Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

TO: Honorable Ronald M. George
Members of the Policy Coordination and Liaison Committee
William C. Vickrey, Administrative Director of the Courts

FROM: Curtis L. Child, Director
Office of Governmental Affairs

DATE: October 16, 2008

RE: Status of 2008 legislation considered by the Policy Coordination and Liaison Committee—FINAL

Following is the status report on 2008 legislation considered by the Judicial Council's Policy Coordination and Liaison Committee (PCLC) during the 2007-2008 legislative session. The bills are listed in numerical order by house (Assembly and Senate) and are indexed by subject matter. The second column, "description" summarizes the relevant portions of the bill—and the version of the bill—on which the PCLC position is based. The description column also includes an updated summary to reflect the most current version of the bill. The "Judicial Council position" column tracks the council's initial position and any subsequent change to that position.

The text of all versions of a bill, committee analyses, vote information, history, and bill status can be found on the Legislature's website (including past session information) at: http://www.leginfo.ca.gov/bilinfo.html

JUDICIAL COUNCIL OF CALIFORNIA
Policy Coordination and Liaison Committee Action on 2008 Legislation and Status of Bills

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Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 2, 2008
AB 171 (Donna Hershkowitz)	AB 171 (Beall) – Graduated probate filing fee As amended May 29, 2008 Codifies the decision of the Court of Appeal in *Burkey v. State of California* (2008) 161 Cal.App.4th 465, by eliminating the graduated first paper filing fee in probate matters with estates over $250,000 and instead setting the fee at $320.	Support	Author	Signed into law (Stats. 2008, ch. 310)
AB 225 (Daniel Pone)	AB 225 (Beall) – Elder abuse: protective orders As amended June 2, 2008 Re-enacts, as of January 1, 2010, the elder abuse protective orders statute, and expands its scope to: (1) allow the court, in its discretion, on a showing of good cause, to extend the protection to include the petitioner's named family or household members, as well as the petitioner's conservator; and, (2) provide that when a person named in a protective order has not been served personally with the order but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the order from the court, no additional proof of service is required for enforcement of the order. Provides that a petitioner shall not be required to pay a fee for law enforcement to serve a protective order issued pursuant to the bill's provisions.	Support	Author	Signed into law (Stats. 2008, ch. 480)
AB 545 (Tracy Kenny)	AB 545 (Walters) – Judicial retirement: military service credit As amended August 11, 2008 Amends the Judges' Retirement System II (JRS II) statute to allow a judge who is on leave from the bench because of active duty service in the military to elect to purchase retirement service credit by repaying his or her missed contributions to JRS II. Urgency measure, takes effect upon enactment.	Support	Author	Signed into law (Stats. 2008, ch. 626)
AB 926 (Daniel Pone)	AB 926 (Evans) – Civil discovery: electronic discovery As amended July 2, 2008 Among other things, adds definitions of "electronic" and "electronically stored information" to the Civil Discovery Act. Amends the act to expressly authorize the discovery of electronically stored information, and authorizes the "copying, testing or sampling" of such information. Allows a party to specify the form in which electronically stored information is to be produced, and if no form is specified, the responding party must produce the information in the form or forms in which it is ordinarily maintained or in a form that is reasonably usable. Establishes procedures for motions to compel and motions for protective orders relating to the discovery of electronically stored information. Sets forth a procedure for handling disputes over the production of electronically stored information that is subject to claims of privilege or attorney work-product protection.	Co-Sponsor	Judicial Council and California Defense Counsel and Consumer Attorneys of California	Vetoed

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 2, 2008
AB 1340 (Daniel Pone)	AB 1340 (Jones) – Guardians and conservators: accountings As amended July 10, 2008 Requires a guardian or conservator, in a first accounting filed with the court, to provide all account statements showing the account balance as of, rather than through, the closing date of the first court accounting. Requires notice be given 5 court days prior to a hearing on the appointment of a temporary guardian or temporary conservator. Prohibits a court from permitting a person without a valid professional fiduciary's license to continue to carry out the duties of a professional fiduciary.	Support	Author	Signed into law (Stats. 2008, ch. 293)
AB 1405 (Tracy Kenny)	AB 1405 (Maze) – Juveniles: joint assessment of status: confidential information As amended June 24, 2008 Provides that until January 1, 2012, information obtained from a minor during an assessment to determine the appropriate status of a minor who meets the definition of both a dependent and a delinquent ward cannot be used against the minor in other proceedings. Does allow the information to be used for any purpose in proceedings directly related to the status determination in a dependency proceeding to provide for treatment or other services.	Support	Children's Law Center of Los Angeles	Vetoed
AB 1491 (Donna Hershkowitz)	AB 1491 (Jones) – Court facilities As amended March 3, 2008 Revives and extends until December 31, 2009, the deadline for the transfer of court facilities from county to state governance, under the direction of the Judicial Council. Clarifies that the county and the AOC may transfer multiple court facilities within the county under a single transfer agreement. Takes effect immediately as an urgency statute.	Co-Sponsor	Judicial Council and California State Association of Counties	Signed into law (Stats. 2008, ch. 9)
AB 1769 (June Clark)	AB 1769 (Galgiani) – Jurors: exemptions: peace officers As introduced Exempts all peace officers from jury duty in civil and criminal matters. ***UPDATE: As amended March 25, 2008*** ***Exempts K-12 and community college police from jury service in criminal matters.***	Oppose; fundamentally opposed to categorically exempting individuals from jury duty. Update: ***As amended March 25, 2008*** ***Oppose***	Peace Officers Research Association of California	Vetoed

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 2, 2008
AB 1771 (June Clark)	AB 1771 (Ma) – Domestic violence: convictions As amended March 10, 2008 Among other things, provides that "good cause" to issue a domestic violence restraining order may be found based on evidence that the person against whom the order is to be issued has previously been convicted of a crime of domestic violence. Requires the court to provide to any person, upon request and without charge, any information regarding a domestic violence conviction that is currently available to the public, except that personal identifying information about the victim or minor children shall be redacted. ***UPDATE: As amended April 29, 2008*** ***Provides that the court may consider the underlying nature of the offense charged and information provided to the court pursuant to a criminal history search when determining whether good cause exists to issue a domestic violence restraining order in any case in which a complaint, information, or indictment charging a crime of domestic violence has been filed.***	Oppose unless amended; interferes with judicial discretion and will have major administrative and fiscal impact on trial courts. Update: ***As amended April 29, 2008*** ***No position***	Survivors in Action	Signed into law (Stats. 2008, ch. 86)
AB 1822 (Tracy Kenny)	AB 1822 (Beall) – Spousal support: sex offenders As introduced Requires the court in any proceeding to establish or modify spousal support to deny spousal support to a party convicted of a sexual offense against a minor.	Oppose; inappropriately limits judicial discretion.	Author	Dead
AB 1826 (Henry Sepulveda)	AB 1826 (Beall) – Seized property: fees As amended May 6, 2008 Clarifies that the filing fee for filing an action seeking return of seized property in connection with controlled substance offenses is the first paper filing fee for unlimited civil cases.	Sponsor	Judicial Council	Signed into law (Stats. 2008, ch. 214)
AB 1828 (June Clark)	AB 1828 (Huff) – Jurors: exemptions: precinct workers As introduced Excuses from jury service, upon request, a prospective juror who has served as a precinct officer or precinct board member on a statewide or local election during the previous 12 months.	Oppose; fundamentally opposed to categorically exempting individuals from jury duty.	Author	Dead

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 2, 2008
AB 1873 (Daniel Pone)	AB 1873 (Lieu) – Courts As amended July 2, 2008 Clarifies that a court is authorized to charge the same fees for post-judgment motions related to the enforcement of a small claims judgment as a court charges for the enforcement of a regular civil judgment. Authorizes a court to charge and collect a nonrefundable postponement fee of $10 from either party who makes more than one *pre-service* request to postpone a small claims trial. Provides that this fee would only be assessed after a party has already been granted one prior postponement. Also clarifies the membership of the Court Interpreters Advisory Panel and the court's authority to seek reimbursement for the costs of dependency counsel provided.	Sponsor	Judicial Council	Vetoed
AB 1876 (Donna Hershkowitz/ Henry Sepulveda)	AB 1876 (de León) – Superior court security As amended April 21, 2008 Improves the accountability of court security services in the trial courts. Requires a standardized MOU for contracting for security services between the court and the sheriff, and requires quarterly reporting to the court and the Administrative Office of the Courts of security services and expenditures.	Sponsor	Judicial Council and California State Sheriffs' Association	Dead
AB 1880 (Daniel Pone)	AB 1880 (Tran) – Guardians and conservators: bonds As amended March 11, 2008 Requires a guardian or conservator to post a separate recovery bond for the benefit of the ward or conservatee and any person interested in the guardianship or conservatorship estate who may bring a surcharge action against the guardian or conservator for breach of duty. Requires the recovery bond to be given by an admitted insurer for the recovery of reasonable attorney's fees and costs as approved by a court in a successful surcharge action. Provides that these fees and costs shall be recovered against the surety on the recovery bond only, and not against the guardian's or conservator's bond. Provides that, unless the court increases or decreases the amount upon a showing of good cause, the amount of the bond shall be calculated as provided in rule 7.207 of the California Rules of Court. Declares that this bill is to take effect immediately as an urgency statute.	Oppose; multiple bonds are more difficult to administer, and they would impair the court's ability to provide proper oversight.	American Contractors Indemnity Company	Dead
AB 1949 (Franz Braun/Daniel Pone)	AB 1949 (Evans) – Court operations As amended June 17, 2008 Makes several technical and clarifying changes to improve court operations. Among other things, updates the law on trial preferences to remove obsolete references, and provides additional time for the Judicial Council's processing of local court rules; clarifies the definition of a subordinate judicial officer (SJO) and the law governing court commissioner relocation costs; clarifies the law pertaining to the payment of civil jury fees and jury deposits by governmental entities; and redirects specified assessments for night/weekend court fees to the Trial Court Trust Fund. It also corrects the chart contained in Government Code 7600 Subdivision (e) to correctly reflect that Madera County is authorized to continue collecting $7.00 rather then $4.50.	Sponsor	Judicial Council	Signed into law (Stats. 2008, ch. 218)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 2, 2008
AB 2014 (Daniel Pone)	AB 2014 (Tran) – Conservators and guardians: property in foreign jurisdictions As amended April 16, 2008 Defines estate, in reference to the powers and duties of a guardian or conservator of the estate and in reference to the inventory and accounts of the guardianship or conservatorship estate, to mean all of the ward's or conservatee's personal property, wherever located, as well as real property located in this state. Requires a guardian or conservator to use ordinary care and diligence to determine whether the ward or conservatee owns real property in a foreign jurisdiction and to preserve and protect that property. Requires a guardian or conservator who has knowledge of any real property of a conservatee or ward in a foreign jurisdiction to include in an accounting a schedule that identifies the real property, provides a good faith estimate of the fair market value of the real property, and declares what action, if any, will or has been taken to preserve and protect the real property, including a recommendation whether an ancillary proceeding is necessary to preserve and protect the real property.	Support	Trusts and Estates Section, State Bar of California	Signed into law (Stats. 2008, ch. 52)
AB 2164 (Tracy Kenny)	AB 2164 (Nakanishi) – County law libraries As introduced Transfers responsibility for providing space for a county law library from the county board of supervisors to the Administrative Office of the Courts (AOC). Authorizes the AOC to increase the distributions from the uniform civil filing fees to support county law libraries whenever it determines that the increase is necessary. ***UPDATE: As amended April 22, 2008*** ***Requires the commission on civil court fees established by the Judicial Council to review the level of funding needed to support law libraries, and provides that by March 1, 2010, the Judicial Council shall make recommendations to the Legislature regarding funding needs, service mission and delivery models, and the long-term facility needs of law libraries, after consultation with the California Council of County Law Librarians and the California State Association of Counties.***	Oppose; inappropriately shifts county law library responsibilities to the AOC. Update: ***As amended April 22, 2008*** ***No position***	San Joaquin County	Dead
AB 2166 (June Clark)	AB 2166 (Tran) – Bail forfeiture: appeals As introduced Clarifies appellate jurisdiction in bail forfeiture proceedings by allocating these cases between the Courts of Appeal and the superior court appellate divisions the same way they were allocated before unification of the municipal and superior courts. Bases jurisdiction of a bail forfeiture appeal on the underlying criminal charge and the stage of the proceeding at which bail was forfeited.	Support	Author	Dead

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 2, 2008
AB 2193 (Daniel Pone)	AB 2193 (Tran) – Civil discovery: out-of-state proceedings As amended June 24, 2008 Enacts the Interstate and International Depositions and Discovery Act, effective January 1, 2010. Broadens the range of documents issued by an out-of-state court pursuant to which a California court would be authorized to issue a subpoena. Establishes a process for obtaining a subpoena, which would require paying a fee (to be deposited in the Trial Court Trust Fund) and submitting the subpoena issued by the out-of-state court with a specified application. Permits an active member of the California State Bar who is retained by a party to an out-of-state proceeding to issue a deposition subpoena. Creates a process for the resolution of a dispute regarding discovery conducted in California in connection with an out-of-state proceeding, and provides that a request for relief in this regard would be filed in the superior court in the county in which the discovery is sought, with payment of specified fees. Permits a party to appeal court orders in connection with a dispute by extraordinary writ to the appropriate court of appeal. Requires the Judicial Council, on or before January 1, 2010, to prepare a specified application form, and to either create new subpoena forms, or modify existing subpoena forms for issuance pursuant to the bill's provisions.	Support	California Law Revision Commission	Signed into law (Stats. 2008, ch. 231)
AB 2247 (Daniel Pone)	AB 2247 (Spitzer) – Guardianships and conservatorships: investments and purchase of property As amended April 16, 2008 Provides that, except if otherwise permitted, a guardian or conservator may make investments with income and assets of the estate of the ward or conservator only after court authorization. Specifies that a guardian or a conservator, with the court's authorization, may manage the estate to seek a greater return consistent with moderate risk of loss, and permits a conservator to consider the interests of persons other than the conservatee in managing the estate under specified circumstances. Requires a guardian or conservator to file an investment plan with a court not more than six months after the issuance of letters of guardianship or conservatorship. Revises and expands the list of obligations and securities in which a guardian or conservator may invest funds of the estate without court authorization.	Oppose unless amended, neutral if amended; interferes with the ability of the court to protect conservatees' assets.	Trusts and Estates Section, State Bar of California	Dead
AB 2357 (June Clark)	AB 2357 (Duvall) – Courts: private information As amended June 12, 2008 Requires the Judicial Council to develop and implement policies and procedures for the protection of personal information maintained by a superior court and processed or stored by private service providers, consistent with the best interests of the public. Requires the council, as part of the process of developing these policies and procedures, to consider, among other things, the effect and advisability of prohibiting the outsourcing of data entry services outside the United States.	Oppose unless amended; support if amended. Update: ***As amended June 12, 2008 Support***	Author	Dead

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 2, 2008
AB 2379 (Tracy Kenny)	AB 2379 (Evans) – Court records: appeal As amended July 10, 2008 Provides that an appeal from an order granting or denying a motion to seal or unseal a court record may be made by filing an extraordinary writ petition or notice of appeal. If a party or intervenor seeks an appeal, the bill requires that the record relating to the matter and the opening brief be filed within 30 days of notice of entry of the trial court's order. It further requires the respondent to file the respondent's brief within 30 days of the filing of the opening brief, and permits 15 additional days for any reply brief. Once the appellant notifies the court that briefing has been completed. AB 2379 requires the clerk of the reviewing court to set the appeal for a hearing on the first available court date. ***UPDATE: As amended August 13, 2008*** ***Eliminates the bill's expedited appeals procedures. Provides that review of an order granting or denying a motion to seal or unseal a court record in a civil case may be made by filing an extraordinary writ petition or notice of appeal. Restricts review in criminal sealing cases to an extraordinary writ petition.***	Oppose; inappropriately interferes with ability of appellate court to set its calendar. Update: ***As amended August 13, 2008*** ***No position***	California Newspaper Publishers Association	Vetoed
AB 2448 (Tracy Kenny)	AB 2448 (Feuer) – Courts: access to justice As amended June 16, 2008 Revises and redrafts the existing statute governing court fee waivers to ensure that indigent litigants have an opportunity to access the courts in a timely manner, and to provide for recovery of those fees in appropriate cases. Requires that waived fees be added to most judgments in favor of a fee waiver recipient. Places a lien on settlement proceeds of $10,000 or more if the party receiving the settlement obtained a fee waiver. Adds specified public benefit programs to the existing list that entitles a party to an automatic fee waiver.	Sponsor	Judicial Council	Signed into law (Stats. 2008, ch. 462)
AB 2544 (June Clark/Franz Braun)	AB 2544 (Mullin) – Model civic education staff development program As amended May 23, 2008 Requires the Superintendent of Public Instruction to develop a plan and make recommendations to the Legislature and the Governor on the development of a model civic education staff development program.	Support	Author	Dead
AB 2553 (Tracy Kenny)	AB 2553 (Solorio) – Domestic violence: ex parte orders As amended April 29, 2008 Requires the court to set a noticed hearing for any jurisdictionally adequate application for an ex parte Domestic Violence Prevention Act (DVPA) order that is denied, and to state the reasons for the denial in its order. Requires the Judicial Council to adopt new forms to implement this provision by January 1, 2010. Allows the petitioner to waive his or her right to a noticed hearing, and to refile a new petition without prejudice at a later time.	No position	Author	Signed into law (Stats. 2008, ch. 263)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 2, 2008
AB 2609 (June Clark)	AB 2609 (Davis) – Vandalism: penalties: community service As amended June 10, 2008 Requires, when appropriate and feasible, that a court order defendant convicted of vandalism to clean up, repair, and replace the damaged property or keep the damaged property or another property in the community free of graffiti for up to one year.	Oppose unless amended; inflexible and potentially infeasible. Update: ***As amended June 10, 2008*** ***Neutral***	City of Los Angeles	Signed into law (Stats. 2008, ch. 209)
AB 2736 (Tracy Kenny)	AB 2736 (Cook) – Indian children: parental rights As amended May 6, 2008 Provides an additional exception to the termination of parental rights for parents of Indian children who have been adjudicated as dependents of the court to allow the parents, Indian custodian, extended family member, or tribe to place the Indian child for customary adoption, as defined. Provides that once the tribe elects customary adoption and the court makes its finding not to terminate parental rights, the tribe has 120 days to file a customary adoption order that will set forth the legal rights and responsibilities of the birth and adoptive parents. Requires the court to set an adoption hearing and enter the customary adoption order filed by the tribe, unless the court finds, by clear and convincing evidence, that entry would be detrimental to the child. Adds a sunset date of January 1, 2012, and requires a report by the Judicial Council.	Oppose unless amended Update: ***As amended May 6, 2008*** ***Neutral***	Soboba Band of Luiseno Indians	Dead
AB 2846 (Daniel Pone)	AB 2846 (Feuer) – Common interest developments: assessments As amended June 19, 2008 Provides, among other things, that if a dispute exists between the owner of a separate interest and a homeowners' association regarding any disputed charge or sum levied by the association, and the amount in dispute does not exceed the jurisdictional limits of the small claims court, the owner of the separate interest may pay under protest the disputed amount and all other amounts levied, including certain fees, costs, and other specified amounts, and commence an action in small claims court.	Support	California Association of Retired Americans	Signed into law (Stats. 2008, ch. 502)
AB 2884 (Donna Hershkowitz)	AB 2884 (Portantino) – Court reporters: rough draft transcript As amended June 18, 2008 Treats "real time" transcripts (referred to in the legislation as "the instant visual display of testimony") in the same manner as rough draft transcripts by providing that real time transcripts cannot be used, cited, or transcribed as the official certified transcript, and cannot be used or cited to rebut or contradict the official certified transcript. ***UPDATE: As amended August 19, 2008*** ***Replaced the contents of the bill with provisions unrelated to the courts.***	Support Update: ***As amended August 19, 2008*** ***No position***	California Court Reporters Association	Dead

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 2, 2008
AB 3050 (Janus Norman)	AB 3050 (Jones) – Legal aid: court interpreters: appearances by telephone As amended July 2, 2008 Among other things, requires the Judicial Council to develop a model pilot program in one or more trial courts to provide an interpreter in any civil matter, including family law and probate, or in any court-ordered or court-provided alternative dispute resolution. Provides that the selection of sites for participation in the pilot shall be through a competitive grant process, and identifies a selection committee, including stakeholder groups outside the judicial branch, responsible for selecting the site(s) based on the requests for proposals submitted and several specified considerations. Specifies a priority order by case type and litigant (indigent, pro se, nonindigent, represented) for when an interpreter will be provided if there are insufficient interpreters or funding available. Requires the Judicial Council to conduct a study of the need for interpreters in civil proceedings. ***UPDATE: As amended August 21, 2008*** ***Requires the Judicial Council to establish a working group to identify and develop best practices to expand the use of interpreters in civil proceedings. Requires the Judicial Council to implement a pilot project to provide interpreters in civil proceedings, in up to five courts, to implement the best practices identified by the working group. Requires that the Judicial Council enter into one or more master agreements to provide uniform fees for telephonic appearances in civil cases and provides that funding from this source will support the interpreter pilot project.***	Support in concept, if funded Update: ***As amended August 21, 2008 Sponsor; no position on legal aid provisions***	Author Author and Judicial Council	Vetoed
AB 3051 (Tracy Kenny)	AB 3051 (Jones) – Dependent children: court appearances As amended June 18, 2008 States the intent of the Legislature that children who wish to attend their dependency hearings be given the opportunity to do so, that hearings be calendared to accommodate their schedules, and that courts promote communication with and the participation of children in their hearings. Also states the intent of the Legislature that the Administrative Office of the Courts help promote these objectives. Requires a juvenile dependency court to allow a child who is the subject of a proceeding and is present in court to address the court and participate in the hearing. Requires the court to determine whether a child age 10 or older who is not present was given an opportunity to attend the hearing. If the court finds that the child was not given an opportunity to attend, but wishes to be present, requires the court to continue the hearing for the period necessary to secure the attendance of the child, unless the court finds that it is not in the best interest of the child to attend the hearing. Provides also that the court may make any orders reasonably necessary to ensure that the child has an opportunity to attend. Clarifies probate law concerning administration of funds for specified minors.	Support	Author	Signed into law (Stats. 2008, ch. 166)
AB 3052 (Janus Norman)	AB 3052 (Jones) – Court facilities As amended June 16, 2008 Revises and recasts the provisions governing the Judicial Council's authority to utilize Performance Based Infrastructure project delivery methods for transferred court facilities by outlining the process the council would undertake to develop performance expectations for new courthouse construction proposals and clarifying the oversight role of the Department of Finance.	Sponsor	Judicial Council	Vetoed

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 2, 2008
SB 1150 (Donna Hershkowitz)	SB 1150 (Corbett) – Courts: judgeships As amended April 2, 2008 Authorizes the creation of an unspecified number of judgeships, upon appropriation in fiscal year 2009-10, to be allocated pursuant to the criteria approved by the Judicial Council.	Sponsor	Judicial Council	Dead
SB 1233 (Tracy Kenny/Franz Braun)	SB 1233 (Harman) – Child custody As amended April 1, 2008 Extends until January 1, 2013, the authority of the family court to order a person seeking custody or visitation of a child to undergo testing for drug or alcohol abuse in specified circumstances. ***UPDATE: As amended May 8, 2008*** ***Replaced the content of the bill with provisions unrelated to the courts. Prior contents moved to SB 1255.***	Support Update: ***As amended May 8, 2008*** ***No position***		Signed into law (Stats. 2008, ch. 349)
SB 1255 (Tracy Kenny)	SB 1255 (Harman) – Child custody As amended May 5, 2008 Extends until January 1, 2013, the authority of the family court to order a person seeking custody or visitation of a child to undergo testing for drug or alcohol abuse in specified circumstances.	Support	California Judges Association	Signed into law (Stats. 2008, ch. 57)
SB 1264 (Daniel Pone)	SB 1264 (Harman) – Wills and trusts: no contest clauses As amended June 18, 2008 Beginning January 1, 2010, revises, recasts, and clarifies the law governing no contest clauses in wills and trust instruments. Limits the enforceability of no contest clauses to direct contests brought without reasonable cause, transfers of property, or creditor claims as specified. Defines direct contest and probable cause for these purposes. Eliminates the provisions regarding the authority of a beneficiary to apply to a court for a determination regarding a no contest clause.	Support	California Law Revision Commission	Signed into law (Stats. 2008, ch. 174)
SB 1407 (Curtis Child/Henry Sepulveda)	SB 1407 (Perata) – Court facilities: financing As amended August 29, 2008 Authorizes program that will issue up to $5 billion in lease-revenue bonds to fund the construction, rehabilitation, renovation, and replacement of court facilities. Increases civil and probate filing fees and criminal and traffic fees and penalties to generate the revenue to fund debt service on the future issuance of bonds. States legislative intent for a 3-year moratorium on increases in civil filing fees.	Sponsor	Judicial Council	Signed into law (Stats. 2008, ch. 311)
SB 1432 (Daniel Pone)	SB 1432 (Margett) – Contractors: small claims As amended May 6, 2008 Among other things, increases the jurisdiction of the small claims court from $4,000 to $6,500 for any action brought by a natural person against a defendant guarantor that charges a fee for its guarantor or surety services.	Support	Contractors State License Board	Signed into law (Stats. 2008, ch. 157)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 2, 2008
SB 1608 (Daniel Pone)	SB 1608 (Corbett, Harman, Steinberg, Runner, and Calderon) – Disabled persons: equal access rights: civil actions As amended August 12, 2008 Requires a court, in civil actions involving construction-related accessibility claims, to issue an order that, among other things, grants a 90-day stay of the proceedings with respect to such claims, schedules a mandatory early evaluation conference (EEC), and directs the defendant to file with the court under seal and serve on the plaintiff a copy of any relevant certified access specialist (CASp) report, which shall be subject to a protective court order if the defendant has satisfied certain requirements relating to the CASP inspection of the site at issue. Provides that the court must schedule an EEC between 21 and 50 days after issuance of the stay order, and requires that EECs be conducted by a superior court judge or commissioner, or a court early evaluation conference officer, as defined. Requires the Judicial Council to develop various forms and notices and to post them on its public website in order to implement the bill's provisions.	Oppose unless amended; neutral if amended. Update: ***As amended July 2, 2008*** ***Neutral***	Authors	Signed into law (Stats. 2008, ch. 549)
SB 1630 (Daniel Pone)	SB 1630 (Corbett) – Civil actions: place of trial As amended April 1, 2008 Provides that the Judicial Council, in consultation with superior court presiding judges, court executive officers, representatives of plaintiff attorney and defense attorney organizations, and the State Bar, shall adopt a rule of court setting forth a process for promptly transferring venue of a civil case for trial when the court in which the action or proceeding has been filed has a significant backlog of civil trials, and the backlog is attributable to the documented need for judicial officers in that court or other special circumstances that impact the ability of the court to conduct trials in civil actions.	No position. PCLC ratified the agreement reached between the AOC, the Riverside County Superior Court, and the sponsor, to address civil case backlog, in exchange for which the author dropped the bill.	Consumer Attorneys of California	Dead

Appendix

Status of 2008 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of October 2, 2008
AB 926 (Daniel Pone)	AB 926 (Evans) – Civil discovery: electronic discovery As amended July 2, 2008 Among other things, adds definitions of "electronic" and "electronically stored information" to the Civil Discovery Act. Amends the act to expressly authorize the discovery of electronically stored information, and authorizes the "copying, testing or sampling" of such information. Allows a party to specify the form in which electronically stored information is to be produced, and if no form is specified, the responding party must produce the information in the form or forms in which it is ordinarily maintained or in a form that is reasonably usable. Establishes procedures for motions to compel and motions for protective orders relating to the discovery of electronically stored information. Sets forth a procedure for handling disputes over the production of electronically stored information that is subject to claims of privilege or attorney work-product protection.	Judicial Council and California Defense Counsel and Consumer Attorneys of California	Vetoed
AB 1491 (Donna Hershkowitz)	AB 1491 (Jones) – Court facilities As amended March 3, 2008 Revives and extends until December 31, 2009, the deadline for the transfer of court facilities from county to state governance, under the direction of the Judicial Council. Clarifies that the county and the AOC may transfer multiple court facilities within the county under a single transfer agreement. Takes effect immediately as an urgency statute.	Judicial Council and California State Association of Counties	Signed into law (Stats. 2008, ch. 9)
AB 1826 (Henry Sepulveda)	AB 1826 (Beall) – Seized property: fees As amended May 6, 2008 Clarifies that the filing fee for filing an action seeking return of seized property in connection with controlled substance offenses is the first paper filing fee for unlimited civil cases.	Judicial Council	Signed into law (Stats. 2008, ch. 214)

Appendix

Status of 2008 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of October 2, 2008
AB 1873 (Daniel Pone)	AB 1873 (Lieu) – Courts As amended July 2, 2008 Clarifies that a court is authorized to charge the same fees for post-judgment motions related to the enforcement of a small claims judgment as a court charges for the enforcement of a regular civil judgment. Authorizes a court to charge and collect a nonrefundable postponement fee of $10 from either party who makes more than one *pre-service* request to postpone a small claims trial. Provides that this fee would only be assessed after a party has already been granted one prior postponement. Also clarifies the membership of the Court Interpreters Advisory Panel and the court's authority to seek reimbursement for the costs of dependency counsel provided.	Judicial Council	Vetoed
AB 1876 (Donna Hershkowitz/ Henry Sepulveda)	AB 1876 (de León) – Superior court security As amended April 21, 2008 Improves the accountability of court security services in the trial courts. Requires a standardized MOU for contracting for security services between the court and the sheriff, and requires quarterly reporting to the court and the Administrative Office of the Courts of security services and expenditures.	Judicial Council and California State Sheriffs' Association	Dead
AB 1949 (Franz Braun/Daniel Pone)	AB 1949 (Evans) – Court operations As amended June 17, 2008 Makes several technical and clarifying changes to improve court operations. Among other things, updates the law on trial preferences to remove obsolete references, and provides additional time for the Judicial Council's processing of local court rules; clarifies the definition of a subordinate judicial officer (SJO) and the law governing court commissioner relocation costs; clarifies the law pertaining to the payment of civil jury fees and jury deposits by governmental entities; and redirects specified assessments for night/weekend court fees to the Trial Court Trust Fund. It also corrects the chart contained in Government Code 7600 Subdivision (e) to correctly reflect that Madera County is authorized to continue collecting $7.00 rather then $4.50.	Judicial Council	Signed into law (Stats. 2008, ch. 218)

Appendix

Status of 2008 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of October 2, 2008
AB 2448 (Tracy Kenny)	AB 2448 (Feuer) – Courts: access to justice As amended June 16, 2008 Revises and redrafts the existing statute governing court fee waivers to ensure that indigent litigants have an opportunity to access the courts in a timely manner, and to provide for recovery of those fees in appropriate cases. Requires that waived fees be added to most judgments in favor of a fee waiver recipient. Places a lien on settlement proceeds of $10,000 or more if the party receiving the settlement obtained a fee waiver. Adds specified public benefit programs to the existing list that entitles a party to an automatic fee waiver.	Judicial Council	Signed into law (Stats. 2008, ch. 462)
AB 3050 (Janus Norman)	AB 3050 (Jones) – Legal aid: court interpreters As amended August 21, 2008 Requires the Judicial Council to establish a working group to identify and develop best practices to expand the use of interpreters in civil proceedings. Requires the Judicial Council to implement a pilot project to provide interpreters in civil proceedings, in up to five courts, to implement the best practices identified by the working group. Requires that the Judicial Council enter into one or more master agreements to provide uniform fees for telephonic appearances in civil cases and provides that funding from this source will support the interpreter pilot project.	Author and Judicial Council	Vetoed
AB 3052 (Janus Norman)	AB 3052 (Jones) – Court facilities As amended June 16, 2008 Revises and recasts the provisions governing the Judicial Council's authority to utilize Performance Based Infrastructure project delivery methods for transferred court facilities by outlining the process the council would undertake to develop performance expectations for new courthouse construction proposals and clarifying the oversight role of the Department of Finance.	Judicial Council	Vetoed
SB 1150 (Donna Hershkowitz)	SB 1150 (Corbett) – Courts: judgeships As amended April 2, 2008 Authorizes the creation of an unspecified number of judgeships, upon appropriation in fiscal year 2009-10, to be allocated pursuant to the criteria approved by the Judicial Council.	Judicial Council	Dead

Appendix

Status of 2008 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of October 2, 2008
SB 1407 (Curtis Child/Henry Sepulveda)	SB 1407 (Perata) – Court facilities: financing As amended August 29, 2008 Authorizes program that will issue up to $5 billion in lease-revenue bonds to fund the construction, rehabilitation, renovation, and replacement of court facilities. Increases civil and probate filing fees and criminal and traffic fees and penalties to generate the revenue to fund debt service on the future issuance of bonds. States legislative intent for a 3-year moratorium on increases in civil filing fees.	Judicial Council	Signed into law (Stats. 2008, ch. 311)