



JUDICIAL COUNCIL OF CALIFORNIA

POLICY COORDINATION
AND LIAISON COMMITTEE

www.courts.ca.gov/pclc.htm
pccl@jud.ca.gov

POLICY COORDINATION AND LIAISON COMMITTEE

OPEN MEETING WITH CLOSED SESSION AGENDA

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.75(c)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

OPEN PORTION OF THIS MEETING IS BEING RECORDED

Date: April 7, 2016
Time: 4:30 p.m.
Public Call-In Number: 1-877-820-7831 (Listen Only: 7934322)*

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

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

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Written Comment

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 pccl@jud.ca.gov or mailed or delivered to 770 L Street, Suite 1240, Sacramento, CA 95814, attention: Yvette Casillas-Sarcos. Only written comments received by April 6, 2016, 4:30 p.m. will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS

Item 1

Invitations to Comment

- a) Court Records: Retention of Original Wills and Codicils and of Court Records in Gun Violence Cases

Clarifies that original wills and codicils must be retained until there is a final order of discharge in a probate proceeding that concerns all remaining testators named in the will.

Provides a process whereby the personal representative may request delivery of the original wills and codicils in the ex parte petition for discharge. Provides the retention period for court records in gun violence cases and would make technical amendments to the records retention statutes.

Presenter(s)/Facilitator(s): Tara Lundstrom, Josely Yangco-Frona, and Daniel Pone

b) Criminal Procedure: Application of Code of Civil Procedure section 1010.6(a) and (b) to Criminal Actions

Provides express authority for permissive electronic filing and service in criminal proceedings by adding a statute to the Penal Code applying the electronic filing and service provisions of Code of Civil Procedure section 1010.6 to criminal actions.

Presenter(s)/Facilitator(s): Kimberly DaSilva, Tara Lundstrom, and Sharon Reilly

c) Criminal Procedure: Multiple County Sentencing Under Penal Code section 1170(h)

Promotes uniformity and clarify judicial sentencing authority when imposing concurrent or consecutive judgments under section 1170(h) implicating multiple counties.

Presenter(s)/Facilitator(s): Adrienne Toomey and Sharon Reilly

d) Criminal Procedure: Pre-Arrestment Own Recognizance Release Under Court-Operated or Approved Pretrial Programs

Provides courts with discretion to approve, without a hearing in open court, own recognizance releases under a court-operated or court-approved pretrial release program for arrestees with three or more prior failures to appear.

Presenter(s)/Facilitator(s): Eve Hershcopf and Sharon Reilly

e) Criminal Procedure: Transfer Back to Receiving Court for Limited Purpose after Intercounty Transfer

Authorizes a receiving court to transfer a case of a person on probation or mandatory supervision back to the transferring court for a limited purpose when needed to best suit the needs of the court, the litigation at issue, or the parties.

Presenter(s)/Facilitator(s): Kim DaSilva and Sharon Reilly

f) Juvenile Law: Electronic Filing and Service in Juvenile Proceedings

Authorizes electronic filing and service in juvenile proceedings. Incorporates by reference Code of Civil Procedure section 1010.6, subject to appropriate conditions and limitations on electronic service for juvenile proceedings. Amends various Welfare and Institutions Code provisions to implement new section 212.5 consistently throughout the code.

Presenter(s)/Facilitator(s): Diana Glick, Tara Lundstrom and Alan Herzfeld

g) Small Claims: Provision of Court Interpreters

Deletes an exception stating that interpreters are not required in small claims proceedings. Requires courts to provide credentialed interpreters in small claims actions, consistent with the language of Evidence Code section 756, which prioritizes the manner in which courts will provide interpreters if there are not sufficient resources to provide interpreters in all civil matters.

Presenter(s)/Facilitator(s): Elizabeth Tam-Helmuth and Alan Herzfeld

h) Subordinate Judicial Officers: Court Commissioners as Magistrates

Includes “court commissioners” within the definition of those who may serve as a “magistrate.”

Presenter(s)/Facilitator(s): Eve Hershcopf, Deirdre Benedict and Sharon Reilly

i) Probate: Electronic Service of Notices and Other Papers in Probate, Guardianship, Conservatorship, and Other Protective Proceedings

Authorizes the electronic service of notices and other papers in guardianship, conservatorship, and other probate matters. Allows for the electronic service of notices and other papers if the party or other person has consented to receiving service by electronic means and has provided an electronic service address. Amends various statutes throughout the Probate Code, and Welfare and Institutions Code sections 728 and 5362 to implement this proposal.

Presenter(s)/Facilitator(s): Douglas Miller, Tara Lundstrom, and Daniel Pone

j) Technology: Electronic Filing, Service, and Signatures

Authorizes the use of electronic signatures for signatures made under penalty of perjury on electronically filed documents. Provides for a consistent effective date of electronic filing and service across courts and case types. Consolidates the mandatory electronic filing provisions. Clarifies the application of electronic service provisions. Codifies provisions that are currently in the California Rules of Court on mandatory electronic service, effective date of electronic service, protections for self-represented persons, and proof of electronic service.

Presenter(s)/Facilitator(s): Tara Lundstrom and Daniel Pone

IV. ADJOURNMENT

Adjourn to Closed Session

V. CLOSED SESSION (CAL. RULES OF COURT, RULE 10.75(D))

Approval of Minutes

Approve minutes of the March 17 and March 24, 2016, Policy Coordination and Liaison Committee meetings.

Item 1

Pursuant to California Rules of Court, rule 10.75(d)(3) and (h)

Negotiations concerning legislation. Extraordinary circumstances.

a) AB 2458 (Oberholte) – Repeal 1% fund balance cap

Adjourn Closed Session