



JUDICIAL COUNCIL OF CALIFORNIA

POLICY COORDINATION
AND LIAISON COMMITTEE

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POLICY COORDINATION AND LIAISON COMMITTEE

MINUTES OF OPEN MEETING WITH CLOSED SESSION

April 7, 2016

4:30 p.m.

Teleconference

Advisory Body Members Present: Hon. Kenneth K. So, Chair; Hon. Gary Nadler, Vice-Chair; Hon. Brian John Back; Hon. Samuel K. Feng; Hon. James M. Humes; Hon. Dean T. Stout; Hon. Charles Wachob; Mr. Mark G. Bonino; Ms. Kimberly Flener; and, Ms. Donna Melby.

Advisory Body Members Absent: Mr. Patrick M. Kelly

Others Present: Hon. Eric C. Taylor, Member, Judicial Council; Mr. Martin Hoshino; Ms. Deidre Benedict; Ms. Tina Carroll; Ms. Diana Glick; Ms. Eve Hershcopf; Ms. Tara Lundstrom; Mr. Douglas C. Miller; Ms. Elizabeth Tam-Helmuth; and, Ms. Adrienne Toomey; **Committee Staff:** Mr. Cory Jasperson, Ms. Laura Speed, Mr. Daniel Pone, Ms. Sharon Reilly, Mr. Alan Herzfeld; Ms. Andi Liebenbaum; Ms. Monica LeBlond, and Ms. Yvette Casillas-Sarcos.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 4:32 p.m., committee staff took roll call and advised that no public comments were received.

DISCUSSION AND 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.

Action: Approved for circulation.

- 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.

Action: Approved for circulation.

- 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.

Action: Approved for circulation.

- 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.

Action: Approved for circulation.

- 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.

Action: Approved for circulation.

- 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.

Action: Approved for circulation.

- 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.

Action: Approved for circulation.

h) Subordinate Judicial Officers: Court Commissioners as Magistrates

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

Action: Approved for circulation.

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.

Action: Approved for circulation.

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.

Action: Approved for circulation.

A D J O U R N M E N T

There being no further open meeting business, the meeting was adjourned at 5:01 p.m.

C L O S E D S E S S I O N

Approval of Minutes

The advisory body reviewed and approved the 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. Urgent circumstances. The Policy Coordination and Liaison Committee had an urgent request to take action on this item due to the bill being heard in the Legislature the following week.

a) AB 2458 (Oberholte), as amended March 29, 2016 – Repeal 1% fund balance cap

Adjourned closed session at 5:12 p.m.

Approved by the advisory body on April 21, 2016.