberations, the committee set the consent, discussion, and informational agendas for the June and July council meetings. The committee also conducted additional business as summarized below.

Advisory Committee Nominations

The committee reviewed nominations and determined its recommendations to the Chief Justice for vacancies on the Advisory Committee on Providing Access and Fairness, which has been renamed and reconstituted effective August 1, and the Trial Court Facility Modification Advisory Committee.

Status of the Report and Recommendations from the 2011 Summit on Judicial Diversity

The committee received a status report on the progress of the summit recommendations from the chair of the Access and Fairness Advisory Committee. After consideration and discussion, the committee directed the advisory committee to consider how to best include similar recommendations for council action regarding issues affecting the lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community. Additionally, the committee directed the advisory committee to forward the proposed council actions to the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee for review and comment.

Judicial Council Action Regarding the Employee Assistance Program for Bench Officers

At the request of Judicial Council member and California Judges Association President Judge Robert Glusman, the committee reviewed and discussed the Judicial Council's action during the April meeting eliminating funding from the State Trial Court Improvement and Modernization Fund for the Employee Assistance Program for Bench Officers. In response, the committee directed the AOC's Human Resources Services Office to provide bench officers with information regarding employee assistance programs provided by the courts and similar programs available to them nationally. The committee also directed the Administrative Director of the Courts to provide the committee with an analysis of the utilization of the AOC's employee assistance program in order to assess whether the AOC should continue to maintain its program.

Subordinate Judicial Officer (SJO) Conversions: Superior Court of Los Angeles County

The committee confirmed a request from the Superior Court of Los Angeles County to convert seven vacant SJO positions in fiscal year (FY) 2014–2015, with the effective date for these conversions to take place on the date of the passage of the California State Budget for FY 2014–2015 or July 1, 2014, whichever is later. The court is authorized to temporarily fill these positions until judges are named and sworn in for each position.

Strategic Plan for Language Access in the California Courts

The committee reviewed a draft of the *Strategic Plan for Language Access in the California Courts* prepared by the Joint Working Group for California's Language Access Plan.

Accompanying the draft was a report that presented an overview on the formation of the draft plan along with a summary of highlights of stakeholder input and possible recommendations.

The committee approved the draft for circulation for public comment.

Update of Subordinate Judicial Officer Conversion Allocations

The committee reviewed information from the Workload Assessment Advisory Committee, requested by the committee during its January 10, 2014, meeting, on how the remaining subordinate judicial officer conversions authorized under Government Code section 69615 would be allocated if more current workload data were used.

Judicial Sabbatical Report from Judge Martin Tangeman

As an informational item, the committee was provided with a written report from Judge Martin Tangeman, Superior Court of San Luis Obispo County, dated on May 8, 2014, on his sabbatical leave in Italy, where he taught at the law school of the Università degli Studi di Trento for eight months, from October 2011 to May 2012. Judge Tangeman submitted his report as required under the California Rules of Court, rule 10.502(h), which states that, upon completion of sabbatical leave, a judge "must report in writing to the Judicial Council on how the leave benefitted the administration of justice in California and on its effect on his or her official duties as a judicial officer."



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND PLANNING COMMITTEE

MEETING MINUTES | JUNE 16, 2014
CONFERENCE CALL | 12:10 TO 12:50 P.M.

COMMITTEE MEMBERS PRESENT: Justice Douglas P. Miller (Chair); Judges Stephen H. Baker, Teri L. Jackson, and Mary Ann O'Malley; Commissioner Sue Alexander; Mr. James P. Fox and Mr. David H. Yamasaki

COMMITTEE MEMBERS ABSENT: Judge David M. Rubin (Vice-Chair); Judges David De Alba and Brian C. Walsh; Mr. Mark P. Robinson, Jr.

AOC STAFF PRESENT: Ms. Deborah C. Brown, Mr. Steven Chang, Ms. Roma Cheadle, Mr. Curtis L. Child, Ms. Cristina Foti, Ms. Donna Hershkowitz, Mr. Patrick O'Donnell, Mr. David Smith, Ms. Laura Speed, and Mr. Zlatko Theodorovic

INVITED GUESTS PRESENT: Judge Laurie M. Earl, Superior Court of Sacramento County

COMMITTEE STAFF: Ms. Jody Patel and Ms. Nancy Carlisle

COMMITTEE AND ACTION ITEMS

1. APPROVAL OF MINUTES

The committee reviewed draft minutes of the May 29, 2014, teleconference.

Action: The committee approved the minutes of the May 29, 2014, teleconference.

2. AGENDA SETTING FOR THE JUNE 26–27, 2014, JUDICIAL COUNCIL MEETING

The committee reviewed available draft reports for the June Judicial Council meeting.

Action: The committee continued setting the agenda for the June Judicial Council meeting.

3. SUBORDINATE JUDICIAL OFFICER (SJO) CONVERSION

The committee reviewed a recommendation from the AOC's Court Operations Special Services Office that the Executive and Planning Committee confirm the conversion of seven vacant SJO positions in the Superior Court of Los Angeles County in fiscal year (FY) 2014-2015.

Action: The committee confirmed a request from the Superior Court of Los Angeles to convert seven vacant SJO positions in FY 2014-2015, with the effective date for these conversions to take place on the date of the passage of the California State Budget for FY 2014–2015 or July 1, 2014, whichever is later. The court is authorized to temporarily fill these positions until judges are named and sworn in for each position.

Approved by the committee on June 26, 2014.



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND PLANNING COMMITTEE

MEETING MINUTES | JUNE 17, 2014

E-MAIL DELIBERATION

COMMITTEE MEMBERS WHO PARTICIPATED: Justice Douglas P. Miller (Chair); Judge David M. Rubin (Vice Chair); Judges Stephen H. Baker, David De Alba, Teri L. Jackson, Mary Ann O'Malley, and Brian C. Walsh; Commissioner Sue Alexander; Mr. James P. Fox and Mr. David H. Yamasaki

COMMITTEE MEMBERS WHO DID NOT PARTICIPATE: Mr. Mark P. Robinson, Jr.

COMMITTEE STAFF: Ms. Jody Patel and Ms. Nancy Carlisle

COMMITTEE AND ACTION ITEMS

AGENDA SETTING FOR THE JUNE 26–27, 2014, JUDICIAL COUNCIL MEETING

The committee reviewed an amendment to a Judicial Council report for placement on the June 27, 2014, Judicial Council discussion meeting agenda.

Action: The committee approved the amended report and approved the report for the council meeting agenda.

Approved by the committee on June 26, 2014.



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND PLANNING COMMITTEE

MEETING MINUTES | JUNE 26, 2014
IN-PERSON MEETING | 12:30 TO 1:30 P.M.
JUDICIAL COUNCIL CONFERENCE CENTER | REDWOOD ROOM
AOC SAN FRANCISCO OFFICE

COMMITTEE MEMBERS Justice Douglas P. Miller (Chair); Judge David M. Rubin (Vice-Chair);

PRESENT: Judges Stephen H. Baker, David De Alba, Teri L. Jackson, Mary Ann O'Malley, and Brian C. Walsh; Commissioner Sue Alexander; Mr. James P. Fox, Mr. Mark P. Robinson, Jr., and Mr. David H. Yamasaki

INVITED GUESTS PRESENT: Justice Harry E. Hull, Jr. (Chair, Rules and Projects Committee); Judge James E. Herman (Chair, Judicial Council Technology Committee)

AOC STAFF PRESENT: Mr. Cliff Alumno, Ms. Roma Cheadle, and Ms. Maria Kwan

COMMITTEE STAFF: Ms. Jody Patel and Ms. Nancy Carlisle

COMMITTEE AND ACTION ITEMS

1. APPROVAL OF MINUTES

The committee reviewed draft minutes of the June 16, 2014, teleconference, and the June 17, 2014, e-mail deliberation.

Action: The committee approved the minutes listed above.

2. ADVISORY COMMITTEE NOMINATIONS

The committee reviewed nominations for vacancies on the Advisory Committee on Providing Access and Fairness, which has been renamed and reconstituted effective August 1, 2014, and the Trial Court Facility Modification Advisory Committee.

Action: The committee determined its recommendations to the Chief Justice for vacancies on the Advisory Committee on Providing Access and Fairness and the Trial Court Facility Modification Advisory Committee.

Approved by the committee on July 21, 2014.



JUDICIAL COUNCIL OF CALIFORNIA

POLICY COORDINATION AND LIAISON COMMITTEE MEETING MINUTES

JUNE 5, 2014

4:30 P.M. | TELECONFERENCE

COMMITTEE MEMBERS Hon. Kenneth K. So, Chair; Hon. Marvin R. Baxter; Hon. Stephen H. Baker; Hon. Robert A. Glusman; Hon. Gary Nadler; Hon. David Rosenberg; Mr. Mark G. Bonino; Ms. Angela J. Davis; Mr. James P. Fox; and, Ms. Mary Beth Todd.

COMMITTEE MEMBERS Hon. James R. Brandlin, Vice-Chair; Hon. James E. Herman; and,
ABSENT: Hon. Brian L. McCabe.

OTHERS PRESENT Hon. Richard Vlavianos, Chair, Collaborative Justice Advisory Committee; and, Hon. J. Richard Couzens (Ret.), Member, Criminal Law Advisory Committee.

AOC STAFF PRESENT: Mr. Curtis Child, Mr. Curt Soderlund, and Ms. Carrie Zoller.

COMMITTEE STAFF: Mr. Cory Jaspersen, Ms. Laura Speed, Ms. Sharon Reilly; Ms. Monica LeBlond, Ms. Nina Tantraphol, and Ms. Yvette Casillas-Sarcos.

COMMITTEE ACTION ITEMS

1. APPROVE PAST MINUTES

The committee reviewed the draft minutes of its May 15, 2014, meeting.

Action: Approved as submitted.

ACTIONS ON BEHALF OF JUDICIAL COUNCIL

2. CONSENT ITEM

N/A

3. DISCUSSION ITEMS

ACTION ON PENDING LEGISLATION

- a) AB 2098 (Levine), as amended May 29, 2014 – Military personnel: veterans: sentencing: mitigating circumstances

Requires the court to consider a defendant's status as a combat veteran suffering from

sexual trauma, traumatic brain injury, post traumatic stress disorder, substance abuse, or other mental health problems as a result of his or her military service, as a factor in favor of granting probation, and as a factor in mitigation when choosing whether to impose the lower, middle, or upper term of a state prison sentence. Clarifies that consideration of veteran status in sentencing does not preclude the court from considering similar trauma, injury, substance abuse, or mental health problems due to other causes, as evidence or factors in mitigation.

Action: Support, if amended as follows: (1) amend Penal Code section 1170.9(b) to require that military related service and the related conditions were a substantial factor in the commission of the criminal offense; (2) amend Penal Code section 1170.91 to similarly require that the military-related service and resulting conditions were a substantial factor in the commission of the criminal offense; and (3) amend Penal Code sections 1170.9 and 1170.91 to provide that a court may, rather than shall, consider the factors listed in those sections.

b) AB 2397 (Frazier), as amended May 12, 2014 – Criminal procedure: defendant’s appearance by video

Expands the types of appearances that can be made using two-way video conference technology between a defendant house in a state, county, or local facility within the county, and a courtroom, to include specified non-critical trial appearances, if the defendant and defense counsel consent to the defendant’s physical absence from court.

Action: Support. *[Ms. Angela Davis recused herself from vote.]*

c) SB 1110 (Jackson), as amended April 22, 2014 – Arraignment: military and veteran status: forms

Requires a magistrate to inquire as to the active duty or veteran status of the defendant and requires specified actions if the defendant acknowledges military service, including filing Judicial Council Form MIL-100 and transmitting the form to the county veterans services officer for confirmation of military service. Provides that a defendant may decline to provide military service information without penalty. Requires, if the defendant is not represented by counsel, that the magistrate not make an inquiry into the defendant’s current or past military status and requires that the court advise the defendant that certain current or former members of the United States military who meet certain qualifications are eligible for specific forms of restorative relief.

Action: Support, if amended to: (1) treat represented and unrepresented defendants the same when informing them of options for individuals with veterans status; (2) require a court to advise a defendant or defendants that they may be entitled to certain services if they have military or veterans status; (3) require courts to transmit the Judicial Council Military Status Form to the State Department of Veterans Affairs; (4) amend Judicial Council Form MIL-100 to also include information about Penal

Code section 1170.9 and Military Status Form related statutes; and (5) ensure the language regarding veterans status is broad enough to include individuals who serve or served in the reserve or national guard.

Approved by the committee by email on June 26, 2014.



JUDICIAL COUNCIL OF CALIFORNIA

POLICY COORDINATION AND LIAISON COMMITTEE MEETING MINUTES

JUNE 10, 2014

4:30 P.M. | TELECONFERENCE

COMMITTEE MEMBERS Hon. Kenneth K. So, Chair; Hon. Stephen H. Baker; Hon. Robert A. Glusman; Hon. James E. Herman; Hon. Brian L. McCabe; Hon. Gary Nadler; Hon. David Rosenberg; Mr. Mark G. Bonino; Mr. James P. Fox; and, Ms. Mary Beth Todd.

COMMITTEE MEMBERS Hon. Marvin R. Baxter; Hon. James R. Brandlin, Vice-Chair; and, **ABSENT:** Ms. Angela J. Davis.

AOC STAFF PRESENT: Hon. Steven Jahr and Mr. Curt Soderlund.

COMMITTEE STAFF: Mr. Cory Jasperson, Ms. Laura Speed, Ms. Sharon Reilly; Ms. Andi Liebenbaum, Ms. Nina Tantraphol, and Ms. Yvette Casillas-Sarcos.

COMMITTEE ACTION ITEMS

1. APPROVE PAST MINUTES

N/A

ACTIONS ON BEHALF OF JUDICIAL COUNCIL

2. CONSENT ITEM

ACTION ON PENDING LEGISLATION

- a) AB 1585 (Alejo), as amended May 23, 2014 – Human trafficking
Moved to discussion.

3. DISCUSSION ITEMS

ACTION ON PENDING LEGISLATION

- a) AB 1585 (Alejo), as amended May 23, 2014 – Human trafficking
Provides that a defendant who has been convicted of solicitation or prostitution may petition the court to set aside the conviction if the defendant can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking.

Action: Support, if amended to prohibit the filing of such petitions by individuals who (1) affirmatively raised human trafficking as a duress defense during trial, but the jury

or judge still convicted the individual of solicitation or prostitution based on the evidence; or (2) on or after January 1, 2014, had the opportunity to raise human trafficking as a duress defense but failed to do so.

b) AB 2124 (Lowenthal), as amended May 23, 2014 – Misdemeanor offenses: deferral of sentencing

Authorizes a judge, at his or her discretion, to defer sentencing a defendant who has submitted a plea of guilty or nolo contendere for a period not to exceed 12 months and to order the defendant to comply with terms, conditions, and programs, as specified.

Action: Support.

c) AB 2332 (Wieckowski), as amended May 23, 2014 – Courts: personal services contracts

Adds to the Trial Court Employment Protection and Governance Act (Gov. Code, § 71600 et seq.) restrictions on a trial court's ability to contract for personal services.

Action: Oppose, unless amended to:

Remove or modify the bill's restrictions on contracts for services "currently or customarily" performed by trial court employees, including but not limited to:

- Removing specifications that apply contracting restrictions retroactively
- Removing provision the contract cannot be approved solely on the basis of savings from lower pay rates. Providing the comparison of contractor pay against industry level and trial court employee pay include "pay rates and benefits."
- Removing provisions rendered unnecessary by the Judicial Branch Contract Law (JBCL), including requirements that contract be awarded through a publicized, competitive bidding process, that contract include staff qualification provision, and that contract comply with nondiscrimination standards. Providing instead the contract shall comply with the JBCL, to the extent it is subject to that law.
- Removing all provisions related to contracts for services in excess of \$100,000.
- Adding provision defining "customarily performed" to mean a rolling, limited time frame and providing limitations on services "currently or customarily performed" do not apply if such is contrary to best practices, as determined by the Judicial Council.

Bolster exceptions to which contracting restrictions do not apply, including:

- Providing the exception for contracted services between trial courts and government entities include state level in addition to local level government entities, and that these services are not required to be performed by the other entity with whom a trial court contracts (the latter addresses an attempt to prevent trial courts from "piggy-backing" on private contracts through contracts with other entities).
- Creating an exception for services for trial courts with fifteen or fewer judges.

- Creating an exception for instances in which a contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the court in the location where the services are to be performed. The exception shall not apply to services contracted in order to open closed courthouses if trial court employees performed those services before the closure.
- Creating an exception for technology or automation services that can result in cost savings or efficiencies, improved public access, greater information security, or enhanced privacy protection.
- Extending the exception for agreements to service or maintain office equipment to agreements to operate the same.
- Creating an exception for services that can better protect the safety or security of court employees, judicial officers, court facilities, or the public who use court facilities.
- Extending the exception for services of an urgent, temporary, or occasional nature to situations in which “the temporary nature of the services does not justify the hiring of a regular employee.”
- Creating an exception that recognizes a memorandum of understanding between the court and a recognized employee organization in general and in contracts for services necessary for court operations following a reduction in force or layoff. Amend Section 2 of the bill, which applies the proposed section 71621 of the Government Code to “any contract *entered into, renewed, or extended* on or after January 1, 2015,” to instead apply section 71621 to “contracts for services *entered into* after January 1, 2015.” Emphases added. Insert provision that section 71621 shall not apply to contracts renewed after January 1, 2015, regardless whether the contract is renewed or rebid with an existing or new contractor.

Delete the current Section 3 of the bill. As currently written, Section 3 (1) sets forth reporting requirements for each trial court regarding contracts for services currently or customarily performed by trial court employees, and (2) states the intent of the Legislature to consider reducing future budget appropriations to the trial courts by the amount of contracts found to be impermissible under the proposed section 71621.

- d) SB 1227 (Hancock), as amended May 27, 2014 – Diversion: members of the military
Creates a pretrial diversion program when a member or former member of the United States military is accused of a misdemeanor or jail realigned felony and the defendant is suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse or mental health problems resulting from his or her military service.
Action: Support, if amended to authorize the court to determine whether military related service and related conditions are a substantial factor in the commission of the criminal offense prior to placement in the pretrial diversion program.

Approved by the committee by email on June 26, 2014.



JUDICIAL COUNCIL OF CALIFORNIA

POLICY COORDINATION AND LIAISON COMMITTEE MEETING MINUTES

JUNE 19, 2014

4:30 P.M. | TELECONFERENCE

- COMMITTEE MEMBERS** Hon. James R. Brandlin, Vice-Chair; Hon. Marvin R. Baxter;
PRESENT: Hon. Stephen H. Baker; Hon. Robert A. Glusman; Hon. James E. Herman;
Hon. Brian L. McCabe; Hon. Gary Nadler; Hon. David Rosenberg;
Mr. Mark G. Bonino; and, Mr. James P. Fox.
- COMMITTEE MEMBERS** Hon. Kenneth K. So, Chair; Ms. Angela J. Davis; and, Ms. Mary Beth
ABSENT: Todd.
- AOC STAFF PRESENT:** Hon. Steven Jahr, Mr. Curtis Child, Mr. Curt Soderlund, and Ms. Donna
Hershkowitz.
- COMMITTEE STAFF:** Ms. Laura Speed, Ms. Sharon Reilly; Mr. Alan Herzfeld, Ms. Andi
Liebenbaum, Ms. Nina Tantraphol, and Ms. Yvette Casillas-Sarcos.
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COMMITTEE ACTION ITEMS

1. APPROVE PAST MINUTES
N/A
-

ACTIONS ON BEHALF OF JUDICIAL COUNCIL

2. CONSENT ITEMS

ACTION ON PENDING LEGISLATION

- a) AB 2454 (Quirk-Silva), as amended April 2, 2014 – Foster youth: nonminor dependents

Makes various technical and clarifying changes to implement the California Fostering Connections to Success Act of 2010 (AB 12, Stats. of 2010, ch. 559). Specifically, this bill would allow a nonminor who received either Kinship Guardianship Assistance Payment Program (Kin-GAP) aid or adoption assistance aid after turning 18 years old, or whose former guardians stopped receiving Kin-GAP aid and stopped providing support to the nonminor after the nonminor reached 18 years old, to petition for resumption of dependency jurisdiction.

Action: Support.

- b) AB 2573 (Stone), as amended April 21, 2014 – Foster care: transition jurisdiction
Makes various technical and clarifying changes to implement the California Fostering Connections to Success Act of 2010 (AB 12, Stats. 2010, ch. 559). Specifically, it would allow courts to resume transition jurisdiction under Welfare and Institutions Code section 450 regardless of whether a nonminor’s rehabilitative goals set at dismissal of delinquency jurisdiction under section 607.2 have been met.

Action: Support.

- c) SB 210 (Hancock), as amended June 11, 2014 – Criminal procedure: release on defendant’s own recognizance

Provides that a sheriff, probation department or other local government agency may, with the concurrence of the board of supervisors, employ an investigative staff to determine whether or not a defendant may be released on his or her own recognizance. Requires that only one entity shall issue a report.

Provides that in setting conditions for pretrial release and in setting, reducing or denying bail, the court shall consider, in addition to the protection of the public, the defendant’s criminal record and the seriousness of the charged offense, the following:

- Public safety shall be the primary consideration.
- The nature and circumstances of the charged offense, including whether or not a drug offense involved large quantities.
- Whether the defendant was on probation, parole or any form of release pending trial, sentencing or appeal at the time of his or her arrest.

Provides that when considering the history and characteristics of the defendant, the court may consider the results of an evidence-based pretrial risk assessment instrument that is predictive of the defendant’s risk to public safety and the probability of him or her failing to appear at court hearings. Provides that a court, sheriff, probation department, or other designated agency may employ, with concurrence of the board of supervisors, “supervision staff” to monitor the defendant’s compliance with the conditions of release.

Action: Support, if amended to change “characteristics” of the defendant to “circumstances” of the defendant.

3. DISCUSSION ITEMS

ACTION ON PENDING LEGISLATION

- a) AB 1657 (Gomez), as amended June 15, 2014 – Courts: interpreters
Authorizes a court to provide interpreters in civil actions at no cost to the parties, regardless of the income of the parties. Sets an order of priority by case type in the event there are insufficient funds appropriated to provide interpreters to all parties in all cases. Amendments clarify the order of priority, and repeal and replace statutory provisions related to specified case types that would be addressed by the new language in the bill. Makes legislative findings and declarations that it is the intent of

the Legislative and Judicial branches to extend interpreter services to all parties in all matters.

Action: Support and continue sponsorship.

- b) AB 2724 (Bradford), as introduced – Failure to appear in court: fines
Provides that the ability to post bail or pay the civil assessment imposed by the court for failure to appear for a proceeding, or failure to pay a fine or bail installment, is not a prerequisite to filing a request that the court vacate the assessment. Provides that the imposition or collection of a civil assessment does not preclude a defendant from scheduling a court hearing on the underlying charge. Provides that the court cannot require the payment of bail, fine, or civil assessment before the person requests that the court vacate a civil assessment, imposed as specified. Provides that if an agreement is signed to pay a lawfully-imposed fine in installments or to perform community service in lieu of the fine, as specified, the magistrate or court clerk is required to issue and file with the Department of Motor Vehicles (DMV) a certificate showing that an agreement has been signed to request that the hold on the defendant's driver's license be lifted.
Action: Oppose.
- c) AB 1591 (Achadjian), as amended May 20, 2014 – Firearms
Requires that courts notify the Department of Justice (DOJ) about individuals who have been adjudged by a court to be incompetent to stand trial, not guilty by reason of insanity, a danger to others as a result of a mental disorder or mental illness, or a mentally disordered sex offender. Requires that courts provide such notification to the DOJ within one court day instead of two court days, and in an electronic format as prescribed by the DOJ.
Action: Support.
- d) SB 1193 (Evans), as amended May 20, 2014 – Controlled substances: destruction of seized marijuana: cause of action
Reduces the amount of marijuana seized by a law enforcement agency that must be retained for evidence from, at least ten pounds to at least two pounds. Reduces the required representative sample size of seized marijuana from one ten-pound sample to one two-pound sample. Requires counsel for the defendant to have 30 days from the date of seizure to examine the two-pound sample and five representative samples prior to destruction if criminal proceedings are pending, as specified. Provides, upon a court order, for the following in a criminal prosecution in which the defendant is acquitted or the case is dismissed:
- Any marijuana, instrument, or paraphernalia seized in the case that was lawfully possessed by the defendant must be returned to the defendant.
 - If any marijuana, instrument, or paraphernalia was damaged or destroyed, the defendant must receive reasonable compensation for the damage or loss.

- A claim must be presented not later than six months after acquittal or dismissal.
Action: Oppose, unless amended to delete the provisions relating to the return of marijuana and related paraphernalia, and the requirement that if such items are damaged or destroyed, the defendant receive reasonable compensation.

4. INFORMATIONAL ITEM

a) Report on the California Community Corrections Performance Incentives Act of 2009: Findings from the SB 678 Program (2014)

Laura Speed informed the committee that the AOC's Criminal Justice Court Services Office has prepared the legislatively mandated report on the SB 678 program which will be received by the Judicial Council at its June 26-27 meeting.

Action: None.

Approved by the committee by email on June 26, 2014.