



Judicial Council of California

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April 1, 2009

Hon. Mike Feuer, Chair
Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, California 95814

Subject: AB 273 (Anderson), as introduced – Oppose
Hearing: Assembly Judiciary Committee – April 14, 2009

Dear Assembly Member Feuer:

The Judicial Council is opposed to AB 273, which eliminates the discretion of a Superior Court to determine whether to submit a debtor to the Franchise Tax Board's Court-Order Debt Collection Program.

The enforcement of court orders is recognized as an important element of collection efforts. The prompt, efficient, and effective collection of court-ordered fees, fines, forfeitures, penalties and assessments ensures the appropriate respect for court orders. The council has sponsored three bills to establish guidelines and standards for a statewide comprehensive program for the enhanced collection of fines, fees and penalties imposed by court order.

In 2003, the council sponsored SB 940 (Stats. 2003, ch. 275), which required the council to form the Collaborative Court-County Working Group to assist the council in the adoption of guidelines for a comprehensive collection program. SB 940 also authorized courts and counties

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to create collaborative collection programs to implement the council's guidelines. The council built upon SB 940 by sponsoring SB 246 (Stats. 2004, ch. 380) authorizing a superior court to submit claims to the Franchise Tax Board and revising the components of county-court comprehensive programs to collect court-ordered debt. Lastly, the council sponsored AB 367 (Stats 2007, ch. 132) which, among other things, required the development of performance measures and benchmarks to review the effectiveness of the cooperative superior court and county collection programs.

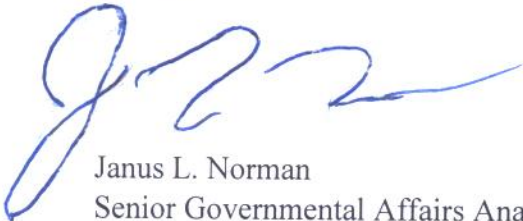
Assembly Bill 273 runs counter to the policy direction established by the Judicial Council. The underlying aim of the council's effort to create guidelines and standards for the collection of court-ordered debt was to encourage uniformity and standardization of collection efforts based on accepted best practices. In contrast, AB 273 would create separate standards and requirements for court collection programs and county collection programs.

Secondly, AB 273 would reduce the effectiveness of the Franchise Tax Board's court-ordered debt program by requiring the program to focus on debts that are less than \$100. Requiring the Board to re-focus their efforts on minimal amounts is an ineffective use of existing state resources.

For this reason, the Judicial Council opposes AB 273.

Please contact me at (916) 323-3121 or janus.norman@jud.ca.gov, if you have any questions.

Sincerely,



Janus L. Norman

Senior Governmental Affairs Analyst

JLN/ljb

cc: Members, Assembly Judiciary Committee

Hon. Joel Anderson, Member of the Assembly

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

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