JUDICIAL COUNCIL OF CALIFORNIA

JUDICIAL BRANCH BUDGET COMMITTEE

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JUDICIAL BRANCH BUDGET COMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))
THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS
THIS MEETING IS BEING RECORDED

Date:	December 7, 2022
Time:	3:00 p.m. to 4:00 p.m.
Public Videocast:	https://jcc.granicus.com/player/event/2124

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to JBBC@jud.ca.gov.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes
Approve minutes of the November 16, 2022, Judicial Branch Budget Committee meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to JBBC@jud.ca.gov attention: Angela Cowan. Only written comments received by 3:00 p.m. on Tuesday, December 6, 2022, will be provided to advisory body members prior to the start of the meeting.

III. Discussion and Possible Action Items (Items 1 - 2)

Item 1

Firearm Relinquishment Grant Program (Action Required)

Consideration of a Trial Court Budget Advisory Committee recommendation for a new methodology to allocate one-time funding included in the 2022 Budget Act to seven trial courts to support court-based firearm relinquishment programs.

Presenter(s)/Facilitator(s): Mr. Greg Tanaka, Supervising Attorney, Judicial Council Center for Families, Children & the Courts

Ms. Frances Ho, Attorney, Judicial Council Center for Families, Children & the Courts

IV. Adjournment

Adjourn

JUDICIAL BRANCH BUDGET COMMITTEE

MINUTES OF OPEN MEETING

November 16, 2022
1:30 p.m. to 3:30 p.m.
https://jcc.granicus.com/player/event/2073

Advisory Body Members Present:	Hon. David. M. Rubin, Chair; Hon. Carin T. Fujisaki, Hon. Brad R. Hill, Hon. Maria Lucy Armendariz, Hon. C. Todd Bottke, Hon. Harold W. Hopp, Ms. Rachel W. Hill, and Mr. David H. Yamasaki
Advisory Body Members Absent:	Hon. Ann Moorman, Vice Chair
Others Present:	Hon. Jonathan B. Conklin, Mr. John Wordlaw, Mr. Zlatko Theodorovic, Ms. Angela Cowan, Ms. Fran Mueller, Ms. Brandy Olivera, Mr. Don Will, Ms. Melanie Snider, Ms. Oksana Tuk, Mr. Douglas Denton, Ms. Anne Hadreas, and Ms. Melanie Snider

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 1:33 p.m. and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes from the September 21, 2022, Judicial Branch Budget Committee (Budget Committee) meeting.

DISCUSSION AND POSSIBLE ACTION ITEMS (ITEM 1-5)

Item 1 -Community Assistance, Recovery, and Empowerment (CARE) Act Allocation Methodology (Action Required)

Consideration of a Trial Court Budget Advisory Committee (TCBAC) recommendation for a new methodology for 2022-23 CARE Act allocations to trial courts.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Don Will, Deputy Director, Judicial Council Center for Families, Children & the Courts
Ms. Anne Hadreas, Supervising Attorney, Judicial Council Center for Families, Children & the Courts

Action: *The Budget Committee unanimously voted to approve the following TCBAC recommendation for consideration by the Judicial Council at its January 20, 2023 business meeting:*

1. Approve for the CARE Act Cohort One courts the 2022-23 scenario Allocation by Final Workload Allocation with 0.50 FTE base, displayed in columns K-M of Attachment 1A;

2. Approve the TCBAC to perform a reconciliation using CARE Act spending reports and court projections; and

3. Direct the Funding Methodology Subcommittee of the TCBAC to develop an allocation for CARE Act funding in 2023-24 and subsequent years.

Item 2- Model Self-Help Pilot Program Update (Action Required)

Consideration of a TCBAC recommendation for one-time funding allocations for the 2022- 23 Model Self Help Pilot Program.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Melanie Snider, Supervising Attorney, Judicial Council Center for Families, Children & the Courts

Action: *The Budget Committee unanimously voted to approve the following TCBAC recommendation for consideration by the Judicial Council at its December 2, 2022 meeting:*

Approve the proposed one-time funding allocations for the 2022-23 Model Self-Help Program – Technology as set forth below:

Court	Project	Amount
Lassen	Computers for the Self-Help Center	$5,000
Mendocino	Self-Help Center Remote Communication Coordination	6,758
Nevada	Computers for Remote Staff including Self-Help Staff	3,040
San Francisco	Computers for Self-Help Center staff	40,070
San Mateo	Remote Case Management for Pro Pers with Additional Services, Instructions, and Support	70,200
Shasta	Computers for remote online and video support, intake, and triage	32,112
Sutter	Computers for the Self-Help Center	16,470
Tuolumne	Computers for the Self-Help Center	17,750
	Total Allocations to the Courts	**$191,400**

Item - 3 Trial Court Base Funding Floor Inflationary Increases (Action Required)

Consideration of a TCBAC recommendation for updating the base funding floor process for automatic inflationary increases similar to all other courts to support trial court operations.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Oksana Tuk, Senior Analyst, Judicial Council Budget Services

Action: *The Budget Committee unanimously voted to approve the following TCBAC recommendation for consideration by the Judicial Council at its January 20, 2023 business meeting:*

Approve to provide automatic increases for the base funding floor amount in years when inflationary funding is included in the annual state budget as outlined in option 1.

Item 4 - 2021-22 Final Adjustments for Year-end Trial Court Fund Balances (Action Required)
Consideration of a recommendation from TCBAC for final submissions of one-time adjustments for 2021-22 trial court fund balances.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Oksana Tuk, Senior Analyst, Judicial Council Budget Services

Action: *The Budget Committee unanimously voted to approve the following TCBAC recommendation for consideration by the Judicial Council at its January 20, 2023 business meeting:*

Approve the final 2021-22 year-end adjustment of a 3 percent fund balance cap reduction allocation of $13.9 million to match the trial courts' final calculations of the amount above the 3 percent fund balance cap, which nets to $1.8 million with offsetting FHOB requests.

Item 5 - Court Interpreters Program (CIP) Allocation Methodology (Action Required)
Consideration of a TCBAC recommendation for an allocation methodology for CIP funding to trial courts effective July 1, 2023.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Douglas Denton, Principal Manager, Judicial Council Center for Families, Children & the Courts

Action: *The Budget Committee unanimously voted to approve the following TCBAC recommendation for consideration by the Judicial Council at its January 20, 2023 business meeting effective July 1, 2023:*

1. Approve the allocation methodology excluding the 2020-21 pandemic year in the three-year average expenditure data used in the model indefinitely;

2. Approve the use of historical expenditure data in the model while the Ad Hoc Interpreter Subcommittee continues collaborating with the LAP on possible enhancements with the data collected in the CIDCS and how that data could be utilized in the allocation methodology;

3. Approve the approach and methodology in the event courts experience a shortfall in which the courts with a shortage will first be covered by other court savings up to the appropriation amount, then the CIP

fund balance will be utilized in the event there is not sufficient savings available to make a court whole, and that funds will be allocated proportionally based on the percentage of the shortfall if there is not sufficient savings or fund balance to cover the shortage;

4. Approve "home" courts to submit cross assignment reimbursements to "receiving" courts for the "receiving" court to cover the costs of the interpretation using its CIP allocation; and

5. Approve VRI as a possible future consideration in the allocation methodology as more information is developed and finalized.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:17 p.m. to closed session.

Approved by the advisory body on enter date

JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-xxx
For business meeting on January 20, 2023

Title
Trial Court Allocations: Allocation of the Firearm Relinquishment Grant Program for 2022–23 Through 2024–25

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
Family and Juvenile Law Advisory Committee
Hon. Stephanie E. Hulsey, Cochair
Hon. Amy M. Pellman, Cochair
Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair
Ms. Rebecca Fleming, Vice Chair

Agenda Item Type
Action Required

Effective Date
January 20, 2023

Date of Report
November 22, 2022

Contact
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Executive Summary

The Budget Act of 2022 (Assem. Bill 178; Stats. 2022, ch. 45) appropriated $40 million in one-time funding to the Judicial Council, of which $36 million must be distributed to trial courts to support court-based firearm relinquishment programs. The Family and Juvenile Law Advisory Committee and the Trial Court Budget Advisory Committee recommend that the Judicial Council approve the allocation and distribution of $18.5 million to seven trial courts for Firearm Relinquishment Grant awards for 2022–23 through 2024–25.

Recommendation

The Family and Juvenile Law Advisory Committee and the Trial Court Budget Advisory Committee recommend that the Judicial Council, effective January 20, 2023:

1. Approve the allocation and distribution of $18.5 million to seven trial courts to fund new or expanded firearm relinquishment programs for fiscal years 2022–23 through 2024–25; and

2. Delegate authority to the Family and Juvenile Law Advisory Committee to reallocate and distribute any unspent funding from these grant awards to any of the awarded courts, based on the same criteria established during the application period.

The proposed allocations for funding are listed in Attachment A.

These recommendations were presented to the Judicial Branch Budget Committee on [date] and approved for consideration by the Judicial Council.

Relevant Previous Council Action

The Judicial Council has taken no previous action to implement this legislation.

Analysis/Rationale

To support firearm relinquishment efforts statewide, Assembly Bill (AB) 178 allocated a total of $40 million to the Judicial Council. The program's purpose is to ensure the consistent and safe removal of firearms from individuals who become prohibited from owning or possessing firearms and ammunition under court order. Of the total amount, $36 million is to support court-based firearm relinquishment programs. The number of courts funded is subject to the number of applications received, available funding, and the council's approval.

From September 13 through October 21, 2022, the Judicial Council's Center for Families, Children & the Courts (CFCC) circulated an open competitive grant application to support new or expanded firearm relinquishment efforts. The application was sent to all trial court presiding judges and court executive officers. Information regarding the program was also posted on the California Courts website.[1]

During the application period, courts were invited to participate in a webinar that covered the application process and program eligibility. A total of 50 individuals joined the webinar representing 24 trial courts. In addition, a recording of the webinar was posted on the Judicial Resources Network.

Eligibility and selection criteria

To be eligible for grant funding, AB 178 provided for the following criteria and priority areas in selecting applicant courts:

- Each court must contract with at least one law enforcement agency located within the county for activities that cannot reasonably and safely be conducted by the court. ("*Law enforcement agency* is defined as probation departments, sheriff's offices, police

[1] California Courts, "Firearm Relinquishment Grant Program," www.courts.ca.gov/programs-cfcc.htm.

departments, or multiagency teams including some or all of these agencies in a jurisdiction." (Assem. Bill 178, § 1, provision 14, italics added.))

- At least 30 percent of the funding allocated to each court must be directed to law enforcement through contracts with the court.
- The selection process must consider statewide diversity in geographic location and court size.
- Priority must be given to firearm relinquishment activities related to domestic violence restraining orders, gun violence restraining orders, or any other civil court order.
- Priority must be given to courts with higher numbers of requests, per capita, for domestic violence restraining orders or gun violence restraining orders filed.

Applications received

A total of eight trial courts applied for funding. The applicants included Lassen, Los Angeles, Modoc, San Diego, San Francisco, San Mateo, Santa Clara, and Ventura Superior Courts. All courts that applied indicated that most if not all of their efforts would support firearm relinquishment in civil cases. All courts met the requirement to partner with at least one law enforcement agency, with at least 30 percent of their proposed budget dedicated to law enforcement. Law enforcement partners included police departments, sheriff departments, and district attorney offices.

Proposed activities included new procedures for setting compliance review hearings, increasing self-help services for restraining orders, conducting background checks under Family Code section 6306, creating an electronic notification system, piloting a chatbot to answer questions on how to properly relinquish firearms, training on legal requirements to law enforcement, and investigating and removing firearms from prohibited persons.

Some activities were not recommended for funding including activities to help the prosecution build a criminal case against a prohibited person (e.g., discovery efforts by prosecution and investigation to build criminal cases). These activities were deemed to be outside the scope of the grant, which is to ensure the removal of firearms. It was also determined that it would be inappropriate for a court-based program to fund the prosecution of criminal cases because doing so would conflict with the judiciary's role to remain neutral.

Consistent with the council's additional grant requirement that funds be used for new or expanded firearms relinquishment efforts or activities, the recommendations exclude activities or roles that applicants already engage in (e.g., funding for court staff to support existing restraining order departments and having an on-call judge to hear requests for Emergency Protective Orders), unless the applications demonstrate that the additional funding requested will add capacity and expand existing programs.

Proposed grant awards

The recommendations award seven courts according to the allocations listed in Attachment A. During the review period, Lassen Superior Court withdrew its application from consideration. The following is a summary of each program that the committees recommend funding:

1. Los Angeles Superior Court, in partnership with the Los Angeles Police Department and Los Angeles County Sheriff's Department, seeks to create a new relinquishment program by piloting an electronic notification process, allowing the court to quickly notify law enforcement if a person restrained by a domestic violence restraining order has not complied with the firearm relinquishment order. Law enforcement partners would also use funds to enforce firearm restrictions in domestic violence restraining orders.

2. Modoc Superior Court, in partnership with the Modoc County Sheriff's Office, seeks to establish a new firearm relinquishment program by having dedicated staff process restraining order cases and establish internal protocols for judicial review and the setting of compliance review hearings. The Sheriff's Office would create new relinquishment protocols for deputies to follow when serving restraining orders, investigating any allegation of firearm possession by prohibited persons, and enforcing firearm restrictions.

3. San Diego Superior Court, in partnership with the San Diego Police Department, seeks to expand the county's existing relinquishment program to increase the capacity of the Gun Violence Response Unit. It would establish a Gun Violence Task Force, which would be responsible for reviewing each potential gun violence restraining order case to check for legal sufficiency and to run a firearms check. The task force would also be responsible for conducting regional and statewide training, with a goal to increase the number of gun violence restraining orders filed in the county. Officers would be responsible for enforcing the firearm restrictions in gun violence restraining orders.

4. San Francisco Superior Court, in partnership with the San Francisco Sheriff's Office, seeks to create a new relinquishment program by creating a standardized process for reviewing court files and setting compliance review hearings in domestic violence, gun violence, and other civil restraining order matters. The Sheriff's Office would use funds to enforce firearm restrictions.

5. San Mateo Superior Court, in partnership with the San Mateo County District Attorney's Office, seeks to expand the county's existing relinquishment program by expanding self-help services for restraining orders, providing more investigators to investigate and enforce firearm restrictions, and piloting a chatbot to provide information on how to properly relinquish firearms.

6. Santa Clara Superior Court, in partnership with the Santa Clara Office of the District Attorney, seeks to expand the county's existing relinquishment program by creating a Relinquishment Team to enforce firearm restrictions, including facilitating voluntary

relinquishment and requesting search warrants. The court would also establish a specialized calendar to address relinquishment and compliance.

7. Ventura Superior Court, in partnership with the Ventura County District Attorney's Office which is in collaboration with the Sheriff's Office, seeks to expand the county's existing relinquishment program by having dedicated court staff to review and process court files to identify possible noncompliance and facilitate firearms relinquishment. The District Attorney's Office would have a dedicated investigator to enforce firearm restrictions.

Policy implications

The recommended actions comply with the Budget Act of 2022 requirement that the Judicial Council allocate these funds to trial courts to support court-based firearm relinquishment programs. Upon approval of the recommended allocations, $17.5 million would still be available for distribution. In early 2023, CFCC will reopen the grant application process and allow all courts to apply for the remaining unallocated funds, including requests for augmentation from the seven courts listed above.

Comments

This proposal was not circulated for comment and did not receive any public comment.

Alternatives considered

Other alternatives were not considered because of the specific conditions included in AB 178 for the Judicial Council to receive and allocate grant funds to selected trial courts in support of court-based firearm relinquishment programs. The grant eligibility and selection criteria were adopted directly from the requirements of the Budget Act. There was consideration to extend the deadline for courts to apply for the grant but, in the interest of making funds available as quickly as possible, it was decided to instead provide another opportunity for courts to apply for unallocated funds in early 2023.

Fiscal and Operational Impact

Funding will assist the trial courts in supporting firearm relinquishment efforts and activities statewide, in partnership with law enforcement agencies. The Judicial Council will execute contract agreements with the trial courts that are awarded funding, and the courts will then be required to execute memorandums of understanding with their law enforcement agency partners. All grant funding must be spent or encumbered by June 30, 2025. Each court that receives funding is required to submit quarterly reporting metrics to the Judicial Council and can utilize grant funds to update court management systems or firearms-related systems, as needed.

Attachments and Links

1. Attachment A: Firearm Relinquishment Grant Program Proposed Funding Allocation for 2022–23 through 2024–25.

Judicial Council of California

Firearm Relinquishment Grant Program
Proposed Funding Allocation for 2022–23 through 2024–25

#	Recipient Court	Region/Court Size	Proposed Grant Funding Allocation
1	Los Angeles	Southern California/Large	$4,271,000
2	Modoc	Northern California/Small	529,544
3	San Diego	Southern California/Large	2,346,843[1]
4	San Francisco	Bay Area/Large	2,000,000
5	San Mateo	Bay Area/Medium	4,859,905
6	Santa Clara	Greater Bay Area/Large	3,080,253
7	Ventura	Central California/Medium	1,428,740
Total			**$18,516,285**

[1] The committee does not recommend funding leases for vehicles at this time. The award represents the proposed budget less the cost of leasing vehicles for law enforcement ($81,200).