



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

May 6, 2009

Hon. Kevin de Leon, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 1338 (Anderson) as amended April 28, 2009 - Fiscal Impact Statement

Dear Assembly Member de Leon:

AB 1338 authorizes a superior court, with the concurrence of the local District Attorney and Public Defender, to establish an arraignment court with extended hours of operation.

While AB 1338 does not require a superior court to create an extended-hour arraignment court, establishing such a program would have potentially significant fiscal impact on such a court. Given (1) existing trial court budget constraints, (2) court staff position vacancies to absorb those constraints; (3) existing caseload backlog, and (4) an insufficient number of judges to meet current demands, such a new arraignment court could not be implemented without diverting existing trial court resources, or increasing funding to the trial courts for this purpose.

To offer extended hours to conduct an arraignment court, a court would need to either: (1) divert existing court staff and resources from current assignments and services (exacerbating existing backlogs in case processing); (2) incur additional costs to cover increased facilities operation costs, mandatory security, and overtime compensation for court staff assigned to extended hours (subject to current labor agreements governing overtime assignments); or (3) hire more court staff to assign to the extended court hours. The magnitude of the increased court operating costs

Hon. Kevin de Leon

May 6, 2009

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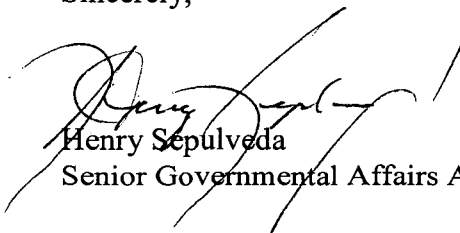
for the conditions described in (2) and (3) above, is unknown and would be determined by the size and scope of the arraignment court established by the superior court.

Because of the variation in local trial court costs affecting overtime staff compensation, uncertainties regarding the availability of staff to re-direct to extended court hours, and uncertainties regarding the additional facilities costs associated with extended hours, the increased costs related to offering extended hours cannot be ascertained in advance. (For general scoping purposes, if one court were to conduct an extended-hours arraignment calendar one half-day per month, the increased cost to that one court would be conservatively estimated at \$4,000-5,000/half day.) At this rate, the annualized added cost to that one court would be \$48,000 – 60,000.

According to a 2008 survey published by the Correctional Standards Authority, seventeen counties currently face population caps on jail populations. To the extent local courts in those seventeen jurisdictions opt to utilize AB 1338 as a means to relieve overcrowding in county jails, the Judicial Council would need to secure up to \$1 million in additional funding in 2009-10 to accommodate the extended court hours.

Please contact me at 916-323-3121 or henry.sepulveda@jud.ca.gov if you would like further information or have any questions about the fiscal impact of this legislation on the judicial branch.

Sincerely,



Henry Sepulveda
Senior Governmental Affairs Analyst

HS/yt

cc: Mr. David Yow, Legislative Director, Office of Assembly Member Joel Anderson
Mr. Chuck Nicol, Principal Consultant, Assembly Appropriations Committee
Mr. Allan Cooper, Consultant, Senate Republican Office of Policy
Ms. Teresa Calvert, Budget Analyst, Department of Finance



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April 16, 2009

Hon. Jose Solorio, Chair
Assembly Public Safety Committee
State Capitol, Room 2196
Sacramento, California 95814

Subject: AB 1338, as introduced - Oppose unless clarified and funded
Hearing: Assembly Public Safety Committee – April 21, 2009

Dear Assembly Member Solorio:

The Judicial Council opposes AB 1338, which authorizes the presiding judge of the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender, to establish and conduct an arraignment court program. The bill also authorizes the presiding judge of the superior court to establish extended hours for the operation of an arraignment court program, and would require the proceeds of any pecuniary orders issued during those extended hours to be distributed by the court among the participating prosecutorial, defense, probation, and arresting agencies. The council opposes AB 1338 unless additional resources are provided for judges, court staff, courtroom security, and facilities costs.

There is nothing in current law that prevents a court from remaining open past normal business hours. In fact, arraignment calendars already typically extend well past 5:00 p.m. in order to process arrestees within the statutory timeframe. With that being the case, the purpose of AB 1338 is unclear.

Hon. Jose Solorio

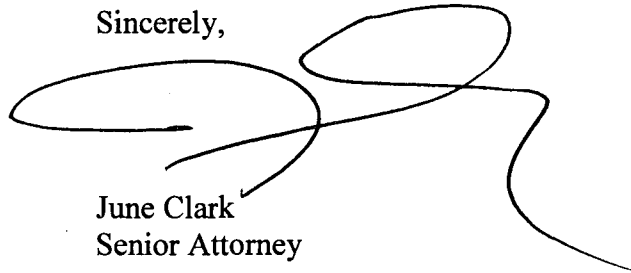
April 16, 2009

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In addition, the language regarding distribution of proceeds is exceedingly confusing. On page 2, line 9, AB 1338 requires the proceeds of "any pecuniary orders issued during those extended hours to be distributed by the court among the participating ...agencies..." It is unknown what "pecuniary orders" would be issued during arraignment, and it is unclear how such orders, if they exist would be disbursed and how that might differ from any priority order for disbursements under current law. Absent information describing a statewide need and purpose, the council opposes AB 1338 unless clarifying information is obtained.

For these reasons, the Judicial Council opposes AB 1338.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a long, sweeping tail that extends to the right.

June Clark
Senior Attorney

JC/yt

cc: Members, Assembly Public Safety Committee

Hon. Joel Anderson, Member of the Assembly

Ms. Nicole Hanson, Counsel, Assembly Public Safety Committee

Mr. Michael Prosio, Legislative Affairs Secretary, Office of the Governor

Ms. Kirsten Kolpitzke, Deputy Director of Legislation, Governor's Office of Planning and Research

Mr. Gary Olson, Consultant, Assembly Republican Office of Policy



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April 8, 2009

Hon. Joel Anderson
Member of the Assembly
State Capitol, Room 2012
Sacramento, California 95814

Subject: AB 1338 (Anderson), as introduced – Oppose unless clarified and funded

Dear Assembly Member Anderson:

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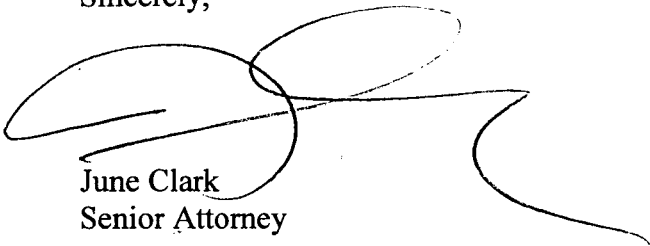
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