



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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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

KATHLEEN T. HOWARD
Director, Office of Governmental Affairs

April 12, 2007

Hon. Dave Jones, Chair
Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, California 95814

Subject: AB 1248 (Evans), as amended April 11, 2007 - Sponsor
Hearing: Assembly Judiciary Committee – April 17, 2007

Dear Assembly Member Jones:

AB 1248 is sponsored by the Judicial Council and makes several technical and clarifying changes to court filing fees, makes a technical change to the court records statute, changes the frequency of a report that the Judicial Council submits to the Legislature, removes the cap on habeas investigation costs paid by the Supreme Court, allows staff of the Administrative Office of the Courts to staff a non-profit organization created by the Judicial Council, allows the courts to charge the current “night court assessment” for court sessions held on weekends, allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, and requires the Judicial Council to establish a travel policy for the judicial branch.

Background on filing fee changes: The Uniform Civil Fees (UCF) and Standard Fee Schedule Act of 2005 took effect on January 1, 2006. The new fee structure streamlined and simplified the civil fees collected by the courts by rolling the previously varied surcharges and add-on fees into one filing fee. As the courts have implemented the UCF, several technical errors have been identified as well as other issues that need clarification in the Act. AB 1248 makes technical and clarifying amendments to the UCF and clarifies when certain fees that were not part of the UCF should be charged.

Hon. Dave Jones, Chair
April 12, 2007
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The changes included in AB 1248 are non-controversial and will improve the administration of justice in California.

For these reasons, the Judicial Council requests your "aye" vote on AB 1248.

Sincerely,



Eraina Ortega
Manager

EO/lb

cc: Members, Assembly Judiciary Committee
Hon. Noreen Evans, Member of the Assembly
Mr. Anthony Lew, Consultant, Assembly Judiciary Committee
Mr. Eric Csizmar, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Acting Director of Legislation, Office of Planning and Research



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June 14, 2007

Hon. Ellen M. Corbett, Chair
Senate Judiciary Committee
State Capitol, Room 3092
Sacramento, California 95814

Subject: AB 1248 (Evans), as amended April 30, 2007 - Sponsor
Hearing: Senate Judiciary Committee – June 26, 2007

Dear Senator Corbett:

AB 1248 is sponsored by the Judicial Council and makes several technical and clarifying changes to court filing fees, makes a technical change to the court records statute, changes the frequency of a report that the Judicial Council submits to the Legislature, removes the cap on habeas investigation costs paid by the Supreme Court, allows staff of the Administrative Office of the Courts to staff a non-profit organization created by the Judicial Council, allows the courts to charge the current "night court assessment" for court sessions held on weekends, allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, and requires the Judicial Council to establish a travel policy for the judicial branch.

Proposed amendments clarify various code sections related to the calculation of penalty assessments imposed on fines for criminal defendants. The proposed legislation would clarify the statutes so that the plain language of the statutes would conform to the current understanding and practice of how the fines and penalties are imposed by the courts.

Hon. Ellen M. Corbett, Chair

June 14, 2007

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There is no opposition to AB 1248 and we ask for your "aye" vote on this non-controversial bill.

Sincerely,



Eraina Ortega
Manager

EO/lb

cc: Members, Senate Judiciary Committee
Hon. Noreen Evans, Member of the Assembly
Mr. Eric Csizmar, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Acting Director of Legislation, Office of Planning and Research
Mr. Benjamin Palmer, Consultant, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy



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Director, Office of Governmental Affairs

September 18, 2007

Hon. Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, California 95814

Subject: AB 1248 (Evans) – Request for Signature

Dear Governor Schwarzenegger:

Assembly Bill 1248 is sponsored by the Judicial Council and, among other things, makes several technical and clarifying changes to court filing fees, makes a technical change to the court records statute, changes the frequency of a report that the Judicial Council submits to the Legislature, removes the cap on habeas investigation costs paid by the Supreme Court, allows staff of the Administrative Office of the Courts to staff a non-profit organization created by the Judicial Council, allows the courts to charge the current "night court assessment" for court sessions held on weekends, allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, and requires the Judicial Council to establish a travel policy for the judicial branch.

The key provisions of AB 1248 are:

- AB 1248 increases the cap on habeas corpus investigation costs paid by the Supreme Court to private counsel representing death row inmates in their habeas corpus proceedings to \$50,000. The current \$25,000 cap has not changed since 1997, while the rates paid to investigators have increased by as much as 150

percent. Investigation costs are often cited by private counsel as a reason they will not take these already difficult cases. There are 85 individuals on death row without counsel for either the direct appeal or the habeas appeal and another 197 have appellate counsel but not habeas counsel. The Supreme Court believes this change will improve the recruitment efforts for these cases.

- AB 1248 authorizes staff of the Administrative Office of the Courts to staff a non-profit organization. Existing law authorizes the Judicial Council to establish a non-profit organization, but it does not specify whether the staff of the Administrative Office of the Courts as staff to the Judicial Council can also staff the non-profit. The proposed amendments will explicitly allow the staff of the Administrative Office of the Courts to staff the non-profit and perform activities such as clerical and accounting work as well as legal assistance in the establishment of the non-profit charter. The establishment of the non-profit will allow the Judicial Council to seek grants for studies and programs that they may not otherwise be eligible for.

We worked closely with the Legislature to craft amendments that will ensure the staff will only perform duties that are consistent with their status as governmental employees and within the current limitations and practices of public employment.

- AB 1248 allows court clerks to accept bail forfeiture in installments for traffic infractions. As fines, penalties, and fees have increased for traffic infractions, defendants in traffic cases are more likely to ignore courtesy notices about traffic citations and not show up to court as promised in the notice to appear citation because they are concerned about the ability to pay the total amount. Under current law, a defendant must appear before a judge in order to forfeit bail and establish installment payments on the fine unless the defendant has failed to appear or failed to pay on time, in which case he or she is eligible for installment payments without appearing before a judge. This proposal would allow the defendant to set up installment payments prior to the case becoming delinquent and without appearing before a judge. This will save defendants and the courts from using valuable court time and encourage defendants to pay their fines in installments if they cannot pay the total bail at once.
- Allows the courts to hold a weekend court session and to charge the current "night court assessment" for court sessions held on weekends. The assessment for night court was intended to offset the costs of holding court outside of regular business hours. At least one court would like to hold a Saturday court session which is consistent with the spirit of the existing night court assessment. This proposal would allow the \$1 assessment to be charged when either night or Saturday court is held. This is not a charge to an individual for accessing night or Saturday court, in counties where these special sessions are held, all defendants (including traffic offenders) are assessed the \$1.

Hon. Arnold Schwarzenegger


September 18, 2007

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There is no opposition to AB 1248 and the bill received considerable bi-partisan support.

For these reasons, the Judicial Council requests your signature.

Sincerely,



Eraina Ortega
Manager

EO/lb

cc: Hon. Noreen Evans, Member of the Assembly
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Legislative Director, Office of Planning & Research