



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

Item No.: ???

For business meeting on November 14–15, 2024

Title

Judicial Council–Sponsored Legislation:
Juror and Prospective Juror Oaths Using
Plain Language

Rules, Forms, Standards, or Statutes Affected

Code Civ. Proc., § 232

Recommended by

Court Executives Advisory Committee
David Yamasaki, Chair
Jury Administration and Management
Subcommittee
Darrel Parker, Chair

Agenda Item Type

Action Required

Effective Date

November 15, 2024

Date of Report

September 4, 2024

Contact

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Executive Summary

The Court Executives Advisory Committee and its Jury Administration and Management Subcommittee recommend the Judicial Council sponsor legislation to amend Code of Civil Procedure section 232 to use plain language for the juror and prospective juror oaths (i.e., the perjury acknowledgment and agreement) provided therein. Using plain language will improve comprehension by jurors and prospective jurors, and will align with other plain-language jury instructions used by the California judicial branch. If the Judicial Council sponsors this legislation, it could become effective as early as January 1, 2026.

Recommendation

The Court Executives Advisory Committee and its Jury Administration and Management Subcommittee recommend that the Judicial Council sponsor legislation to amend Code of Civil Procedure section 232, effective January 1, 2026, to use plain language for the juror and prospective juror oaths provided therein.

The proposed legislation is attached at page 4.

Relevant Previous Council Action

The council has taken no previous action on this issue.

Analysis/Rationale

This proposal originated from Judicial Council staff who noted the inconsistency between existing plain-language jury instructions and the juror oaths provided in Code of Civil Procedure section 232. The oaths administered to prospective jurors during voir dire and prior to seating a sworn trial jury are governed by section 232. Although other jury instructions utilize plain language developed by the Judicial Council's civil and criminal jury instruction committees, there has been no such change for these oaths. The statute has not been updated since 1989.

The sponsored legislation would amend Code of Civil Procedure section 232 by replacing the juror and prospective juror oaths with plain-language oaths developed by Judicial Council staff and subject matter experts. All comments received for this proposal expressed support, with a few commenters seeking minor clarifying changes that were subsequently incorporated by the committee into the final language. By sponsoring this legislation, the Judicial Council would increase access to justice by ensuring jurors and prospective jurors are able to fully understand the oaths they take during jury selection and before commencing with a jury trial.

Policy implications

Revising the oaths in Code of Civil Procedure section 232 to reflect plain language is consistent with the Judicial Council's adoption of plain-language jury instructions. These oaths ensure that jurors and prospective jurors fulfill their duty to the court, the parties in a case, and their community.

Comments

During the drafting of the original proposal, the Judicial Council's Jury Improvement Program received internal comments from the staff attorneys supporting the civil and criminal jury instruction committees, as well as from the Judicial Council's Legal Services and Governmental Affairs offices. The proposal circulated for public comment from May 28 through July 12 during the spring 2024 invitation-to-comment cycle. The proposal received eight comments, with six in favor and two in favor if amended. The committee's responses to each comment are available in the attached comments chart at pages 5 and 6. Commenters included the Orange County Bar Association, the California Judges Association, the court executive officer of the Superior Court of San Diego County, as well as two judges from the Superior Court of Los Angeles County. The committee considered and incorporated all of the comments.

Alternatives considered

The Jury Administration and Management Subcommittee and the Court Executives Advisory Committee determined that the use of plain language in the oaths administered to jurors and prospective jurors would aid comprehension and provide consistency, and that there was no

compelling argument against this change. Thus, the committee did not consider the alternative of taking no action to revise the oaths.

Fiscal and Operational Impacts

There are no expected fiscal impacts from this proposal. There would be minimal, if any, operational impacts. The only actual change would be to the language of the oaths administered to jurors and prospective jurors by judicial officers during jury selection and immediately before proceeding with a jury trial. Given these factors, there are essentially no costs associated with this proposal.

Attachments and Links

1. Code Civ. Proc., § 232, at page 4
2. Chart of comments, at pages 5 and 6
3. Link A: Code Civ. Proc., § 232,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=232

Code of Civil Procedure section 232 would be amended, effective January 1, 2026, to read:

1 **§ 232. Perjury admonishment; Acknowledgment and agreement**

2

3 (a) Prior to the examination of prospective trial jurors in the panel assigned for voir dire,
4 the following perjury ~~acknowledgement~~ acknowledgment and agreement shall be
5 obtained from the panel, which shall be acknowledged by the prospective jurors with the
6 statement “I do”:

7

8 “Do you, ~~and each of you,~~ understand and agree, under the penalty of
9 perjury, that you will accurately and truthfully answer, ~~under penalty of~~
10 ~~perjury,~~ all questions ~~propounded to you concerning~~ about your
11 qualifications and ~~competency~~ ability to serve as a trial juror in ~~the matter~~
12 ~~this case pending before this court,~~ and that failure to do so may subject
13 ~~you to result in criminal prosecution.?”~~

14

15 (b) As soon as the selection of the trial jury is completed, the following acknowledgment
16 and agreement shall be obtained from the trial jurors, which shall be acknowledged by
17 the statement “I do”:

18

19 “Do you ~~and each of you~~ understand and agree that you will ~~well and truly~~
20 ~~try the cause now pending before~~ carefully consider the case being heard
21 in this court, and a ~~true verdict render according~~ that you will reach a
22 verdict based only ~~to~~ on the evidence presented to you and ~~to~~ the
23 instructions ~~of~~ on the law given by the court.?”

24

SP24-06 ITC

Judicial Council–Sponsored Legislation: Juror and Prospective Juror Oaths Using Plain Language

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Judge Daniel Crowley, Los Angeles Superior Court	A	None.	No response required.
2.	Mike Roddy, Court Executive Officer, San Diego Superior Court	AM	Propose modifying the language of subdivision (a) to state: Do you understand and agree <u>under the penalty of perjury</u> that you will accurately and truthfully answer all questions about your qualifications and ability to serve as a juror in this case, under the penalty of perjury , and that failure to do so may result in prosecution?	The subcommittee agreed with the response and modified the proposal to incorporate these comments.
3.	Christina Zabat-Fran, Orange County Bar Association President	A	“The proposal appropriately addresses the stated purpose. The new suggested language for each subdivision is easy to understand. Plain English enables lay persons to readily comprehend that which is required of them by each oath.”	No response required.
4.	Judge Khymerli Apaloo, Superior Court of San Bernardino and California Judges Association	AM	“In subdivision (a) it seems appropriate to reinsert the word ‘criminal\’ before the word ‘prosecution.’ It may be redundant, but it's not hard to understand and it underscores the severity of the offense if the oath is broken.”	The subcommittee agreed with the response and modified the proposal to incorporate these comments.
5.	Mario Choi	A	None.	No response required.
6.	Judge Kevin Filer, Los Angeles Superior Court	AM	“For proposal (a), please add ‘answer, under penalty of perjury’ ..to put that requirement up front !	The subcommittee agreed with the response and modified the proposal to incorporate these comments.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SP24-06 ITC

Judicial Council–Sponsored Legislation: Juror and Prospective Juror Oaths Using Plain Language

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			“For proposal (b), please add ‘instructions on the law’ instead of simply saying the court's instructions”	
7.	Joyce McLaughlin, Court Compliance Analyst	A	None.	No response required.



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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-____

For business meeting on November 15, 2024

Title

Judicial Council: 2025 Legislative Priorities

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

None

Effective Date

January 1, 2025

Recommended by

Legislation Committee

Hon. Stacy E. Boulware Eurie, Chair

Date of Report

September 11, 2024

Contact

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Executive Summary

Each year, the Judicial Council adopts legislative priorities to further key council objectives in the upcoming legislative year. Last year, the council's legislative priorities focused on stable and reliable funding to address increased costs and plan for the future; sufficient resources to improve access to the courts, including remote access, adequate judgeships statewide, and judicial officers in counties with the greatest need; availability of verbatim records of court proceedings; and operational efficiencies in the courts. The Legislation Committee recommends a similar approach for consideration by the Judicial Council for the 2025 legislative year: continued stable and reliable funding to address increased costs, continued advancement of remote access to the courts while balancing due process, funding for judgeships statewide and judicial officers in counties with the greatest need, availability of verbatim records of court proceedings, and operational efficiencies in the courts. Additionally, the Legislation Committee also recommends expanding the legislative priorities to include increased security to safeguard personnel, the public and court systems from physical, online, and cyber threats.

Recommendation

The Legislation Committee recommends that the Judicial Council approve the following legislative priorities for 2025:

1. Continue to advocate for sufficient funding, including for:
 - a. Stable and reliable funding for courts to address annual cost increases in baseline operations and plan for the future; and
 - b. Sufficient resources to improve physical access to the courts by keeping courts open, expand access by increasing the ability of court users to conduct branch business online, increase security to safeguard personnel, the public and court systems from physical, online, and cyber threats, strengthen programs and services, and continue to implement innovations in programs and services;
2. Continue to seek funding for judgeships overall and particularly for judicial officers in counties with the greatest need;
3. Continue to promote the availability of verbatim records of court proceedings by working collaboratively to address court reporter shortages and exploring innovations in technology;
4. Seek legislative authorization, if needed and authorized by the Judicial Council in 2025, for the disposition of unused courthouses in fair market value transactions, with the proceeds to be directed to the State Court Facilities Construction Fund (the successor fund of the Immediate and Critical Needs Account) established by Senate Bill 1407 (Perata; Stats. 2008, ch. 311) or any other Judicial Council facilities fund authorized by the Legislature;
5. Continue to sponsor or support legislation to improve judicial branch operational efficiencies, including cost-savings and cost-recovery measures as well as the ability to conduct proceedings, in whole or in part, using remote technology in order to expand safe and reliable access to justice; and
6. Delegate to the Legislation Committee the authority to take positions or provide comments on behalf of the Judicial Council on proposed legislation (state and federal), administrative rules or regulations, and proposals by other bodies or agencies after evaluating input from council advisory bodies, council staff, and the courts, provided that the input is consistent with the council's established policies and precedents.

Relevant Previous Council Action

The council has taken a variety of actions over the past years related to the above recommendations. A summary of recent key actions in these areas follows.

Budget

In 2009 and 2010, the council adopted as a key legislative priority for the following year to advocate for sufficient funding for the judicial branch to allow the courts to meet their constitutional and statutory obligations and provide appropriate and necessary services to the public. In 2011, the council adopted as a priority for 2012 to advocate against further budget reductions and for sufficient resources to allow trial courts to reopen closed courts and restore

critical staffing, programs, and services that were reduced or eliminated in the preceding several years. Another priority for 2012 was to advocate for a combination of solutions to restore funding for a portion of the funding eliminated from the branch budget since 2008.

In 2013, the council adopted a priority of advocating to achieve budget stability for the judicial branch, including advocating against further budget reductions and for sufficient resources to allow courts to reopen closed courthouses; restore court facility construction and maintenance projects; and restore critical staff, programs, and services that were reduced or eliminated in the preceding four years.

Annually since 2014, the council has included similar priorities to achieve budget stability for the judicial branch, including advocating for:

- Sufficient fund balances to allow courts to manage cash flow challenges;
- Provision of stable and reliable funding for courts to address annual cost increases in baseline operations;
- Sufficient additional resources to allow courts to improve physical access to the courts by keeping courts open, and to expand access by increasing the ability of court users to conduct branch business online; and
- Restoration of programs and services that were reduced or eliminated in the preceding few years.

Following several years of steady increases in operational and facility funding, the current fiscal year budget (Budget Act of 2024) was the first year since the Great Recession that included cuts for the trial courts and the entire judicial branch. Overall, the trial courts took a \$97 million cut and additionally offered up over \$100 million in budget solutions by deferring spending or returning unspent funds. For the upcoming year, the branch must advocate for protecting the resources needed to sustain the progress that has been made to restore services to pre-pandemic levels and address backlogs and to obtain funding for any new workloads imposed on the branch.

Judgeships and SJO conversions

Government Code section 69614(c)(1) and (3) requires the Judicial Council to provide an update to the Legislature and Governor every even-numbered year on the factually determined need for new judgeships in the California superior courts, and to report on the conversion of certain vacant subordinate judicial officer (SJO) positions to judgeships.

Based on the 2024 Judicial Needs Assessment, 11 courts need new judgeships, for a total need of 56 judicial officers statewide.

2024 Judicial Needs Assessment

	A	B	C	D
Court	Authorized and Funded Judicial Positions	2024 Assessed Judicial Need	Number of Judgeships Needed* (B - A)	Percentage Judicial Need Over AJP (C / A)
Lake	4.7	5.8	1	21.3%
Madera	10.5	12.1	1	9.5%
Merced	13.0	14.9	1	8.0%
Shasta	13.0	13.9	1	7.7%
Placer	15.5	16.4	1	6.5%
Tulare	25.0	27.2	2	8.0%
Stanislaus	26.0	28.2	2	7.7%
San Joaquin	35.5	38.0	2	5.6%
Kern	47.0	54.1	7	14.9%
San Bernardino	103.0	121.0	17	16.5%
Riverside	89.0	110.8	21	23.6%
Total			56	

* Rounded down to the nearest whole number.

The Judicial Council has sponsored numerous bills to authorize and fund additional judgeships. In 2005, the council sponsored Senate Bill 56 (Dunn; Stats. 2006, ch. 390), which authorized the first 50 of the 150 critically needed judgeships. Full funding was provided in the Budget Act of 2007, and judges were appointed to each of the 50 judgeships created by SB 56.

In 2007, the council secured the second set of 50 new judgeships (AB 159 (Jones); Stats. 2007, ch. 722), with funding for appointments to begin in June 2008. However, due to budget constraints, the funding was delayed until July 2009, allowing the state to move the fiscal impact from fiscal year (FY) 2007–08 to FY 2009–10. The Governor included funding for the second set of judgeships in the proposed Budget Act of 2009, but the funding ultimately was made subject to what was labeled the “federal stimulus trigger.” This trigger was “pulled,” and the funding for the new judgeships and various other unrelated items made contingent on the trigger—a specified threshold of federal stimulus funding—was not provided.

Almost every year from 2005 to 2023, the Judicial Council has sponsored one or more bills to obtain funding for new judgeships (see the table below), including successful legislation this year (SB 75 (Roth); Stats. 2023, ch. 482) to authorize an additional 26 judgeships that were made subject to appropriation.

Judicial Council–Sponsored Legislation to Authorize or Fund Additional Judgeships

Year	Bill No.	Author	Purpose	Result
2008	SB 1150	Corbett	Authorize third set of new judgeships	Held in Senate Appropriations Committee
2009	SB 377	Corbett	Authorize third set of new judgeships	Held in Senate Appropriations Committee
2011, 2012	AB 1405	Committee on Judiciary	Authorize third set of new judgeships	Did not move forward
2014	SB 1190	Jackson	Authorize third set of new judgeships*	Held in Senate Appropriations Committee
2015	SB 229	Roth	Fund 12 of 50 previously authorized judgeships†	Vetoed by Governor Brown
2016	SB 1023	Committee on Judiciary	Fund 12 of 50 previously authorized judgeships†	Held in Senate Appropriations Committee
2016	AB 2341	Oberholte	Reallocate judgeships‡	Held in Senate Appropriations Committee
2017	SB 38	Roth	Authorize judgeships	Held in Assembly Appropriations Committee
2017	SB 39	Roth	Reallocate judgeships	Held in Senate Appropriations Committee
2017	AB 414	Medina	Reallocate judgeships	Did not move forward
2019	SB 16	Roth	Fund 25 of 50 previously authorized judgeships**	Held in Senate Appropriations Committee
2023	SB 75	Roth	Authorize 26 additional judgeships subject to appropriation	Signed by the Governor (Stats. 2023, ch. 482)

* SB 1190 also sought to secure funding for the second set of 50 new judgeships approved in 2007 but not yet funded.

† SB 229 sought to appropriate \$5 million for the funding.

‡ Specifically, AB 2341 sought to reallocate up to five vacant judgeships from courts with more authorized judgeships than their assessed judicial need to courts with fewer judgeships than their assessed judicial need. The allocation of the vacant judgeships would be based on a methodology approved by the Judicial Council and under criteria contained in Government Code section 69614(b).

** Although SB 16 was held in the Senate Appropriations Committee, that same year the Budget Act of 2019 (AB 74; Stats. 2019, ch. 23) provided \$30.4 million in funding for 25 judgeships, leaving unfunded the remaining 23 of the 50 judgeships authorized in 2007 (AB 159 (Jones); Stats. 2007, ch. 722).

Additional Judgeships Authorized and Funded in the Budget Act

Year	Bill No.	Author	Purpose	Result
2017	AB 103	Committee on Budget	Reallocate vacant judgeships (2 each from Alameda and Santa Clara Counties) to Riverside and San Bernardino Counties	Signed by the Governor (Stats. 2017, ch. 17)
2018	SB 847	Committee on Budget & Fiscal Review	Budget trailer bill: Added 2 new judgeships to the Superior Court of Riverside County, added 1 new justice to the Fourth Appellate District, Div. 2 (Riverside/San Bernardino)	Signed by the Governor (Stats. 2018, ch. 45)
2018	SB 840	Committee on Budget & Fiscal Review	Budget Act of 2018, appropriated \$2.9 million for 2 new judgeships in the Superior Court of Riverside County, appropriated \$1.2 million for the new justice and staff in the Fourth Appellate District as authorized in the budget trailer bill (SB 847)	Signed by the Governor (Stats. 2018, ch. 29)
2019	AB 74	Ting	Budget Act of 2019, appropriated \$30.4 million for 25 previously unfunded judgeships	Signed by the Governor (Stats. 2019, ch. 23)
2022	SB 154	Skinner	Budget Act of 2022, appropriated \$39.1 million for the remaining 23 previously unfunded judgeships*	Signed by the Governor (Stats. 2022, ch. 43)

* This action fully funds the last remaining unfunded judgeships from the second set of 50 new judgeships (AB 159 (Jones); Stats. 2007, ch. 722).

Regarding subordinate judicial officer conversions, existing law allows the Judicial Council to convert a total of 162 SJO positions, upon vacancy, to judgeships. The statute caps the number that may be converted each year at 16 and requires the council to seek legislative ratification to exercise its authority to convert positions in any given year. For the past several years, that legislative ratification took the form of language included in the annual Budget Act. The council converted the maximum 16 positions in each fiscal year from 2006–07 through 2010–2011; 20 in FY 2011–12;¹ 13 in FY 2012–13; 11 in FY 2013–14; 9 in FY 2014–15; 11 in FY 2015–16; 6 in both FY 2016–17 and FY 2017–18; 15 in FY 2018–19; 1 in FY 2019–20; and in FY 2020–21. There were no conversions in FY 2021–22, FY 2022–23 and FY 2023–23, and there have not been any conversions in fiscal year 2024–25 as of September 1, 2024.

Additionally, legislation enacted in 2010 (AB 2763; Stats. 2010, ch. 690) expedites conversions by authorizing up to 10 additional conversions per year if the conversion results in a judge being assigned to a family or juvenile law assignment previously presided over by an SJO. This legislation requires that the ratification for these additional 10 positions be secured through

¹ The total number of conversions in fiscal year 2011–12 exceeded 16 because of the enactment of SB 405 (Stats. 2011, ch. 705), which increased the number of allowable conversions in specific circumstances for that fiscal year.

legislation separate from the annual Budget Act. Since 2011, the Judicial Council has sponsored the following legislation to secure ratification of these additional SJO conversions:

SB 405 (Stats. 2011, ch. 705)	AB 1519 (Stats. 2015, ch. 416)
AB 1403 (Stats. 2013, ch. 510)	AB 2882 (Stats. 2016, ch. 474)
AB 2745 (Stats. 2014, ch. 311)	AB 1692 (Stats. 2017, ch. 330)

In total, 157 of the 162 authorized SJO positions have been converted; only 5 remain.

Disposition of vacant courthouses

In December 2015, the Judicial Council approved sponsorship of a proposal to authorize the disposition of the San Pedro Courthouse with proceeds of its sale to be placed in the Immediate and Critical Needs Account (ICNA) of the State Court Facilities Construction Fund.

In February 2016, the Judicial Council authorized and approved the sale of the Corning Courthouse to Tehama County and the Chico Courthouse to Butte County in fair market value transactions, with proceeds from those sales treated in the same manner as in the final form of legislative authorization for disposition of the San Pedro Courthouse. The Judicial Council sponsored the legislation authorizing disposition of the San Pedro Courthouse (AB 1900 (Jones-Sawyer); Stats. 2016, ch. 510, codified at Gov. Code, § 70395).

In December 2016, the Judicial Council authorized and approved the sale of the Clovis, Firebaugh, and Reedley Courthouses in Fresno County and the Avenal and Corcoran Courthouses in Kings County with proceeds from those sales directed to ICNA. The Judicial Council sponsored SB 403 (Canella; Stats. 2017, ch. 358) authorizing the sale of the Avenal, Chico, Clovis, Corcoran, Corning, Firebaugh, and Reedley Courthouses.

Most recently, the Judicial Council authorized the sale of the West Los Angeles Courthouse and the Mental Health Courthouse in Los Angeles, with proceeds from those sales directed to ICNA. The authorizing legislation, AB 2309 (Bloom; Stats. 2018, ch. 536), was signed by the Governor on September 19, 2018.

In 2023, the Judicial Council sponsored AB 959 (McCarty), which authorized the sale of the Plumas/Sierra Regional, Gordon D. Schaber (Sacramento), Modesto Main, and Ceres Superior courthouses. That legislation was held on the suspense file in the Senate Appropriations Committee.

In 2024, the Judicial Council sponsored AB 1788 (McCarty) authorizing the sale of the Gordon D. Schaber Courthouse (Sacramento) and AB 3282 (Committee on Judiciary) authorizing the sale of the Plumas/Sierra Regional, Modesto Main, and Ceres Superior courthouses. Both AB 1788 and AB 3282 are currently pending on the Governor's desk.²

² The Governor has until September 30, 2024 to sign or veto bills that remain in his possession before September 1st when the Legislature adjourned the 2023-24 Legislative Session ([Cal. Const. art. IV, sec. 10\(b\)\(2\)](#)).

Efficiencies

In April 2012, to address the budget crisis faced by the branch, the Judicial Council approved for sponsorship 17 legislative proposals for trial court operational efficiencies, cost recovery, and new revenue. An additional six efficiency proposals were approved for sponsorship in April 2013. Several noncontroversial and relatively minor measures were successfully enacted into law, while several remaining efficiencies were rejected by the Legislature,³ including one seeking to eliminate the requirement that courts destroy infraction records relating to possession or transport of marijuana.⁴ The Budget Act of 2019 included \$13.901 million in FY 2019–20 and \$2.929 million in FY 2020–21 to support the increased workload for the trial courts as a result of the enactment of AB 1793 (Stats. 2018, ch. 993), which requires sentence modification of past cannabis conviction cases under the Control, Regulate, and Tax Adult Use of Marijuana Act of 2016, also known as Proposition 64.

Judicial Security

The Judicial Council has consistently supported legislation aimed at protecting the privacy of judges and the protection of their home address information because it promotes judicial independence and integrity. Judges must feel that they and their families are secure from threats of violence or other harm in order to fairly adjudicate the many contentious and high conflict cases that come before them. The Judicial Council has supported numerous bills to protect the safety of judicial officers. These bills include:

- AB 2322 (Daly; Stats. 2018, ch. 914) which required the Department of Motor Vehicles (DMV), upon request, to make a retired judge or court commissioner's home address confidential for the rest of his or her life and for any surviving spouse or child for three years following the death of the judge or court commissioner.
- AB 2299 (Feuer) proposed in 2012, which would have authorized county assessors to redact the names of judges from property records (died in the Senate in the face of opposition from the press and real estate interests).
- AB 32 (Lieu; Stats. 2009, ch. 403) which required the removal of personal information of judges and other officials from the Internet within 48 hours of a written demand and permits employers or professional organizations to assert the rights of the official in removing the personal information from the Internet.
- SB 506 (Poochigian; Stats. 2005, ch. 466) which provided confidentiality of voter registration information to public safety officials, state and federal judges, and court commissioners.
- AB 2905 (Spitzer; Stats. 2004, ch. 248) which added judges, and court commissioners to the types of employees for whom a governmental employer shall pay the moving and relocation expenses when it is necessary to move because of an employment-related credible threat against his or her life, or the life of an immediate family member.

³ See Attachment A for a list of efficiency and cost-recovery measures approved and rejected by the Legislature.

⁴ Health & Saf. Code, § 11361.5.

In the current legislative session, the Judicial Council [supports](#) AB 1785 (Pacheco) which is sponsored by the California Judges Association and is pending on the Governor's desk.⁵ AB 1785 closes an existing loophole in the law and helps to ensure that judges' home address information is kept confidential by amending Government Code Section 7928.205 to prohibit the public posting of the home address, telephone number, or both the name and assessor parcel number associated with the home address of any elected or appointed official on the internet without first obtaining the written permission of that individual.

The Judicial Council also [supports](#) AB 2281 (Soria) to make it a crime for a person to assault a judge or former judge of a tribal court in retaliation for or to prevent the performance of their official duties, as specified. AB 2281 was approved by the Assembly but ultimately held under submission in the Senate Appropriations Committee.

Legislation Committee Authority

Rule 10.12(a) of the California Rules of Court authorizes the Legislation Committee to act for the council by:

- (1) Taking a position on behalf of the council on pending legislative bills, after evaluating input from the council advisory bodies and Judicial Council staff, and any other input received from the courts, provided that the position is consistent with the council's established policies and precedents;
- (2) Making recommendations to the council on all proposals for council-sponsored legislation and on an annual legislative agenda after evaluating input from council advisory bodies and Judicial Council staff, and any other input received from the courts; and
- (3) Representing the council's position before the Legislature and other bodies or agencies and acting as liaison with other governmental entities, the bar, the media, the judiciary, and the public regarding council-sponsored legislation, pending legislative bills, and the council's legislative positions and agendas.

Policy implications

The mission of the Judicial Council includes providing leadership for improving the quality of justice and advancing the consistent, independent, impartial, and accessible administration of justice. Among the guiding principles underlying this mission is a commitment to meet the needs of the public, which includes reinvestment in our justice system to preserve and improve access to justice, which Californians expect and deserve.

⁵ The Governor has until September 30, 2024 to sign or veto bills that remain in his possession before September 1st when the Legislature adjourned the 2023-24 Legislative Session ([Cal. Const. art. IV, sec. 10\(b\)\(2\)](#)).

Further, Chief Justice Patricia Guerrero has emphasized the need for access, fairness, and equal justice in the courts, including the effective use of technology, as well as a stable judicial branch budget that can continue to make public access to justice a reality in all 58 counties. The proposed 2025 legislative priorities are consistent with these goals.

Comments

No public comments have been received.

Alternatives considered

No alternatives were considered.

Fiscal and Operational Impacts

The public expects and deserves access to California's courts. Providing timely access to high-quality justice is the primary objective of the council's strategic plan. The key to the success of this plan is a robust investment in the courts. Adoption of the proposed legislative priorities will allow Judicial Council staff to support the overarching goals of the strategic plan.

The recommendations support many of the council's other strategic plan goals, including Goal I, Access, Fairness, Diversity, and Inclusion, by seeking to secure funding to provide access to the courts for all Californians and being responsive to the state's cultural and ethnic diversity; Goal II, Independence and Accountability, by seeking to secure sufficient judicial branch resources to ensure accessible, safe, efficient, and effective services to the public; and Goal IV, Quality of Justice and Service to the Public, by seeking funding to continue critical programs to meet the needs of court users.

Attachments and Links

1. Attachment A: *Efficiencies and Cost-Recovery Proposals Approved or Rejected by the Legislature*

Efficiencies and Cost-Recovery Proposals Approved or Rejected by the Legislature

Approved by the Legislature

SB 75 (Stats. 2013, ch. 31), a trailer bill of the Budget Act of 2013, includes the following efficiency/cost-recovery proposals:

- Increase the statutory fee from \$10 to \$15 for a clerk to mail service of a claim and order on a defendant in small claims actions.
- Prohibit the Franchise Tax Board and the State Controller from conditioning submission of court-ordered debt to the Tax Intercept Program on the court or county providing the defendant's social security number, while still allowing the social security number to be released if the Franchise Tax Board believes it would be necessary to provide accurate information.
- Increase the fee from \$20 to \$50 for exemplification of a record or other paper on file with the court.
- Modify the process for evaluating the ability of a parent or guardian to reimburse the court for the cost of court-appointed counsel in dependency matters.

AB 619 (Stats. 2013, ch. 452) revised the formula for assessing interest and penalties for delinquent payments to the State Court Facilities Construction Fund to conform to the existing statute governing interest and penalties for late payments to the Trial Court Trust Fund by using the Local Agency Investment Fund rate.

AB 648 (Stats. 2013, ch. 454) clarified language from the prior year that created a new \$30 fee for court reporters in civil proceedings lasting one hour or less.

AB 1004 (Stats. 2013, ch. 460) allowed magistrates' signatures on arrest warrants to be in the form of digital signatures.

AB 1293 (Stats. 2013, ch. 382) established a new \$40 probate fee for filing a request for special notice in certain proceedings.

AB 1352 (Stats. 2013, ch. 274) streamlined court records retention provisions.

SB 378 (Stats. 2013, ch. 150) provided that an electronically digitized copy of an official record of conviction is admissible to prove a prior criminal act.

SB 843 (Stats. 2016, ch. 33), commencing January 1, 2017, and until January 1, 2021, granted a defendant six peremptory challenges in a criminal case if the offense charged is punishable with a maximum term of imprisonment of one year or less, and reduced the number of peremptory

challenges that may be exercised separately by a defendant who is jointly tried from four to two in cases in which the maximum term of imprisonment is one year or less. Required the Judicial Council to conduct a study and, on or before January 1, 2020, submit a report to the Legislature on the reduction in the number of peremptory challenges.

AB 2232 (Stats. 2016, ch. 74) corrected drafting errors in the rules governing retention of court files regarding certain misdemeanor traffic offenses.

Rejected by the Legislature

- ***Administrative assessment for maintaining records of convictions under the Vehicle Code.*** Clarify that courts are required to impose the \$10 administrative assessment for *each conviction* of a violation of the Vehicle Code, not just upon a “subsequent” violation.
- ***Audits.*** Defer required audits until trial courts and the Judicial Council receive specified funding to cover the cost of the audits.
- ***Bail bond reinstatement.*** Authorize courts to charge a \$65 administrative fee to reinstate a bail bond after it has been revoked.
- ***Collections.*** Allow courts to retain and distribute collections rather than transferring collected funds to county treasuries with distribution instructions.
- ***Court costs for deferred entry of judgment.*** Clarify that the court can recoup its costs in processing a request or application for diversion or deferred entry of judgment.
- ***Court reporter requirement in nonmandated case types (SB 1313; 2014 (Nielsen)).*** Repeal Government Code sections 70045.1, 70045.2, 70045.4, 70045.75, 70045.77, 70045.8, 70045.10, 70046.4, 70050.6, 70056.7, 70059.8, 70059.9, and 70063 to eliminate the unfunded mandate that the enumerated courts (Superior Courts of Butte, El Dorado, Lake, Mendocino, Merced, Modoc, Mono, Monterey, Nevada, San Luis Obispo, Solano, Tehama, Trinity, and Tuolumne Counties) use court reporters in specified nonmandated case types.
- ***Destruction of records relating to possession or transportation of marijuana.*** Eliminate the requirement that courts destroy infraction records relating to possession or transport of marijuana.
- ***File search fee for commercial purposes.*** Allow courts to charge a \$10 fee to commercial enterprises, except media outlets that use the information for media purposes, for any file, name, or information search request.

- ***Marijuana possession infractions.*** Amend Penal Code section 1000(a) to exclude marijuana possession, per Health and Safety Code section 11357(b), from eligibility for deferred entry of judgment.
- ***Notice of mediation.*** Amend Family Code section 3176 to eliminate the requirement for service by certified, return receipt requested, postage-prepaid mail for notice of mediation, and clarify that the court is responsible for sending the notice.
- ***Notice of subsequent DUI.*** Repeal Vehicle Code section 23622(c) to eliminate the court's responsibility to provide notification of a subsequent DUI to courts that previously convicted the defendant of a DUI.
- ***Penalty assessments.*** Revise and redirect the \$7 penalty assessment from court construction funds to the State Court Facilities Construction Fund.
- ***Preliminary hearing transcripts.*** Clarify that preliminary hearing transcripts must be produced only when a defendant is held to answer the charge of homicide.
- ***Sentencing report deadlines (AB 1214; 2015 (Achadjian)/AB 2129; 2016 (Lackey)).*** Amend Penal Code section 1203 to require courts to find good cause before continuing a sentencing hearing for failure by the probation department to provide a sentencing report by the required deadlines.
- ***Trial by written declaration (AB 2871; 2016 (Oberholte)).*** Eliminate the trial de novo option when the defendant in a Vehicle Code violation has not prevailed on his or her trial by written declaration.
- ***Monetary sanctions against jurors (AB 2101; 2016 (Gordon)).*** Amend Code of Civil Procedure section 177.6 to add jurors to the list of persons subject to sanctions.