



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

June 23, 2008

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

Subject: SB 1407 (Perata), as amended June 18, 2008 – Sponsor
Hearing: Assembly Judiciary Committee – June 24, 2008

Dear Assembly Member Jones:

The Judicial Council is pleased to sponsor SB 1407, which authorizes the issuance of up to \$5 billion in lease revenue bonds to support a capital outlay program for the renovation, rehabilitation, and replacement of California's courthouses. SB 1407 proposes a combination of increases to filing fees for civil and probate cases, and increases to assessments on criminal convictions, traffic infractions and violator school fees, and parking tickets to support debt service payments on the issued bonds. The total additional annual revenues anticipated from these increases is estimated to be nearly \$300 million.

With the passage of the Trial Court Facilities Act of 2002, and the enactment of AB 1491 (Stats. 2008, ch. 9) the state is now completing the process of taking responsibility for all of California's courthouses. Many buildings that house California's courts are antiquated and in a critical state of disrepair. Outdated designs (e.g., no private hallways for transportation of in-custody defendants) have created dangerous conditions that place children, jurors, witnesses, litigants, visitors, and court employees at risk. Ninety percent of court facilities need improvements to provide for:

- Safe and sufficient juror assembly space, courtrooms, and deliberation rooms;
- Access for the disabled in accordance with the Americans with Disabilities Act (ADA);
- Protection of all parties in family law disputes;
- Separation of victims, defendants, witnesses, and families in criminal cases;
- Protection of children involved in custody, dependency, criminal, and civil cases;
- Separate and secured hallways to protect both defendants' right to a fair trial, and the safety of witnesses and members of the public, and judicial officers and court staff.

Without the necessary improvements in physical infrastructure, we risk losing the ability to safely and effectively carry out justice.

The Judicial Council has developed a comprehensive plan for replacing and renovating the courthouses that no longer safely and effectively serve the needs of their community. The Trial Court Capital-Outlay Plan—which is organized into five priority groups—identifies 152 projects. Of these, 68 projects are Immediate and Critical Need projects, representing the branch's top priority for infrastructure improvement. As of April 2008, the Judicial Council has approved 12 of these projects for submission to the executive and legislative branches for immediate funding, but no current funding is available for these projects. There are an additional 56 Immediate and Critical Need projects currently without an identified funding source.

SB 1407 anticipates the sale of up to \$5 billion in lease-revenue bonds issued by the State Public Works Board to finance the construction of approximately 40 major capital projects.

To support pre-construction costs as well as the debt service on the issued bonds, SB 1407 proposes to generate new revenue by raising certain filing fees, specified criminal fines and penalties and parking violation penalties. These new revenues will support the pre-construction phase costs of capital-outlay projects and the cost of facility modifications to courthouses for which the State is responsible, and to finance the construction costs of capital-outlay projects.

The specific fee and fine increases identified in the bill include: up to an additional \$35 increase in civil first paper filing fees; a \$30-35 increase on criminal conviction fees; a \$3 increase in the existing court construction parking ticket penalty; a \$25 increase in the traffic violator school fee; increases in various probate filings; and a \$15 increase in the proof-of-traffic-corrections fee.

SB 1407 will provide the resources to start the crucial renovation and construction of the most immediate and critical need courthouses in California without committing any state General Fund to these projects. While increasing fees and fines for court users is not the most ideal source of revenue for courthouse construction, in these times of significant fiscal constraints it is a responsible and necessary approach to assuring safe and accessible courthouses and strengthening the infrastructure of the state.

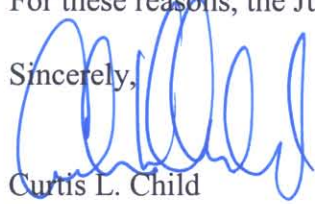
Hon. Dave Jones

June 23, 2008

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For these reasons, the Judicial Council requests your "aye" vote on SB 1407.

Sincerely,



Curtis L. Child
Director

CLC/HS/yt

cc: Members, Assembly Judiciary Committee
Hon. Don Perata, President Pro Tempore of the Senate
Mr. Drew Liebert, Chief Counsel, Assembly Judiciary Committee
Ms. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research
Mr. Mark Redmond, Consultant, Assembly Republican Office of Policy



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CURTIS L. CHILD
Director, Office of Governmental Affairs

June 23, 2008

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

Subject: SB 1407 (Perata), as amended June 18, 2008 – Sponsor
Hearing: Assembly Public Safety Committee – June 26, 2008

Dear Assembly Member Solorio:

The Judicial Council is pleased to sponsor SB 1407, which authorizes the issuance of up to \$5 billion in lease revenue bonds to support a capital outlay program for the renovation, rehabilitation, and replacement of California's courthouses. SB 1407 proposes a combination of increases to filing fees for civil and probate cases, and increases to assessments on criminal convictions, traffic infractions and violator school fees, and parking tickets to support debt service payments on the issued bonds. The total additional annual revenues anticipated from these increases is estimated to be nearly \$300 million.

With the passage of the Trial Court Facilities Act of 2002, and the enactment of AB 1491 (Stats. 2008, ch. 9) the state is now completing the process of taking responsibility for all of California's courthouses. Many buildings that house California's courts are antiquated and in a critical state of disrepair. Outdated designs (e.g., no private hallways for transportation of in-custody defendants) have created dangerous conditions that place children, jurors, witnesses, litigants, visitors, and court employees at risk. Ninety percent of court facilities need improvements to provide for:

- Safe and sufficient juror assembly space, courtrooms, and deliberation rooms;
- Access for the disabled in accordance with the Americans with Disabilities Act (ADA);
- Protection of all parties in family law disputes;
- Separation of victims, defendants, witnesses, and families in criminal cases;
- Protection of children involved in custody, dependency, criminal, and civil cases;
- Separate and secured hallways to protect both defendants' right to a fair trial, and the safety of witnesses and members of the public, and judicial officers and court staff.

Without the necessary improvements in physical infrastructure, we risk losing the ability to safely and effectively carry out justice.

The Judicial Council has developed a comprehensive plan for replacing and renovating the courthouses that no longer safely and effectively serve the needs of their community. The Trial Court Capital-Outlay Plan—which is organized into five priority groups—identifies 152 projects. Of these, 68 projects are Immediate and Critical Need projects, representing the branch's top priority for infrastructure improvement. As of April 2008, the Judicial Council has approved 12 of these projects for submission to the executive and legislative branches for immediate funding, but no current funding is available for these projects. There are an additional 56 Immediate and Critical Need projects currently without an identified funding source.

SB 1407 anticipates the sale of up to \$5 billion in lease-revenue bonds issued by the State Public Works Board to finance the construction of approximately 40 major capital projects.

To support pre-construction costs as well as the debt service on the issued bonds, SB 1407 proposes to generate new revenue by raising certain filing fees, specified criminal fines and penalties and parking violation penalties. These new revenues will support the pre-construction phase costs of capital-outlay projects and the cost of facility modifications to courthouses for which the State is responsible, and to finance the construction costs of capital-outlay projects.

The specific fee and fine increases identified in the bill include: up to an additional \$35 increase in civil first paper filing fees; a \$30-35 increase on criminal conviction fees; a \$3 increase in the existing court construction parking ticket penalty; a \$25 increase in the traffic violator school fee; increases in various probate filings; and a \$15 increase in the proof-of-traffic-corrections fee.

SB 1407 will provide the resources to start the crucial renovation and construction of the most immediate and critical need courthouses in California without committing any state General Fund to these projects. While increasing fees and fines for court users is not the most ideal source of revenue for courthouse construction, in these times of significant fiscal constraints it is a responsible and necessary approach to assuring safe and accessible courthouses and strengthening the infrastructure of the state.

Hon. Jose Solorio

June 23, 2008

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For these reasons, the Judicial Council requests your "aye" vote on SB 1407.

Sincerely,



Curtis L. Child
Director

CLC/HS/yt

cc: Members, Assembly Public Safety Committee
Hon. Don Perata, President Pro Tempore of the Senate
Ms. Kathleen Ragan, Counsel, Assembly Public Safety Committee
Ms. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy



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CURTIS L. CHILD
Director, Office of Governmental Affairs

July 29, 2008

Hon. Mark Leno, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: SB 1407 (Perata), as amended July 14, 2008 – Sponsor
Hearing: Assembly Appropriations Committee – August 7, 2008

Dear Assembly Member Leno:

The Judicial Council is pleased to sponsor SB 1407, which authorizes the issuance of up to \$5 billion in lease revenue bonds to support a capital outlay program for the renovation, rehabilitation, and replacement of California's courthouses. Senate Bill 1407 proposes a combination of increases to filing fees for civil and probate cases, and increases to assessments on criminal convictions, traffic infractions and violator school fees, and parking tickets to support debt service payments on the issued bonds. The total additional annual revenues anticipated from these increases is estimated to be nearly \$300 million.

With the passage of the Trial Court Facilities Act of 2002, and the enactment of AB 1491 (Stats. 2008, ch. 9), the state is now completing the process of taking responsibility for all of California's courthouses. Many buildings that house California's courts are antiquated and in a critical state of disrepair. Outdated designs (e.g., no private hallways for transportation of in-custody defendants) have created dangerous conditions that place children, jurors, witnesses, litigants, visitors, and court employees at risk. Ninety percent of court facilities need improvements to provide for:

- Safe and sufficient juror assembly space, courtrooms, and deliberation rooms;
- Access for the disabled in accordance with the Americans with Disabilities Act (ADA);
- Protection of all parties in family law disputes;
- Separation of victims, defendants, witnesses, and families in criminal cases;
- Protection of children involved in custody, dependency, criminal, and civil cases;
- Separate and secured hallways to protect both defendants' right to a fair trial, and the safety of witnesses and members of the public, and judicial officers and court staff.

Without the necessary improvements in physical infrastructure, we risk losing the ability to safely and effectively carry out justice.

The Judicial Council has developed a comprehensive plan for replacing and renovating the courthouses that no longer safely and effectively serve the needs of their community. The Trial Court Capital-Outlay Plan—which is organized into five priority groups—identifies 152 projects. Of these, 68 projects are Immediate and Critical Need projects, representing the branch's top priority for infrastructure improvement. As of April 2008, the Judicial Council has approved 12 of these projects for submission to the executive and legislative branches for immediate funding, but no current funding is available for these projects. There are an additional 56 Immediate and Critical Need projects currently without an identified funding source.

Senate Bill 1407 anticipates the sale of up to \$5 billion in lease-revenue bonds issued by the State Public Works Board to finance the construction of approximately 40 major capital projects. To support pre-construction costs as well as the debt service on the issued bonds, SB 1407 proposes to generate new revenue by raising certain filing fees, specified criminal fines and penalties and parking violation penalties. These new revenues will support the pre-construction phase costs of capital-outlay projects and the cost of facility modifications to courthouses for which the State is responsible, and to finance the construction costs of capital-outlay projects.

The specific fee and fine increases identified in the bill include: up to an additional \$30 increase in civil first paper filing fees; a \$30-35 increase on criminal conviction fees; a \$3 increase in the existing court construction parking ticket penalty; a \$25 increase in the traffic violator school fee; increases in various probate filings; a new \$250 filing fee for out-of-state attorneys petitioning to appear in California courts; and a \$15 increase in the proof-of-traffic-corrections fee.

Senate Bill 1407 will provide the resources to start the crucial renovation and construction of the most immediate and critical need courthouses in California without committing any state General Fund to these projects. While increasing fees and fines for court users is not the most ideal source of revenue for courthouse construction, in these times of significant fiscal constraints it is a responsible and necessary approach to assuring safe and accessible courthouses and strengthening the infrastructure of the state.

Hon. Mark Leno

July 29, 2008

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Senate Bill 1407 is drawing widespread support from the courts as well as other statewide organizations that rely on the court system. For your reference, we have enclosed a list of all the courts and organizations that have submitted letters of support for SB 1407.

The Judicial Council requests your "aye" vote on SB 1407.

Sincerely,



Curtis L. Child
Director

CLC/HS/yt/lb

cc: Members, Assembly Appropriations Committee
Hon. Don Perata, Senate President pro-Tempore
Mr. Geoff Long, Chief Consultant, Assembly Appropriations Committee
Mr. Chuck Nicol, Principal Consultant, Assembly Appropriations Committee
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research
Mr. Allan Cooper, Consultant, Assembly Republican Office of Policy



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July 30, 2008

To: Members, Assembly Appropriations Committee

For your reference, below is a list of all the courts and organizations that have submitted letters of support for Senate Bill 1407 (Perata) Court facilities: financing. Original, signed letters from the following entities had been mailed directly to the appropriate members.

- Superior Court of California, County of Alameda
- Superior Court of California, County of Butte
- Superior Court of California, County of El Dorado
- Superior Court of California, County of Fresno
- Superior Court of California, County of Imperial
- Superior Court of California, County of Kern
- Superior Court of California, County of Lake
- Superior Court of California, County of Los Angeles
- Superior Court of California, County of Mendocino
- Superior Court of California, County of Orange
- Superior Court of California, County of Sacramento
- Superior Court of California, County of San Benito
- Superior Court of California, County of San Bernardino
- Superior Court of California, County of San Diego
- Superior Court of California, County of San Joaquin
- Superior Court of California, County of Santa Clara
- Superior Court of California, County of Shasta
- Superior Court of California, County of Siskiyou
- Superior Court of California, County of Solano

- Superior Court of California, County of Stanislaus
- Superior Court of California, County of Sutter
- Superior Court of California, County of Tehama
- Superior Court of California, County of Ventura
- Superior Court of California, County of Yolo
- California Advocates, Inc.
- California Defense Counsel
- California Judges Association
- California State Association of Counties
- California Women Lawyers
- City of Long Beach
- Consumer Attorneys of California
- Governmental Advocates, Inc.
- Imperial County Department of Social Services
- Imperial County Office of Education
- Los Angeles County Bar Association
- Regional Council of Rural Counties
- City of San Jose
- San Fernando Valley Bar Association
- Santa Clara County Bar Association
- Santa Clara County Board of Supervisors
- State Bar of California
- Solano County Board of Supervisors
- Yolo County Board of Supervisors
- Yvonne Baner Law Office



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Administrative Office of the Courts

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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

September 9, 2008

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

Subject: Senate Bill 1407 (Perata) – Request for Signature

Dear Governor Schwarzenegger:

For the first 100 years of statehood, county court facilities stood—figuratively but often quite literally as well—at the center of civic life, monuments to the democratic ideals of early Californians. The court facility remains, now as then, a tangible symbol of the rule of law. It is a central point of contact between Californians and their government and is a key component in the administration of justice. The primary constitutional duty of the courts is to provide an accessible, fair, and impartial forum for the resolution of disputes. Court facilities are public resources that must be managed in the most effective way to serve the public. With the passage of the Trial Court Facilities Act of 2002 (Sen. Bill 1732 [Escutia]; Stats. 2002, ch. 1082), and the enactment of Assembly Bill 1491 (Stats. 2008, ch. 9), the state is now completing the process of taking responsibility for all of California's courthouses, the sites for the delivery of justice.

As you and I have had the opportunity to discuss on several occasions, California's courthouses are antiquated and in a critical state of disrepair. In many courthouses, outdated designs have created dangerous conditions that place children, jurors, witnesses, litigants, visitors, and court employees at risk. Many other courthouses are simply so old and in such poor condition from decades of use that renovation is not viable or cost effective. Still other courtrooms are scattered piecemeal, occupying former storefronts,

offices, or even temporary trailers. This tattered patchwork of facilities does not convey to the public our vital commitment to ensuring the safe and effective delivery of justice in all of California's communities. Indeed, we risk losing the ability to safely and effectively carry out justice if the very centers of delivery are dangerous and ill-suited to their purpose.

The state's court facilities require a renewed and continuing investment to ensure that they efficiently and effectively serve public safety and provide equal access to the law and the judicial system. Senate Bill 1407 is a substantial down payment toward these current critical needs. The bill authorizes the sale of up to \$5 billion in revenue bonds issued by the State Public Works Board to finance approximately 40 of the 68 courthouse projects identified as having the most immediate and critical need. The projects will occur throughout rural and urban centers across the state.

Unlike other recent infrastructure bonds, this bill combines increases in court filing fees for civil, family, and probate cases and increases to assessments on criminal convictions, traffic infractions and violator school fees, and parking tickets to support the debt service payments on the revenue bonds. In this way, primary users of the courts will support the costs for the capital outlay without impacting the state General Fund during these times of fiscal constraints. The bill precludes the use of *any* General Fund monies for the courthouse construction projects.

You also have reminded me on more than one occasion that a court infrastructure bond is important to not only the courts and the public that uses them, but to the state's overall economy as well. A construction program of the magnitude in this bill will generate many much-needed California jobs.

Senate Bill 1407 is sponsored by the Judicial Council, has received bipartisan support, and is supported by organizations such as the California Chamber of Commerce, California Judges Association, California State Sheriffs' Association, California State Association of Counties, Consumer Attorneys of California, California Defense Counsel, California State Bar, California District Attorneys Association, and numerous superior courts, local governments, and bar associations. All of these organizations recognize the crucial role that courts play in our society and the importance of ensuring that they are safe havens for the delivery of justice no matter how great or small the issues may be.

I would like to thank you for your ongoing support of the judicial branch and, importantly, your commitment to improving the long-neglected infrastructure of California. While SB 1407 does not meet the entirety of courthouse construction needs across the state, it is a strong start that will leave a lasting imprint on the value of the role of the judiciary for all of our citizens. Senate Bill 1407 truly represents an effective collaboration of the branches of California's government.

Hon. Arnold Schwarzenegger

September 9, 2008

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For these reasons, I respectfully request your signature on SB 1407.

Sincerely,

A handwritten signature in blue ink, reading "Ron George". The signature is fluid and cursive, with the first name "Ron" and last name "George" clearly distinguishable.

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

RMG/CLC/lb

cc: Hon. Don Perata, President pro Tempore of the Senate
Ms. Susan P. Kennedy, Chief of Staff, Office of the Governor
Mr. Chris Kahn, Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. William C. Vickrey, Administrative Director of the Courts
Mr. Ronald G. Overholt, AOC Chief Deputy Director
Mr. Curtis L. Child, Director, AOC Office of Governmental Affairs