



# 2018 Legislative Policy Summary

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HISTORICAL SUMMARY OF  
LEGISLATIVE ACTIVITY



JUDICIAL COUNCIL  
OF CALIFORNIA

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GOVERNMENTAL AFFAIRS

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September 2018

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Governmental Affairs monitors legislative activity and represents the Judicial Council before the Legislature, the Governor's Office, and executive branch agencies and departments. The following summarizes council action regarding court-related legislative proposals. The summary is organized by policy area and includes how the actions further the objectives of the seven goals of [\*Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2016\*](#). The table that follows each policy area shows actions taken on legislation that illustrate the policy. The table does not include every bill on which a council position was taken.

This document is updated annually. The electronic version of this document contains hyperlinks for viewing the text of the bills.

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**GENERAL PRINCIPLES**

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The Judicial Council supports the integrity and independence of the judicial branch and seeks to ensure that judicial procedures enhance efficiency and access to the courts. The council generally takes no position on bills involving substantive law. However, it may take a position on an apparent issue of substantive law if issues of procedure and substance are so inextricably intertwined that they directly affect court administration or judicial discretion or negatively affect existing judicial services by imposing unrealistic burdens on the system.

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**LEGISLATIVE ACTIVITY**


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**I. COURT OPERATIONS****A. COURT STRUCTURE**

The council supports a structure of general jurisdiction to improve court efficiency and flexibility in the use of judicial resources. For specialty calendars (e.g., drug courts, dependency drug courts, domestic violence courts, etc.) established in the trial courts, the council supports evaluation and development of best practices.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 515</a>	Dickinson	2013	Oppose, but direct staff to continue discussions with the author to explore possible alternatives that are more workable for the courts.	Mandates the creation of new California Environmental Quality Act (CEQA) compliance court divisions of the superior court in specified counties and vests these divisions with original jurisdiction over actions or proceedings brought pursuant to CEQA and joined matters related to land use and environmental laws. Requires a CEQA compliance division judge to issue a preliminary decision in each of these cases before the opportunity for oral argument is granted. Requires the Judicial Council to adopt rules for establishing, among other things, protocols to govern the administration and efficient operation of the divisions, so that those judges assigned to the divisions will be able to hear and quickly resolve those actions or proceedings.	II	

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**JUDICIAL COUNCIL OF CALIFORNIA—GUIDING PRINCIPLES**

Goal I – Access, Fairness, and Diversity

Goal II – Independence and Accountability

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 123</a>	Corbett	2013	Oppose; courts need the flexibility to manage their own calendars. Bill is not necessary due to existing CEQA calendar preference and special judge training requirements.	Requires the Judicial Council to direct the creation of an environmental and land use division “within two or more superior courts within each of the appellate districts of the state” (i.e., a minimum of 12 new divisions) to process all civil proceedings brought pursuant to the California Environmental Quality Act or in specified subject areas, including air quality, biological resources, climate change, hazards and hazardous materials, land use planning, and water quality. Specifies that such an action may be filed at a superior court within the county in which the underlying claim arises, but requires the proceeding to be transferred to the nearest superior court within the same appellate district that has established an environmental and land use division pursuant to the bill’s provisions. Creates new funding scheme utilizing specified fees for environmental license plates to supplement funding for the operation of the new environmental and land use divisions.	II	
<a href="#">SB 848</a>	Emmerson	2011	Oppose	Reorganizes the Court of Appeal into seven districts by removing the counties of Riverside, San Bernardino, and Inyo (currently Division Two) from the Fourth Appellate District and creating a new Seventh Appellate District consisting of those counties.	III	
<a href="#">AB 1925</a>	Salas	2010	No position	Authorizes superior courts to develop and implement veterans courts for eligible veterans of the United States military.	N/A	Outside Judicial Council purview.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 851</a>	Steinberg	2007	Oppose unless amended. Neutral if amended.	Authorizes superior courts to establish and implement mental health courts, which may operate a pre-guilty plea program or a deferred entry of judgment program. Authorizes the California Department of Corrections and Rehabilitation to contract with a superior court and county to use mental health courts as a program for parolees with serious mental illnesses who either violate the terms of parole or receive new terms, as an alternative to custody. As proposed to be amended, a parolee's participation in the mental health court program would be voluntary, and the parolee would be required to sign a waiver indicating agreement that participation in the program is in lieu of parole revocation proceedings. Parolees would remain under legal custody of the Department of Corrections and Rehabilitation.	II	Inappropriately creates shared jurisdiction over parolees.
<a href="#">ACA 38</a>	DeVore	2006	Oppose	Provides that the Supreme Court has original jurisdiction, and no other state court has jurisdiction, in any civil action challenging the facial validity of any statewide initiative measure or referendum placed on the ballot by signature petition of the voters and approved by the voters at a statewide election. Requires the Supreme Court to issue its decision within 90 days of the filing of the action, and establishes a 90-day statute of limitations for civil actions challenging the facial validity of this type of initiative measure or referendum.	II	
<a href="#">AB 1453</a>	Daucher	2005	Oppose	Creates new water courts to adjudicate cases involving the production of groundwater.	II	Interferes with court administration.
<a href="#">SCA 16</a>	Runner, George	2005	Oppose	Provides that Los Angeles County shall be divided into judicial districts established by three special masters appointed by the Supreme Court within 30 days after the effective date of the measure. Provides that each district must be geographically compact and contiguous to the extent practicable, and consist of no more than 36 superior court judges. The districts must also comply with the federal Voting Rights Act.	I, III, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2472/</a> <a href="#">SB 1424</a>	Wolk/ Burton	2004 2004	Oppose unless amended; neutral if amended.	Creates the California Tax Court, which would replace the State Board Equalization (BOE) as the forum that would hear and determine certain tax appeals. Provides that a taxpayer's option to file an appeal with the California Tax Court would be in lieu of filing an appeal in the California Superior Court. The bills provide further that, within 90 days of the date a determination by the California Tax Court becomes final, a taxpayer or the applicable state agency may appeal the determination of the California Tax Court to the Court of Appeal.	II	Amendments sought to eliminate use of terms "court" and "judge" and to allow review by extraordinary writ only.

## B. COURT FUNDING

The council supports funding of the courts at a level that will ensure an adequate and stable source of necessary resources. The council generally opposes funding the courts by fees or fines, but departs from this general position in certain circumstances.

### 1. *Budget*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2458</a>	Obernolte	2016	Support	Repeals the 1% cap on amounts trial courts are authorized to carry over from one fiscal year to another. Restores language to match pre-cap language.	VII	
<a href="#">AB 2629</a>	Roger Hernández	2016	Oppose, unless amended to remove subsection (c) relating to folio rates and funded.	Raises the fee for original transcripts and additional copies provided by official court reporters and court reporters pro tempore, except those fees established by local courts that were in effect on January 1, 2012, will continue to be in effect.	II, VII	Unfunded additional burden on branch during period of chronic underfunding.
<a href="#">AB 619</a>	Garcia	2013	Sponsor	Revises the formula for assessing interest and penalties for delinquent payments to the State Court Facilities Construction Fund. Makes this provision consistent with statute governing interest and penalties for late payments to the Trial Court Trust Fund. Authorizes the Controller to permit a county, city and county, or court to pay the interest or penalty amounts under a payment schedule if the interest or penalty amount causes a hardship to that entity.	III	This bill contains one of the 6 efficiency proposals approved for Judicial Council-sponsorship in April 2013.  See SB 539.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 655</a>	Quirk-Silva	2013	Oppose	Allows trial courts to establish a Reporters' Salary Fund, which shall be a revolving fund, to be used solely to contribute to the salaries and benefits of official court reporters.	II	Places pressure on the trial courts to create a special fund that needlessly treats a particular class of employees differently.
<a href="#">SB 539</a>	Margett	2007	Support	Establishes a tiered interest and penalty structure for late and underpayments to the Trial Court Trust Fund that reduce the retroactive penalty to the amount that the revenue would have earned had it been receiving the Local Agency Investment Fund (LAIF) rate so long as the court or county remits the revenue within 30 to 45 days, as specified, from the time the error is discovered; establishes that the higher penalty rate applies only from the date 30 days after the date of the issuance by the Controller of the final audit report concerning the failure to pay; and requires the entity found in error to make the payment directly to the state.	III	
<a href="#">SB 93</a>	Florez	2005	Neutral	Allows Tulare County to pay any interest and penalties owed to the Trial Court Trust Fund and the Trial Court Improvement Fund over a period of 10 years.	III	
<a href="#">AB 750</a>	Mullin	2005	Oppose	Authorizes San Mateo County to reduce the amount it is required to remit to the state for funding court operations by 10% for three years beginning on July 1, 2005.	IV	
<a href="#">SB 324</a>	Florez	2003	Oppose unless amended	Forgives nonremittance of revenues by Tulare County to the Trial Court Trust Fund.	III	Amendment sought to add an appropriation to reimburse the Trial Court Improvement Fund.
<a href="#">SB 1343</a>	Torlakson	2002	Neutral	Forgives retroactive repayment of MOE amounts to the Trial Court Trust Fund.	IV	
<a href="#">SB 1396</a>	Dunn	2002	Support	Clarifies allowable and unallowable costs for court security.	IV	
<a href="#">SB 1153</a>	Johannessen	2001	Oppose	Provides that costs related to court security in counties with a population of less than 103,000 shall be paid by the state.	IV	
<a href="#">AB 2459</a>	Wiggins	2000	No position	Requires the council to adopt rules to provide for public access to budget allocation and expenditure information.	II, IV	

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2. *Fees, fines, penalties*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1531</a>	Berman	2018	Support	Specifies that if a duplicate payment is made to a court by a party or an electronic service provider by credit card or other electronic means for, among other things, court filing fees, the court must issue any appropriate refund to the entity that made the most recent payment. Allows an electronic filing service provider, if an electronic filing is made to the court by the electronic filing service provider acting as the agent of the court for purposes of collecting and remitting filing fees, and fees owed to the electronic filing service provider remain unpaid for a period of five days after notice to the attorney of record, and the filing was made by the attorney of record and not an unrepresented party, to notify the clerk that fees remain unpaid despite notice to the attorney of record. Allows the clerk to notify the attorney of record that the attorney may be sanctioned by the court for nonpayment of fees and allows the court to sanction that attorney if the fees remain unsatisfied 20 days after the clerk's notice.	IV	
<a href="#">AB 2244</a>	Gatto	2016	Support	Authorizes an electronic filing service provider to impose a fee, subject to Judicial Council approval, for the use of a credit or debit card or electronic funds transfer in collecting payment of filing or other court fees on behalf of the court.	I, III	
<a href="#">AB 648</a>	Jones-Sawyer	2013	Sponsor	Specifies that the \$30 court reporter fee is for proceedings lasting one hour or less; the moving party is responsible for the fee; the court may collect the fee at a time specified by the court, but not later than the conclusion of each day's court session; the fee is refundable only if the court fails to provide a court reporter at the scheduled hearing; the fee will be charged once per case for all proceedings conducted within the same hour; the fee shall be waived for parties that have been granted a fee waiver; and the funds shall be deposited in the Trial Court Trust Fund and then returned to the court in which the funds were collected.	II, III	

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<a href="#">AB 1293</a>	Bloom	2013	Sponsor	Adds a probate fee of \$40 for the filing of a request for special notice in decedents' estate, guardianship, conservatorship, or trust proceedings to help courts cover the costs incurred and to ensure proper service of notice and other documents to all persons who have requested special notice. Sunsets on January 1, 2019.	I, IV	
<a href="#">SB 221</a>	Simitian	2011	Support	Increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000. Delays, until January 1, 2015, operation of jurisdictional increase for bodily injury claims resulting from vehicle accidents.	I	
<a href="#">AB 1826</a>	Beall	2008	Sponsor	Clarifies that the filing fee for filing an action seeking return of seized property in connection with controlled substance offenses is the same as the first paper filing fee in unlimited civil actions.	III	
<a href="#">AB 367</a>	De León	2007	Sponsor	Establishes a task force on criminal court-ordered fines and penalties that will make recommendations for simplifying California's criminal fine and penalty assessment, collection, and distribution system. Reduces the minimum fine required by the Franchise Tax Board Court-Ordered Debt Collection Program from \$250 to \$100 and expands the program to include collections for registration, pedestrian, and bicycle violations.	III	
<a href="#">AB 1248</a>	Evans	2007	Sponsor	Makes technical and clarifying changes to the Uniform Civil Fees and Standard Fee Schedule Act of 2005, clarifies the fine for production of documents pursuant to demand for production, increases the cap on habeas investigations costs paid by the Supreme Court, allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, and changes the date when the Judicial Council must adjust the amount a parent or guardian may be liable for minors' actions.	III, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 145</a>	Committee on Budget	2005	Sponsor	Establishes statewide uniform first-paper and first-response paper fees at three graduated levels: the filing fee for limited civil cases where the demand is less than or equal to \$10,000 is \$180; the filing fee for limited civil cases where the demand is greater than \$10,000 but less than \$25,000 is \$300; and the filing fee for unlimited civil cases is \$320.	II, III, IV	
<a href="#">SB 246</a>	Escutia	2004	Sponsor	Allows courts, in addition to counties, to refer delinquent fines to the Franchise Tax Board.	II, III	
<a href="#">AB 934</a>	Reyes	2003	Oppose	Adds a \$25 filing fee for deposit in the Child Abduction Prevention Fund established in the office of the district attorney in Fresno County.	II	
<a href="#">SB 940</a>	Escutia	2003	Sponsor	Requires the Judicial Council to adopt guidelines for a comprehensive collection program, establish a collaborative court-county working group on collections, and report on the effectiveness of collection programs.	II, III	
<a href="#">AB 1819</a>	Pacheco, Robert	2002	Support	Removes the \$100 minimum requirement to identify and collect delinquent fines and forfeitures with or without a warrant and provides that any county or court may establish a minimum base fine or forfeiture amount for inclusion in the program.	II, III	
<a href="#">AB 2690</a>	Cardoza	2002	Oppose	Requires each court to submit to the Bureau of State Audits an annual financial statement showing outstanding delinquent fines.	II, III	

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### C. COURT FACILITIES

The council seeks ways to fund necessary courthouse construction projects on a statewide basis.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2309</a>	Bloom	2018	Sponsor	Authorizes the Judicial Council to sell the West Los Angeles Courthouse and the Los Angeles Mental Health Courthouse, as specified, if the sale complies with certain requirements applicable to the disposal of court facilities and if the Judicial Council consults with, and first offers the right to purchase the property to, the County of Los Angeles. Requires the net proceeds from the sale of the courthouses to be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund.	VI	
<a href="#">AB 581</a>	Gomez	2015	Support	Asks voters to approve a \$2 billion general obligation bond measure to fund deferred maintenance projects in state facilities. Provides that the funds shall only be used to address deferred maintenance projects on state-owned property and shall be made available for expenditure only upon appropriation by the Legislature in the annual Budget Act. Defines a state agency as “any state agency, department, office, division, bureau, board, commission, district, agricultural association, the California State University, the University of California, and the Judicial Council.”	VI	
<a href="#">AB 314</a>	Gorell	2012	Oppose	Requires that contracts pertaining to the acquisition and construction of court facilities be subject to the provisions of the Public Contract Code.	II	
<a href="#">AB 2442</a>	Williams	2012	Oppose unless amended	Establishes the California Hope Public Trust and authorizes it to control state-owned real property the trust determines it should control, including court facilities.	IV	
<a href="#">SBX2 12</a>	Steinberg	2009	Sponsor	Provides for the continuous appropriation of revenue created by SB 1407 (Stats. 2008, ch. 311) to support courthouse construction projects. Creates an expedited authority process for trial court construction projects.	I, II, III, VI	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 1407</a>	Perata	2008	Sponsor	Authorizes a \$5 billion program for the construction, rehabilitation, renovation, and replacement of court facilities. Increases civil first-paper filing fees and criminal and traffic fees and penalties to generate the revenue to fund future revenue bonds.	I, III, VI	
<a href="#">SB 10</a>	Dunn	2006	Cosponsor	Revises the Trial Court Facilities Act of 2002 to allow buildings with a seismic level V rating to transfer to the state so long as counties remain liable for earthquake-related damage, replacement, injury, and loss to the same extent that they would have been liable if the responsibility for court facilities had not transferred to the state.	I, III	
<a href="#">SB 1375</a>	Lowenthal	2006	Support if amended	Requires the state to become a party to any public-private partnership agreement entered into by a county that involves a capital lease for construction of replacement court facilities and to become the lessee.	II, III	Amendment sought to remove requirement that the state participate in negotiations with counties and private developers regarding the construction of a new court facility
<a href="#">AB 262</a>	Berg	2005	Oppose	Prohibits the Judicial Council from requiring that a structure proposed for transfer from a county to the state for court occupancy meet a building code stricter than the standard adopted for the county buildings in the county proposing the transfer.	II, III	
<a href="#">AB 1435</a>	Evans	2005	Support	Adds expenditures on "court facilities" to the list of allowable uses of local courthouse construction funds.	III	
<a href="#">SB 395</a>	Escutia	2005	Sponsor	States the intent of the Legislature to enact the California Court Facilities Bond Act of 2006 to acquire, construct, and finance court facilities.	I, III, VI	
<a href="#">AB 688</a>	Nakanishi	2003	Oppose	Requires the Amador County courthouse and hospital transfer to the state on January 1, 2004, and relieves Amador County of its responsibility to provide court facilities pursuant to SB 1732 (Escutia; Stats. 2002, ch. 1082).	II	April 28, 2003 amendments provide that in establishing the recommended priorities for funding of projects under the California Court Facilities Construction and Renovation Bond Act of 2004, the Judicial Council shall consider all relevant factors bearing on the priority of each proposed project, including a proposal for matching funds. Council opposition withdrawn.
<a href="#">SB 655</a>	Escutia	2003	Sponsor	Authorizes the issuance of bonds, the proceeds of which would be deposited in the State Court Facilities Construction Fund.	I, III, VI	
<a href="#">SB 1732</a>	Escutia	2002	Cosponsor	Establishes a process for the transfer of responsibility for court facilities from the counties to the state.	I, II, III, VI	

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**D. COURT MANAGEMENT**

1. *Personnel issues* – The council seeks to maintain the ability of the judicial branch to manage relationships between courts and court employees and independent contractors such as court reporters and court interpreters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2868</a>	Santiago	2018	Oppose	Prohibits the Superior Court of the County of Los Angeles from employing a “limited-term law clerk” in the trial court for a period exceeding 180 calendar days. Provides that the law clerk is a trial court employee if he or she is employed for more than 180 calendar days. Makes legislative findings and declarations as to the necessity of a special statute for the Superior Court for the County of Los Angeles.	II, III	
<a href="#">AB 2835</a>	Cooper	2016	Oppose	Among other things, requires public employers (including the trial courts) to provide newly hired public employees, as defined, a specified public employee orientation within two months of hiring. Requires public employee orientation to take place during the regular workday, in person, unless the public employer and recognized employee organization or exclusive representative have agreed otherwise. Requires the scheduling of these orientations to be agreed on with the recognized employee organization or exclusive representative.	III	

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<a href="#">AB 804</a>	Hernández	2015	Support	Among other things, requires the Court Reporters Board (CRB) to adopt regulations that establish minimum continuing education (CE) requirements for renewal of a certified shorthand reporter (CSR) certificate by July 1, 2017. Specifies that the continuing education required includes a minimum of 2 hours of course credits in ethics and professional conduct of shorthand reporting. Limits the continuing education required to no less than 8 hours and no more than 12 hours every two years. Requires certificate holders, six months after the effective date of the regulations, to certify completion of minimum CE requirements to the CRB when renewing a certificate. Requires the CRB to ensure that the CE requirement is relevant to the practice of shorthand reporting. Permits the CRB to revoke or deny the right of a CE provider for failure to comply with requirements or regulations as specified. Authorizes the CRB to adopt regulations to implement the above provisions. Requires the CRB to collaborate with the Judicial Council to develop a list of approved courses that satisfy the requirements established by California Rules of Court, rule 10.474 and specifies that courses on the list shall satisfy both requirements.	V	
<a href="#">AB 874</a>	Rendon	2015	Neutral	Applies the Dills Act to the Judicial Council to confer bargaining rights to Judicial Council employees.	II	
<a href="#">AB 1699</a>	Hernandez	2010	Oppose unless amended	Provides that the General Fund and other special funds are to be continuously appropriated in an amount necessary for employee compensation and benefits, so that state employees will be fully paid in the absence of a state budget. The contents of this bill are identical to the provisions of AB 790.	II, III	Inappropriately treats judicial branch employees differently than other public employees.
<a href="#">AB 1749</a>	Lowenthal	2010	Support	Extends the existing provisions of the California Whistleblower Protection Act (CWPA) to the judicial branch.	II	Promotes accountability and transparency.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 752</a>	Wiggins	2009	Support	Requires that counties in joint Public Employees Retirement System (PERS) contract with a court, prior to issuing a pension obligation bond (POB): (1) identify court employees as of January 1, 2001, (2) require PERS to complete an actuarial analysis, and (3) reach agreement with the court on the financial and legal impact of the POB on the court's employer contribution rate.	II	
<a href="#">AB 276</a>	Solorio	2007	Oppose	Provides that a limited-term employee is a regular trial court employee if the limited-term employee has completed 180 days of service, and if the assignment, position, or project of the limited-term employee is an integral part of the long-term, regular work of the trial court. This bill would remove the right to bargain with employee organizations over the use of temporary or limited-term employees.	II, III	
<a href="#">AB 553</a>	Hernandez	2007	Oppose	Eliminates or delays the courts' ability to seek injunctive relief when court employees or when county employees strike and essential court employees will not cross a picket line. Removes a court's ability to seek injunctive relief in superior court for the return of a limited number of employees instead. Requires all injunctive relief to be sought through Public Employment Relations Board.	II, IV	
<a href="#">AB 582</a>	Evans	2007	Oppose unless amended and funded	Increases the fee for the original and copies of court reporter transcripts for three consecutive years by a specified amount and then annually by the Consumer Price Index.	I, IV	As amended May 23, 2007, council position changed to take no position on amount of transcript rate increase, if funded; support the uniform transcript standards; and oppose unless amended to address increased costs on low-income litigants.
<a href="#">AB 1797</a>	Bermudez	2006	Oppose	Prohibits use of limited-term employee for work that is an integral part of the long-term, regular work of the trial court.	II	
<a href="#">SB 733</a>	Aanestad	2005	Oppose unless amended	Requires the assets and liabilities of the Superior Court of Butte County and the County of Butte to be kept in separate accounts within the Public Employees Retirement System fund.	II, III	Amendment sought to delete the requirement that assets and liabilities be split and instead require the Judicial Council to report to the Legislature by January 1, 2006, on how to fairly resolve the issues raised in Butte and Solano Counties.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 782</a>	Kehoe	2003	Oppose unless amended	Grants to the Public Employment Relations Board authority to process claims involving violations of statutes or rules relating to employment relations between trial courts and recognized employee organizations.	II, III	
<a href="#">SB 371</a>	Escutia	2002	Support	Establishes the Trial Court Interpreter Employment and Labor Relations Act, providing for the employment and compensation of certified and registered trial court interpreters.	II, III	
<a href="#">SB 2011</a>	Burton	2002	Support	Establishes the Workers' Compensation Fund. Allows the courts to be uninsured for workers' compensation in the same way the state, as an employer, is uninsured.	II, III	
<a href="#">AB 1571</a>	Shelley	2001	Oppose	Eliminates the statutory "at pleasure" status of the Supreme Court and Court of Appeal employees.	II, III	
<a href="#">SB 2140</a>	Burton	2000	Support	Establishes the trial court as the employer of court employees.	III	

2. *Management and administration* – The council closely examines the fiscal and resource implications of any legislative proposal that places additional responsibilities on court administration. When appropriate, the council informs the Legislature of the need for additional resources to carry out new legislatively imposed responsibilities, or seeks to improve the efficiency of the new procedure.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2988</a>	Weber	2018	No position	Requires the appropriate governmental entity to preserve any object or material that contains or includes biological material. Requires the governmental entity to provide notice of intent to destroy biologics, as specified. Retains the provisions in existing law relating to challenges to notices of intent to destroy biologics.	VI	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 349</a>	Lara	2018	No position	Provides that Judicial Officers have the power to prevent activities that threaten access to state courthouses and court proceedings, and to prevent interruption of judicial administration, including protecting the privilege from civil arrest at courthouses and court proceedings. Provides that no person shall be subject to civil arrest of any type while at a courthouse or court proceeding. Provides that an individual who violates this provision may be held in contempt of court.	I	
<a href="#">AB 1128</a>	Weber	2017	Oppose	Provides that exhibits in criminal proceedings are to be retained under the custody and control of the court, and, in more serious cases, extends the time periods that exhibits must be retained by the court or that an object or material that contains biological material must be retained by the appropriate governmental entity.	VII	Some courts will not be able to comply with the provisions of this bill unless significant capital improvements and infrastructure are funded to provide for the necessary storage envisioned in this bill.
<a href="#">AB 1312</a>	Gonzalez Fletcher	2017	Oppose, unless amended	Among other things, requires a court, upon request by a sexual assault victim during a criminal proceeding related to the alleged sexual assault, to provide the victim and the victim's family members, friends, and witnesses with a secure waiting area that is separate from the waiting area of the defendant and the defendant's family members, friends, witnesses, and attorneys, and separate from the district attorney's office.	VII	Many courthouses will be unable to accommodate the secure waiting area requirement within existing space resources.
<a href="#">AB 1443</a>	Levine	2017	Sponsor	Specifies the statutory period for retaining court records in gun violence restraining order cases. Eliminates the requirement that superior courts report any court records that they have destroyed to the Judicial Council.	VII	
<a href="#">AB 1450</a>	Obernolte	2017	Support	Requires court reporters to provide transcripts to appellate courts, parties, or any other person entitled to a transcript in an electronic format that complies with the California Rules of Court, unless a paper copy is requested. Provides a five-year grace period for courts and reporters to modernize their equipment and overall technical abilities.	I, III, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 749</a>	Bloom	2015	Oppose, unless funded	Adds child custody hearings and Domestic Violence Prevention Act proceedings to the list of case types for which court reporters are mandated.	IV, VII	
<a href="#">SB 682</a>	Leno	2015	Oppose, unless amended	Establishes standards for when a trial court intends to enter into, renew, or extend a contract for any services that are “currently or have been customarily performed” by that trial court’s employees.	III	
<a href="#">AB 1773</a>	Allen	2014	Support, if funded	Requires the semiannual contracting reports related to the procurement of contracts by the Judicial Council to include a list of all new contracts and the complete history of contracts amended during the reporting period, including the date, amount, and duration of the original contract and all subsequent amendments.	III	
<a href="#">SB 1313</a>	Nielsen	2014	Sponsor	Eliminates the requirement that the enumerated courts use court reporters in nonmandated case types. Eliminating these requirements will allow the enumerated courts the flexibility that all other courts have to determine if their budget circumstances can accommodate court reporting in nonmandated case types.	III	
<a href="#">AB 1008</a>	Torres	2013	Oppose	Eliminates the ability of a judge to perform the duties of a clerk during a session of a superior court or within a judge’s chambers as is currently permitted under section 167 of the Code of Civil Procedure.	II	Hampers the ability of the trial courts to manage staffing and duties in the courtroom.
<a href="#">AB 1131</a>	Skinner	2013	Support the provision relating to court reporting, if amended.	Among other things, requires that courts notify the Department of Justice (DOJ) in an electronic format, in a manner prescribed by the DOJ, about individuals who have been adjudged by a court to be a danger to others as a result of mental disorder or mental illness, or who have been adjudicated to be a mentally disordered sex offender, within two court days of the finding.	IV	Allows for more efficient reporting to the Department of Justice.
<a href="#">AB 1352</a>	Levine	2013	Sponsor	Updates and revises court record retention provisions to allow courts to efficiently and effectively manage court records and reduce unnecessary storage costs.	II	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 973</a>	Campos	2011	Support if amended; neutral if not amended.	Requires trial courts, prior to adopting a baseline budget plan for the fiscal year, to accept public input by holding a public hearing where testimony may be presented and by receiving written comments. Requires that, during the current 60-day notice period regarding notice of courtroom closures, or closure or reduction in the hours of clerks' offices, the public be given an opportunity to submit written comments on the court's plan.	II	Support contingent on amendments to provide flexibility to the trial courts on how the opportunity for public comment is provided, rather than mandating a public hearing.
<a href="#">SB 326</a>	Yee	2011	Oppose	Requires the Judicial Council to adopt a rule of court requiring courts to make newly filed or lodged court records available for public inspection at the courthouse no later than the end of the same day on which those records are received by the court.	IV	Unworkable burden on courts.
<a href="#">SB 858</a>	Gaines	2011	Oppose	Provides that the Chief Probation Officer of Nevada County shall be appointed by the Nevada County Board of Supervisors.	II	Codifies a one-sided governance structure that ignores the critical role of the court in probation activities.
<a href="#">AB 1697</a>	Hall	2010	Oppose	Takes the authority to allocate funding for court security away from the Judicial Council. Directs that the allocation to each sheriff be determined by the Judicial Council's Working Group on Court Security; makes all persons who provide court security services employees of and under the direction of the county sheriff.	II	Inappropriately interferes with Judicial Council governance; inappropriately takes funding authority away from the Judicial Council.
<a href="#">AB 1926</a>	Evans	2010	Sponsor	Authorizes courts to create, maintain, and preserve records in any form or forms—including paper, optical, electronic, magnetic, micrographic, or photographic media or other technology—that satisfies standards or guidelines established by the Judicial Council.	VI	Promotes efficient management of court records.
<a href="#">AB 273</a>	Anderson	2009	Oppose	Requires the superior courts to submit all unpaid court-ordered debt to the Franchise Tax Board, regardless of the amount, if the debt is at least 90 days delinquent. Allows the Franchise Tax Board to include in the total amount owed by the debtor that is subject to collection, the "actual and reasonable cost of collection."	II	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1338</a>	Anderson	2009	Oppose unless funded	Authorizes the presiding judge of the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender, to establish and conduct an arraignment court program. Also authorizes the presiding judge of the superior court to establish extended hours for the operation of an arraignment court program.	III	Unnecessary. Interferes with court management.
<a href="#">AB 2357</a>	Duvall	2008	Oppose unless amended	Requires the Judicial Council to develop and implement policies and procedures for the protection of personal information maintained by a superior court and processed or stored by private service providers, consistent with the best interests of the public. Requires the council, as part of the process of developing these policies and procedures, to consider, among other things, the effect and advisability of prohibiting the outsourcing of data entry services outside the United States.	III, IV	Sought amendment to direct the Judicial Council to take a comprehensive look at protecting personal information and to develop policies and procedures that are in the best interests of the public.
<a href="#">AB 112</a>	Wolk	2007	Oppose	Designates a segment of State Highway Route 12 in Solano and San Joaquin Counties as a Safety Enhancement-Double Fine Zone upon approval of specified county resolutions and until January 1, 2012.	III	
<a href="#">AB 117</a>	Beall	2007	Oppose	Provides that, until January 1, 2010, a county may choose to levy an additional assessment for a highway traffic violation in the amount of \$2 for every \$10 or fraction thereof, on each base fine, excluding other penalty assessments, fees, or additions. Requires that the collected assessment be deposited in a Traffic Safety Committee Network fund, and that the monies be allocated so that, after deducting administrative costs, 85% shall be used in traffic safety programs approved by the county board of supervisors, and 15% shall be deposited in the county's courthouse construction fund.	III	
<a href="#">SB 57</a>	Alarcon	2005	Oppose	Authorizes a county board of supervisors to levy a \$2 penalty assessment for every \$10 in base fine for seat belt, speed limit, DUI, and domestic violence offenses.	III	Imposed undue burden on court case-management systems.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 324</a>	Florez	2004	Oppose unless amended to include an appropriation to the Trial Court Improvement Fund	Validates the incorrect distribution of fines, forfeitures, and penalties made by the County of Tulare to the State Treasurer for deposit in the Trial Court Improvement Fund in the 1996–1997 to 1999–2000 fiscal years.	II, IV	
<a href="#">SB 1801</a>	Bowen	2004	Oppose	Prohibits any state or local agency or court that accepts a credit card or debit card as a payment from imposing any processing fee or charge for the use of that card that is not also imposed on persons who pay by cash or check.	II, III	
<a href="#">AB 3036</a>	Corbett	2002	Oppose unless funded	Increases the accountability of guardians by assisting courts in overseeing guardianship cases and helps ensure proper care and treatment for wards.	II, III	
<a href="#">AB 1421</a>	Thomson	2001	Oppose unless funded	Authorizes a new involuntary outpatient treatment scheme for certain mentally ill persons. Sets forth new court duties for implementing this program.	III	

### E. COURT HOURS

The council seeks to maintain adequate access to the courts.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 996</a>	Anderson	2009	Oppose	Authorizes the courts to operate on a continuous and ongoing basis, 24 hours per day, seven days per week.	II, III	
<a href="#">AB 1641</a>	Keene	2003	Sponsor	Improves procedures authorizing the Chief Justice to issue orders during an emergency.	I, II, IV	

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## II. THE JUDICIARY

### A. JUDGESHIPS

The council is committed to ensuring adequate judicial resources in the courts. The council advocates creation of additional trial and appellate court judgeships in order of most severe need, and pursuant to an orderly statewide review.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2446</a>	Obernolte	2018	Sponsor	Secure funding for critically needed judgeships. Seek funding for 12 of the remaining 50 unfunded judgeships, assigned to the courts with the greatest need based on the most recently approved Judicial Needs Assessment, plus funding for one appellate justice and staff.	I, IV, VI	
<a href="#">SB 38</a>	Roth	2018	Sponsor	Adds an additional justice to the Courts of Appeal, Division 2, of the 4th Appellate District.	I, IV, VI	
<a href="#">AB 414</a>	Medina	2017	Support and Sponsor	Requires that up to four vacant judgeships be allocated from superior courts with more authorized judgeships than their assessed judicial need to superior courts with fewer authorized judgeships than their assessed judicial need.	I, II, III, IV	Enacted as part of budget.
<a href="#">AB 159</a>	Jones	2007	Sponsor	Authorizes the creation of the second set of 50 judgeships, to be allocated pursuant to the council's allocated methodology.	I, II, III, IV	
<a href="#">SB 56</a>	Dunn	2005	Sponsor	Authorizes 50 additional judges based on the uniform criteria and allocation approved by the Judicial Council pursuant to the Judicial Needs Study. Requires the Judicial Council to report to the Legislature biannually on the continuing need for new judgeships and their allocation based on the same uniform criteria.	I, II, III, IV	

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## B. JUDICIAL SERVICE

To ensure the branch’s ability to attract and retain highly qualified judges, the council supports appropriate increases to judicial salaries, and an adequate, fully funded judicial retirement plan. The council also seeks ways to improve the administration of justice in areas related to judicial retention, including (1) benefits, wellness subsidies, professional development allowances, personal leave, and supplemental life, disability, or liability insurance; (2) healthcare benefits, including services and programs; (3) compensation and retirement; (4) “quality of judicial life” resources and programs; (5) mentorship programs; and (6) special needs of and programs for new and retired judges.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2322</a>	Daly	2018	Support	Requires the Department of Motor Vehicles, upon request, to make confidential the home address of a judge or court commissioner or the surviving spouse or child of the judge or court commissioner if the judge or court commissioner died in the performance of his or her duties. Requires the department to make confidential the home address of the surviving spouse or child for three years following the death of the judge or court commissioner.	II, IV	
<a href="#">AB 2299</a>	Feuer	2012	Support	Authorizes the board of supervisors of a county to establish a program whereby the names of certain public safety officials, including judges and subordinate judicial officers, may be redacted on request from any property record of principal residence that is disclosed to the public.	II	Promotes safety and security of judges and their families.
<a href="#">SB 503</a>	Vargas	2011	Cosponsor	Allows Judges’ Retirement System II (JRS II) members who previously served as subordinate judicial officers (SJOs) to purchase JRS II service credit for a fraction of their SJO years.	I	
<a href="#">SB 1425/ AB 1987</a>	Simitian/ Ma	2010	Oppose unless amended	Prohibits the practice of “pension spiking” by excluding from the calculation of pension benefits out of the ordinary compensation increases paid for the principal purpose of enhancing individuals’ pension benefits. Prohibits “double dipping” by requiring at least six months’ separation before any employee may return to service.	II, III	Fails to address the unique circumstances of the judicial branch. By failing to exclude judges from the double-dipping provision, interferes with the assigned judges program’s ability to retain newly retired judges, and the ability to hire retired commissioners while a court awaits a judicial appointment to a converted commissioner position.
<a href="#">AB 32</a>	Lieu	2009	Support	Enhances Internet privacy protections for judicial officers.	II, III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 545</a>	Walters	2008	Support	Amends the Judges' Retirement System II (JRS II) statute to allow a judge who is on leave from the bench because of active duty service in the military to elect to purchase retirement service credit by repaying his or her missed contributions to JRS II.	II, III	
<a href="#">SB 1187</a>	Ackerman	2006	Sponsor	Permits a judge in the Judges' Retirement System II who leaves judicial office after five or more years of service and is not eligible to retire to elect to receive the amount in his or her retirement account as an annuity.	II, III	
<a href="#">SB 1364</a>	Battin	2006	Support	Protects privacy of judicial officers.	II, III	
<a href="#">AB 1035</a>	Spitzer	2005	Support	Prohibits any state or local agency from hosting or providing service to an Internet website that posts a public safety official's home address or telephone number.	II, III	
<a href="#">AB 1595</a>	Evans	2005	Support	Prohibits selling or trading for value on the Internet the home address or telephone number of any elected or appointed official has made a written demand to not disclose his or her home address or telephone number.	II, III	
<a href="#">SB 506</a>	Poochigian	2005	Support	Extends existing voter registration confidentiality programs to include a public safety official.	II, III	
<a href="#">SB 528</a>	Ackerman and Dunn	2005	Cosponsor	Declares the Legislature's intent to evaluate the impact of trial court unification on the judges' retirement systems and the resulting increase in the judges' ages at the start of their judicial service.	II, III	
<a href="#">AB 2905</a>	Spitzer	2004	Support	Requires that an employing governmental entity reimburse moving and relocation expenses if it is necessary to move because a judge or court commissioner has received a credible threat that a life-threatening action may be taken against him or her or his or her immediate family as a result of his or her employment.	II, III	Improve quality of judicial service.
<a href="#">AB 2688</a>	Alquist	2002	Support	Establishes a burial benefit in the amount of \$7,500, subject to cost-of-living increases, for all active and retired judges.	III	

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### C. SELECTION AND ELECTION OF JUDGES

The council seeks to avoid politicizing the election process, and supports a process that is fair and clear to candidates and informative to voters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 362</a>	Lowenthal	2011	Support	Revises the number of signatures needed for placing an uncontested judicial election on the ballot for a potential write-in contest. Requires that a write-in candidate for the office of superior court judge include on the statement of intent to run his or her compliance with eligibility requirements for a judge of a court of record.	I, II	
<a href="#">ACA 1</a>	Nation	2001	Oppose	Eliminates elections to fill judicial vacancies, providing instead that the Governor shall fill vacancies. Provides that all judges appear on the ballot uncontested, with the question presented whether the candidate shall be elected.	II, III	

### D. COMMISSIONERS, REFEREES, AND TEMPORARY JUDGES

The council supports clarification of the status, powers, and duties of commissioners, referees, and hearing officers.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1692</a>	Committee on Judiciary	2017	Cosponsor	Ratifies the authority of the Judicial Council to convert up to 10 subordinate judicial officer (SJO) positions to judgeships in fiscal year 2016–17, where the conversion results in a judge being assigned to family or juvenile law matters previously assigned to subordinate judicial officers.	I, II, IV	
<a href="#">AB 159</a>	Jones	2007	Sponsor	Authorizes the conversion of 162 subordinate judicial officer positions to judgeships upon vacancy.	I, II, IV	

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### III. PROCEDURAL LAW

#### A. APPELLATE PROCEDURE

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 1065</a>	Monning	2016	Oppose	Requires a Court of Appeal to issue its decision no later than 100 days after the notice of appeal is filed in an appeal of an order dismissing or denying a petition to compel arbitration in a case involving a claim under the Elder Abuse and Dependent Adult Civil Protection Act where a party has been granted a trial preference. Provides that a Court of Appeal may grant an extension of time in such an appeal only if good cause is shown and the extension will promote the interests of justice. Requires the Judicial Council to adopt rules of court to implement this act, and to also establish a shortened notice-of-appeal period in such cases.	I, II	Interferes with court administration and access to justice.
<a href="#">AB 825</a>	Rendon and Stone	2015	Oppose	Fundamentally changes the process of judicial review of Public Utilities Commission decisions by shifting review from the Courts of Appeal and Supreme Court to the Los Angeles and San Francisco superior courts.	III	Interferes with court administration.
<a href="#">AB 1932</a>	Jones	2014	Neutral	Requires a judgment of the appellate division of the superior court in an appeal to contain a brief statement of the reasons for the judgment, and provides that a judgment stating only “affirmed” or “reversed” is insufficient for this purpose.	II, IV	Increases public trust and confidence in the court system by making decisions more transparent.

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## B. CIVIL PROCEDURE

The council supports measures that reduce delay and make court operations more efficient. The council seeks to protect the exercise of judicial discretion in matters of civil litigation. The council generally supports judicial arbitration and other alternative dispute resolution (ADR) programs and procedures that are likely to assist in the equitable disposition of cases, but advocates for limits on the use of court-ordered discovery references to exceptional circumstances.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 734</a>	Bonta	2018	Oppose	Among other things, requires the Judicial Council to adopt a rule of court by September 1, 2019, to establish procedures governing CEQA actions challenging a specified Oakland Sports and Mixed-Use Project that requires the actions and any appeals therefrom to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court.	I, III	Interferes with court administration and access to justice.
<a href="#">AB 987</a>	Kamlager-Dove	2018	Oppose	Among other things, requires the Judicial Council to adopt a rule of court by July 1, 2019, to establish procedures governing CEQA actions challenging a specified sports and entertainment project in the City of Inglewood that requires the actions and any appeals therefrom to be resolved, to the extent feasible, within 270 days of the certification of the record of proceedings.	I, III	Interferes with court administration and access to justice.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1905</a>	Grayson	2018	Oppose	Prohibits a court in a judicial action or proceeding under the California Environmental Quality Act from staying or enjoining specified transportation projects unless the court finds either of the following: (1) the continued construction or operation of the transportation project presents an imminent threat to the public health and safety; or (2) the transportation project contains unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values that would be materially, permanently, and adversely affected by the continued construction or operation of the transportation project unless the court stays or enjoins the construction or operation of the transportation project. Specifies that if the court finds that either of the above criteria is satisfied, the court shall only enjoin those specific activities associated with the transportation project that present an imminent threat to public health and safety or that materially, permanently, and adversely affect unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values	I, III	Interferes with court administration and access to justice.
<a href="#">AB 2185</a>	Chiu	2018	Neutral	Authorizes a court to appoint a guardian ad litem under a pseudonym pursuant to specified requirements.	IV	
<a href="#">AB 2230</a>	Berman	2018	Support	Provides that in lieu of a separate statement in connection with a motion to compel further responses to discovery requests, the court may (but is not required to) allow the moving party to submit a concise outline of the discovery request and each response in dispute. Delays the operative date of the above permissive separate statement provisions to January 1, 2020. Extends from 60 to 75 days the respective timelines for the court to rule on a motion for a new trial and a motion to set aside and vacate the judgment.	IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2267</a>	Wood	2018	Oppose	Requires the Judicial Council, on or before July 1, 2019, to amend certain rules of court to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act seeking judicial review of the certification of an environmental impact report or the adoption of a negative declaration or mitigated negative declaration for the adoption or amendment of a specified plan in the City of Santa Rosa (referred to as the “RED Area Plan”). Requires the actions or proceedings, including any potential appeals therefrom, be resolved, to the extent feasible, within 270 days of the certification of the record of proceedings.	I, III	Interferes with court administration and access to justice.
<a href="#">AB 2586</a>	Melendez	2018	Oppose	Prohibits a court in a judicial action or proceeding under the California Environmental Quality Act (CEQA) from staying or enjoining specified housing development projects unless the court finds either of the following: (1) the continued construction or operation of the housing development project presents an imminent threat to public health and safety; or (2) the housing development project site contains unforeseen important Native American artifacts or unforeseen important historical or archaeological values that would be materially, permanently, and adversely affected by the continued construction or operation of the project unless the court stays or enjoins the construction or operation of the project. Specifies that if the court finds that either of the above criteria is satisfied, the court shall only enjoin those specific activities associated with the housing development project that present an imminent threat to public health and safety or that materially, permanently, and adversely affect unforeseen important Native American artifacts or unforeseen important historical or archaeological values.	I, III	Interferes with court administration and access to justice.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 922</a>	Nguyen	2018	Oppose	Among other things, requires the Judicial Council, on or before July 1, 2019, to adopt a rule of court to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act seeking judicial review of an environmental impact report for specified affordable student housing projects. Requires the actions or proceedings, including any potential appeals therefrom, be resolved, to the extent feasible, within 365 days of the lodging with the court of the certified record of proceedings. Also prohibits a court from staying or enjoining the siting, construction, or operation of the affordable student housing project unless the court finds either of the following: (a) the continued construction or operation of the project presents an imminent threat to public health and safety; or (b) the project site contains unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values that would be materially, permanently, and adversely affected by the continued construction or operation of the project unless the courts stays or enjoins the construction or operation of the project. Further provides that if the court makes either of the above findings, the court shall only enjoin those specific activities associated with the project that present an imminent threat to public health and safety or that materially, permanently, and adversely affect unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values.	I, III	Interferes with court administration and access to justice.
<a href="#">SB 948</a>	Allen	2018	Oppose	Would authorize the Governor to certify updates to a community plan and the accompanying ordinances meeting specified requirements as being eligible for the CEQA expedited judicial review benefits of AB 900 (Stats. 2011, ch. 354).	I, III	Interferes with court administration and access to justice.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 1340</a>	Glazer	2018	Oppose	Requires the Judicial Council, on or before July 1, 2019, to adopt a rule of court to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act (CEQA) seeking judicial review of an environmental impact report and approvals granted for a housing project. It requires the actions or proceedings, including any appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of proceedings. Prohibits a court from staying or enjoining the siting, construction or operation of the housing project unless the court finds either of the following: (i) the continued construction or operation of the project presents an imminent threat to public health and safety; or (ii) the project site contains unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values that would be materially, permanently, and adversely affected by the continued construction or operation of the project unless the court stays or enjoins the construction or operation of the project. Specifies further that if the court finds that either of the above criteria is satisfied, the court shall only enjoin those specific activities associated with the project that present an imminent threat to public health and safety or that materially, permanently, and adversely affect unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values.	I, III	Interferes with court administration and access to justice.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 30</a>	Caballero	2017	Oppose	Among other things, prohibits a court in a judicial action or proceeding under the California Environmental Quality Act from enjoining a qualified strip mall conversion housing project, as defined, unless the court finds either of the following: (i) the continuation of the project presents an imminent threat to the public health and safety; or (ii) the project site contains unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values that would be materially, permanently, and adversely affected by the continuation of the project unless the courts stays or enjoins the project.	I, III	Interferes with court administration and access to justice.
<a href="#">AB 73</a>	Chiu	2017	Oppose	Among other things, requires the Judicial Council, on or before July 1, 2018, to adopt a rule of court to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act to attack, review, set aside, void, or annul a public agency's certification of the environmental impact report for the designation or the approval of the designation of a housing sustainability district. It requires the actions or proceedings, including any potential appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of the proceeding.	I, III	Interferes with court administration and access to justice.
<a href="#">AB 246</a>	Santiago	2017	Oppose	Among other things, extends for two years the expedited California Environmental Quality Act (CEQA) judicial review procedures established by AB 900 (Stats. 2011, ch. 354). Requires the courts to resolve CEQA lawsuits on AB 900 projects within 270 days, to the extent feasible, from the date the certified record of proceedings is filed with the court.	I, III	Interferes with court administration and access to justice.
<a href="#">AB 644</a>	Berman	2017	Support	Extends the meet and confer requirements under the demurrer statute to both a motion for judgment on the pleadings and a motion to strike.	IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 905</a>	Maienschein	2017	Support	Revises and recasts the procedures for California courts to recognize money judgments of courts from other states, foreign countries, and tribal courts. Among other things, eliminates the Tribal Court Civil Money Judgment Act's sunset date, thereby extending its provisions indefinitely.	III, IV	Improves administration of justice.
<a href="#">AB 976</a>	Berman	2017	Sponsor	Among other things, the civil procedure provisions of the bill: (1) authorize the use of electronic signatures for signatures made under penalty of perjury on electronically filed documents; (2) provide for a consistent effective date of electronic filing and service across courts and case types; (3) consolidate the mandatory electronic filing provisions; (4) clarify the application of section 1010.6's electronic service provisions in sections 664.5 and 1011; and (5) codify 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.	II, IV	Improves administration of justice.
<a href="#">SB 699</a>	Galgiani	2017	Oppose	Extends for two years the expedited California Environmental Quality Act judicial review procedures established by AB 900 (Stats. 2011, ch. 354).	I, III	Interferes with court administration and access to justice.
<a href="#">SB 785</a>	Wiener	2017	No position	Among other things, seeks to prevent irrelevant information about a person's immigration status from being divulged in open court and included in specified public court records. Prohibits parties to a civil or criminal action from disclosing evidence regarding the immigration status of any other party or witness in open court, unless the party first requests a confidential, in-camera hearing and ruling by the judicial officer presiding over the case as to whether the evidence is relevant and not inadmissible. Prohibits <i>in criminal cases</i> evidence of a person's immigration status from being included in public court records, except as authorized by the court pursuant to the above-described, confidential, in-camera hearing procedure.	I, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 789</a>	Bradford	2017	Oppose	Among other things, requires the Judicial Council, on or before July 1, 2018, to adopt a rule of court to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act seeking judicial review of an environmental impact report and approvals granted for a project related to the development of a specified sports and entertainment project in the City of Inglewood. Requires the actions or proceedings, including any appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of proceeding. Prohibits a court from staying or enjoining the construction or operation of the project unless the court finds either of the following: (i) the continued construction or operation of the project presents an imminent threat to the public health and safety; or (ii) the project site contains unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values that would be materially, permanently, and adversely affected by the continued construction or operation of the project.	I, III	Interferes with court administration and access to justice.
<a href="#">AB 1298</a>	Gipson	2016	Oppose	Among other things, requires the Judicial Council to adopt a rule of court to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act (CEQA) seeking judicial review of a public agency's action in granting project approval for the stadium project. It requires the actions or proceedings, including any appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of proceeding. Prohibits a court from staying or enjoining the implementation of the stadium project unless the court makes specified findings.	I, III	
<a href="#">AB 1473</a>	Salas	2016	Oppose	Extends for four years the sunset on AB 900 (Stats. 2011, ch. 354), which provides for expedited judicial review of certain cases filed under the California Environmental Quality Act.	I, III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 734</a>	Galgiani	2016	Oppose	Extends for two years the sunset on the expedited judicial review provisions in AB 900 (Stats. 2011, ch. 354) that apply to specified cases filed under the California Environmental Quality Act.	I, III	Interferes with court administration and access to justice.
<a href="#">AB 311</a>	Gallagher	2015	Oppose	Among other things, requires the Judicial Council, on or before July 1, 2016, to adopt a rule of court to establish procedures applicable to actions or proceedings seeking judicial review of a public agency's action in certifying the environmental impact report and in granting project approval for those projects that require the actions or proceedings, including any appeals therefrom, be resolved, to the extent feasible, within 270 days of the certification of the record of proceedings. Prohibits a court from staying or enjoining those water projects unless the court makes specified findings.	I, III	Interferes with court administration and access to justice.
<a href="#">AB 432</a>	Chang	2015	Support	Aligns the Code of Civil Procedure with the rules of court that define "electronic signature" and authorizes their use by courts and judicial officers. Provides that an electronic signature by a court or judicial officer shall be effective as an original signature.	IV	
<a href="#">AB 455</a>	Bigelow	2015	Oppose	Among other things, requires the Judicial Council, on or before July 1, 2016, to adopt a rule of court to establish procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of an environmental impact report for projects covered by a groundwater sustainability plan that require the actions or proceedings be resolved within 270 days of certification of the record of proceeding. Prohibits a court from staying or enjoining those projects unless the court makes specified findings.	I, III	Interferes with court administration and access to justice.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 641</a>	Mayes	2015	Oppose	Among other things, requires the Judicial Council, on or before July 1, 2016, to adopt a rule of court to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act seeking judicial review of a public agency's action in granting project approval for specified housing development projects. It requires the actions or proceedings, including any appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of proceeding. Prohibits a court from staying or enjoining those housing development projects unless the court makes specified findings.	I, III	Interferes with court administration and access to justice.
<a href="#">AB 1068</a>	Allen	2015	Oppose	Authorizes each member of the Legislature to nominate one project subject to the California Environmental Quality Act within his or her respective district each year, and the Governor to designate those projects as priority projects if the projects meet specified requirements. Among other things, prohibits a court from staying or enjoining the implementation of a priority project unless the court finds either of the following: (1) the continued construction or operation of the project presents an imminent threat to the public health and safety; or (2) the priority project site contains unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values that would be materially, permanently, and adversely affected by the continued construction or operation of the priority project.	I, III	Interferes with court administration and access to justice.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1298</a>	Gipson	2015	Oppose	Among other things, requires the Judicial Council to adopt a rule of court to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act seeking judicial review of a public agency's action in granting project approval for the stadium project. It requires the actions or proceedings, including any appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of proceeding. Prohibits a court from staying or enjoining the implementation of the stadium project unless the court makes specified findings.	I, III	Interferes with court administration and access to justice.
<a href="#">SB 127</a>	Vidak	2015	Oppose	Among other things, requires the Judicial Council, on or before July 1, 2016, to adopt a rule of court to establish procedures applicable to actions or proceedings seeking judicial review of a public agency's action in certifying the environmental impact report and in granting project approval for projects funded under the Water Bond (Proposition 1) that require the actions or proceedings, including any appeals therefrom, be resolved, to the extent feasible, within 270 days of the certification of the record of proceedings. Prohibits a court from staying or enjoining those water projects unless the court makes specified findings.	I, III	Interferes with court administration and access to justice.
<a href="#">SB 383</a>	Wieckowski	2015	Support	Establishes new requirements for filing, amending, and resolving demurrers. Among other things, requires the parties to meet and confer, in person or by telephone, before the demurring party may file a demurrer. Establishes various streamlined procedures and timelines for the courts and parties to follow to resolve demurrers more efficiently.	IV	
<a href="#">AB 1659</a>	Chau	2014	Support	Requires that the moving, opposing, and reply briefs and accompanying documents in support of or opposition to a motion for judgment notwithstanding the verdict or in support or opposition to a motion to set aside and vacate a judgment be served and filed in accordance with the deadlines applicable to a motion for new trial.	IV	

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<a href="#">SB 1398</a>	Cannella	2014	Oppose	Prohibits a court, in an action brought pursuant to the California Environmental Quality Act challenging certain maintenance activities along the Salinas River from staying or enjoining such maintenance activities unless those activities present an imminent threat to public health and safety or would materially, permanently, and adversely affect unforeseen important Native American artifacts, or unforeseen important historical, archaeological, or ecological values.	I, III	Interferes with court administration and access to justice.
<a href="#">AB 756</a>	Melendez	2013	Oppose; appellate courts are not designed for this process, and it's an inefficient use of judicial resources.	Expands the expedited judicial review procedures enacted by AB 900 (Stats. 2011, ch. 354) to public works projects, as defined.	II	
<a href="#">AB 1167</a>	Dickinson	2013	Support	Clarifies the procedures for levying officers to follow in their efforts to enforce judgments where the underlying writ of execution was issued by the court in an electronic form. Among other things, details the specific information that must be included in a judgment creditor's instructions to the levying officer in such cases. Makes clear that the levying officer may generally proceed in the same manner as if in possession of a paper version of the original writ.	III, IV	
<a href="#">AB 1875</a>	Gatto	2012	No position	Specifies that, unless otherwise ordered by the court, a deposition in a civil case would generally be limited to one day of 7 hours of total testimony. Provides that the court shall allow additional time if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination. Exempts specified individuals and cases.	II, III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2106</a>	Wagner	2012	Support	Clarifies the time for bringing a motion for a new trial and a motion to set aside and vacate a judgment.	IV	
<a href="#">SB 1214</a>	Cannella	2012	Oppose	Expands the types of projects that would be eligible for expedited judicial review by requiring all CEQA challenges to projects located in a “distressed county” (except for high-speed rail projects) be filed directly with the Court of Appeal with geographic jurisdiction over the project.	I, III	Interferes with court administration and access to justice.
<a href="#">AB 1403</a>	Committee on Judiciary	2011	No position	Makes various changes to the statute governing voir dire in civil trials. Among other things, provides that a brief opening statement should be allowed for each party prior to the commencement of the oral questioning phase of the voir dire process; prohibits a blanket policy of time limits for voir dire; provides that in cases where a questionnaire is utilized, the parties should be given reasonable time to evaluate the responses before oral questioning commences; and authorizes the court to provide the parties with both the alphabetical list and the list of prospective jurors in the order in which they will be called.	IV	
<a href="#">AB 5</a>	Evans	2009	Sponsor	Amends the Civil Discovery Act to expressly authorize the discovery of electronically stored information, and authorizes the “copying, testing or sampling” of such information. Allows a party to specify the form in which electronically stored information is to be produced, and if no form is specified, the responding party must produce the information in the form or forms in which it is ordinarily maintained or in a form that is reasonably usable. Establishes procedures for motions to compel and motions for protective orders relating to the discovery of electronically stored information. Sets forth a procedure for handling disputes over the production of electronically stored information that is subject to claims of privilege or attorney work-product protection.	III, IV	Improves administration of justice.

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<a href="#">AB 839</a>	Emmerson	2009	Support	Requires Medi-Cal service providers with a complaint or grievance concerning the processing or payment of money that the provider alleges is payable under the Medi-Cal program to follow specified Department of Health Care Services complaint procedures. In lieu of allowing providers to seek “appropriate judicial remedies” to appeal the department’s decision, instead specifies that the provider who has complied with these procedures may, within the time period prescribed in existing law, file a petition for a writ of mandate pursuant to section 1085 of the Code of Civil Procedure in the superior court.	III, IV	Improves administration of justice.
<a href="#">SB 259</a>	Benoit	2009	Oppose	Provides that, if a court voids any results of a homeowners’ association election for one or more Common Interest Development (CID) board members, the court shall not invalidate a decision of the board that was reached after the board was seated pursuant to that election unless the court finds that the action of the board was contrary to law or the governing documents.	II	Interferes with court discretion.
<a href="#">AB 225</a>	Beall	2008	Support	Re-enacts the elder abuse protective orders statute and expands its scope to allow the court, in its discretion, on a showing of good cause, to extend the protection to include the petitioner’s named family or household members, as well as the petitioner’s conservator. Provides that a petitioner shall not be required to pay a fee for law enforcement to serve a protective order issued pursuant to the bill’s provisions.	III, IV	Enhances court’s ability to provide protection to elder abuse victims, and improves access to justice.

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<a href="#">AB 2193</a>	Tran	2008	Support	Enacts the Interstate and International Depositions and Discovery Act. Creates a process for the resolution of a dispute regarding discovery conducted in California in connection with an out-of-state proceeding, and provides that a request for relief in this regard would be filed in the superior court in the county in which the discovery is sought, with payment of specified fees. Permits a party to appeal court orders in connection with a dispute by extraordinary writ to the appropriate Court of Appeal.	IV	Improves administration of justice and enhances court administration.
<a href="#">AB 2379</a>	Evans	2008	Oppose	Provides that an appeal from an order granting or denying a motion to seal or unseal a court record may be made by filing an extraordinary writ petition or notice of appeal. If a party seeks an appeal, requires that the record relating to the matter and the opening brief be filed within 30 days of notice of entry of the trial court's order. Requires the clerk of the reviewing court to set the appeal for a hearing on the first available court date.	II	Interferes with appellate court calendaring authority.
<a href="#">SB 1608</a>	Corbett, Harman, Steinberg, Runner, and Calderon	2008	Neutral	Requires a court, in civil actions involving construction-related accessibility claims, to issue an order, upon request, that grants a 90-day stay of the action and schedules a mandatory early evaluation conference (EEC) if the defendant has satisfied certain requirements relating to inspection of the site at issue by a certified access specialist. Provides that the court must schedule an EEC between 21 and 50 days after issuance of the stay order, and requires that EECs be conducted by a superior court judge or commissioner, or a court early evaluation conference officer, as defined.	IV	Encourages early resolution of these cases.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 500</a>	Lieu	2007	Support	Specifies generally that a party may appear by telephone in all general civil cases at case management conferences and other specified conferences, hearings, and proceedings. Provides that a court may require a party to appear in person at such hearings, conferences, or proceedings if the court determines, on a hearing-by-hearing basis, that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.	I, IV	Improves access to the courts and conserves resources.
<a href="#">AB 1264</a>	Eng	2007	Neutral	Prohibits delay reduction rules from requiring the severance of unnamed defendants prior to the conclusion of the introduction of evidence at trial, except on stipulation or motion of the parties.	IV	Improves administration of justice.
<a href="#">AB 2303</a>	Committee on Judiciary	2006	Sponsor (of specified provisions)	Clarifies the procedures governing a change of name; makes service times for elder abuse protective orders consistent with other protective orders; authorizes courts to receive notice to appear citations for non-parking Vehicle Code violations electronically if the court has the ability to receive the information and reproduce it in a printed form; and extends the sunset date on existing statutory authority for courts to impose modest monetary sanctions on jurors who fail to respond to a jury summons.	IV	Improves administration of justice and enhances court administration.
<a href="#">SB 1116</a>	Scott	2006	Support	Increases court oversight of moves of conservatees and the sale of their homes.	IV	Improves the court's ability to provide oversight of these cases.
<a href="#">SB 1550</a>	Figueroa	2006	Support	Enacts the Professional Fiduciaries Act, which establishes in the Department of Consumer Affairs a new licensure scheme governing professional conservators, guardians, and other fiduciaries.	IV	Improves the court's oversight of these cases.
<a href="#">AB 355</a>	Tran	2005	Oppose	Authorizes the court in any action involving joint and several liability to "instruct the jury on the effect of finding any party, including, but not limited to, the State of California, partially liable."	II, III	Would create confusion; interferes with judicial function.
<a href="#">AB 496</a>	Aghazarian	2005	Support if amended	Requires the clerk to maintain the original summons in the court file.	III	Improves court administration and conserves resources.
<a href="#">AB 1322</a>	Evans	2005	Cosponsor	Modifies grounds for disqualification to require more than casual discussions regarding prospective employment with providers of alternative dispute resolution services.	II, IV	Avoids unnecessary disqualifications of judges.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1742</a>	Committee on Judiciary	2005	Sponsor	Deletes the sunset on Code of Civil Procedure section 128.7, thereby continuing the courts' ability to impose sanctions for the filing of frivolous lawsuits. Clarifies and streamlines small claims court procedures, extends the sunset of the security fee, and requires that acceptance of an offer to compromise a lawsuit must be in writing.	III, IV	Improves administration of justice and enhances court administration.
<a href="#">SB 575</a>	Torlakson	2005	Oppose unless amended	Establishes calendar preference for actions to enforce provisions of the "Anti-NIMBY" law.	II, III	Interferes with court administration.
<a href="#">AB 3078</a>	Committee on Judiciary	2004	Sponsor	Makes several noncontroversial changes to the statute governing the times for service and filing of motion papers, as well as clarifying the cutoff date for discovery in civil cases. Also clarifies standing of emancipated minors in small claims court, and clarifies to whom a clerk must provide notice when a check for filing fees has been returned for nonpayment.	III, IV	Improves administration of justice and enhances court administration.
<a href="#">SB 1249</a>	Morrow	2004	Oppose	Provides that the word "hearing," when applied to any demurrer, motion, or order to show cause, signifies oral argument by moving and opposing parties on a record amenable to written transcription which shall be had unless affirmatively waived by the parties.	II, IV	Unnecessary; interferes with judicial function.
<a href="#">AB 2321</a>	Hertzberg	2002	Sponsor	Clarifies the process for tort claims filed against judicial branch entities.	III	Eliminates confusion and streamlines the handling of cases.
<a href="#">AB 3027</a>	Committee on Judiciary	2002	Sponsor	Makes various improvements to civil procedure.	III	Improves administration of justice and enhances court administration.

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1. *Alternative dispute resolution*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1123</a>	Mayes	2015	Support	Authorizes, but does not require, a county that has established and is operating a program under the Dispute Resolution Program Act to contract with the superior court of the county to transfer operation of the program to the court.	III, IV	
<a href="#">AB 202</a>	Harman	2005	Support	Provides that filing a petition to compel arbitration pursuant to Code of Civil Procedure section 1281.2 is the exclusive means by which a party to an arbitration agreement may seek to compel arbitration of a controversy alleged to be subject to that arbitration agreement.	III, IV	Would conserve judicial resources by eliminating unnecessary side litigation over issue.

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2. *Disqualification motions (170.6)*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1894</a>	Monning	2010	Support	Extends, for civil cases only, the time period for moving to disqualify a judge from 10 to 15 days and requires the moving party to notify all other parties within 5 days of making the motion.	II, IV	Clarifies timeline for bringing motions, which should help avoid confusion.

3. *Miscellaneous*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 3248</a>	Committee on Judiciary	2018	Support	Removes the July 1, 2019 repeal date on the statutory procedures governing mandatory expedited jury trials in limited civil cases, thereby extending these provisions indefinitely.	I, III, IV	Enhances access to justice and increases efficiency of handling small civil cases.
<a href="#">AB 555</a>	Alejo	2015	Support	Modifies existing procedures governing voluntary expedited jury trials to provide that each party has up to 5 hours to complete voir dire and present its cases and adds new provisions that require most limited civil cases to be conducted as expedited jury trials.	I, III, V	Enhances access to justice and increases efficiency of handling small civil cases.
<a href="#">AB 1390/</a> <a href="#">SB 226</a>	Alejo Pavley	2015	Support	This package of bills provides a modern, comprehensive adjudication process for all groundwater basins regulated under the Sustainable Groundwater Management Act (SGMA), and it would be an option for basins that are not. These bills will (1) make the adjudication process more cost-effective, (2) ensure that the process is fair, and (3) harmonize the process with SGMA to ensure that parties have a forum to determine their water rights but do not use it to obstruct or delay SGMA.	IV	
<a href="#">SB 406</a>	Evans	2014	Sponsor	Establishes the Tribal Court Civil Money Judgment Act to govern the process by which a party could seek recognition of a tribal court civil money judgment in California state courts.	I, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2073</a>	Silva	2012	Support	Authorizes the Superior Court of Orange County, until July 1, 2014, to adopt a local rule of court that would establish a pilot project mandating parties to civil actions identified by the court to electronically file and serve documents. Requires the Judicial Council to adopt uniform rules that would permit trial courts throughout the state to mandate electronic filing and service of documents in civil cases.	III	
<a href="#">AB 2274</a>	Lara	2012	Support	Extends the vexatious litigant statute to pro per parties who had legal representation at the time of filing their lawsuits.	I	
<a href="#">SB 731</a>	Committee on Judiciary	2012	Sponsor	Clarifies that the vexatious litigant statute applies to matters in the Courts of Appeal, as well as the trial courts, and that a presiding justice or judge may delegate to another justice or judge of the same court the authority to make the pre-filing determination that an individual is a vexatious litigant or is permitted to file an action; and provides procedures for an application to vacate a pre-filing order and remove a litigant's name from the Judicial Council's list of vexatious litigants.	III	
<a href="#">AB 2119</a>	Tran	2010	Support	Provides that when any law governing civil procedure requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, excluding the date of the hearing.	IV	
<a href="#">AB 2284</a>	Evans	2010	Support	Establishes the Expedited Jury Trials Act. Among other things, defines expedited jury trial as a binding jury trial before a reduced jury panel and judicial officer. Requires the Judicial Council, by January 1, 2011, to adopt implementing rules and forms. Makes the act operative until January 1, 2016.	I, III, IV	
<a href="#">SB 1274</a>	Committee on Judiciary	2010	Sponsor	Authorizes service by electronic notification by defining electronic service to include both electronic transmission and electronic notification. Authorizes electronic service of all types of documents and expands the courts ability to serve certain documents electronically.	III, IV	

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4. *Small claims* – The council advocates a small claims court system that provides a speedy, fair, and inexpensive alternative for resolving conflicts of low monetary value. The council supports adequate funding for small claims human resources in all counties.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 221</a>	Simitian	2011	Support	Increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000.	I	Enhances access to the courts.
<a href="#">AB 712</a>	Evans	2009	Support	Specifies that a small claims court has jurisdiction over an action for an injunction or other equitable relief when a statute expressly authorizes a small claims court to award that relief. Expressly provides that this legislation does not expand and is not encouraging the expansion of the jurisdiction of the small claims court.	I, IV	Improves administration of justice.
<a href="#">AB 1873</a>	Lieu	2008	Sponsor	Clarifies that a court is authorized to charge the same fees for postjudgment motions related to the enforcement of a small claims judgment as a court charges for the enforcement of a regular civil judgment. Authorizes a court to charge and collect a nonrefundable postponement fee of \$10 from either party who makes more than one <i>pre-service</i> request to postpone a small claims trial. Provides that this fee would only be assessed after a party has already been granted one prior postponement.	III, IV	Improves administration of justice and enhances court administration.
<a href="#">AB 2846</a>	Feuer	2008	Support	Provides that if a dispute exists between the owner of a separate interest and a homeowners' association regarding any disputed charge or sum levied by the association, and the amount in dispute does not exceed the jurisdictional limits of the small claims court, the owner of the separate interest may pay under protest the disputed amount and all other amounts levied, including certain fees, costs, and other specified amounts, and commence an action in small claims court.	I, IV	Improves access to the courts.
<a href="#">SB 1432</a>	Margett	2008	Support	Increases the jurisdiction of the small claims court from \$4,000 to \$6,500 for any action brought by a natural person against a defendant guarantor that charges a fee for its guarantor or surety services.	I, IV	Improves access to the courts.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2455</a>	Nakanishi	2006	Support	Provides that the small claims court has jurisdiction in an action brought by a natural person against the Registrar of the Contractors State License Board as the defendant guarantor holding a contractor's cash deposit if the amount of the demand does not exceed \$7,500.	I, IV	Enhances access to the courts.
<a href="#">AB 1459/ SB 422</a>	Canciamilla/ Simitian	2005	Oppose unless amended, support if amended	Increases the jurisdiction in small claims court from \$5,000 to \$7,500 for actions brought by <i>natural persons</i> .	I, III, IV	Enhances access to the courts by raising jurisdictional amount to \$7,500; opposition to proposal to expand jurisdiction to \$10,000 because too much complexity for small claims.

5. *Summary adjudication/ summary judgment*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1141</a>	Chau	2015	Support section 1; no position on section 2	Reinstates the provisions in Code of Civil Procedure (CCP) section 437c that allowed a party to file a motion for partial summary adjudication. Amends CCP section 998, the statute that governs settlement offers and costs, by requiring the defendant to pay a reasonable sum to cover expert witness costs, whether or not the costs arose post-offer, in cases where the defendant failed to obtain a more favorable judgment or award.	III, IV	
<a href="#">SB 470</a>	Jackson	2015	Sponsor	Provides that in granting or denying a motion for summary judgment or summary adjudication, the court need rule only on those objections to evidence that it deems material to its disposition of the motion, and that objections to evidence that are not ruled on for purposes of the motion are preserved for appellate review.	III, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 384</a>	Evans	2011	Support	Authorizes a motion for summary adjudication of a legal issue or claim of damages, other than punitive damages, that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty. It does this upon stipulation of the parties whose claims or defenses are put at issue by the motion, and a prior determination by the court, that the motion will further the interests of judicial economy by reducing the time required for trial or increasing the ability of the parties to settle. Clarifies the law governing fees in complex civil cases.	III, IV	
<a href="#">AB 2961</a>	Wayne	2002	Oppose	Authorizes a motion for summary adjudication of a legal issue or claim of damages other than punitive damages that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty, if brought upon stipulation of the parties whose claims or defenses are put at issue by the motion.	II	Interferes with court's management of litigation.

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6. *Unlawful detainer* – The council supports efforts to reduce delays and abuses in unlawful detainer actions, and seeks to ensure that processes are not overly burdensome to the courts.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2819</a>	Chiu	2016	Neutral	Makes various changes to the law governing masking of records in unlawful detainer (UD) proceedings. Among other things, the bill provides that the court clerk shall allow access to UD civil case records to any person 60 days after the complaint has been filed if the plaintiff prevails in the action within 60 days of the filing of the complaint. If a default or default judgment is set aside more than 60 days after the complaint has been filed, the above masking rule shall apply as if the complaint has been filed on the date the default or default judgment is set aside. The court clerk shall allow access to UD civil case records to a person by order of the court if judgment is entered for the plaintiff after trial more than 60 days since the filing of the complaint. In conjunction with the entry of judgment for the plaintiff in the above instance, the court must also issue an order unsealing the records. The bill clarifies that its provisions do not prohibit the court from issuing an order that bars access to the court record in a UD case if the parties to the action so stipulate. Finally, the bill allows (but does not require) the court to dismiss the action without prejudice if 60 days elapse after the complaint is filed and no proof of service of the summons has been filed.	I, II, IV	
<a href="#">AB 1126</a>	Eng	2007	Support	Provides that in unlawful detainer actions and other specified summary proceedings involving the possession of real property, a discovery motion may be made at any time upon giving five days' notice. Requires the Judicial Council to adopt rules prescribing the time for the filing and service of opposition and reply papers relating to specified motions filed in connection with the above summary proceedings.	II, IV	Improves administration of justice.

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<a href="#">AB 664</a>	Jones	2005	Support	Allows the court to list legal service providers not funded by the federal Legal Services Corporation on unlawful detainer notices.	I, IV	Ensures best information on legal service providers for UD defendants.
<a href="#">SB 345</a>	Kuehl	2003	Oppose unless amended	Denies access to unlawful detainer records until 60 days following the date final judgment has been entered in favor of the landlord after a trial or summary judgment motion.	III	Administrative record-keeping requirements unduly burdensome on the courts.

### C. CRIMINAL PROCEDURE

1. *Criminal and capital case processing* – The council seeks to expedite the resolution of criminal cases at the trial and appellate level. The council seeks to maintain the courts’ ability to efficiently and effectively manage the procedures and administration of the court system while improving the delivery of justice to the public, and to protect the exercise of the judicial discretion in criminal cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2526</a>	Rubio	2018	Sponsor	Sets forth the procedure for issuing a temporary emergency gun violence restraining order, specifically Penal Code sections 18140 and 18145, replacing the procedural requirement for obtaining an order orally with requirements set forth directly within the gun violence prevention statutes. Clarifies the procedures for law enforcement officers and the court to follow and aligns procedures with those for obtaining a domestic violence emergency protection order.	III	
<a href="#">AB 2710</a>	Obernolte	2018	Sponsor	Promotes procedural efficiencies by streamlining and modernizing the warrant process. More specifically, amends Penal Code sections 817 and 1526 by: (1) providing that the warrant signed by the magistrate and received by the officer be deemed the original warrant; (2) no longer requiring the magistrate to print the warrant; and (3) eliminating the oral oath requirement, with the magistrate exercising discretion to call the officer when appropriate.	III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2988</a>	Weber	2018	No position	Requires the appropriate governmental entity to preserve any object or material that contains or includes biological material. Requires the governmental entity to provide notice of intent to destroy biologics, as specified. Retains the provisions in existing law relating to challenges to notices of intent to destroy biologics.	VI	
<a href="#">SB 10</a>	Hertzberg	2018	Support	Changes the current pretrial release and detention system, moving from a system that determines pretrial release and detention based on criminal charge and monetary bail, to one that is based on criminal charges and assessment of risk to public safety, and potential for failure to return to court.	I, II, IV	
<a href="#">AB 255</a>	Gallagher	2017	Support	When determining the county placement of sexually violent predators, requires the court to consider additional factors if the county of placement is not the county of domicile, including if and how long the person has previously resided or been employed in the county and if the person has next of kin in the county.	I	
<a href="#">AB 411</a>	Bloom	2017	Oppose provision requiring a jury instruction	Requires that if a party makes a showing that the therapy or facility dog and handler are suitably qualified and will reasonably assist the testifying witness, the court shall grant the motion, unless the court finds the use of a therapy or facility dog would cause undue prejudice to the defendant or would be unduly disruptive to the court proceeding. Requires the court, upon request of the parties, to issue an appropriate jury instruction designed to prevent prejudice for or against any party if a therapy dog is used.	II	
<a href="#">AB 532</a>	Waldron	2017	Oppose	Clarifies that a court may collaborate with outside organizations on a program to offer mental health and addiction treatment services, as defined, to women who are charged in a complaint that consists only of misdemeanor offenses or who are on probation for one or more misdemeanor offenses. Specifically excludes from these provisions a woman who is charged with a felony or who is under supervision for a felony conviction.	IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 745</a>	Reyes	2017	Sponsor	Until January 1, 2021, authorizes a presiding judge of a superior court located within the County of Riverside or the County of San Bernardino, if certain conditions are met, to direct a commissioner to perform certain specified duties performed by magistrates, including on-call magistrate duties. Requires the Judicial Council to report to the Governor and Legislature on this expanded authority.	I	
<a href="#">AB 789</a>	Rubio	2017	Sponsor	Allows a court to approve own recognizance release under a court-operated or court-approved pretrial release program for certain arrestees with three or more prior failures to appear.	I, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1541</a>	Kalra	2017	Oppose	Provides that: (1) counsel for each party shall have the right to examine, by oral and direct questioning, any of the prospective jurors in order to enable counsel to intelligently exercise challenges for cause; (2) the judge permit liberal and probing examination calculated to discover bias or prejudice with regard to the circumstances of the particular case or the parties before the court and provide that the fact that a topic was included in the judge's examination shall not preclude appropriate questioning in the same area by counsel; (3) the scope of the examination conducted by counsel shall be within reasonable limits prescribed by the judge in the judge's sound discretion; (4) the judge shall not impose specific unreasonable or arbitrary time limits or establish an inflexible time limit policy for voir dire; (5) as voir dire proceeds, the judge shall permit supplemental time for questioning, as specified; and (6) the court shall not arbitrarily or unreasonably refuse to submit reasonable questionnaires before oral questioning commences and that if a questionnaire is used, that the parties be given reasonable time to evaluate the responses to the questionnaires before oral questioning commences. Requires the judge to facilitate the jury selection process and provide the parties with both the alphabetical list and the list of prospective jurors, in the order in which they will be called.	IV	The bill as written is inefficient and burdensome, infringes on judicial discretion, and interferes with the ability of judges to manage their courtrooms.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 238</a>	Hertzberg	2017	Support provision relating to digital records	Among other things, applies existing law relating to certified photographic records of exhibits to digital records of exhibits to: (1) allow any party to prepare a digital record of an exhibit before it is disposed of; (2) require that the clerk of the court observe the taking of a digital record of the exhibit and certify the copy of the digital record as being a true, unaltered, and unretouched print of the photographic record taken in the presence of the clerk; and (3) require a duplicate of the photographic or digital record to be delivered to the clerk for certification and defines “photographic” and “duplicate” for these purposes.	VI	
<a href="#">SB 785</a>	Wiener	2017	No position	Among other things, seeks to prevent irrelevant information about a person’s immigration status from being divulged in open court and included in specified public court records. Prohibits parties to a civil or criminal action from disclosing evidence regarding the immigration status of any other party or witness in open court, unless the party first requests a confidential, in-camera hearing and ruling by the judicial officer presiding over the case as to whether the evidence is relevant and not inadmissible. Prohibits <i>in criminal cases</i> evidence of a person’s immigration status from being included in public court records, except as authorized by the court pursuant to the above-described, confidential, in-camera hearing procedure.	I, IV	
<a href="#">AB 813</a>	Gonzalez	2016	Oppose, unless amended	Creates an explicit right for a person no longer imprisoned or restrained to prosecute a motion to vacate a conviction or sentence as specified.	IV	
<a href="#">AB 1272</a>	Grove	2016	Support	Requires that, in scheduling a trial date at an arraignment in superior court where the allegation is that the defendant committed a crime against a person with a developmental disability, courts make reasonable efforts to avoid setting that trial, when that case is assigned to a particular prosecuting attorney, on the same day that another case is set for trial involving the same prosecuting attorney.	I, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1276</a>	Santiago	2016	Support	Authorizes, under specified conditions, a minor 15 years of age or younger to testify by contemporaneous examination and cross-examination in another place and out of the presence of the judge, jury, defendant or defendants, and attorneys if the testimony will involve the recitation of the facts of an alleged offense of human trafficking.	IV	
<a href="#">AB 1867</a>	Steinorth	2016	Support	Includes within the definition of an “electronically digitized copy” a copy that is made by scanning, photographing, or otherwise exactly reproducing a document, is stored or maintained in a digitized format, and that meets certain requirements.	VI	
<a href="#">AB 1962</a>	Dodd	2016	Support	Requires the Department of State Hospitals (DSH), on or before July 1, 2017, to adopt guidelines for education and training standards for a psychiatrist or licensed psychologist to be considered for appointment by the court to conduct mental competence examinations pursuant to Penal Code section 1369. Directs DSH to convene a workgroup to assist in the development of the guidelines that is comprised of the Judicial Council and other groups or individuals representing judges, defense counsel, district attorneys, counties, advocates for people with developmental and mental disabilities, state psychologists and psychiatrists, professional associations and accrediting bodies for psychologists and psychiatrists, and other interested stakeholders. Clarifies the court’s authority to depart from the guidelines in specified cases.	II, IV	

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<a href="#">AB 2013</a>	Jones-Sawyer	2016	Oppose	Requires that three counties—one large, one medium, and one small—be selected to participate in a three-year pilot project. Creates a three-member committee to select the pilot counties, with members selected by the California District Attorneys Association (CDAA), the California Public Defenders Association (CPDA), and the Judicial Council, with the CDAA and CPDA responsible for convening the committee. Requires the Department of Justice to report to the Legislature not later than July 1, 2021.	IV	
<a href="#">AB 2380</a>	Alejo	2016	Oppose	Requires the court to provide the following information at the arraignment of a defendant who is charged with a felony and who is the sole custodial parent of one or more minor children: (1) Judicial Council Form GC-250, the “Guardianship Pamphlet”; (2) information regarding a power of attorney for a minor child; and (3) information regarding “trustline” background examinations pertaining to child care providers as provided in Health and Safety Code section 1596.60 et seq.	II	
<a href="#">AB 2498</a>	Bonta	2016	No position	Among other things, expands the list of criminal actions that take precedence over all other criminal actions in the order of trial to include human trafficking, as defined.	I	
<a href="#">AB 2655</a>	Weber	2016	Support	Provides that the court’s jurisdiction from the date of the arraignment to declare a forfeiture and authority to release bail may be extended for not more than 90 days if both of the following occur: (1) the arraignment is continued to allow the prosecutor time to file the complaint; and (2) the defendant requests the extension in writing or in open court.	I	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 443</a>	Mitchell	2016	No position	Requires additional due process protection in cases where the State of California seeks forfeiture of assets in connection with specified drug offenses. Changes the process concerning how money or property forfeited under federal forfeiture law is distributed to state or local law enforcement. Increases the threshold for a burden of proof of beyond a reasonable doubt for seizure of assets to less than \$40,000. In cases in which the forfeiture hearing, or any related civil discovery, is continued or stayed, the requirement that the forfeiture case be tried in conjunction with the related criminal case or to the same jury as in the related criminal case may be waived by the parties.	IV	
<a href="#">SB 823</a>	Block	2016	Oppose	Extends the relief available under Penal Code section 1203.49 for dismissal of adult prostitution convictions suffered by human-trafficking victims to dismissal of any nonviolent offenses committed as a direct result of or in clear connection with a human-trafficking scheme of which the person was a victim. Provides that a person who was arrested for a crime allegedly committed while the person was a human-trafficking victim may petition for a judicial finding of his or her status as a human-trafficking victim at the time of the offense and an order that the arrest record be sealed.	II	
<a href="#">SB 1134</a>	Leno	2016	Neutral, if funded	Allows a writ of habeas corpus to be prosecuted on the basis of new evidence that is credible, material, presented without substantial delay, and of such decisive force and value that it would have more likely than not changed the outcome at trial. Defines “new evidence” as “evidence that has been discovered after trial, that could not have been discovered prior to trial by the exercise of due diligence, and is admissible and not merely cumulative, corroborative, collateral, or impeaching.”	I	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 39</a>	Medina	2015	Support	Requires an affiant to first sign his or her affidavit in support of the application for the search warrant and then transmit the proposed search warrant and all supporting affidavits and documents to the magistrate. It also provides that the completed search warrant as signed by the magistrate and transmitted via facsimile transmission, electronic mail, or computer server, and received by the affiant shall be deemed to be the original warrant.	V	
<a href="#">AB 249</a>	Obernolte	2015	Sponsor	Prohibits appeals based solely on the grounds of an error in the imposition or calculation of fines, penalty assessments, surcharges, fees, or costs unless the defendant first presents the claim in the trial court at the time of sentencing, or, if the error is not discovered until after sentencing, the defendant first makes a motion for correction in the trial court. Lists statutory exceptions to the appellate procedure set forth in Penal Code section 1237.2.	I	
<a href="#">AB 267</a>	Jones-Sawyer	2015	Oppose	Requires the court to inform the defendant prior to the plea of not guilty only of the potential adverse consequences set forth in the bill. Provides that courts may provide the information through a form notice presented to the defendant or a bulletin posted in the courtroom informing the defendant of these adverse consequences. Provides that the court may orally inform the defendant that the actual impacts may be unknown and the defendant may consult with his or her attorney or another qualified expert. Provides that with respect to pleas accepted prior to January 1, 2016, it is not the intent of the Legislature that a court's failure to provide the advisement should require a vacation of judgment and withdrawal of the plea, constitute grounds for finding a prior conviction invalid, or provide a ground for appeal from the judgment or appealable order.	IV	Potential of increasing workload and adding to the already high-volume calendars; defense counsel is in best position to advise of adverse consequences.
<a href="#">AB 539</a>	Levine	2015	Support	Authorizes law enforcement to obtain a search warrant to test the blood of a person suspected of operating a marine vessel under the influence of drugs and/or alcohol.	IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 673</a>	Santiago	2015	Support	Establishes procedures for the payment and collection of fines, fees, and restitution if a person is released on probation or mandatory supervision, and the jurisdiction of the case is transferred to the superior court of another county, as specified.	III	
<a href="#">AB 696</a>	Jones-Sawyer	2015	Oppose	Requires the court, upon motion of a noncustodial defendant accused of a misdemeanor, to make a probable cause determination. Requires that determination to be made 30 days before the date calendared for trial to allow the prosecution to comply with certain discharge requirements.	IV	Has the potential of requiring a significant number of additional probable cause determinations hearings for out-of-custody misdemeanor defendants.
<a href="#">AB 813</a>	Gonzalez	2015	Oppose unless amended	Creates an explicit right for a person no longer imprisoned or restrained to prosecute a motion to vacate a conviction or sentence as specified.	IV	Author made several amendments to address some of the concerns raised by the Judicial Council.
<a href="#">AB 1156</a>	Brown	2015	Support	Makes numerous technical and clarifying changes to the 2011 Realignment Act, including, among others, that a court may, within 120 days of the date of commitment on its own motion, or on the recommendation of the county correctional administrator, recall the sentence previously ordered and resentence the defendant in the same manner as if he or she had not previously been sentenced, provided the new sentence, if any, is no greater than the original sentence; requiring the Judicial Council to adopt rules providing criteria regarding a court's decision to impose the lower or upper term of a sentence under Penal Code section 1170(h)(1)-(2); and providing that a person shall not be subject to prosecution for a non-felony offense arising out of a violation in the California Vehicle Code, with the exception of Driving under the Influence (DUI), that is pending against him or her at the time of his or commitment to a county jail under the 2011 Realignment Act.	I	Judicial Council also sponsored a proposal authorizing courts to recall past felony sentences within 120 days of sentencing on the court's own motion.
<a href="#">AB 1351</a>	Eggman	2015	No position	Addresses the federal immigration law that makes a deferred entry of judgment requirements a "conviction," for deportation purposes, by creating a pretrial diversion program, which does not result in a conviction if completed successfully.	I	

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<a href="#">AB 1352</a>	Eggman	2015	No position	Requires a court to allow a defendant who was granted deferred entry of judgment on or after January 1, 1997, after pleading guilty or nolo contendere to the charged offense, to withdraw his or her plea and enter a plea of not guilty, and would require the court to dismiss the complaint or information against the defendant if the defendant performed satisfactorily during the deferred entry of judgment period and the defendant attests that the plea may result in the denial or loss to the defendant of any employment, benefit, license, or certificate, including, but not limited to, causing a noncitizen defendant to potentially be found inadmissible, deportable, or subject to any other kind of adverse immigration consequence. Requires that if court records showing the case resolution are no longer available, the defendant's declaration, under penalty of perjury, that the charges were dismissed after he or she completed the requirements, be presumed to be true if the defendant submits a copy of his or her state summary criminal history information that shows either that the defendant successfully completed the deferred entry of judgment program or that the record does not show a final disposition.	I	
<a href="#">AB 1492</a>	Gatto	2015	Oppose	Among other things, requires that DNA samples obtained during an arrest on a felony not be sent to Department of Justice for analysis until after a judicial determination of probable cause, if the California Supreme Court upholds <i>People v. Buza</i> , review granted February 18, 2015, S223698. If the California Supreme Court upholds <i>Buza</i> , requires the DNA specimen and sample to be destroyed and the searchable database profile expunged from the database without the requirement of an application to the Department of Justice.	IV	Poses significant operational issues; the potential confusion among courts regarding the application of the bill prior to and after the Supreme Court's ruling in <i>Buza</i> is likely to place burdens on the courts.
<a href="#">SB 213</a>	Block	2015	Support/ Cosponsor	Reduces the number of peremptory challenges available in misdemeanor trials from 10 to 6 in cases where the offense is punishable with a maximum term of imprisonment of one year or less.	IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 443</a>	Mitchell	2015	Oppose	Requires additional due process protection in cases where the State of California seeks forfeiture of assets in connection with specified drug offenses. Changes the process concerning how money or property forfeited under federal forfeiture law is distributed to state or local law enforcement. Changes the burden of proof for seizure of assets less than \$25,000 from a clear and convincing standard to a beyond a reasonable doubt standard. In cases in which the forfeiture hearing, or any related civil discovery, is continued or stayed, the requirement that the forfeiture case be tried in conjunction with the related criminal case or to the same jury as in the related criminal case may be waived by the parties.	IV	
<a href="#">SB 517</a>	Monning	2015	Sponsor	Provides courts with discretion to order the release of supervised persons from custody, unless otherwise serving a period of flash incarceration, regardless of whether a petition has been filed or a parole hold has been issued.	III	

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<a href="#">SB 603</a>	Hueso	2015	Oppose	Among other things, provides that if a defendant is acting as his or her own attorney, the court, on a motion by the prosecutor, at the request of a victim, or on the court's own motion, shall conduct a hearing to determine whether intermediary standby counsel shall be appointed, at county expense, for the limited purpose of presenting the defendant's examination of the victim. Provides the court may order intermediary standby counsel if the court makes the certain findings. If intermediary standby counsel is not available, provides that the court appoint any individual the court deems fit to conduct the examination or the court may conduct the examination. Provides that when the court orders the examination of the victim be presented by intermediary standby counsel, another individual, or the court, the defendant shall submit the entire line of questioning to the intermediary standby counsel, another individual, or the court, including any follow-up questions, and have the right to contemporaneously direct intermediary standby counsel, another individual, or the court during the examination to ensure the defendant maintains control of his or her defense.	II	
<a href="#">SB 694</a>	Leno	2015	Neutral, if funded	Allows a writ of habeas corpus to be prosecuted on the basis of new evidence that is credible, material, and of such decisive force and value that it would have more likely than not changed the outcome at trial. Defines "new evidence" as "evidence that has been discovered after trial, that could not have been discovered prior to trial by the exercise of due diligence, and is admissible and not merely cumulative, corroborative, collateral, or impeaching."	I	

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<a href="#">AB 885</a>	Ammiano	2014	Oppose	Allows the court, in any criminal trial or proceeding in which the court determines that the prosecuting attorney has failed to disclose materials and information required under law, to instruct the jury that the intentional failure to disclose the materials and information has occurred and that the jury may consider the failure to disclose as circumstantial evidence to support the presence of reasonable doubt.	II	Interferes with judicial discretion to deliver jury instructions that are appropriate to the unique facts and circumstances of each trial.
<a href="#">AB 1014</a>	Skinner	2014	Neutral	Creates a new civil process for the issuance of gun violence restraining orders and authorizes a law enforcement officer or immediate family member of a person to seek, and a court to issue, a gun violence restraining order, as specified, prohibiting a person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition. Defines a gun violence restraining order as an order, in writing, signed by the court, prohibiting and enjoining a named person from having under his or her custody and control, owning, purchasing, possessing, or receiving any firearms or ammunition. Requires the Judicial Council to prescribe the petitions and orders and any other documents or rules of court necessary to implement the gun violence restraining order process.	I	Author took numerous amendments addressing operational concerns for courts.
<a href="#">AB 1591</a>	Achadjian	2014	Support	Requires that courts notify the Department of Justice in an electronic format about individuals who have been adjudged by a court to be incompetent to stand trial, not guilty by reason of insanity, a danger to others as a result of a mental disorder or mental illness, or a mentally disordered sex offender, within one court day instead of two court days of the finding.	IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1610</a>	Bonta	2014	Support	Authorizes the defendant or the People to apply for an order that the witness be examined conditionally when the defendant has been charged with human trafficking and there is evidence that the victim or material witness will not attend the trial because he or she is under the direct control of the defendant or another person involved in human trafficking and by virtue of this relationship, the defendant or another person seeks to prevent the witness or victim from testifying.	IV	By granting courts the authority to order that a witness be conditionally examined in cases involving human trafficking, AB 1610 both enhances judicial discretion and enhances the quality of justice.
<a href="#">AB 1698</a>	Wagner	2014	Support	Requires a court to issue a written order declaring a false or forged instrument to be judged void at its inception when (1) a defendant is convicted of offering a false or forged instrument for filing, or (2) a defendant enters a plea in which a charge of offering a false or forged instrument is dismissed, but he or she agrees to let the court consider the dismissed charge for purposes of sentencing. Clarifies that the prosecuting agency must record the court order at the appropriate public office.	IV	Increases the efficiency of courts by avoiding costly quiet title actions.
<a href="#">AB 2186</a>	Lowenthal	2014	Support	Among other things, requires the court, if it finds any one of a list of conditions to be true, to issue an order authorizing involuntary administration of antipsychotic medication to the defendant when and as prescribed by the defendant's treating psychiatrist at a state hospital or other facility. Requires the court to review the order to administer involuntary medication at the time of the review of the initial competency report by the medical director of the treatment facility and at reviews of the six-month progress reports.	IV	

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<a href="#">AB 2190</a>	Maienschein	2014	Sponsor	Allows the court, when appropriate, to conditionally release a defendant found incompetent to stand trial to a placement in the community, rather than in a custodial or in-patient setting, to receive mental health treatment until competency is restored. Requires that when a conservatorship investigation results from a criminal court ordering an evaluation of a defendant, the officer must submit a copy of the report to the defendant or defendant's attorney who may authorize distribution to the criminal court. Clarifies the defendant or defendant's counsel must give prior written consent to release of conservatorship investigation to a criminal court.	I, IV	
<a href="#">AB 2397</a>	Frazier	2014	Support	Expands the types of appearances that can be made using two-way videoconference technology between a defendant housed in a state, county, or local facility within the county and a courtroom to include specified noncritical trial appearances, if the defendant and defense counsel consent to the defendant's physical absence from court.	VI	The use of video technology should improve the efficiency of courts and over time the use of that and similar technology will be more frequent.
<a href="#">AB 2487</a>	Wagner	2014	Sponsor	Requires court reporters to transcribe shorthand notes of preliminary hearings on homicide charges within 10 days following the close of examination. In all other felony charges, the reporter would be required to transcribe his or her shorthand notes within 10 days of a request by counsel or the court.	IV	Would have created new efficiencies for the courts.
<a href="#">AB 2499</a>	Bonilla	2014	Support	Among other things, provides that unless otherwise ordered by the court, mandatory supervision commences upon release from physical custody or an alternative custody program, whichever is later. Also provides that this provision becomes effective and operative on January 1, 2015, and shall be applied prospectively to any person sentenced on or after January 1, 2015. The bill further provides that the time spent on a home-monitoring program shall be credited toward any term of imprisonment or fine imposed.	VI	Enhances judicial discretion when courts impose sentences involving mandatory supervision and clarifies an ambiguity in the law about when mandatory supervision begins for a defendant.

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<a href="#">AB 2625</a>	Achadjian	2014	Support	Requires the court, in cases where the medical director's report concerning the defendant's progress toward mental competency recovery indicates there is no substantial likelihood the defendant will regain mental competence in the foreseeable future to order the defendant to be returned to the court for further proceedings to determine if the defendant is eligible to be placed under a specified conservatorship no later than 10 days following receipt of the medical director's report. Provides that the court shall transmit a copy of its order to the community program director or his or her designee. Requires that a defendant committed to a state hospital for treatment to regain mental competency, but who has not recovered competence, be returned to the committing court no later than 90 days before the expiration of the defendant's term of commitment.	IV	
<a href="#">AB 2645</a>	Dababneh	2014	Sponsor	Provides that where jurisdiction of a case in which the defendant has been placed on mandatory supervision or probation is transferred, the court in the transferring county shall determine the amount of restitution owed to the victim, unless the determination cannot be made in a reasonable time.	III	
<a href="#">AB 2683</a>	Cooley	2014	Sponsor	Deletes a category of juror misconduct that constitutes misdemeanor contempt—the willful disobedience by a juror of a court admonishment against any communication or research about a pending trial, including electronic or wireless communications.	III	

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<a href="#">AB 2724</a>	Bradford	2014	Oppose	Provides that the ability to post bail or pay the civil assessment imposed by the court for failure to appear for a proceeding, or failure to pay a fine or bail installment, is not a prerequisite to filing a request that the court vacate the assessment. Provides that the imposition or collection of a civil assessment does not preclude a defendant from scheduling a court hearing on the underlying charge. Provides that the court cannot require the payment of bail, fine, or civil assessment before the person requests that the court vacate a civil assessment, imposed as specified. Provides that if an agreement is signed to pay a lawfully imposed fine in installments or to perform community service in lieu of the fine, as specified, the magistrate or court clerk is required to issue and file with the Department of Motor Vehicles (DMV) a certificate showing that an agreement has been signed to request that the hold on the defendant's driver's license be lifted.	II	
<a href="#">SB 663</a>	Lara	2014	Support provision relating to trial dates	Among other things, requires that, in scheduling a trial date at an arraignment in superior court where the allegation is that the defendant committed a crime against a person with a developmental disability, courts make reasonable efforts to avoid setting that trial, when that case is assigned to a particular prosecuting attorney, on the same day that another case is set for trial involving the same prosecuting attorney.	I, IV	Gives courts flexibility in scheduling arraignments involving allegations that the defendant committed a crime against persons with developmental disabilities by requiring courts to make "reasonable efforts" to avoid setting trials on the same day a case is assigned to a prosecuting attorney who already has another case rather than requiring courts to do so in all instances.

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<a href="#">SB 1110</a>	Jackson	2014	Support, if amended	Requires a magistrate to inquire as to the active duty or veteran status of the defendant and requires specified actions if the defendant acknowledges military service, including filing Judicial Council Form MIL-100 and transmitting the form to the county veterans services officer for confirmation of military service. Provides that a defendant may decline to provide military service information without penalty. Requires, if the defendant is not represented by counsel, that the magistrate not make an inquiry into the defendant's current or past military status and requires that the court advise the defendant that certain current or former members of the U.S. military who meet certain qualifications are eligible for specific forms of restorative relief.	IV	Should result in better and timelier results for criminal cases involving individuals with military-related service who have not been identified as such by raising the awareness of veterans about their options during criminal proceedings. Thus, it should result in individuals who have military-related service being assigned to veterans courts in a timely manner in the counties where they are available, as well as providing defendants easier access to services at the local, state, and federal level.
<a href="#">SB 1193</a>	Evans	2014	Oppose, unless amended	Reduces the amount of marijuana seized by a law enforcement agency that must be retained for evidence from at least 10 pounds to at least 2 pounds. Reduces the required representative sample size of seized marijuana from one 10-pound sample to one 2-pound sample. Requires counsel for the defendant to have 30 days from the date of seizure to examine the 2-pound sample and five representative samples prior to destruction if criminal proceedings are pending, as specified.	II	Language is unclear as to whether it contemplates that a criminal court take the action relating to marijuana and related paraphernalia that is damaged or destroyed or whether the author intends that it be done through the existing public entity claims process.
<a href="#">SB 1222</a>	Block	2014	Sponsor	Requires that the reasons for dismissal in a criminal case be set forth either on the record or in an order entered on the minutes. Requires the court to set forth the reasons for dismissal in an order entered on the minutes if requested by either party or if the proceedings are not being recorded electronically or reported by a court reporter.	III	
<a href="#">SB 1412</a>	Nielsen	2014	Support	Applies and adapts the procedures and standards currently governing persons found incompetent to stand trial to cases where a defendant subject to mandatory supervision or postrelease community supervision faces revocation of his or her conditional release due to incompetency.	IV	

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<a href="#">AB 492</a>	Quirk	2013	Support	Requires transferring courts to make the determination of the probationer's county of residence for Proposition 36 probation cases.	I	
<a href="#">AB 568</a>	Muratsuchi	2013	Support	For purposes of introducing hearsay statements at a preliminary hearing, provides that allowances for testimony of law enforcement officers extend to nontraditional law enforcement officers.	I	Codifies existing case law.
<a href="#">AB 651</a>	Bradford	2013	Oppose	Authorizes courts, in their discretion and in the interest of justice, to grant dismissals (commonly referred to as "expungements") for eligible petitioners who were convicted of a felony and sentenced to jail upon a petition for a change of plea or setting aside of a verdict. Releases the defendant from all penalties and disabilities resulting from the offense of which he or she has been convicted, except as specified. Authorizes courts to require individuals filing such a petition to reimburse the court for the actual costs of services rendered, whether or not the petition is granted and the records are sealed or expunged, at a rate to be determined by the court not to exceed \$150.	II	Interferes with the discretion of courts to provide incentives to individuals convicted of crimes to opt for probation or split sentences over jail time.
<a href="#">AB 723</a>	Quirk	2013	Oppose	Allows a person on postrelease community supervision (PRCS) who has a revocation petition filed against him or her to file an application for bail or release on his or her own recognizance with the superior court. Provides that it is within the sole discretion of the court to admit a person to bail pending revocation of PRCS. States that a bail application will be governed by the procedures set forth in existing provisions of law governing bail. Specifies that a court is not prohibited from making any order authorized by existing provisions of law governing bail.	I	Greatly increases the number of bail hearings by permitting bail hearings for individuals on PRCS subject to a revocation petition.
<a href="#">AB 805</a>	Jones-Sawyer	2013	Support	Provides that in setting, reducing, or denying bail, a judge may consider "factors such as" a report prepared by investigative staff.	I	

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<a href="#">AB 807</a>	Ammiano	2013	Oppose	Among other things, requires, when law enforcement has adopted procedures for conducting photo and live lineups with eye witnesses, that courts give jury instructions about those procedures that are substantially similar to instructions set forth in the bill.	II	Interferes with judicial discretion by requiring courts to give jury instructions that are substantially similar to those set forth in the bill.
<a href="#">AB 1004</a>	Gray	2013	Sponsor	Streamlines the process for obtaining arrest warrants by permitting them to be submitted by computer servers, and by allowing magistrates to sign arrest warrants digitally or electronically.	IV	This bill contains one of the 17 efficiency proposals approved for Judicial Council sponsorship in December 2012.
<a href="#">AB 1118</a>	Hagman	2013	Oppose	Among other things, requires the Judicial Council to prepare, adopt, and annually revise a statewide bail schedule for all bailable offenses, except Vehicle Code infractions, and to appoint a group of judges who represent counties varying in size from throughout the state to develop and approve the statewide bail schedule.	IV	Requires Judicial Council to adopt a model statewide bail schedule with no ostensible purpose.
<a href="#">SB 366</a>	Wright	2013	Oppose	Implements broad changes to the laws that govern how civil assessments are imposed and processed.	II	Would significantly increase the workload of courts that are already understaffed.
<a href="#">SB 378</a>	Block	2013	Support	Provides that an electronically digitized copy of an official record of conviction that has been certified in accordance with specified requirements is admissible to prove the commission, attempted commission, or solicitation of a criminal offense, prior conviction, service of a prison term, or other act, condition, or event recorded by the record.	IV	This bill contains one of the 6 efficiency proposals approved for Judicial Council sponsorship in April 2013.
<a href="#">SB 513</a>	Hancock	2013	Support	Provides that two years after a person has successfully completed a pre-filing diversion program, he or she may petition the court for an order sealing the arrest records and related court files and records. Provides that a court is only required to have a hearing on the petition if the prosecution so requests.	IV	

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<a href="#">SB 530</a>	Wright	2013	Oppose	Among other things, eliminates the requirement that a defendant present satisfactory evidence of five years' residence in this state prior to the filing of the petition for a certificate of rehabilitation and a pardon from a conviction of either a felony or misdemeanor violation of a sex offense, the accusatory pleading of which has been dismissed. Permits an individual convicted outside the state of an offense that would be a felony or a misdemeanor sex offense if the conviction had occurred in the state, to file a petition for a certificate of rehabilitation if the petitioner: (1) has not been incarcerated since the dismissal of the accusatory pleading; (2) is not on probation for the commission of any other felony; and (3) presents clear and convincing evidence that he or she has been a resident of the United States, its territories, or a military base for the five consecutive years prior to filing the petition. Requires such petitioners, at least 90 days prior to the date set for a hearing, to give notice of the filing of the petition to the district attorney in each county, or the equivalent jurisdiction, where a felony or misdemeanor offense occurred, and each county where the petitioner has resided for the previous five years.	I	Provisions relating to certificates of rehabilitation raise interstate jurisdictional issues.
<a href="#">SB 569</a>	Lieu	2013	Oppose	Requires a court to provide the jury with an instruction to be developed by the Judicial Council that advises the jury to view the statements made in that custodial interrogation with caution.	II	Interferes with judicial discretion to draft jury instructions.
<a href="#">SB 717</a>	DeSaulnier	2013	Support	Authorizes the issuance of a search warrant to allow law enforcement officers to take a sample of blood or other bodily fluid that may be used as evidence in misdemeanor driving under the influence cases when a person refuses to submit to or complete a blood test as requested by the officer.	IV	Enacted in response to the U.S. Supreme Court ruling in <i>Missouri v. McNally</i> that a search warrant is generally required to conduct a blood test of an individual suspected of driving under the influence.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1913</a>	Skinner	2012	Oppose	Authorizes persons on postrelease community supervision (PRCS) to apply for bail during the pendency of court revocation proceedings. Specifies that admittance to bail pending revocation of PRCS is within the sole discretion of the court. Provides that a bail application pursuant to the bill's provisions shall be governed by existing statutory procedures for the setting of bail.	I	Creates inconsistent processes for courts based on the type of supervision.
<a href="#">SB 210</a>	Hancock	2012	Oppose	Requires that a judge determine whether a defendant charged with a felony, the sentence for which may be served in county jail, is eligible for release on his or her own recognizance (OR). Sets forth a nonexclusive list of factors a court may, but is not required to, consider in granting OR release.	I, II	Effectively requires courts to consider a host of factors in all cases, and sets up grounds for review if courts fail to do so.
<a href="#">SB 1124</a>	Cannella	2012	Oppose	Requires, rather than allows, the court, following every conviction resulting in commitment to state prison or county jail, to order the defendant to file a statement setting forth his or her assets, liabilities, and income, and requires the court to conduct a hearing and make a determination of the ability of the defendant to pay all or a portion of the reasonable costs of incarceration.	IV	
<a href="#">AB 109</a>	Committee on Budget	2011	No position	Enacts broad changes to the criminal justice system by realigning postrelease supervision of inmates from the state to the county and redefining "felony to be punishable," with specified exceptions, in county jail instead of state prison.	IV	The Judicial Council took no position on the policy as outside the council's purview, but due to the magnitude of the realignment and impacts on the courts, the council directed staff to submit a letter to the Governor and Legislature on behalf of the Judicial Council expressing grave concerns about the concept of shifting parole jurisdiction to the judicial branch and the critical need to provide adequate resources.
<a href="#">AB 1284</a>	Hagman	2011	Oppose	Permits the court, in lieu of revoking probation, to allow the defendant to post bond to secure appearance at any future hearing regarding a violation of the court-imposed conditions of probation. Requires the court to notify the defendant, the surety, and the bail agent of the probation revocation hearing.	I, II	

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<a href="#">AB 447</a>	Nestande	2010	Oppose	Makes mandatory on the court and defendant several provisions permissive under current law relating to the court's determination of a defendant's ability to pay for counsel.	II, III	Imposes enormous unnecessary workload; existing law and practices are effective.
<a href="#">AB 2056</a>	Miller	2010	Oppose	Adds cases involving assault with the intent to commit rape to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case.	II	Inappropriately interferes with the court's function to have the court determine whether there is good cause for a continuance on a case-by-case basis.
<a href="#">AB 2505</a>	Strickland	2010	Support	Allows an oath by an affiant seeking a search warrant to be made using a telephone and computer server, in addition to a fax machine or e-mail, and allows the affiant's signature to be in the form of an electronic signature.	III	
<a href="#">SB 1449</a>	Leno	2010	Support	Reclassifies from a misdemeanor to an infraction simple possession and possession while driving of not more than 28.5 grams of marijuana.	III, IV	Increases court efficiency.
<a href="#">SCA 27</a>	Harman	2010	Support	Authorizes the Supreme Court to transfer a case to a Court of Appeal when a judgment of death has been pronounced and requires the Supreme Court to review the resulting decision of the Court of Appeal affirming or reversing that judgment.	IV	
<a href="#">AB 250</a>	Miller	2009	Support	Requires a criminal defendant's withdrawal of a waiver of his or her speedy trial time limits to be done in open court.	III, IV	Improves court efficiency by ensuring all parties have notice of change in case status.
<a href="#">SB 431</a>	Benoit	2009	Support	Improves probation transfer procedures.	III, IV	
<a href="#">SB 678</a>	Leno and Benoit	2009	Support in concept	Creates the California Community Corrections Performance Incentive Fund to provide sustainable funding for improved, evidence-based probation supervision practices and capacities to improve public safety outcomes among adult felons who are on probation.	IV	Furtheres Judicial Council goals to improve sentencing practices and outcomes.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2166</a>	Tran	2008	Support	Clarifies appellate jurisdiction in bail forfeiture proceedings by allocating these cases between the Courts of Appeal and the superior court appellate divisions the same way they were allocated before unification of the municipal and superior courts. Bases jurisdiction of a bail forfeiture appeal on the underlying criminal charge and the stage of the proceeding at which bail was forfeited.	III, IV	
<a href="#">SB 1257</a>	Morrow	2006	Oppose	Revises and regulates the capital appeals process.	II	
<a href="#">SB 330</a>	Cedillo	2005	Support	Requires a criminal action to be dismissed if a defendant in a misdemeanor or infraction case is not brought to trial within 30 days after the date of the reinstatement of criminal proceedings pursuant to the provisions of law governing the mental competency of defendants.	III	Allows for more efficient case management.
<a href="#">AB 2011</a>	Firebaugh	2004	Oppose	When determining whether to allow a defendant who has pleaded guilty or no contest to be admitted to or to remain out on bail, requires a court to consider the same factors that must be considered after a verdict has been rendered against a defendant.	II	Unnecessary; will result in lengthy hearings.
<a href="#">AB 2173</a>	Parra	2004	Oppose unless amended	Provides that the court must require a person convicted of a DUI to sign and date a statement that indicates that the person is aware that individuals who drive under the influence pose a serious threat to the lives of innocent persons. Requires the court to include on the abstract of judgment that the person has signed and dated the statement, or attach the statement to the abstract.	III	Will significantly lengthen court proceedings. Neutral if amended to provide defendant with information more efficiently.
<a href="#">SB 58</a>	Johnson	2004	Support in concept	Directs courts and district attorneys to establish means of protecting confidentiality of information in police reports.	IV	Protects local control; clarifies authority to establish procedures.
<a href="#">SB 977</a>	Johnson	2004	Oppose	Prohibits the live or delayed broadcasting of any criminal action until a verdict is rendered.	II, IV	Unnecessary; interferes with judicial function.
<a href="#">AB 1306</a>	Leno	2003	Sponsor	Provides that if a person is sentenced under Proposition 36, probation jurisdiction shall be transferred to the defendant's county of permanent residence at the discretion of the sentencing judge.	III, IV	
<a href="#">AB 1435</a>	Koretz	2003	No position	Authorizes a court in a criminal case to order a party who has violated discovery disclosure requirements or any lawful court order to pay a monetary sanction.	N/A	Unnecessary; judges currently have this authority.

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<a href="#">AB 1653</a>	Mullin	2003	Oppose	Allows an attorney for a party to a criminal proceeding to appeal a sanction order or finding of contempt against him or her to the court authorized to hear an appeal of the judgment in the main action. Requires the court to stay the execution of the order or imposition of punishment pending appeal.	II	Unnecessary; interferes with judicial function.
<a href="#">SB 761</a>	McPherson	2003	Oppose unless amended	Prohibits accepting an undertaking of bail if any summary judgment entered against an undertaking issued by the bail agent or agency remains unpaid.	II, III	April 30, 2003 amendments eliminate requirement that the court determine solvency of bail agency. Opposition withdrawn.
<a href="#">AB 2159</a>	Cardoza	2002	Oppose unless amended	Requires courts, after arraignment, upon conviction, and when a judgment has been pronounced, to determine if a defendant has custody of any child under the age of 18 years, and inquire as to the proper care of that child if the defendant is in custody or remanded to custody.	II, III	Inefficient; ineffective; significantly lengthens court proceedings.
<a href="#">AB 2211</a>	Horton	2002	Oppose	Provides that a representative of the community affected by a crime may submit a Community Impact Statement.	II, III	Unnecessary; results in lengthy hearings.
<a href="#">AB 2563</a>	Vargas	2002	Oppose	Requires the agency discharging a person who posts bail on charges of domestic violence to serve that person with a protective order, without court involvement but enforceable as a court order.	II	Interferes with judicial functions.
<a href="#">AB 241</a>	Dickerson	2001	Oppose	Prohibits the court from striking prior convictions in DUI cases.	II	Interferes with judicial functions.
<a href="#">AB 299</a>	Pacheco, Rod	2001	Support	Grants a court exercising jurisdiction over multiple offenses involving criminal sexual acts and stalking that occurred in more than one jurisdictional territory jurisdiction over properly joinable offenses.	II	Streamlines court procedures.

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2. *Sentencing and other judicial decisionmaking* – The council seeks to preserve judicial discretion and the independence of the judicial function in sentencing matters. The council does not take positions on the length or severity of sentences for crimes, but supports efforts to simplify the criminal sentencing structure.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 865</a>	Levine	2018	Support	Authorizes any person who was sentenced for a felony conviction prior to January 1, 2015, and who is, or was, a member of the United States military and who may be suffering from post-traumatic stress disorder (PTSD) or other forms of trauma conditions as a result of his or her military service to petition for a recall of sentence if the person meets both of the following conditions: (A) the circumstance of suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of the person's military service was not considered as a factor in mitigation at the time of sentencing; and (B) the person was sentenced prior to January 1, 2015, whether or not the case was final as of January 1, 2015.	I, III	
<a href="#">AB 1065</a>	Jones-Sawyer	2018	Neutral, if amended to either remove the references to a deferred entry of judgement program or to clarify the process for that program.	Creates the crime of organized retail theft and makes various changes to existing laws related to arrest and bench warrants for theft related offenses. Until January 1, 2021, authorizes a city or county prosecuting attorney or a county probation department to create a diversion or deferred entry of judgment program for persons who commit repeat theft offenses.	III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1793</a>	Bonta	2018	Oppose, unless amended and funded	Requires the Department of Justice (DOJ), by July 1, 2019, to identify past cannabis conviction cases that are potentially eligible for recall or dismissal of sentence, sealing, or re-designation pursuant to current law. Requires DOJ to notify prosecutors of cases in their jurisdiction that are eligible for sentence modifications. Requires prosecutor, by July 1, 2010, to review all identified cases to determine if they will object to sentence modifications in these cases or allow them to proceed and to notify the courts and public defenders of cases where they are challenging the sentence modification.. Requires courts to automatically modify sentences identified cases if there is no challenge by July 1, 2020.	VII	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2438</a>	Ting	2018	Oppose	Requires the court to automatically withdraw the plea of guilty or nolo contendere and enter a plea of not guilty for a defendant after the lapse of one year from the date of pronouncement of judgment, if he or she has fully complied with and performed the sentence of the court, is not then serving a sentence for any offense and is not under charge of commission of any crime and has conformed to and obeyed the laws of the land fulfilled the conditions of probation. Applies these provisions to defendants who have completed probation on or after November 23, 1970. For a defendant convicted of a misdemeanor and not granted probation and a defendant convicted on an infraction, after the lapse of one year from the date of pronouncement of judgment, requires the court to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty, or if the defendant has been convicted after a plea of not guilty, to set aside the verdict of guilty, if a defendant has fully complied with and performed the sentence of the court, is not then serving a sentence for any offense and is not under charge of commission of any crime, and has, since the pronouncement of judgment, lived an honest and upright life and has conformed to and obeyed the laws of the land.	VI	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 3125</a>	Mayes	2018	Oppose	Requires judges, in adopting or revising a uniform countywide bail schedule, to compute bail as follows when a person is booked for, or charged with, two or more offenses: that bail be set under the bail schedule for the offense having the highest amount of bail including applicable amounts for enhancements and prior convictions; unless, the offenses were alleged to have been committed against separate victims, or on separate dates, or separate sex crimes were committed against one victim and each charge may be punished separately, that bail be set as the sum of the amounts listed for each offense, including applicable amounts for enhancements and convictions. Also Provides that when determining the amount of bail in either situation, both of the following are required: 1) That amounts of applicable enhancements be added only one time per victim; and 2) That amounts for prior convictions, if applicable, be added only one time per prior case.	IV	
<a href="#">SB 142</a>	Beall	2018	Support, if amended	Changes the current pretrial release and detention system, moving from a system that determines pretrial release and detention based on criminal charge and monetary bail, to one that is based on criminal charges and assessment of risk to public safety, and potential for failure to return to court.	II, III	
<a href="#">SB 215</a>	Beall	2018	Support	Makes defendants ineligible for the mental health diversion program for certain serious offenses. Authorizes a court to require the defendant to make a prima facie showing that the defendant will meet the minimum requirements of eligibility for diversion and that the defendant and the offense are suitable for diversion. Requires the court, upon request, to conduct a hearing to determine whether restitution is owed to any victim as a result of the diverted offense and, if owed, to order its payment during the period of diversion.	IV	

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<a href="#">SB 1187</a>	Beall	2018	Support	Changes the period of commitment for and individual who has been found incompetent to stand trial (IST) from three years to two years. Makes IST individuals eligible for custody credits during the period of commitment and applies those credits to those individuals when competency is restored. Makes various technical changes. Deletes the requirement that an ISD individual who has been committed, or who is on outpatient status and who is still hospitalized or on outpatient status at 18 months, be returned to the community court for a competency hearing.	III	
<a href="#">SB 1437</a>	Skinner	2018	Support, if amended	Revises the felony murder rule to exclude certain participants in the commission or attempted commission of a felony that results in death from liability for murder. Provides a means of vacating the conviction and resentencing a defendant when a complaint, information, or indictment was filed against the defendant that allowed the prosecution to proceed under a theory of first degree felony murder or murder under the natural and probable consequences doctrine, the defendant was sentenced for first degree or 2nd degree murder or accepted a plea offer in lieu of a trial at which the defendant could be convicted for first degree or 2nd degree murder.	I	

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<a href="#">AB 154</a>	Levine	2017	No position	Provides that upon conviction of any felony in which the defendant is sentenced to state prison and upon certain findings, a court must recommend in writing that the defendant participate in a counseling or education program with a mental health component while imprisoned. The court must make that recommendation upon a finding that any of the following are true: (1) the defendant at the time of the commission of the offense was suffering from a serious mental illness, (2) the defendant has a demonstrated history of mental illness, and (3) the defendant at the time of the commission of the offense was suffering from a mental illness that was a substantial factor that contributed to the defendant's criminal conduct.	IV	
<a href="#">AB 1115</a>	Jones-Sawyer	2017	No position	Allows that a defendant sentenced to state prison on a plea of guilty or nolo contendere for a felony charge that if committed after enactment of AB 109 (the 2011 Realignment legislation; Stats. 2011, ch. 15) would have been eligible for sentencing to a county jail to withdraw the guilty or nolo contendere plea and enter a plea of not guilty, after the lapse of one or two years following the defendant's completion of the sentence, as specified, provided that the defendant is not under supervision, and is not serving a sentence for, on probation for, or charged with the commission of any offense.	I	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 8</a>	Beall	2017	Support	Authorizes a court, with the consent of the defendant and a waiver of the defendant's speedy trial right, to postpone prosecution of certain misdemeanor or felony offenses punishable in a county jail, and place the defendant in a pretrial diversion program for up to 2 years if the court is satisfied the defendant suffers from a mental disorder, that the defendant's mental disorder played a significant role in the commission of the charged offense, and that the defendant would benefit from mental health treatment. The court may, after considering the positions of the defense and prosecution, grant pretrial diversion to a defendant and courts will continue to have access to the arrest record of the defendant even if the defendant successfully completes the diversion program. Requires ongoing monitoring by the court by requiring that reports be made to the court, as well as the defense and prosecution, by the divertee's mental health provider on the divertee's progress in treatment at least every three months. Provides that a court may conclude that a divertee has performed satisfactorily if, in the court's judgment, the divertee has substantially complied with the requirements of the treatment program, avoided significant new violations of law unrelated to the defendant's mental health condition, and has a location in place for long-term mental health care.	II, III	
<a href="#">SB 142</a>	Beall	2017	Support, if amended	Establishes the State Community Mental Health Performance Incentives Fund, which would provide monetary incentives for counties to avoid sending mentally ill offenders to prison. Requires courts to consider, if provided by probation, a defendant's mental health history when determining sentence and whether treatment in the community, including residential treatment, is appropriate in lieu of incarceration.		

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<a href="#">SB 384</a>	Wiener	2017	Support, if funded	Commencing January 1, 2021, establishes three tiers of registration for sex offenders based on specified criteria for two mandated minimum periods of registration of 10 years, and 20 years, and maintains lifetime registration as specified. Establishes new court procedures by authorizing a tier one or tier two offender to file a petition at the expiration of his or her minimum registration period, and provides that the district attorney may request a hearing on the petition on the basis that the petitioner has not fulfilled the requirements of successful tier completion, as specified. Authorizes a tier three offender who meets specified criteria to petition the court for placement into tier two.	I	
<a href="#">SB 670</a>	Jackson	2017	Sponsor	Promotes uniformity and clarifies judicial sentencing authority when imposing concurrent or consecutive judgments under Penal Code section 1170(h) implicating multiple counties. Requires the Judicial Council to adopt rules providing criteria for courts to use for those purposes.	IV	
<a href="#">AB 2129</a>	Lackey	2016	Sponsor	Requires 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.	I, IV	
<a href="#">AB 2205</a>	Dodd	2016	Sponsor	Clarifies that when supervision has been revoked, summarily or otherwise, the time that elapses during revocation shall not be credited toward any period of supervision.	I, IV	
<a href="#">AB 2765</a>	Weber	2016	Support	Changes the time limitation for petitioning or applying for a reduction of sentence under Proposition 47 to eight years from the date the voters approved the initiative.	I	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 266</a>	Block	2016	Support	Authorizes until January 1, 2021, the use of “flash” incarceration, where a county probation department can order the detention of any adult offender under their supervision in jail for not more than 10 consecutive days for violating a condition of probation or mandatory supervision if at the time of granting probation or ordering mandatory supervision the court had obtained from the defendant a waiver to a court hearing prior to the imposition of flash incarceration.	I	
<a href="#">SB 1202</a>	Leno	2016	Oppose	Provides that the court may not impose an upper-term sentence based on aggravating facts unless the facts were first presented to a jury and the jury found the facts to be true. Requires the court to state on the record at the time of sentencing the specific facts in aggravation relied on to impose an upper term. Requires the bifurcation of the trial of all facts pleaded in aggravation of sentence, as specified.	II	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1006</a>	Levine	2015	Oppose	Provides that a defendant who has pleaded guilty or nolo contendere to, or been convicted of, an offense that will result in a sentence to state prison or county jail, or the prosecutor, may submit evidence after the defendant's plea or conviction, but before her or his sentencing, that the defendant suffers from a diagnosable mental illness that was a substantial factor that contributed to the defendant's criminal conduct. Requires the court to consider such evidence in conjunction with the defendant's sentencing. Provides that the court may order placement of the defendant as follows: if the defendant agrees, the court may order the defendant to serve all or a portion of her or his sentence in a residential mental health treatment facility instead of state prison or county jail; the court may order the Department of Corrections and Rehabilitation (CDCR) or the county jail authority to place the defendant in a mental health program within the prison or jail; and the court may order CDCR or the county jail authority to prepare a postrelease mental health treatment plan, as specified. Allows the defendant or prosecutor, at any time, to petition the court for approval to transfer the defendant from a residential mental health treatment facility to a mental health program within the prison or jail. Provides a similar court petition process for cases where the defendant, prosecutor, CDCR, or county jail authority seeks permission to remove the defendant from a mental health program within the state prison or jail, or dismissal of the requirement that CDCR or the county jail authority prepare a postrelease mental health treatment plan.	II	Creates burdensome and costly sentencing procedures.
<a href="#">AB 1214</a>	Achadjian	2015	Sponsor	Requires 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.	I	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1237</a>	Brown	2015	Oppose	Among other things, specifies that when a defendant pleads not guilty by reason of insanity (NGI), the court must select an evaluation panel established by Department of State Hospitals pursuant to the bill's provisions (instead of psychiatrists and psychologists appointed by the court) to examine the defendant and investigate his or her mental status, make specified reports to the court, and testify during the NGI proceedings. Imposes similar obligations and restrictions on the court in cases where the competence of the defendant to stand trial is at issue.	II	Interferes with court's ability to appoint expert evaluators.
<a href="#">SB 266</a>	Block	2015	No position	Authorizes until January 1, 2021, the use of "flash" incarceration, where a county probation department can order the detention for any adult offender under their supervision in jail for not more than 10 consecutive days for violating a condition of parole or mandatory supervision. These provisions would not apply to persons convicted of certain drug offenses.	I	Judicial Council supported a similar bill, SB 419 (Block; 2014).
<a href="#">SB 352</a>	Block	2015	Support	Requires a sentencing court, upon a person's conviction for violating elder abuse provisions, to consider issuing an order restraining the defendant from any contact with the victim, whether the defendant is sentenced to state prison or county jail, or if imposition of sentence is suspended and the defendant is placed on probation, for up to 10 years, as determined by the court. Provides that the protective order may be issued by the court whether the defendant is sentenced to state prison or county jail, or if imposition of sentence is suspended and the defendant is placed on probation. Declares the intent of the Legislature that in determining the length of any restraining order the court consider the seriousness of the facts before it, the probability of future violations, and the safety of the victim and his or her immediate family.	I	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 382</a>	Lara	2015	Support	Provides further guidance to criminal courts on the five criteria that courts must consider when determining whether a juvenile is a fit and proper subject to be dealt with under juvenile court law by providing that when considering each of the criteria, courts may give weight to certain factors.	I	
<a href="#">AB 1585</a>	Alejo	2014	Support if amended	Provides that a defendant who has been convicted of solicitation or prostitution may petition the court to set aside the conviction if the defendant can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking.	II, III	Proposed amendments would uphold the public policy underlying the bill while ensuring the remedy is not extended in a manner that would duplicate prior criminal proceedings.
<a href="#">AB 2098</a>	Levine	2014	Support if amended	Requires the court to consider a defendant's status as a combat veteran suffering from sexual trauma, traumatic brain injury, posttraumatic stress disorder, substance abuse, or other mental health problems as a result of his or her military service, as a factor in favor of granting probation, and as a factor in mitigation when choosing whether to impose the lower, middle, or upper term of a state prison sentence. Clarifies that consideration of veteran status in sentencing does not preclude the court from considering similar trauma, injury, substance abuse, or mental health problems due to other causes as evidence or factors in mitigation.	II, III	Amendments would have preserved judicial discretion when considering the impact of military service as a factor in mitigation.
<a href="#">AB 2124</a>	Lowenthal	2014	Support	Authorizes a judge, at his or her discretion, to defer sentencing a defendant who has submitted a plea of guilty or nolo contendere for a period not to exceed 12 months and to order the defendant to comply with terms, conditions, and programs, as specified.	II	Gives courts greater flexibility to fashion remedies that are most appropriate for the facts and circumstances of an individual defendant and has the potential to free up precious judicial resources.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 210</a>	Hancock	2014	Support	Provides that a sheriff, probation department, or other local government agency may, with the concurrence of the board of supervisors, employ an investigative staff to determine whether or not a defendant may be released on his or her own recognizance. Requires that only one entity shall issue a report. Provides that in setting conditions for pretrial release and in setting, reducing, or denying bail, the court shall consider, in addition to the protection of the public, the defendant's criminal record and the seriousness of the charged offense. Also provides that when considering the history and circumstances of the defendant, the court may consider the results of an evidence-based pretrial risk assessment instrument that is predictive of the defendant's risk to public safety and the probability of him or her failing to appear at court hearings.	II	Author took a number of amendments to address previous concerns including amendments that enhance judicial discretion by stating that when deciding to release a defendant on his or her own recognizance, the judge may consider the results of an evidence-based pretrial risk assessment instrument rather than the specific factors previously set forth in the bill.
<a href="#">SB 1227</a>	Hancock	2014	Support if amended	Creates a pretrial diversion program when a member or former member of the U.S. military is accused of a misdemeanor and the defendant is suffering from sexual trauma, traumatic brain injury, posttraumatic stress disorder, substance abuse, or mental health problems resulting from his or her military service.	II	In general the Judicial Council is supportive of diversion programs because they enhance judicial discretion in fashioning remedies that are most appropriate to the individual facts and circumstance of the defendant and have the potential to free up precious judicial resources. The proposed amendments would enhance judicial discretion by requiring the court to determine whether there was causal connection between the military service and resulting condition and the crime.
<a href="#">AB 560</a>	Ammiano	2013	Oppose unless amended; support if amended	Requires, instead of authorizes, courts to impose a split sentence with a minimum of six months of mandatory supervision in every felony case resulting in a county jail term. Authorizes the court, when a defendant is sentenced to county jail, to, on its own motion or on the recommendation of the sheriff, recall the sentence and resentence the defendant, provided the new sentence is no greater than the initial sentence (paralleling the process in current law relating to state prison sentences).	I, II	Interferes with judicial discretion in sentencing by requiring split sentences.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 604</a>	Ammiano	2013	Oppose the provision requiring courts to give specified jury instructions. No position on the remaining provisions.	Among other things, requires, when law enforcement has adopted procedures for conducting photo and live lineups with eye witnesses, that courts give jury instructions about those procedures that are substantially similar to instructions set forth in the bill.	II	Interferes with judicial discretion to deliver jury instructions appropriate to the facts and circumstances of each individual case.  Gutted and amended September 6, 2013, to impose state regulation and enforcement of medical cannabis.
<a href="#">AB 651</a>	Bradford	2013	Oppose	Authorizes courts, in their discretion and in the interest of justice, to grant dismissals (commonly referred to as “expungements”) for eligible petitioners who were convicted of a felony and sentenced to jail on a petition for a change of plea or setting aside of a verdict.	II	Interferes with court’s discretion to provide incentives to individuals convicted of crimes to opt for probation or split sentences.
<a href="#">AB 765</a>	Ammiano	2013	Oppose	Provides that, effective January 1, 2014, the court may not impose an upper-term sentence based on aggravating facts unless those facts were first presented to the fact-finder and the fact-finder found the facts to be true.	II	Diminishes court’s discretion by preventing courts from imposing upper term in the absence of certain findings.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 260</a>	Hancock	2013	Oppose	Requires a sentencing court, on a motion by an inmate, after 60 days' notice to the prosecution, to hold a hearing to review the sentence of a person who meets specified criteria. Allows the judge to suspend or stay all or a portion of the sentence, reduce the sentence to any sentence that could lawfully have been ordered at the time of the original judgment, or both reduce and suspend or stay all or a portion of the sentence. Authorizes the court to consider specified evidence relating to the person's rehabilitation and the circumstances at the time of the offense, in conjunction with any other evidence the court considers relevant, in making this determination. Requires the court to state on the record the criteria relied on in reaching its decision and to provide a statement of reasons for reliance on those criteria. Permits each person granted review whose sentence is not suspended, stayed, or reduced, to file a new petition for review three or more years after the prior hearing. Requires the court to grant a review hearing if the petition demonstrates, by a preponderance of the evidence, a change in the evidence the court considered in denying the person's prior petition.	IV	Increases burden on courts because petitions will be routinely filed every three years by virtually all eligible individuals, even those without merit.
<a href="#">SB 419</a>	Block	2013	Support	Extends the authority for "flash incarceration" to include persons subject to probation and mandatory supervision.	I	
<a href="#">SB 569</a>	Lieu	2013	Oppose	Requires, among other things, that a custodial interrogation of a minor 16 years or older who is suspected of committing an offense for which he or she may be tried as an adult be electronically recorded in its entirety. Requires the Judicial Council to develop a jury instruction on the electronic recording that is "substantially similar" to jury instruction language set forth in the bill. Requires a court to provide the jury with an instruction to be developed by the Judicial Council that advises the jury to view the statements made in that custodial interrogation with caution.	II	Interferes with judicial discretion to draft and deliver jury instructions.

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<a href="#">AB 520</a>	Ammiano	2011	Oppose	Provides that the court may not impose an upper term based on aggravating facts unless facts were first presented to the fact-finder and the fact-finder found the facts to be true.	II, IV	
<a href="#">AB 1264</a>	Hagman	2011	Oppose	Repeals the requirement that the superior court adopt a uniform countywide schedule of bail and instead establishes a Statewide Bail Commission. Requires the commission to revise annually a statewide bail schedule for all bailable felony, misdemeanor, and infraction offenses except Vehicle Code infractions.	I, II	
<a href="#">AB 908</a>	Berryhill, Tom	2009	Oppose	Requires the court, if probation is granted, to order the payment of the reasonable costs of any probation supervision or conditional sentence as a condition of probation.	II, III	Introduces inappropriate issues into judge's sentencing decision.
<a href="#">SB 59</a>	Huff	2009	Oppose	Adds cases involving the California Street Terrorism Enforcement and Prevention Act to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case.	II	
<a href="#">AB 2609</a>	Davis	2008	Oppose unless amended	Requires, when appropriate and feasible, that a court order a defendant convicted of vandalism to clean up, repair, and replace the damaged property or keep the damaged property or another property in the community free of graffiti for up to one year.	II	Sought amendment to give the court sufficient flexibility to ensure that the required sanction will be imposed when appropriate and feasible.
<a href="#">AB 1660</a>	La Malfa	2007	Oppose	Deletes the court's authority to exclude a victim or a designated victim's representative from a criminal proceeding.	II	Inappropriately interferes with court's authority.
<a href="#">AB 1551</a>	Runner, Sharon	2005	Oppose unless amended	Among other things, prohibits a court from striking an allegation, admission, or finding of a prior conviction pursuant to Penal Code section 1385 for defendants who are convicted of certain sex offenses.	II	Sought amendment to strike the provision eliminating the court's authority under Penal Code section 1385 to dismiss an action in the furtherance of justice.
<a href="#">AB 623</a>	Lieber	2003	No position	Requires the judge in a toxics case to consider whether the defendant has expressed remorse for the acts and whether the defendant has made an appropriate public apology that reflects that nature of the violation and the number of potential victims.	N/A	Outside purview.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 1497</a>	Polanco	2002	Oppose	Sets up a one-time review of the custody status of life prisoners who have been in prison beyond a date specified in certain regulatory matrices.	II	Impossible to implement.

#### D. TRAFFIC LAW

The council advocates use of simplified procedures in minor traffic cases to guarantee expedited disposition. The council supports development of statewide uniform rules, procedures, and forms to provide efficient handling of traffic cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2532</a>	Jones-Sawyer	2018	Sponsor	Provides a uniform hourly rate for conversion of infraction violation total fines to community service at a rate of double the lowest schedule for California minimum wage, and permits a court by local rule to increase the uniform rate.	I, IV	
<a href="#">AB 330</a>	Cooley	2017	Support	Authorizes a court to order a person convicted of a DUI to enroll and participate in, and successfully complete, a qualified "24/7 Sobriety program," as a condition of probation.	I	
<a href="#">AB 2871</a>	Obernolte	2016	Sponsor	Eliminates the trial de novo option when the defendant in a Vehicle Code violation has not prevailed on his or her trial by written declaration.	I, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1571</a>	Lackey	2016	Oppose	Among other things, requires that enrollment in an approved DUI program take place within 30 days of conviction, unless an extension of not longer than 30 days is granted by the court, as specified. Requires the court, for first-time offenders, to consider a blood-alcohol concentration of 0.08% or more, by weight, in combination with the presence of a Schedule I or II controlled substance, as defined, except for marijuana or a controlled substance prescribed by a licensed physician or dentist, as an aggravating factor that may justify enhancing the terms and conditions of probation, as specified. Provides that exceptions to the 30-day requirement may be granted by the courts telephonically or electronically for those who miss the deadline. Requires the county alcohol program administrator to additionally coordinate court referral and tracking documents with the Department of Motor Vehicles and the State Department of Health Care Services. Requires a court to refer a person with a second or subsequent DUI conviction to a licensed program as a condition of probation even if the person's privilege to operate a motor vehicle is restricted, suspended, or revoked. Requires the clerk of the court to also indicate the duration of the treatment program ordered on court referral and tracking documents.	II	
<a href="#">SB 881</a>	Hertzberg	2016	No position	Requires courts to issue, within 90 days, appropriate documentation to the Department of Motor Vehicles that would result in the restoration of a driver's license and driving privileges. Requires for amnesty applications submitted on or before March 31, 2017, that all terms and procedures related to a participant's payment plan remain in effect after that date.	I	

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<a href="#">AB 2085</a>	Fox	2014	Withdrew oppose position; took no position.	Authorizes a court and county, upon agreement by both entities, to establish a one-time amnesty program for fines and bail due on or before January 1, 2012, for certain infraction or misdemeanor violations of the Vehicle Code and Penal Code, on or after January 1, 2016, until December 31, 2016.	IV	
<a href="#">AB 366</a>	Wright	2013	Oppose	Implements broad changes to the laws that govern how civil assessments are imposed and processed.	II	Significantly increases the workload of courts that are already understaffed.
<a href="#">AB 2499</a>	Portantino	2010	Support	Consolidates all traffic violator school (TVS) programs under the licensing authority of the Department of Motor Vehicles (DMV). Requires courts to transmit to DMV abstracts of judgment for convictions of traffic violations rather than the court dismissing the case upon completion of the TVS program.	III, IV	Relieves judicial branch of inappropriate regulatory role. Provides DMV better ability to enforce driver safety program.
<a href="#">AB 758</a>	Plescia	2007	Support	Requires the Department of Motor Vehicles, on or before July 1, 2008, to submit a report to the Legislature containing a comprehensive plan with specified components by which the licensing of all driving instruction programs offered to traffic violators may be consolidated under the authority of the department.	III, IV	
<a href="#">AB 1464</a>	Benoit	2007	Sponsor	Allows the court, after proper notice to the owner/violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the Department of Motor Vehicles for a hold to be placed on the registration of the vehicle involved in the offense.	III, IV	
<a href="#">AB 1932</a>	Benoit	2006	Support	Provides for the licensing and regulation of home study-based traffic violator schools by the Department of Motor Vehicles (DMV) and declares the intent of the Legislature to have DMV uniformly regulate all traffic violator schools.	II	Appropriately places regulatory function with the executive branch.
<a href="#">SB 1697</a>	Torlakson	2004	Support	Consolidates administration of all sanctions related to the driving privilege imposed as a result of a driving-under-the influence conviction with the Department of Motor Vehicles.	IV	Increases efficiency; provides better service to the public.

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### E. JURY SYSTEM

The council supports efforts to ensure adequate numbers of jurors, achieve full use of jurors once they are summoned, ensure fair representation of the community served by the court, and provide adequate compensation of jurors. The council seeks to maintain plain-English jury instructions that accurately convey the law using language that is understandable to jurors.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2240</a>	Grayson	2018	Oppose	Prohibits the selection of designated parole and correctional officers for voir dire in both criminal and civil matters. Excludes the officers from jury service in criminal matters.	IV	
<a href="#">SB 658</a>	Wiener	2017	No position	Makes various changes to the civil voir dire statute. Among other things, maintains the provision that specifies that the scope of the examination conducted by counsel shall be within reasonable limits prescribed by the trial judge in the judge's sound discretion. Requires judges, in the exercise of their sound discretion over the scope of voir dire, to give due consideration to all of the following: (1) the amount of time requested by trial counsel; (2) any unique or complex elements, legal or factual, in the case; (3) length of the trial; (4) number of parties; (5) number of witnesses; and (6) whether the case is designated as a complex or long case. Requires a judge to provide the parties with both the alphabetical list and the list of prospective jurors in the order in which they will be called. Clarifies that a judge shall not impose specific unreasonable or arbitrary time limits, or establish an inflexible time limit policy for voir dire.	IV	

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<a href="#">AB 1766</a>	Stone	2016	No position	Creates a pilot program sunseting January 1, 2022, that would require the court to (1) provide the complete names of prospective jurors to counsel for each party, as specified; (2) the court and counsel for each party to address a prospective juror using a number assigned by the court, by the prospective juror's first name and first initial of his or her last name, or by his or her title and last name, as determined by the court in each criminal trial; and (3) before examining prospective jurors, to advise jurors that, in accordance with state law, the court and counsel for each party are prohibited, in all criminal cases, from addressing prospective jurors by their full names during jury selection, and are required to address each prospective juror by an identification number, by his or her first name and the first initial of his or her last name, or by his or her title and last name.	I	
<a href="#">AB 2101</a>	Gordon	2016	Sponsor	Requires the Judicial Council to solicit courts for participation in a pilot project in which judicial officers of participating counties would be authorized by the bill to impose reasonable monetary sanctions, not to exceed \$1,500, on an impaneled juror for any knowing violation of a lawful court order without good cause or substantial justification that is supported by clear and convincing evidence. Requires the Judicial Council to conduct an evaluation of the pilot project and report the results to the Governor and the Legislature on or before July 1, 2021. Repeals these provisions on January 1, 2022.		

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<a href="#">SB 213</a>	Block	2016	Support/ Cosponsor	Reduces the number of peremptory challenges available in misdemeanor trials from 10 to 6 in cases where the offense is punishable with a maximum term of imprisonment of one year or less. Specifies further that, in cases where two or more defendants are tried jointly, the number of additional “non-joint” peremptories (i.e., those that may be exercised separately by each defendant and the state) would be reduced from 4 to 2. Contains a five-year sunset of the bill’s provisions. Requires the Judicial Council to conduct a study on or before January 1, 2020, and report to the public safety committees of the Legislature on the effects of the bill, as specified.	IV	
<a href="#">SB 1052</a>	Lara	2016	Oppose, unless amended to remove jury instructions	Provides that prior to a custodial interrogation and before the waiver of any <i>Miranda</i> rights, a youth under 18 years of age shall consult with legal counsel. Provides that the consultation with counsel cannot be waived. Provides that if a custodial interrogation of a minor under 18 years of age occurs prior to the youth consulting with counsel, the court must, among other things, in adjudicating the admissibility of statements of youth under 18 years of age made during or after a custodial interrogation, consider the effect of failure to comply with the consultation with counsel requirement and specified factors. Requires that if the court finds that the minor was subject to a custodial interrogation in violation of the consultation with counsel requirement, the court must provide the jury or the trier of fact with the specified instruction.	II	

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<a href="#">SB 405</a>	Hertzberg	2015	No position	Provides that the ability of a defendant to post bail or to pay a fine or civil assessment is not a prerequisite to filing a request that the court vacate the assessment. Provides that the imposition or collection of bail or a civil assessment does not preclude a defendant from scheduling a court hearing on the underlying charge. Allows a person with a suspended driver's license that was suspended between January 1, 2013, and December 31, 2015, who has an established payment plan to appear in court and ask to have the suspension lifted. Provides that to be eligible to participate in an amnesty program, the person has not made any payments after September 30, 2015, to a comprehensive collection program in the county. Adds an urgency clause making the bill effective immediately upon enactment. Authorizes the Judicial Council to consider, adopt, or develop recommendations for an appropriate mechanism to allow reinstatement of the driving privileges of a person who otherwise meets criteria for amnesty but who has violations in more than one county.	IV	
<a href="#">SB 428</a>	Hall	2015	Oppose	Excludes additional peace officers, including certain parole officers, probation officers, deputy probation officers, board coordinating parole agents, correctional officers, transportation officers of a probation department, and other employees of the Department of Corrections and Rehabilitation, the Department of State Hospitals, and the Board of Parole Hearings, from voir dire in criminal matters.	IV	
<a href="#">AB 1708</a>	Alejo	2014	Oppose	Excludes additional peace officers, including certain parole officers, probation officers, deputy probation officers, board coordinating parole agents, correctional officers, transportation officers of a probation department, and other employees of the Department of Corrections and Rehabilitation, the Department of Mental Health, and the Board of Parole Hearings, from voir dire in civil and criminal matters.	IV	Courts have a constitutional obligation to ensure that jury pools are representative of the community and that there are enough prospective jurors in the courthouse each day to avoid having to dismiss last-day criminal trials for lack of jurors.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 1133</a>	Anderson	2014	Oppose	Exempts designated employees of the Department of Fish and Game, whose primary duty as peace officers is enforcement of the law, from voir dire in both civil and criminal matters.	IV	Courts have a constitutional obligation to ensure that jury pools are representative of the community and that there are enough prospective jurors in the courthouse each day to avoid having to dismiss last-day criminal trials for lack of jurors.
<a href="#">AB 301</a>	Wagner	2013	Oppose	Requires the clerk of the superior court to include, in statements reporting individuals convicted of a felony to the chief elections official in its respective county, the name, address, and date of birth of each person who has, since the clerk's last statement, declared in response to a jury summons from the superior court, that he or she is not qualified to serve as a juror, because he or she is not a citizen of the United States. Requires the elections official to cancel the affidavit of registration of each person so listed by the clerk.	IV	Places new burdens on courts relating to voters—a matter not within the purview of courts.
<a href="#">SB 794</a>	Evans	2013	Support	Reduces the number of peremptory challenges available in all misdemeanor trials from 10 to 5, and reduces the number of “non-joint” peremptory challenges in multiple defendant cases from 4 to 2.	IV	
<a href="#">AB 141</a>	Fuentes	2011	Support	Requires the court, when admonishing the jury against conversing about a trial, to clearly explain that the prohibition applies to all forms of communication, research, and dissemination of information, including electronic and wireless devices. Provides that violation of this admonishment constitutes criminal and civil contempt of court.	I	
<a href="#">SB 319</a>	Harman	2009	Sponsor	Eliminates the sunset and reporting requirement on provisions allowing courts to impose monetary sanctions for failure to appear in response to a jury summons. Decreases the amount of time that must elapse before a compliance action may be initiated.	III, IV	
<a href="#">AB 1769</a>	Galgiani	2008	Oppose	Exempts all peace officers from jury duty in civil and criminal matters.	IV	Fundamentally opposed to categorically exempting individuals from jury duty.
<a href="#">AB 1828</a>	Huff	2008	Oppose	Excuses from jury service, upon request, a prospective juror who has served as a precinct officer or precinct board member on a statewide or local election during the previous 12 months.	IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1557</a>	Feuer	2007	Support	Reduces peremptory challenges to six per side in all misdemeanor cases, rather than only those misdemeanors resulting in imprisonment for 90 days or less.	IV	
<a href="#">SB 171</a>	Alquist	2006	Oppose	Requires that any custodial interrogation of an individual relating to a felony offense be electronically recorded, and codifies a jury instruction to be used verbatim if a court finds that a defendant was subjected to an unlawful custodial interrogation.	I, IV	
<a href="#">SB 1281</a>	Romero	2006	Support	Prohibits a state agency from entering into a contract for the acquisition of goods or services with a contractor who does not have and adhere to a written policy providing his or her employees with not less than five days of regular pay for actual jury service.	IV	
<a href="#">AB 1180</a>	Harman	2003	Sponsor	Clarifies that when a person is summoned but fails to appear for jury service, the court may impose reasonable monetary sanctions on the prospective juror following an order to show cause hearing.	III, IV	Strengthen courts' ability to enforce orders.
<a href="#">AB 2925</a>	Migden	2002	Support	Eliminates reimbursement for the first day of travel to the court for jury duty; increases reimbursement rate for second and subsequent days from 15 cents to 34 cents per mile, one way.	IV	Part of larger effort to improve jury system.

#### F. INTERPRETERS

To ensure access to justice, the council seeks to attract quality interpreters and meet the courts' caseload demands. The council supports increased compensation and standardized payment practices and procedure for court interpreters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 1155</a>	Hueso	2018	Oppose	Deletes the exemption of small claims from the definition of a court proceeding in Government Code section 68560.5. This change makes clear that courts may provide interpreters in all civil proceedings. As amended, the bill also repeals Code of Civil Procedure section 116.550 which provides small claims courts with flexibility to appoint temporary interpreters when certified, registered, or provisionally qualified interpreters are not available.	I, II, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1657</a>	Gomez	2014	Sponsor	Declares the intent of the Legislature to provide interpreters to all parties who need language services in all civil matters; authorizes a court to provide an interpreter to a party in civil matters, regardless of income; and creates a priority order for such services based on the availability of funding.	I, IV	
<a href="#">AB 1127</a>	Chau	2013	Neutral	Allocates \$6 million from the Trial Court Trust Fund for a pilot program publicly funding interpreters in civil cases in three counties.	I, IV	
<a href="#">AB 618</a>	Furutani	2011	Oppose	Requires the court to provide separate interpreters for defendants and witnesses, and for codefendants in specified proceedings.	I	Strains court's ability to provide interpreters.
<a href="#">AB 663</a>	Jones	2009	Sponsor interpreter-related provisions; no position on legal aid provision.	Requires the Judicial Council to establish a working group to develop best practices to expand the use of interpreters and a pilot project to test the workability of the developed best practices.	I, III, IV	
<a href="#">AB 2227</a>	Chu	2006	Support	Requires the Judicial Council to establish the Blue Ribbon Panel on Language Access in the Courts. Requires the panel to report to the Legislature and the Judicial Council on the existing interpreter certification system.	I, IV	
<a href="#">AB 2302</a>	Committee on Judiciary	2006	Support if funded	Requires that an interpreter be present whenever needed in any civil matter, including family law and probate, or in any court-ordered or court-provided alternative dispute resolution, including mediation and arbitration. Specifies the priority for use of funding and interpreters provided for civil matters.	I, IV	
<a href="#">SB 927</a>	Escutia	2001	Oppose unless funded	Requires that a certified or registered court interpreter be provided at court expense in any family law proceeding that involves allegations of domestic violence.	I, IV	

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#### IV. SUBSTANTIVE LAW

##### A. JUVENILE DELINQUENCY

The council supports legislation to ensure that judges have sufficient discretion and placement and treatment options to fulfill their obligations to promote the rehabilitation and reintegration of juvenile offenders, the safety of the community, and accountability to victims.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 689</a>	Obernolte	2018	Sponsor	Authorizes the district attorney or minor’s counsel to retain or seek the appointment of additional qualified experts with regard to determining competency. Requires the Judicial Council to adopt a rule of court relating to the qualifications of those experts.	I, IV	
<a href="#">AB 1214</a>	Stone, M.	2018	Oppose	Formalizes processes and procedures related to the care and treatment of minors for whom a doubt is cast as to their competence to be involved in the adjudication of petitions against them. Specifically limits timeframe for restoration of competency of minors to six months.	I, IV	
<a href="#">AB 935</a>	Stone, M.	2017	Support provisions that match AB 689 (2018); no position on remaining provisions of the bill.	Among other things, clarifies the legal process and procedures in proceedings that determine the legal competency of juveniles.	I, IV	
<a href="#">AB 703</a>	Bloom	2015	Support	Requires the council to adopt rules of court establishing the minimum training and education hours, or alternative recent experience, for an attorney to be appointed as counsel in delinquency proceedings.	I, IV	
<a href="#">AB 2195</a>	Achadjian	2014	Support	Amends Welfare and Institutions Code section 256 to allow section 601 truancy violations, at the discretion of the referring probation officer, to be referred to the county juvenile traffic court and be heard by a hearing officer, instead of being referred to the juvenile court.	IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 1038</a>	Leno	2014	Support if amended and funded	Removes the cap of 21 years of age by which a court must dismiss a petition against a former ward of the court. Does not require the court to have jurisdiction over the former ward at the time of dismissal of a petition. Further requires a court to automatically seal the records of minors under specified circumstances and grants limited access to such files without this access constituting “unsealing” of the records.	IV	
<a href="#">AB 1006</a>	Yamada	2013	Support	Requires the Judicial Council to develop a form petition and instructional materials to be used by persons with juvenile offenses seeking to seal their juvenile records. Requires probation and the courts to ensure that juvenile offenders are provided with the petition and informational materials.	I, IV	
<a href="#">AB 1709</a>	Mitchell	2012	Oppose	Provides that any minor whose case is being adjudicated in juvenile court for an offense that could be used as a future felony conviction under the “three strikes” law must be provided an opportunity for a jury trial.	IV	Imposes unreasonable burdens on juvenile courts.
<a href="#">AB 1547</a>	Beall	2007	Support	Authorizes the juvenile court to order the probation department to provide a variety of services to a delinquent ward approaching the age of majority.	II, IV	
<a href="#">AB 2496</a>	Steinberg	2002	Oppose unless amended	Requires that the minor, the minor’s counsel, and a probation officer personally appear before the court during each periodic review of the minor’s detention.	II, III	Will significantly increase length of proceedings; neutral if amended to achieve goals in more efficient way.

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## B. JUVENILE DEPENDENCY

The council supports timely and expeditious determinations in dependency matters, as well as measures to enhance the available placement options for dependent children. The council supports efforts to clarify the procedures for declaring a child a dependent of the court. The council also supports maintaining judicial discretion to terminate dependency.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1617</a>	Bloom	2018	Sponsor	Clarifies that people who are entitled to seek review of certain orders in juvenile proceedings or who are respondents in such appellate proceedings may, for purposes of those appellate proceedings, petition the courts to access and copy those records to which they were previously given access by the juvenile court.	I, IV	
<a href="#">AB 3047</a>	Daly	2018	Support	Expressly waives pro hac vice fees when an applicant is an attorney representing a tribe in a child welfare matter under the Indian Child Welfare Act (25 U.S.C. Sec. 1901, et seq).	I, IV	
<a href="#">AB 3176</a>	Wright	2018	Support	Amends various sections of the Welfare and Institutions Code related to Indian children in light of the regulations and guidelines recently promulgated by the federal government concerning the Indian Child Welfare Act (ICWA). The regulations and guidelines clarify requirements under the ICWA. As recently amended, the bill ensures that courts are not required to apply ICWA to cases where there is no ongoing reason to know the child is an Indian child, and clarifies the difference between when a court has reason to know versus when a court has reason to believe a child is an Indian child; clarifies the timing and requirements of ICWA inquiry; ensures that ICWA notice by registered or certified mail return receipt requested is not required in more situations than required under the federal regulations; addresses concern about clarifying procedural issues such as exchange of information between tribal and state courts; and, clarifies how the emergency proceeding provisions in the federal regulations relate to California law and practice.	I, IV	
<a href="#">AB 1441</a>	Stone	2014	Support	Requires local school districts to calculate and award full or partial academic credit to foster youth who transition between schools for work done that achieved a grade of D or higher.	IV	Supports foster youth in completing their education.

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<a href="#">AB 1618</a>	Chesbro	2014	Sponsor	Provides tribal entities and officials with access to confidential juvenile court files and records for children who are members of the tribe or eligible for membership in the tribe. By explicitly including tribes, tribal officials, and tribal entities within the exception to the confidentiality of juvenile court files, this bill will solve a conflict between federal and state law on one side, and juvenile courts on the other.	I, IV	
<a href="#">AB 2454</a>	Quirk-Silva	2014	Support	Allows an individual who received extended foster care or adoption assistance aid after turning 18 years old to petition for resumption of dependency jurisdiction.	IV	
<a href="#">AB 73</a>	Feuer	2011	Support	States the intent of the Legislature to enact legislation providing that juvenile court hearings in juvenile dependency matters be presumptively open to the public unless the court finds that admitting the public would not be in a child's best interest.	I	Promotes public trust in juvenile court.
<a href="#">AB 743</a>	Portantino	2010	Support	Modifies the standard for sibling visitation to require that if siblings are not placed together the social worker must explain why placement together would be contrary to the safety or well-being of any sibling. Requires a social worker considering a change of placement that will result in sibling separation to notify the attorney for the child being moved as well as the attorney for any affected sibling.	IV	Assists court in keeping siblings together.
<a href="#">AB 1852</a>	Portantino	2010	Support	Requires the county welfare department to document in the reports it provides to the court at the disposition hearing its efforts to locate and contact relative and nonrelative extended family members of a dependent child to establish permanent familial connections between the child and his or her family.	IV	Improves ability of court to find permanency for dependent children.
<a href="#">SB 962</a>	Liu	2010	Support	Allows incarcerated parents to participate in specified court proceedings concerning parental rights via videoconferencing or teleconferencing if the technology is available	I	Reduces need to continue dependency proceedings for an incarcerated parent's absence.
<a href="#">AB 12</a>	Beall	2009	Cosponsor	Implements federal foster care reform legislation to provide federally subsidized relative guardianships and extend foster care jurisdiction to age 21.	IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 131</a>	Evans	2009	Sponsor	Authorizes the Judicial Council to implement a cost recovery program to collect reimbursement from parents for the cost of dependency counsel, and directs that the recovered funds be used to reduce caseloads for attorneys.	I, IV	Promotes fairness outcomes in dependency proceedings.
<a href="#">AB 938</a>	Committee on Judiciary	2009	Sponsor	Requires that social workers immediately investigate the identity and location of all adult grandparents and other relatives of a child after the child is detained, and notify the relatives that the child has been removed from his or her parents and of the means by which the relative might participate in the care of the child.	IV	Engages relatives in dependency court to promote best interests of child.
<a href="#">AB 1405</a>	Maze	2008	Support	Provides that information obtained from a minor during an assessment to determine the appropriate status of a minor who meets the definition of both a dependent and a delinquent ward cannot be used against the minor in other proceedings.	II, IV	Ensures court obtains necessary information.
<a href="#">AB 3051</a>	Jones	2008	Support	Requires the court to determine whether a child age 10 or older who is not present was given an opportunity to attend the hearing. Provides that the court may make any orders reasonably necessary to ensure that the child has an opportunity to attend.	I, IV	Ensures that children can participate in proceedings.
<a href="#">AB 2130</a>	DeVore	2006	Oppose	Requires the court to consider the religious, cultural, moral, and ethnic values of a child or of his or her birth parents, before placing a dependent child for adoption.	I, II	Inappropriately limits judicial discretion.
<a href="#">AB 2480</a>	Evans	2006	Support if funded	Requires the appointment of appellate counsel to represent a dependent child if the child is an appellant, or if the Court of Appeal determines that the child would benefit from the appointment of separate counsel.	IV	
<a href="#">SB 1667</a>	Kuehl	2006	Support	Requires that the social worker provide foster parents with a caregiver information form and information on how to submit it to the court. Provides rights for caregivers to receive notice of postpermanency planning hearings.	IV	Ensures that court receives all relevant information regarding dependent children.
<a href="#">AB 519</a>	Leno	2005	Sponsor	Allows the juvenile court to issue ex parte protective orders for parents and caretakers even without regard to the child's need for a protective order.	IV	Allows the juvenile court to protect families in an efficient individualized manner.

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<a href="#">AB 129</a>	Cohn	2004	Sponsor	Authorizes counties to implement dual status (dependency and delinquency) protocol for children in juvenile court.	IV	Ensures adequate oversight for dual need children.
<a href="#">AB 524</a>	Haynes	2003	Oppose	Requires that a child who has been removed from his or her parents' custody be returned within five working days in certain circumstances.	III	March 26, 2003 amendments eliminated provisions related to criminal proceedings. Council opposition withdrawn.
<a href="#">SB 59</a>	Escutia	2003	No position, but seek amendments	Provides expedited appellate review of disputed placement orders in juvenile dependency cases.	N/A	June 11, 2003 amendments conformed the writ process to the one established in Welfare and Institutions Code section 366.26(1).
<a href="#">AB 2336</a>	Negrete McLeod	2002	Support	Requires that orders for the temporary removal of a prisoner to attend a hearing pertaining to parental rights must be issued at least 12 days before it is to be executed.	I, IV	Ensures access to proceedings for affected parties.
<a href="#">SB 2160</a>	Schiff	2000	Sponsor	Creates a presumption that children in dependency proceedings would benefit from the appointment of counsel.	I, IV	Improves ability of court to fulfill role in dependency cases.

### C. FAMILY LAW

The council supports legislation consistent with its goal of increasing access to the courts. The council supports efforts to provide adequate assistance to pro per litigants in family law cases, as well as litigants who face language barriers. The council seeks to maintain judicial discretion to make family law decisions based on the best interest of the child. The council also seeks to clarify the process the court should follow and the factors the court can appropriately consider in family law cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 808</a>	Cunningham	2018	Oppose	Allows a court to appoint a private attorney to represent a child in a custody or visitation proceeding who has not met the training, education, and/or experience requirements set forth in California Rule of Court 5.242 if an attorney who has met the requirements is not available, and the appointment is in the best interests of the child.	IV	
<a href="#">AB 2274</a>	Quirk	2018	No position	Changes from mandatory to permissive the provision that provides for the court to assign sole or joint ownership of the pet.	IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2373</a>	Acosta	2018	Support	Permits a party who has complied with notice and disclosure provisions related to the disclosure of assets and liabilities to waive the right to receive the non-complying party's disclosures without the need for a hearing and court approval. The complying party would have to file and serve a declaration, executed under penalty of perjury, waiving receipt of the noncomplying party's disclosures and making other specified statements. Specifically, the complying party would have to affirm that he or she is advised and informed that he or she is entitled to full financial disclosure from the other party and waives that right knowingly, intelligently, and voluntarily.	IV	
<a href="#">SB 1129</a>	Monning	2018	Oppose, unless amended to limit the bill's provisions to those proposed for section 4324.5 of the Family Code	Includes domestic violence and related convictions perpetrated by one spouse against the other, and misdemeanor domestic violence or a misdemeanor that results in a term of probation, as defined, perpetrated by one spouse against another, in the rebuttable presumption that an award of spousal support to the convicted spouse is prohibited, and that the injured spouse shall not pay attorney fees and states that the injured spouse shall be entitled to a 100 percent of the community property interest in the injured spouse's retirement and pension benefits. Provides that a convicted spouse may present documentation of the convicted spouse's history as a victim of a violent sexual offense perpetrated by the other spouse, from which the court may determine that the presumption against awarding support and benefits does not apply.	I, IV	
<a href="#">AB 712</a>	Bloom	2017	Support, if amended to remove the requirement to draft a rule of court.	Allows a court transferring jurisdiction over a family law matter to retain emergency jurisdiction over the case until the receiving court formally assumes jurisdiction. Requires the Judicial Council to establish time frames for transferring and assuming jurisdiction over family law matters.	IV	Specific needs of each family law case.

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<a href="#">SB 917</a>	Jackson	2016	Oppose, unless funded	Requires a court to provide “a written, detailed, official order setting forth the basic terms of any order made in open court” at any hearing held under the Family Code within two court days of the hearing to any party who was present.	I, IV	Creates unworkable burden on judges and staff.
<a href="#">SB 594</a>	Wieckowski	2015	Oppose	Requires the Judicial Council to develop forms that each investigator, evaluator, or mediator involved in child custody evaluations would be required to submit, along with their reports.	I, IV	Creates unworkable “one size fits all” approach to case-by-case family law disputes; limits relevant information to be received by judges.
<a href="#">AB 1337</a>	Alejo	2012	Support	Specifies who shall be served with notice of a parentage proceeding when one parent is deceased and there is no current or pending custody or guardianship matter before the court.	I	Clarifies procedures in these cases.
<a href="#">AB 2365</a>	Nestande	2012	Support	Adds to the matters a court shall consider in determining the best interest of a child in a custody proceeding either parent’s habitual or continual abuse of prescribed controlled substances. Eliminates the sunset date on the authority of the family court to order drug testing in custody matters.	II	Provides court with tools to make custody decisions in the best interest of children.
<a href="#">AB 2393</a>	Davis	2012	Support	Increases the net disposable income adjustment for low-income child support obligors from \$1,000 to \$1,500, and directs the Judicial Council to calculate an annual adjustment to that amount each March 1 based on the change in the California Consumer Price Index.	IV	Will result in more enforceable child support orders.
<a href="#">AB 939</a>	Committee on Judiciary	2010	Support	Makes numerous changes to provisions in the Family Code consistent with the recommendations of the Elkins Family Law Task Force.	I, IV	
<a href="#">AB 1050</a>	Ma	2010	Support	Creates a presumption that a child is of sufficient maturity to provide input to the court on a child custody or visitation issue at age 14 and requires the court to permit the child to address the court unless the court finds that testimony is not in the child’s best interest and states its reasons on the record.	IV	Ensures courts can appropriately consider input of child.
<a href="#">AB 2475</a>	Beall	2010	Oppose	Provides that the doctrine of judicial or quasi-judicial immunity shall not apply to any private third party engaged by the court for his or her expertise in family law matters in an advisory capacity.	II	Interferes with ability of court to obtain expert information.

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<a href="#">AB 612</a>	Beall	2009	Oppose	Prohibits the consideration of a “nonscientific theory” in a child custody matter, as defined, and disallows the admission into evidence of any child custody evaluation report that includes a nonscientific theory.	II, IV	Creates inconsistent and unworkable evidentiary standard.
<a href="#">AB 1822</a>	Beall	2008	Oppose	Requires the court, in any proceeding to establish or modify spousal support, to deny spousal support to a party convicted of a sexual offense against a minor.	II	Inappropriately limits judicial discretion.
<a href="#">SB 1255</a>	Harman	2008	Support	Extends until January 1, 2013, the authority of the family court to order a person seeking custody or visitation of a child to undergo testing for drug or alcohol abuse in specified circumstances.	II, IV	Ensures that court has relevant information in custody cases.
<a href="#">SB 1015</a>	Murray	2006	Oppose	Requires the court to redact specified financial information from family law files.	II	Lessens public trust in court and imposes unnecessary administrative burdens.
<a href="#">SB 1482</a>	Romero	2006	Oppose	Provides that a custodial parent has a presumptive right to change the residence of his or her child subject to the power of the court to restrain a change of residence. Requires the noncustodial parent to make a prima facie showing of harm to the child that would result from the relocation, necessitating a change in custody, but would disallow consideration of the normal incident of moving.	II	
<a href="#">AB 1307</a>	Dymally	2005	Oppose	Creates a rebuttable presumption that equal custody share is in the best interest of child.	II	Unduly limits court’s ability to make custody orders on a case-by-case basis.
<a href="#">SB 544</a>	Battin	2005	Oppose	Prohibits parents convicted of certain offenses from having unsupervised contact with their children.	II	Overly restricts court’s ability to make custody orders in the best interest of child.
<a href="#">AB 2148</a>	Diaz	2004	Oppose	Restricts the court from holding custody or visitation proceedings until after it has ruled on an application for attorney’s fees.	II	Limits ability of court to act in best interest of children.
<a href="#">AB 2228</a>	Garcia	2004	Support	Requires information sharing in cases pertaining to custody of children.	III, IV	Ensures well-informed court regarding child custody.
<a href="#">SB 730</a>	Burton	2004	Oppose	Establishes presumptive right for a custodial parent to relocate with a child.	II	Unduly limits discretion of court to act in best interest.
<a href="#">SB 1616</a>	Knight	2004	Oppose	Requires the court to state its reasons for making any spousal support order on the record and in writing.	II	Unnecessary and resource intensive.
<a href="#">SB 734</a>	Ortiz	2003	Oppose	Restricts courts discretion to grant visitation.	II	Unduly restricts individual discretion.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 174</a>	Kuehl	2002	No position	Requires the Judicial Council to select four nonconfidential mediation courts to implement a model with initial confidential mediation, with the allowance for subsequent recommending mediation if performed by a different mediator. Implementation contingent on funding.	N/A	
<a href="#">SB 1406</a>	Kuehl	2002	Oppose unless amended	Requires that all child custody mediation be confidential, and prohibits the mediator from communicating with the court on any matter.	II, III, IV	Interferes with administration of family cases.
<a href="#">SB 1791</a>	Rainey	2000	Oppose	Shifts responsibility for hearing Title IV-D–related child support actions to Department of Social Services administrative law judges.	I, II, IV	Inappropriately shifts judicial function to nonjudicial officers.

#### D. DOMESTIC VIOLENCE

The council supports efforts to improve court procedures in domestic violence cases and the way courts review allegations of domestic violence in family law proceedings. The council also supports measures that seek to simplify the process for obtaining a restraining order, and the process for making it enforceable.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1081</a>	Quirk	2015	Sponsor	Amends restraining order statutes to eliminate the current provisions concerning the reissuance of temporary orders and replace them with new provisions providing a procedure for continuance of hearings.	IV	
<a href="#">AB 2089</a>	Quirk	2014	Oppose unless amended	Amends numerous sections of the Domestic Violence Prevention Act (DVPA) including requiring a court to state its reasons for denying a request for a permanent domestic violence restraining order in writing or on the record.	IV	Increases workload on courts without adequately funding staff to meet new requirements.
<a href="#">AB 1596</a>	Hayashi	2010	Sponsor	Contains numerous technical changes to create more consistency in protective order statutes.	IV	Promotes consistent administration of law in protective order matters.
<a href="#">AB 104</a>	Cohn	2005	Oppose	Requires a hearing on a motion to modify or dismiss a DVPA order to be held by the judicial officer that issued the order, if available.	II, III	Undue interference with court calendaring process.
<a href="#">AB 106</a>	Cohn	2005	Oppose	Requires every trial court to establish a one-time amnesty program for fines and fees imposed for spousal abuse convictions or as a condition of probation for domestic violence offenses.	II, III	Contrary to the Judicial Council’s enhanced collections strategy.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 1627</a>	Kuehl	2002	Support	Clarifies procedures for entry of service of process for DVPA orders into the Domestic Violence Restraining Order System (DVROS) by requiring the court to either enter the information into DVROS directly or transmit proof of service to law enforcement for entry within one business day.	III, IV	Makes court orders more likely to be enforced.
<a href="#">SB 1780</a>	Escutia	2002	Oppose unless funded	Requires the court to provide interpreters for specified parties in family law proceedings involving allegations of domestic violence at court expense.	I, IV	

### E. CONSERVATORSHIP AND PROBATE LAW

The council supports clarification of conservators' duties and formulation of guidelines about conservatorships.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1290</a>	Obernolte	2018	No position	Provides that a guardian or conservator does not hold the attorney-client privilege in cases where the guardian or conservator has an actual or apparent conflict of interest with their ward or conservatee client.	II	
<a href="#">SB 1011</a>	Roth	2018	Support	Among other things, requires the regional center, in limited conservatorship case, to attach to its report the client's most recent individual program plan. Also requires the regional center to deliver a copy of its report to the court at least 15 days (vs. five days) before the hearing on the petition.	IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 333</a>	Anderson	2017	Support	Clarifies that if all beneficiaries of an irrevocable trust consent, they may petition the court for modification or termination of the trust. Provides that if a trust is subject to a valid restraint on the transfer of a beneficiary's interest, as provided, the trust may not be terminated with the consent of all beneficiaries who are reasonably likely to take under circumstances. Provides that an irrevocable trust may be modified or terminated by the written consent of the settlor and all beneficiaries without court approval. Clarifies that if any beneficiary does not consent to the modification or termination of an irrevocable trust, with the consent of the settlor the court may modify or partially terminate the trust if the interests of the beneficiaries who do not consent are not substantially impaired.	IV	
<a href="#">AB 691</a>	Calderon	2016	Neutral	Enacts the Revised Uniform Fiduciary Access to Digital Assets Act. Among other things, authorizes a decedent's personal representative or trustee to access and manage digital assets and electronic communications, as specified. Establishes specified court procedures for resolving disputes between custodians and fiduciaries regarding access to a decedent's digital assets.	IV	
<a href="#">AB 1300</a>	Ridley-Thomas	2016	Support section 9; no position on remaining provisions that are outside Judicial Council purview.	Makes various changes to the law governing involuntary commitments to mental health facilities. Among other things, conforms the immunity provisions in the Lanterman-Petris-Short (LPS) Act by extending immunity protections currently provided to court-appointed hearing officers and other specified persons involved in the involuntary commitment process to the same group of persons in counties that utilize the 30-day involuntary hold provisions under the LPS Act (see Welf. & Inst. Code § 5270.10 et seq.). Provides specifically that the court-appointed commissioner or referee, or the certification review hearing officer, among others, would be entitled to immunity from liability for any action by a person who is released at or before the end of the 30-day intensive treatment period.	IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1700</a>	Maienschein	2016	Support	Authorizes a trustee to provide a notice of proposed action for preliminary and final distributions.	IV	
<a href="#">SB 938</a>	Jackson	2016	Support	Seeks to tighten up the law governing the use of psychotropic medications for persons subject to dementia conservatorships. Among other things, requires petitions requesting the authority to administer such medications to be supported by a declaration of a physician that includes specified information including, among other things, the recommended course of medication, the expected effects of the recommended medication on the conservatee's overall mental health and treatment plan, including how the medication is expected to improve the conservatee's symptoms, and a description of the potential side effects of the recommended medication. Requires the Judicial Council, on or before July 1, 2017, to adopt rules of court and develop appropriate forms for the implementation of these provisions.	IV	
<a href="#">SB 1158</a>	Anderson	2016	Support	Among other things, clarifies the ability of all beneficiaries of an irrevocable trust to petition the court for a modification or termination of the trust. Requires the court to consider, in making a determination with respect to a proposed termination of an irrevocable trust, whether the trust is subject to a valid restraint on the transfer of a beneficiary's interest. Clarifies further that an irrevocable trust may be modified or terminated by the written consent of the settlor and all beneficiaries without court approval of the modification or termination.	IV	
<a href="#">AB 314</a>	Waldron	2015	Oppose	Dispenses with the requirement for a court investigation in cases to establish a limited conservatorship for a person with developmental disabilities when the proposed conservator is a parent of the proposed conservatee. Authorizes (rather than requires) the proposed limited conservatee, with his or her consent, to undergo an assessment at a regional center that will be used for the purposes of the conservatorship proceedings.	III, IV	Interferes with court's ability to oversee conservatorship cases.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 691</a>	Calderon	2015	Oppose	Enacts the Privacy Expectation Afterlife and Choices Act (PEAC Act). Among other things, authorizes a defined electronic communication service or remote computing service (provider) to disclose specified information pertaining to the account of a deceased user to the personal representative of the decedent's estate or the trustee of the decedent's trust if provided with prescribed information. Authorizes a probate court with jurisdiction over the deceased user's estate or trust to order disclosure of certain information if the court makes specified findings, including that the request for disclosure is narrowly tailored to the purpose of administering the estate or trust.	III	Interferes with court administration of trusts and estates.
<a href="#">AB 900</a>	Levine	2015	Concerns	Establishes a new and unprecedented form of guardianship for certain youth between ages 18 and 21 who may qualify for federal Special Immigrant Juvenile (SIJ) status. Among other things, this bill allows, with the consent of the proposed ward, a probate court to establish a guardianship of the person for an unmarried individual, who is at least 18 years of age, but not yet 21, in connection with a petition to make necessary findings regarding SIJ status, as specified	II	Complicates court's ability to provide proper oversight.
<a href="#">AB 1085</a>	Gatto	2015	Neutral on sections 1 and 2; no position on remaining provisions, which are outside the council's purview.	Among other things, allows a court to issue an order that either (1) specifically grants a conservator of the person the power to enforce the conservatee's right to receive visitors, telephone calls, and personal mail; or (2) directs the conservator to allow such visitors, telephone calls, and personal mail.	IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1300</a>	Ridley-Thomas	2015	Support section 26; no position on remaining provisions which are outside Judicial Council purview.	Among other things, conforms the immunity provisions in the Lanterman-Petris-Short (LPS) Act by extending immunity protections currently provided to court-appointed hearing officers and other specified persons involved in the involuntary commitment process to the same group of persons in counties that utilize the 30-day involuntary hold provisions under the LPS Act (see Welf. & Inst. Code § 5270.10 et seq.).	II	
<a href="#">AB 2034</a>	Gatto	2014	Oppose	Among other things, allows first-degree relative of an elder or dependent adult to file a petition for a protective order to enjoin a person from keeping the elder or dependent adult in isolation from contact with the relative.	III	Interferes with the ability of the courts to resolve these family disputes in an efficient and effective manner.
<a href="#">SB 940</a>	Jackson	2014	Support	Among other things, provides, effective January 1, 2016, provisions for interstate jurisdiction, transfer, and recognition of conservatorships under the California Conservatorship Jurisdiction Act.	I, IV	
<a href="#">AB 1893</a>	Wagner	2012	Support	Clarifies the procedural rules that apply to probate proceedings.	IV	Improves court administration of probate cases.
<a href="#">AB 458</a>	Atkins	2011	Sponsor	Prohibits a court from appointing a minor's parent as a guardian of the person of the minor, except as specified. Establishes requirements for transferring a proceeding to another court in circumstances in which a proceeding that concerns custody or visitation of a minor child is pending in one or more counties at the time the petition for guardianship is filed. Specifies circumstances under which the court in a guardianship proceeding would maintain exclusive jurisdiction to determine issues of custody or visitation.	I, III	
<a href="#">AB 2271</a>	Silva	2010	Support	Adds temporary trustees to the list of persons who may be appointed by the court during an appeal of certain probate orders.	II, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 1041</a>	Harman	2010	Support	Among other things, provides that evidence of a statement made by a declarant who is unavailable as a witness that he or she has or has not established or revoked a revocable trust, or that identifies his or her revocable trust, is not made inadmissible by the hearsay rule because the declarant is unavailable as a witness.	II, IV	
<a href="#">AB 1163</a>	Tran	2009	Support	Clarifies that the attorney-client privilege is held by a deceased client's personal representative appointed for subsequent estate administration after the original personal representative has been discharged. Provides that no attorney-client privilege exists for communications relevant to issues between parties who all claim through a deceased client in a non-probate transfer.	I, IV	Improves administration of justice.
<a href="#">AB 1340</a>	Jones	2008	Support	Requires a guardian or conservator, in a first accounting filed with the court, to provide all account statements showing the account balance as of, rather than through, the closing date of the first court accounting. Requires notice be given 5 court days prior to a hearing on the appointment of a temporary guardian or temporary conservator. Prohibits a court from permitting a person without a valid professional fiduciary's license to continue to carry out the duties of a professional fiduciary.	IV	Improves court's oversight of these cases.
<a href="#">AB 1880</a>	Tran	2008	Oppose	Requires a guardian or conservator to post a separate recovery bond for the benefit of the ward or conservatee and any person interested in the guardianship or conservatorship estate who may bring a surcharge action against the guardian or conservator for breach of duty.	III, IV	Multiple bonds are more difficult to administer, and they would impair the court's ability to provide proper oversight.
<a href="#">AB 2014</a>	Tran	2008	Support	Requires a guardian or conservator to use ordinary care and diligence to determine whether the ward or conservatee owns real property in a foreign jurisdiction and to preserve and protect that property.	IV	Improves court's oversight of these cases.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2247</a>	Spitzer	2008	Oppose unless amended; neutral if amended	Requires a guardian or conservator to file an investment plan with a court not more than six months after the issuance of letters of guardianship or conservatorship. Revises and expands the list of obligations and securities in which a guardian or conservator may invest funds of the estate without court authorization.	IV	Interferes with the ability of the court to protect conservatees' assets.
<a href="#">SB 1264</a>	Harman	2008	Support	Beginning January 1, 2010, revises, recasts, and clarifies the law governing no contest clauses in wills and trust instruments. Limits the enforceability of no contest clauses to direct contests brought without reasonable cause, transfers of property, or creditor claims as specified. Defines direct contest and probable cause for these purposes. Eliminates provisions regarding the authority of a beneficiary to apply to a court for a determination regarding a no contest clause.	I, IV	Improves access to the courts and enhances court administration.
<a href="#">AB 1727</a>	Committee on Judiciary	2007	Support	Enhances a court investigator's access to confidential medical information. Prohibits a conservatorship of the person or of the estate from being granted unless the court makes an express finding that the granting of the conservatorship is the least restrictive alternative needed for the protection of the conservatee. Creates new requirements on courts when guardianships and conservatorships are transferred from other jurisdictions.	II, IV	Improves court's ability to provide oversight of these cases.
<a href="#">SB 340</a>	Ackerman	2007	Cosponsor	Broadens list of agencies entitled to receive criminal history reports to include probate court conservatorship and guardianship investigators.	II, IV	Improves the court's ability to provide oversight in guardianship and conservatorship cases.
<a href="#">AB 1363</a>	Jones	2006	Support if funded	Makes a number of reforms to the probate conservatorship system, including enhanced court reviews of conservatorships primarily through increasing the frequency and scope of court investigations.	II, IV	Improves court's ability to provide oversight of these cases.
<a href="#">SB 1116</a>	Scott	2006	Support	Increases court oversight of moves of conservatees and the sale of their homes.	II, IV	Improves the court's ability to provide oversight of these cases.
<a href="#">SB 1550</a>	Figueroa	2006	Support	Enacts the Professional Fiduciaries Act, which establishes in the Department of Consumer Affairs a new licensure scheme governing professional conservators, guardians, and other fiduciaries.	II, IV	Improves the courts oversight in these cases.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">SB 1716</a>	Bowen	2006	Support if funded	Authorizes the court to take action in response to ex parte communications regarding a guardian's or conservator's performance of his or her fiduciary duties.	II, IV	Improves the court's oversight of these cases.
<a href="#">AB 541</a>	Harman	2005	Support	Allows the court to test prospective guardians for drugs or alcohol and exempts guardians of the person only from having to register with the Statewide Registry.	II, IV	Enhances court's discretion and improves court's ability to oversee these cases.
<a href="#">AB 1155</a>	Liu	2004	Support	Requires the Judicial Council to adopt a rule of court that specifies the qualification and educational requirements of private professional conservators and private professional guardians.	II, IV	Improves court's ability to oversee these cases.
<a href="#">AB 1851</a>	Harman	2004	Support	Revises and recasts the law concerning the court's responsibility to approve compromises of claims of minors, and settlements or actions or disposition of judgments in favor of minors or "incompetent persons." Permits the court to establish a special needs trust for a disabled minor that will continue under court supervision after the minor reaches age 18.	IV	Improves the court's ability to administer these cases.
<a href="#">AB 1883</a>	Harman	2004	Support	Prevents routine waivers but allows court discretion in waiving bond requirement where it is warranted.	II, IV	Enhances court's discretion.
<a href="#">AB 1784</a>	Harman	2002	Support	Implements the recommendations of the California Law Revision Commission for clarification of Probate Code provisions regarding the construction of trusts and other instruments.	III, IV	Promotes clarity and consistency in the handling of these cases.

## V. MISCELLANEOUS

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 868</a>	Ammiano	2013	No position	Mandates that existing required training standards for judicial officers who hear family law matters, Court Appointed Special Advocates, and attorneys for children in dependency cases be modified to include training on cultural competency and sensitivity with regard to gay, lesbian, bisexual, and transgender youth.	II, V	Directed staff to articulate the concern of the Judicial Council on the precedent that is being established by enacting statutory training requirements for judges, and to highlight the importance of recognizing judicial independence and oversight over training.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 1208</a>	Calderon	2011	Oppose	Significantly lessens the role of the Judicial Council in determining the allocation of funds to trial courts and allocating funds in a manner to support implementation of statewide policies and initiatives. Reduces the council's role in ensuring the stability of trial court operations and providing management or oversight of trial court budgets.	I, II, III, IV	
<a href="#">SB 1417</a>	Cox	2010	Support	Modifies the process for formation of Societies for the Prevention of Cruelty to Animals and for the appointment of humane officers.	III, IV	Provides clear court process.
<a href="#">AB 2301</a>	Committee on Judiciary	2006	Support	Provides the State Bar with the authority to collect voluntary financial support from its membership to support organizations that provide free legal services to those of limited means.	I, IV	
<a href="#">SCA 3</a>	Lowenthal	2006	No position	Shifts redistricting responsibility from the Legislature to an 11-member Independent Redistricting Commission to reapportion legislative and congressional districts. Provides that the California Supreme Court has original and exclusive jurisdiction over all challenges to a redistricting plan adopted by the commission. Requires the Judicial Council to appoint a panel of 10 retired justices of the state Courts of Appeal, and for that panel to establish a pool of 50 candidates for the Independent Redistricting Commission.	N/A	
<a href="#">SB 1246</a>	Burton	2004	No position	Requires the Supreme Court and the State Bar to develop standards and rules of professional conduct governing the propriety of an attorney appearing before a court where that individual previously served as a judicial officer.	N/A	Outside purview.

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## A. ACCESS TO JUSTICE

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 2664</a>	Holden	2018	Support	Provides that at the arranging party's request, the court shall appoint the certified shorthand reporter to be present in the courtroom and serve as the official reporter pro tempore unless there is good cause shown for the court to refuse that appointment. Makes fees and charges of the certified shorthand reporter recoverable as taxable costs by the prevailing party.	I, II, IV	
<a href="#">SB 339</a>	Roth	2017	Support	Requires the Judicial Council to report to the Legislature, on or before June 1, 2020, on a study of veterans and veterans treatment courts conducted by the council that includes a statewide assessment of veterans treatment courts currently in operation and a survey of counties that do not operate veterans treatment courts. The study must identify barriers to program implementation and assesses the need for veterans treatment courts in those counties.	IV	
<a href="#">SB 597</a>	Lara	2013	Support if amended and funded	Requires the Judicial Council to select up to five courts to participate in a pilot project to provide interpreter services to limited-English-proficient parties in civil matters.	I	Interpreter pilot project
<a href="#">AB 590</a>	Feuer	2009	Support	Creates a pilot project to provide legal representation to indigent litigants in specified civil case types including domestic violence, civil harassment, probate conservatorship, elder abuse, child custody matters in which one parent is seeking sole legal or physical custody, and housing-related cases, beginning July 2011, with the revenue from recently enacted increases to a number of miscellaneous civil court fees.	I, IV	Improves access to justice for unrepresented litigants.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
<a href="#">AB 663</a>	Jones	2009	Sponsor interpreter-related provisions; no position on legal aid provision	Requires the Judicial Council to establish a working group to identify and develop best practices to expand the use of interpreters in civil proceedings and to implement a three-year pilot project in up to five courts to provide interpreters in civil proceedings. Also requires the Judicial Council to enter into one or more master agreements with telephonic appearance providers to provide uniformity in the fees charged and requires \$15 per appearance to support the cost of the civil interpreter pilot project. Limits the use of the term “legal aid.”	I	Pilot project
<a href="#">AB 2448</a>	Feuer	2008	Sponsor	Revises and redrafts the existing statute governing court fee waivers to ensure that indigent litigants have an opportunity to access the courts in a timely manner, and to provide for recovery of those fees in appropriate cases.	I, III, IV	
<a href="#">AB 3050</a>	Jones	2008	Sponsor	Requires the Judicial Council to establish a working group to identify and develop best practices to expand the use of interpreters in civil proceedings. Requires the Judicial Council to implement a pilot project to provide interpreters in civil proceedings, in up to five courts, to implement the best practices identified by the working group. Requires that the Judicial Council enter into one or more master agreements to provide uniform fees for telephonic appearances in civil cases and provides that funding from this source will support the interpreter pilot project.	I	Interpreter pilot project
<a href="#">AB 171</a>	Beall	2007	Support	Establishes the Assumption Program for Loans for Law in the Public Interest, to provide up to \$11,000 in loan assumption benefits over a four-year period to public interest attorneys.	I	
<a href="#">AB 1723</a>	Committee on Judiciary	2007	Support	Requires banks that hold interest on lawyer trust accounts (IOLTA) to allow those accounts to participate in higher-paying investment products, or receive an interest rate that is comparable to the rates paid by those investment products (referred to as “IOLTA comparability”).	I	

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Goal IV – Quality of Justice and Service to the Public

Goal V – Education for Branchwide Professional Excellence

Goal VI – Branchwide Infrastructure for Service Excellence

Goal VII – Adequate, Stable and Predictable

Funding for a Fully Functioning

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# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT

[ItC prefix as assigned]-\_\_

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Title	Action Requested
Judicial Council–Sponsored Legislation: Civil Discovery Tiers	Review and submit comments by October 19, 2018
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Sponsor Code Civ. Proc., §§ 2019.025–2019.028; amend Code Civ. Proc., §§ 93, 94, 2023.010, and 2034.250; amend Evid. Code, § 723	January 1, 2021
	Contact
	Anne M. Ronan, 415-865-8933 anne.ronan@jud.ca.gov
Proposed by	
Civil and Small Claims Advisory Committee Hon. Ann I. Jones, Chair	

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### Executive Summary and Origin

This legislative proposal from the Civil and Small Claims Advisory Committee would provide for new discovery provisions for general civil cases, setting up three civil case tiers based on the complexity of the case, with each tier having different discovery requirements and limitations. The goal of the proposal is to make discovery more proportional to the value and nature of claims in a case. The proposal is based on the recommendations of the Commission on the Future of California’s Court System.

### Background

The *Commission on the Future of California’s Court System: Report to the Chief Justice* (Futures Commission report), issued in May 2017, included recommendations relating to civil cases. The Civil and Small Claims Advisory Committee has been directed to develop, with input from stakeholders, recommendations to the Judicial Council to implement the recommendations in the report “that existing civil procedures be amended to reduce litigation costs and facilitate the early exchange of information, and [establish] a new tier of cases to increase access to justice and to improve court efficiency, particularly for the growing number of self-represented litigants (SRLs) in civil cases.” The recommendations included:

1. Increasing the maximum jurisdictional dollar amounts for limited civil cases to \$50,000;

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

2. Creating a new intermediate civil case track with a maximum jurisdictional dollar amount of \$250,000; and
3. Streamlining methods of litigating and managing all types of civil cases.<sup>1</sup>

The stated goal in the Futures Commission report “is to reduce the cost of civil litigation at all levels by streamlining litigation procedures, incorporating proportionality concepts into the discovery process, and encouraging the use of technology.”<sup>2</sup> The report noted that it will be important to work with stakeholders in developing the details of the procedures, to ensure that the amended procedures be fair and equitable; it also outlined a recommended focus for the changes.<sup>3</sup>

The advisory committee previously circulated a set of proposed statutory amendments relating solely to the limited civil case tier, raising the jurisdictional limit and including unlawful detainer cases that are within that limit in all procedures applicable to limited civil cases, including discovery limits and expedited jury trials.<sup>4</sup> This current proposal is the next step in addressing the civil recommendations in the Futures Commission report. The proposal being circulated in this round focuses on streamlining litigation by changing the discovery process: (1) requiring initial disclosures and document production by all parties early in the litigation, (2) limiting factual discovery according to the value and complexity of the case, and (3) limiting expert witnesses in certain cases. It is expected that the two proposals, following the advisory committee’s full consideration of the comments received on both, will eventually be combined into a single set of recommendations to the council.

## **The Proposal**

### **Rationale for proposal**

The advisory committee carefully considered the recommendation in the Futures Commission report to establish a new intermediate jurisdictional case tier, comprised of cases between \$50,000 to \$250,000, and to set stricter discovery limits, among other things, on cases in that tier. The committee, however, found that trying to implement this recommendation into statute and practice was problematic. By using only dollar amounts to define this new tier, the intermediate tier was likely to include cases that were more complicated than envisioned in that tier (for example, cases involving smaller dollar amounts but also presenting complicated legal issues) while at the same time excluding cases that had higher dollar amounts in controversy, but which were straightforward legally (for example, various business matters and contract cases) and which would be prime candidates for the more limited discovery envisioned in the intermediate

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<sup>1</sup> Jud. Branch of Cal., *Commission on the Future of California’s Court System: Report to the Chief Justice* (Futures Commission report) (2017), p. 19. The report may be viewed at <http://www.courts.ca.gov/documents/futures-commission-final-report.pdf>.

<sup>2</sup> Futures Commission report, at p. 18.

<sup>3</sup> Futures Commission report, at p. 20.

<sup>4</sup> The details of that proposal are set out in the Invitation to Comment that may be viewed at <http://www.courts.ca.gov/documents/SPR18-11.pdf>.

tier. Similarly, cases in which there is no monetary claim at all, but instead a claim for injunctive or declaratory relief, can vary greatly in complexity and so could not easily be assigned to one tier or the other by putting a dollar value on the claim. There would also be problems with assigning personal injury cases to the intermediate tier because a specified damage amount is rarely pled.

Attorney committee members also expressed due process concerns about requiring parties to litigate a case as an intermediate case (which would cap the damages available at \$250,000) and insisted that any such tier would have to be set up to allow parties to “opt in,” letting the plaintiff decide whether to file a case as an intermediate case or an unlimited case. Judicial officers on the committee understood this issue but were concerned that an opt-in process could result in courts setting up intermediate civil case departments with few cases winding up in them, resulting in less, rather than greater efficiency.

Ultimately, the committee looked at the goals described in the Futures Commission report—less expensive litigation costs leading to greater access to the courts—and the methods recommended for obtaining those goals. A core part of the recommendations was to decrease the amount and cost of discovery. The recommendations included streamlining civil discovery by, among other things, mandating bilateral early disclosure of factual information supporting claims or defenses, identity of known witnesses, and production of key documents; and limiting depositions, written discovery, and experts based on where a case fell within the proposed three-tier system.<sup>5</sup> The committee eventually concluded that rather than adding another tier to the current civil case jurisdictional structure, it would recommend that the three-tier system be applied directly to the discovery process for civil cases, and that the recommendations within the Futures Commission report be reflected in this way.<sup>6</sup>

The details of the proposed legislation have been extensively considered and discussed by the advisory committee and, while not all members agree on all the provisions, the committee believes, in light of the directive it received from the Chief Justice, that the proposal should be circulated for public comment to obtain wider input from stakeholders, courts, and the public generally.

### **Content of proposal**

The proposal would add new provisions at the beginning of the discovery statutes, in Article 1 of Chapter 5 (beginning at section 2019.010<sup>7</sup>) that would do the following:

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<sup>5</sup> Futures Commission report, at pp. 20–22.

<sup>6</sup> The committee is seeking specific comments on whether this procedural (rather than jurisdictional) tiering is appropriate and in line with the goal and intent of the Futures Commission report.

<sup>7</sup> All statutory references herein are to the Code of Civil Procedure unless otherwise noted.

- Define three civil case tiers for discovery purposes and provide how cases<sup>8</sup> are assigned to a tier (proposed new § 2019.025);
- Require mandatory bilateral disclosures in all such cases (including production of documents in the first two tiers) (proposed new § 2019.027);<sup>9</sup>
- Provide for sanctions if the initial disclosures are not made or are incomplete (proposed new § 2019.026 and amended § 2023.010);
- Set limits on discovery beyond that disclosure, based on the assigned tier (proposed new § 2019.028);<sup>10</sup> and
- Limit the number of expert witnesses in civil cases assigned to the middle tier (Tier 2) and authorize courts to limit the number of experts in all cases based on several factors, including to ensure that the number is in proportion to the nature or value of the case (proposed amended § 2034.250 and amended Evid. Code, § 723).

The new provisions are discussed below.

### **Three civil case tiers (§ 2019.025)**

Proposed new section 2019.025(a) defines three tiers to which all general civil cases<sup>11</sup> will be assigned for purposes of discovery. Limited civil cases are assigned to Tier 1;<sup>12</sup> cases that are logistically or legally complicated, including but not limited to complex cases, are assigned to Tier 3; and all other cases are assigned to Tier 2. This definition of Tier 2 is somewhat broader than what was recommended for the intermediate tier in the Futures Commission report (e.g., it will include many cases with damage claims worth more than \$250,000), because the committee concluded that, in making the new tier procedural rather than jurisdictional—and therefore eliminating the due process concerns—there was no reason not to expand the tier and so strive for more proportional discovery in a greater range of cases.

Under section 2019.025(b), assignment to a civil case tier will be initiated by the plaintiff designating the appropriate tier on a Judicial Council form to be filed with the complaint (most likely a revised version of the *Civil Cover Sheet* (form CM-010)). If a defendant disagrees with the plaintiff's designation, the defendant may file a counter designation, also on a Judicial Council form. The court is to decide, without necessity of hearing, which tier designation is

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<sup>8</sup> The new provisions apply only to civil cases other than probate, guardianship, conservatorship, juvenile, or family cases.

<sup>9</sup> The proposal also incorporates this provision by reference in the limited civil case statutes, at proposed section 93, which is one of the statutes relating to limited civil case procedures.

<sup>10</sup> To the extent these limits cover limited civil cases, the proposal also includes these limits in the statutes relating to limited civil case procedures, at proposed section 94.

<sup>11</sup> The statute expressly exempts probate, guardianship, conservatorship, juvenile, and family law cases from its provisions because those types of cases were not addressed in the civil recommendations in the Futures Commission report.

<sup>12</sup> For the purposes of developing this recommendation, the committee has assumed that the jurisdictional cap for limited civil cases will be the increased \$50,000 amount in the proposal already circulated for comment.



appropriate. If the court does not set a hearing or issue an order within 30 days of the counter-designation, the case will be assigned to the original tier designated by the plaintiff. At any time during the case, a court on its own or upon the request of a party may change the designation.

### **Initial disclosures (§ 2019.026)**

Requiring each party to make an initial disclosure of factual information and documents was a major part of the recommendation in the Futures Commission report. “The key is that the parties will be provided with more information about the other side’s claims without having to initiate formal discovery requests. This shift will reduce costs and permit both sides to evaluate cases early in the process.”<sup>13</sup>

The committee discussed this recommendation at great length. Some attorney committee members raised valid arguments in opposition to adding this provision to the discovery statutes. They expressed concerns that, because many cases ultimately resolve without judicial intervention, any law requiring voluntary disclosures of information between the parties early in the case might increase, rather than decrease, the costs and delays associated with civil litigation. The committee addressed this concern, at least partially, by delaying slightly the time for initial exchanges to ensure that the case is at issue before any exchange is required, and by allowing parties that do not agree on the necessity for a formal initial exchange of case information to defer the exchange for up to six months as they attempt to settle the case.

As proposed, under new section 2019.026(a), all cases assigned to a civil case tier must, within 30 days after an answer has been filed,<sup>14</sup> disclose or produce the following:

1. The name, address, and phone number of individuals likely to have discoverable information the party may use to support its claims or defenses.
2. All documents that the disclosing party has and may use to support its claims or defense. (Cases assigned to Tier 3 may describe documents by category and location rather than produce them.)

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<sup>13</sup> Futures Commission report, at p. 23. The report also notes that this recommendation comports with the recommendations made to the Conference of Chief Justices by the Civil Justice Improvements Committee, which include recommendations for robust mandatory initial disclosures followed by tailored, proportional discovery. *Id.*, at p. 24.

<sup>14</sup> An exception to this timing is made for unlawful detainer cases, in which the disclosure is to be made within five days after the answer is filed—a time frame parallel to that required for discovery responses in such cases. (Proposed § 2019.02(d).) The committee considered exempting unlawful detainer cases from the initial disclosure requirement. Several members commented that the initial disclosure would be particularly helpful in such expedited cases, while others opined that it would be too burdensome in light of the short time frame involved. The committee concluded that it was appropriate to circulate the proposal without any exemptions, and request comments on whether unlawful detainers or other case types should be exempted from the disclosure requirement.

3. Any insurance agreement that may cover a judgment in the case.
4. In a personal injury case, identity of all health care providers, with the date of treatment and a copy of all records and bills for such treatment.
5. A description of the types of damage alleged and, if known, a statement of economic damages.

The committee considered, but eventually rejected, the alternative of making the proposed disclosure optional rather than mandatory. The committee also considered not requiring the actual production of documents, allowing parties instead to only identify or describe the relevant documents. Ultimately, the majority of the committee, looking to the Futures Commission report's focus on this disclosure—including the exchange of documents—as being key to its recommended changes, concluded that the proposal to be circulated for comment should include a mandatory disclosure and document production at least for cases in Tiers 1 and 2.<sup>15</sup>

The remaining provisions in proposed section 2019.026 provide for logistical details relating to the initial disclosure:

- The disclosure is to be signed by the party or the party's attorney based on knowledge and belief formed after a reasonable inquiry. (The committee considered but rejected requiring signing under penalty of perjury.)
- The obligation to disclose is not triggered until 30 days after a party appears (to allow for later joining parties).
- The initial disclosures may be deferred for up to six months by stipulation, to allow for settlement discussions.
- All other discovery is stayed until after the propounding party has made its initial disclosure.
- All documents identified in the initial disclosure must be preserved until the end of the case.
- Requests for supplemental disclosures may be made (similar to requests for supplementing interrogatory responses).
- In limited civil cases, the plaintiff may choose to use the Case Questionnaire procedure (§ 90) rather than the initial disclosure procedure here.<sup>16</sup>

### **Sanctions for failing to disclose (§ 2019.027)**

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<sup>15</sup> The Futures Commission report did not include a recommendation for an initial disclosure of information in Tier 3 cases, but the committee believes that it will prove as useful there as in other cases to facilitate an early exchange of information.

<sup>16</sup> This was initially included when the committee was considering not requiring the production of documents in these disclosures, which *is* required in the Case Questionnaire process. Even with the production of documents now included in the disclosure process, there is a somewhat different, faster time frame for the Case Questionnaire so the committee concluded that it still makes sense to allow a choice.

This section allows a party to make a motion to compel service of an initial disclosure if one was not provided (§ 2019.027(a)) or of further disclosures if the initial disclosure is incomplete or evasive (§ 2019.028(b)). The court may also award sanctions in appropriate cases, although, other than sanctions for making or opposing a motion to compel without substantial justification, no sanctions may be imposed *except* for failure to obey a court order to provide a disclosure or further information. While it may at some point be appropriate to allow for sanctions simply for failure to provide the initial disclosure, the committee believed that, because this is a new process and a departure from the traditional way discovery has taken place in this state, it would be inappropriate to provide for sanctions at this time for simply failing to make a timely disclosure.

In order to include these sanctions in the general provisions regarding discovery sanctions, the proposal will also amend the statute containing the list of misuses of discovery process for which sanctions are available (§ 2023.010) to include failure to comply with an order to provide an initial disclosure or a supplemental disclosure.

#### **Limitations on discovery (§ 2019.028)**

As noted above, decreasing the amount of discovery in civil cases was a large part of the recommendations in the Futures Commission report. In addition to the mandated bilateral exchange of information via the initial disclosure, the specific discovery recommendations in the report included the following:

- For limited civil cases (cases under \$50,000):
  - Allow one deposition per side; and
  - Decrease current limits on total written discovery from 35 to 15 or 20.
- For intermediate civil cases (between \$50,000 and \$250,000):
  - Limit each side to 20 hours of depositions;
  - Limit total written discovery requests to 35; and
  - Permit parties to seek leave of court for additional discovery on showing of good cause and proportionality to value of case.<sup>17</sup>

The recommended discovery limitations were subject to much discussion by the committee, and the committee ultimately decided that they could not recommend them as proposed in the Futures Commission report, for various reasons noted below. Although some committee members remain opposed to the limitations, especially those applicable to the expanded limited civil case tier, the majority of the committee did reach agreement on a set of limitations to circulate for comment.

***Limits on each side, rather than on each party.*** (§ 2019.028(a)) The first provision in this section provides that all the limitations are *by side*, as recommended in the Futures Commission

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<sup>17</sup> Futures Commission report, at pp. 20–21.

report, rather than by party. (§ 2019.028(a).) Side is defined as all plaintiffs, all defendants, or all cross-defendants. The goal is to eliminate gamesmanship by parties increasing the amount of discovery permitted by adding additional parties to a case.

This was not a provision that the committee unanimously agreed on. Concerns were raised as to logistics in splitting deposition time and in splitting written discovery requests, particularly among multiple defendants who may well have different interests and may want to use at least some of the discovery against each other. While the proposed statute expressly allows a court to make such determinations when appropriate and even to add on to the limits to ensure fairness in multiparty suits (§ 2019.028(c)), some members raised the issue of this provision placing an unnecessary burden on courts and parties. They also noted that if a party was added to the litigation late, it would be likely that some, or even all, of the permitted discovery would have occurred or been assigned to other parties, and motion practice would be required for the late-arriving party to obtain any discovery. This is an area where the committee is asking for specific comments as to whether the limits should be per side or by party and, if by party, what the limits should be.

***Tier 1 discovery limitations (§ 2019.028(a)(1)).*** Under the proposed statute, each side in a Tier 1 case is limited to the following discovery:

- Seven hours of depositions, with a bump of another three hours per side if there are more than two parties.
- Total written discovery request (interrogatories, requests for admission except for those related to genuineness of documents, and requests for production of documents) limited to 35 or, if more than 2 parties, 45 per side. This limit includes form interrogatories. (This is the same provision as in the current limit in limited civil cases, which requires that form interrogatories be included within the limit.) (See § 94.)
- Other discovery as already permitted, with limitations only being based on current standards of protecting the responding party from unwarranted annoyance, oppression, or undue annoyance and expense, or from discovery out of proportion to the claims in the case.

These limits, on a tier that will be comprised primarily of limited civil cases, are higher than recommended in the Futures Commission report. There was disagreement on this point among the committee members, with some members wanting the limits to be lower, to follow the recommendations of the Futures Commission report, and others asserting that even the existing limited case discovery limits would be too low with the new jurisdictional limit of \$50,000.

The objectors noted that with a \$50,000 cap, the limited civil case tier (Tier 1) would include more employment law cases with multiple parties and complicated factual situations, with information generally available to defendants but out of the control of the plaintiff, who would need more discovery requests than envisioned by the Futures Commission report, or even as proposed here. Similarly, it was argued by some committee members—as well as by commenters

on the earlier proposal adding unlawful detainer cases to the limited civil procedures—that the current limited civil case discovery limits are often insufficient for unlawful detainer cases. Those commenters noted that unlawful detainers that are actually litigated often require substantial discovery, due to multiple affirmative defenses, with each requiring discovery from several different individuals.

The proposal does include a provision for seeking permission for discovery beyond the express limits, either by stipulation or request of the court (§ 2019.028(b)), as well as for permitting parties to agree to designate a case in a higher tier, but some committee members believe that, if the limits were as recommended in the Futures Commission report, such requests would have to be made in almost every unlawful detainer case and in most employment law cases, and so would be overly burdensome to courts and parties. For that reason, the advisory committee ultimately concluded it should propose the higher limits proposed here. The committee is seeking specific comments on whether the proposed Tier 1 limitations are appropriate for most limited civil cases and what, if any, changes should be made to the proposal.

***Tier 2 discovery limitations (§ 2019.028(a)(2)).*** Under the proposed statute, each side in a Tier 2 case is limited to the following discovery:

- Forty hours of depositions, with a bump for each side of another four hours per additional party if there are more than two parties.
- Fifty total specially prepared written discovery requests (any combination of interrogatories, requests for admission except for those related to genuineness of documents, and requests for production of documents), but if more than two parties are in the case, each side is permitted an additional 10 requests for each additional party.
- Other discovery as already permitted, with the only limitations being based on current standards of protecting the responding party from unwarranted annoyance, oppression, or undue annoyance and expense, or from discovery out of proportion to the claims in the case.

These limits are also higher than those recommended in the Futures Commission report, but the group believed that was appropriate in light of this discovery tier covering a wider range of cases than envisioned in the originally recommended “intermediate” jurisdictional tier. The primary concern raised relating to the limits in this tier is the issue of having the limits on a per side rather than per party basis.

Another issue raised in relation to these limits was whether form interrogatories should be included within the limits. As proposed, the limits for Tier 2 cases do not cover form interrogatories—each party may ask as many of those as desired. This is parallel to the current limit on interrogatories generally, which does not cover form interrogatories. (See 2030.030(a)(2).) The committee is asking for specific comments on this point.

The committee considered, and eventually rejected, providing for parties to ask more written discovery if they included a declaration of good cause for the increased number. The group concluded that the ability to stipulate for more discovery or to seek leave of court, either via informal discovery request or noticed motion (§ 2019.028(b)) was sufficient to cover Tier 2 cases in which more discovery was appropriate. Members were concerned that allowing increases merely by declaration would provide too easy a way for parties to avoid the new limits.

***Tier 3 discovery limitations (§ 2019.028(a)(3)).*** Because the Futures Commission report did not recommend any changes to factual discovery procedures for larger cases, the only provision the subcommittee included for Tier 3 cases was that any limitations—if they were to be applied at all—would be made on a case-by-case basis, either by stipulation of the parties or by case management or discovery conference.

### **Limits on expert witnesses**

The Futures Commission report includes a recommendation that, in the proposed Intermediate Tier cases, each side should be limited to two expert witnesses, as “a further attempt to achieve proportionality,” with more witnesses permitted for good cause. This number was chosen based on the assumption that it would apply to cases with claims of \$250,000 or less. No further limits were recommended either for limited civil cases (for which depositions of experts are not authorized), or for cases with claims over \$250,000.

In considering this recommendation, the committee considered the goal of the Futures Commission to streamline litigation by limiting experts. It also discussed the proliferation of experts in civil litigation today. Some members thought the number of experts appropriate to a case was so fact-specific that it was not possible to fix an arbitrary limit across all cases, or even across case types. They asserted that if a limit were added to the statute, the courts would be burdened by motions showing good cause for more in many cases. It was suggested that a possible alternative was, rather than placing a specific limit on the number of expert witnesses, to amend the current provisions authorizing protective orders limiting the number of expert witnesses (§ 2034.250(b)(1)) to expressly provide that courts could base such limits on, among other things, the nature or value of the claims in the case to ensure the proportionality of discovery in an action.

Other members opined that specific limits are needed if there is to be the kind of paradigm shift envisioned in the Futures Commission report. They likened the proposal to the recent amendments generally limiting depositions to seven hours per witness, except where good cause is shown for longer. While many protested before that change was implemented that it would result in many motions to the court, in practice it has not. Litigants have found ways to work within the new statutory limits, mostly by shortening the depositions or by agreeing between the parties that a longer deposition is needed, with little court involvement required. Proponents of limits on the number of experts believe the same is likely to be true here: that placing a limit in

the statute authorizing the use of experts<sup>18</sup> will result in little court involvement, although it will still be available if needed.

Ultimately, the committee as a whole decided that both proposed amendments be circulated for comment. The proposal does the following:

- Amends Evidence Code section 723 to provide that each side in a Tier 2 case (as defined in proposed Code Civ. Proc., § 2019.025) is limited to calling four experts unless the parties stipulate to more, the court finds good cause for more, or supplemental witnesses are authorized under section 2034.280.

The committee agreed that in light of proposed Tier 2 encompassing a broader range of cases than originally envisioned by the Futures Commission in making its recommendations, more than two witnesses per side would be needed in many of the cases. The proposed limits would be by side, paralleling the other proposed civil discovery tier limits. The proposal also takes into consideration the possibility of a need to supplement the list of experts should the other side identify witnesses in different subject areas.

- Amends Code of Civil Procedure section 2034.250(b)(6) to provide that, in any case, the factors for the court to consider on a motion for a protective order reducing the number of experts designated by a party or a side include whether the number is in proportion to the value or nature of the case, whether there were experts disclosed in an area where the “expertise” is not necessary or helpful to the trier of fact, and where one or more of the designated experts are cumulative or redundant.

This amendment would provide guidance for courts in following this statute whether or not the proposed amendment to the Evidence Code is enacted. It would apply in all cases and is not limited to Tier 2 cases as the other proposed amendment is.

Some members of the committee believe that the amendment to the Code of Civil Procedure is all that is necessary to address any issues with over-designation of experts in a case. Others believe that the proposed amendment to the Evidence Code section is also needed to make the kind of change envisioned by the Futures Commission. The committee is asking for specific comments on whether the proposed amendments should be made to Evidence Code section 723, to Code of Civil Procedure section 2034.250(b), or to both.

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<sup>18</sup> Because any limitation on the number of expert witnesses is not in and of itself a discovery provision, but rather a provision regarding the use of witnesses at trial, the committee determined that a proposed legislative amendment expressly limiting that number would be in the Evidence Code sections on expert witnesses, in the statutory provision that already provides that a court may limit the number of expert witnesses to be called by any party at trial. (See Evid. Code, § 723.)

### **Limited civil case statutes**

The provisions regarding case questionnaires (proposed § 93) have been amended to provide that the case questionnaire process is an alternative to the initial disclosure. The provisions regarding what discovery is permitted (proposed § 94) have been amended to provide that the discovery limits are per side and to amend the discovery provisions to repeat those stated in the new provisions for Tier 1 cases. The proposed amendments would repeat (rather than simply cross-reference) all the applicable discovery limits, in order to have all provisions relating to limited civil cases in one place, thus making them easier for self-represented parties to find and follow.

### **Alternatives Considered**

#### **Alternatives reflected in the proposal**

The most significant alternative considered by the committee was whether to recommend a jurisdictional tier for cases between \$50,000 and \$250,000, as recommended in the Futures Commission report. As discussed above, the committee ultimately decided that increasing the limited civil jurisdictional level and then using the proposed tiers to focus on the recommended changes to the discovery statutes would be a more effective way of achieving the goals of the report. The committee is seeking specific comments on this point.

In addition, the committee considered several alternatives to the specific provisions in the proposal, as discussed above, including whether to define Tier 2 purely monetarily (to be comprised only of cases with damage claims under \$250,000); whether to make the initial disclosure voluntary rather than mandatory; whether to have the discovery limits apply on a per party basis rather than per side; whether the actual limits should be lower, or higher, especially for Tier 1 cases; whether form interrogatories should be considered within the limits on written discovery; and how limits should be placed on experts. Comments are welcome on all the alternatives considered.

#### **Alternatives not reflected in the proposal**

The committee also considered two alternatives, discussed below, that did not ultimately result in proposals. Comments are welcome on these points also.

**Written expert reports.** The Futures Commission report included a recommendation that the method for discovery of experts be changed in high value cases—which the report suggested as those cases with damages alleged of over \$1 million—by requiring that trial experts in those cases provide written reports with a detailed disclosure of their opinions and the facts supporting them. The goal was to make depositions in those cases more efficient. The written reports either could be in place of or in addition to the disclosure declaration currently required under section 2034.260(c). The Futures Commission report did not include recommendations for the specific contents or the timing of the reports, leaving that to the advisory committee, but in considering this issue, the Futures Commission looked to the provisions of the Federal Rules of Civil Procedure (Fed. Rules Civ. Proc., rule 26(a)(2)(b)) on this point, so the committee did the same. In light of the change in tiers in the current proposal, the committee also considered whether the



proposed amendment would be applicable to all Tier 3 cases, as well as considering whether it should apply to cases with claims of over \$1 million.

Ultimately, the committee declined to make a proposal on this point. The committee concluded that written reports were extremely expensive for parties to have experts prepare and would add to the cost of litigation rather than decreasing it. Members with experience in federal court opined that the written reports required in federal cases did not actually help make depositions more efficient. The committee also concluded that in Tier 3 cases in which such reports might prove helpful, an exchange of reports could be agreed to by the parties or requested from the court at a case management or discovery conference.

***Other discovery statutes.*** Should the proposed civil case discovery tier statutes be enacted, other discovery statutes may ultimately need minor amendments to reflect the changes in discovery procedures for cases assigned to civil case tiers. However, the statutory provisions regarding each discovery method that is limited or in some way restricted by the provisions in the proposal currently begin with a section that notes that any party may obtain discovery using that method “subject to the restrictions set forth in Chapter 5 (commencing with § 2019.010).”<sup>19</sup> Because this is the chapter that will contain the proposed new statutes, use of each discovery method would—by this clause—be subject to the restrictions in the new statutes. The committee concluded that while further amendments may eventually be appropriate to provide more notice to the parties, and can be considered should the proposed legislation be enacted, there is no need to propose such amendments at this time.

### **Fiscal and Operational Impacts**

Because the proposal focuses on discovery between the parties, the primary impact will be on litigants and their counsel. The committee expects that, in the long run, the proposal will lessen the amount of court appearances required for discovery motions but acknowledges that there may be more motions filed when the statutes are first implemented, and litigants are not yet accustomed to the disclosure requirements and the new limitations. Some additional judicial officer review may also be required at the beginning of cases in which parties do not agree on which tier the case should be assigned to. If the statutes are enacted, the advisory committee intends to develop forms to make the process for designation of civil case tier by parties clear and straightforward, and to facilitate the initial disclosures. For this reason, the proposal includes a deferred operative date of January 1, 2021.

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<sup>19</sup> See §§ 2025.010 (depositions); 2030.010 (interrogatories); 2031.010 (requests for production of documents or things); and 2033.010 (requests for admission).

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

1. Does the proposal appropriately address the stated goals of the Futures Commission report?
2. Would a voluntary initial disclosure be a better idea than the proposed mandatory disclosure (proposed § 2019.026), and would it be as effective in decreasing time spent on discovery?
3. Should the limitations on discovery in Tier 1 and Tier 2 cases be per side (proposed § 2019.028) or by party?
4. Do the proposed limitations for Tier 1 cases (proposed § 2019.028(a)(1)) provide appropriate discovery for most civil cases likely to be assigned to that tier (i.e., limited civil cases)? If not, what limitations should be recommended: lower limits as in the Futures Commission report or higher limits?
5. Should unlawful detainer cases or any other case types be carved out of the proposed discovery limitations on Tier 1 cases or of the initial disclosure requirements and, if so, should other limitations or requirements be proposed for those case types?
6. Do the proposed limitations for Tier 2 cases (proposed § 2019.028(b)(2)) provide sufficient discovery of most civil cases likely to be assigned to that tier? If not, what limitations should be recommended?
7. Should the limitations on written discovery requests in Tier 2 cases apply only to specially prepared interrogatories, or should form interrogatories also be counted with the total number?
8. Should the recommendation in the Futures Commission report limiting expert witnesses be reflected with a specific limitation on the number of expert witnesses in Tier 2 cases (proposed Evid. Code, § 723) or as guidance to the courts that the number in all cases should be proportional to the nature or value of the claims in the case (as in § 2034.250)? Or should both provisions be recommended?

The advisory committee has considered but is declining to proceed with the following recommendations from the Futures Commission report for the reasons discussed above, and welcomes comments on its decisions:

9. The advisory committee is declining to propose a separate jurisdictional tier for cases with damage claims between \$50,000 and \$250,000.
10. The advisory committee is declining to propose that written reports be required of expert witnesses in high-value cases.

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and

procedures (please describe), changing docket codes in case management systems, or modifying case management systems?

- Would one year from the enactment of the proposed legislation until its effective date provide sufficient time for implementation? Or, should additional time be requested?
- How well would this proposal work in courts of different sizes?

### **Attachments and Links**

1. Code Civ. Proc., §§ 93, 94, 2019.25–2019.28, 2023.010, and 2034.250; Evid. Code, § 723, at pages 16–24
2. Link A: Jud. Branch of Cal., *Commission on the Future of California’s Court System: Report to the Chief Justice* (Futures Commission report) (2017), at <http://www.courts.ca.gov/documents/futures-commission-final-report.pdf>

Code of Civil Procedure sections 2019.25–2019.28 would be sponsored, and Code of Civil Procedure sections 93, 94, 2023.010, and 2034.250, and Evidence Code section 723 would be amended, effective January 1, 2021, to read:

**Code of Civil Procedure**  
**Part 1**  
**Title 1**  
**Chapter 5.1**

**93.**

(a) The parties in limited civil cases shall complete and serve initial disclosures as provided in Chapter 5 of Title 4 of Part 4 (commencing with Section 2019.010), unless the plaintiff has the option to serve case questionnaires with the complaint, using forms approved by the Judicial Council. The questionnaires served shall include a completed copy of the plaintiff’s completed case questionnaire and a blank copy of the defendant’s case questionnaire. If the plaintiff chooses this procedure, parties need not complete the initial disclosures in Chapter 5.

(b)–(e) \* \* \*

(f) This section shall become operative January 1, 2021.

**94.**

Discovery is permitted only to the extent provided by this section and Section 95, and as provided for Tier 1 cases in Chapter 5 of Title 4 of Part 4 (commencing with Section 2019.010). This discovery shall comply with the notice and format requirements of the particular method of discovery, as provided in Title 4 (commencing with Section 2016.010) of Part 4. ~~As to each adverse party, a party~~ Each side in the case may use the following forms of discovery:

(a) Any combination of 35, or if there are more than 2 parties, 45 of the following:

(1) Interrogatories (with no subparts) under Chapter 13 (commencing with Section 2030.010) of Title 4 of Part 4.

(2) Demands to produce documents or things under Chapter 14 (commencing with Section 2031.010) of Title 4 of Part 4.

(3) Requests for admission (with no subparts) under Chapter 16 (commencing with Section 2033.010) of Title 4 of Part 4.

(b) ~~One oral or written~~ Seven hours, or if there are more than two parties, 10 hours of deposition under Chapter 9 (commencing with Section 2025.010); or Chapter 10 (commencing with Section 2026.010) ~~or Chapter 11 (commencing with Section 2028.010)~~ of Title 4 of Part 4. ~~For purposes of this subdivision, a deposition of an~~

1 ~~organization shall be treated as a single deposition even though more than one person~~  
2 ~~may be designated or required to testify pursuant to Section 2025.230.~~

3  
4 (c)–(e) \* \* \*

5  
6 (f) This section shall become operative January 1, 2021.

7  
8 **Part 4**  
9 **Title 4**  
10 **Chapter 5**

11  
12 **2019.025.**

13 (a) For purposes of discovery, all civil cases except probate, guardianship,  
14 conservatorship, juvenile, and family law cases are assigned to one of three civil tiers  
15 based on case characteristics, as follows:

16  
17 (1) *Tier 1: Case Characteristics.* This tier is comprised of all limited civil cases, unless  
18 the parties have stipulated to Tier 2 discovery or any party by motion has shown that it is  
19 impracticable to litigate a case under the limitations of this tier. Trial is expected to take  
20 two days or less.

21  
22 (2) *Tier 2: Case Characteristics.* These are cases of intermediate complexity. They are  
23 likely to have more than minimal documentary evidence and more than a few witnesses.  
24 They are likely to include, but may not include, expert witnesses. They are likely to  
25 involve multiple theories of liability and may involve compulsory cross-complaints. Trial  
26 is expected to take no more than two weeks. This is the presumptive tier for unlimited  
27 civil cases, and all cases that do not easily fit within Tiers 1 and 3 belong here.

28  
29 (3) *Tier 3: Case Characteristics.* These are cases that are logistically or legally  
30 complicated or complex. Complicated cases may have multiple parties on each side,  
31 involve more multiple cross-complaints, seek substantial injunctive or equitable relief, or  
32 raise novel or difficult legal questions requiring additional discovery to present the issue.  
33 Cases requiring management of a large number of factual or expert witnesses or  
34 separately represented parties are likely Tier 3 cases. This tier also includes cases  
35 designated as complex cases, such as class actions, antitrust, multiparty commercial,  
36 construction defect cases, substantial products liability cases, mass torts, and coordinated  
37 proceedings. Cases involving less than \$250,000 in damages normally will not be  
38 considered Tier 3 cases unless one or more of the factors listed above are present.

39  
40 (b) Cases are assigned to tiers as follows:

1 (1) A plaintiff shall designate the tier described in (a) that a case belongs in by filing and  
2 servicing with the initial complaint a form in which the plaintiff designates the appropriate  
3 tier.

4  
5 (2) If the defendant or other party disagrees with the designation, that party may file and  
6 serve no later than its first appearance a form designating the action as belonging within a  
7 different tier and with a showing of good cause for the different designation. The court  
8 shall decide, as soon as practicable and without necessity of hearing, which tier the case  
9 is assigned to. If the court does not set a hearing or issue an order within 30 days, the case  
10 will be assigned to the tier in the original designation.

11  
12 (3) The court may at any time on its own motion assign a case to a tier other than the one  
13 designated by a party.

14  
15 (4) At any time after the case has been assigned to a civil case tier, either side may for  
16 good cause request reassignment to a different tier.

17  
18 (c) The Judicial Council shall by January 2021 adopt rules and forms as appropriate to  
19 implement this section and all other statutes adopted at the same time relating to civil  
20 case tiers.

21  
22 (d) This section shall become operative January 1, 2021.

23  
24 **2019.026.**

25 (a) Within 30 days after an answer has been filed, all parties in cases assigned to a civil  
26 tier pursuant to Section 2019.025 must serve on all other parties an initial disclosure on a  
27 form prescribed by the Judicial Council providing or attaching the following:

28  
29 (1) The name and, if known, the address and telephone number of each individual likely  
30 to have discoverable information—along with the subjects of that information—that the  
31 disclosing party may use to support its claims or defenses, unless the use would be solely  
32 for impeachment.

33  
34 (2) For inspection or copying, all documents, electronically stored information, and  
35 tangible things that the disclosing party has in its possession, custody, or control and may  
36 use to support its claims or defenses, unless the use would be solely for impeachment,  
37 except that in Tier 3 cases a party may instead provide a description by category and  
38 location of all such documents, electronically stored information, and tangible things that  
39 are not provided.

40  
41 (3) For inspection or copying, any insurance agreement under which an insurance  
42 business may be liable to satisfy all or part of a possible judgment in the action or to  
43 indemnify or reimburse for payments made to satisfy the judgment.

1  
2 (4) In a personal injury case, identify by name and address each physician, dentist, or  
3 other health care provider who treated the plaintiff, and the dates of treatment, and  
4 provide a copy of all medical records, bills, and evidence of payment.  
5

6 (5) A description of the type of damages claimed and, if known, a statement of economic  
7 damages incurred.  
8

9 (b) Each initial disclosure must be signed by an attorney of record in the attorney's own  
10 name or by the party personally. By signing, an attorney or party certifies that to the best  
11 of the person's knowledge, information, and belief, formed after a reasonable inquiry, the  
12 disclosure is complete as to the information then known or explaining why it cannot by  
13 reasonable effort be complete.  
14

15 (c) A party's obligation to provide an initial disclosure is not triggered until 30 days after  
16 the party has made an appearance in the action.  
17

18 (d) Notwithstanding the time frame in subdivision (a), in an unlawful detainer action or  
19 other proceeding under Chapter 4 (commencing with Section 1159), the initial disclosure  
20 shall be made within five days after an answer has been filed.  
21

22 (e) Parties may stipulate to continue the date for disclosures for up to 120 days for the  
23 purpose of conducting settlement discussions or mediation. Any further continuance may  
24 be obtained by application to the court with a showing of good cause or requested at a  
25 case management conference.  
26

27 (f) Further discovery is stayed until the propounder of the discovery request has served its  
28 initial disclosure.  
29

30 (g) Parties shall not destroy and must preserve all items that are identified or that fall  
31 within the categories identified in the initial disclosure until the case has been completed.  
32

33 (h) A party may propound a request for a supplemental disclosure to elicit any later  
34 acquired information bearing on a previously made disclosure twice before the initial  
35 setting of the trial date and, subject to the time limits on discovery, once after the initial  
36 setting of the trial date.  
37

38 (i) In any limited civil case in which a Case Questionnaire as provided for in Article 2  
39 (commencing with Section 90) of Chapter 5.1 of Title 1 of Part 1 was completed and  
40 served by the plaintiff with the complaint, the completed Case Questionnaires shall take  
41 the place of the initial disclosure required in this section.  
42

43 (j) This section shall become operative January 1, 2021.

1  
2 **2019.027.**

3 (a) If a party unreasonably fails to serve a timely initial disclosure, the following applies:

4  
5 (1) Any other party may move for an order compelling such disclosure.

6  
7 (2) The court may impose a monetary sanction under Chapter 7 (commencing with  
8 Section 2023.010) against any party, person, or attorney who unsuccessfully makes or  
9 opposes a motion to compel an initial disclosure without substantial justification.

10  
11 (3) If the court orders a party to provide an initial disclosure and a party then fails to obey  
12 the order, the court may make those orders that are just, including the imposition of an  
13 issue sanction or evidentiary sanction. In an exceptional case, a terminating sanction  
14 under Chapter 7 (commencing with Section 2023.010) may be imposed. Before imposing  
15 a terminating sanction, the court shall impose a monetary sanction under Chapter 7  
16 (commencing with Section 2023.010).

17  
18 (b) On receipt of an initial disclosure, the following applies:

19  
20 (1) Any party may move for an order compelling further disclosure if the moving party  
21 deems that the initial disclosure is evasive or incomplete.

22  
23 (2) A motion shall be accompanied by a meet and confer declaration under Section  
24 2016.040.

25  
26 (3) Unless notice of this motion is given within 45 days of the service of the signed  
27 disclosure, or any supplemental signed disclosure, or on or before any specific later date  
28 to which a moving party and the responding party have agreed in writing, all parties  
29 waive any right to compel any further disclosure.

30  
31 (4) The court may impose a monetary sanction under Chapter 7 (commencing with  
32 Section 2023.010) against any party, person, or attorney who unsuccessfully makes or  
33 opposes a motion to compel a further initial disclosure without substantial justification.

34  
35 (5) If the court orders a party to provide a supplemental disclosure and a party then fails  
36 to obey the order, the court may make those orders that are just, including the imposition  
37 of an issue sanction or evidentiary sanction. In an exceptional case, a terminating  
38 sanction under Chapter 7 (commencing with Section 2023.010) may be imposed. Before  
39 imposing a terminating sanction, the court shall impose a monetary sanction under  
40 Chapter 7 (commencing with Section 2023.010).

41  
42 (c) This section shall become operative January 1, 2021.

43



1  
2 **2019.28.**

3 (a) Discovery in cases assigned to a tier pursuant to Section 2019.025 is limited per side  
4 as stated below. A “side” is defined as plaintiffs collectively, defendants collectively, and  
5 third-party defendants collectively.

6  
7 (1) Tier 1 cases. Each side in a Tier 1 case is permitted:

8 (A) Seven total hours of fact witness depositions under Chapter 9 (commencing with  
9 Section 2025.010) or Chapter 10 (commencing with Section 2026), or if there are  
10 more than two parties, then 10 hours total.

11 (B) Any combination of 35, or if there are more than 2 parties, 45 of the following:

12 (1) Interrogatories (with no subparts), under Chapter 13 (commencing with Section  
13 2030.010) of Title 4 of Part 4, (interrogatories on Judicial Council forms are  
14 counted within this limitation;

15 (2) Requests for production of documents or things under Chapter 14 (commencing  
16 with Section 2033.010) of Title 4 of Part 4, and

17 (3) Requests for admission (with no subparts) under Chapter 16 (commencing with  
18 section 2033.010) of Title 4 of Part 4 other than request for admission of the  
19 genuineness of documents.

20 (C) Requests for admission of the genuineness of documents.

21 (D) Deposition subpoena duces tecum requiring the person to mail copies of documents,  
22 books, or records to the party or party’s counsel along with an affidavit complying  
23 with Section 1561 of the Evidence Code; and

24 (E) Physical or mental examination under Chapter 15 (commencing with Section  
25 2032.010) of Title 4 of Part 4.

26  
27 Discovery methods listed in (C)–(E) are limited only as justice requires to protect the  
28 responding party from unwarranted annoyance, oppression, or undue annoyance and  
29 expense, or from discovery out of proportion to the claims in the case.

30  
31 (2) Tier 2 cases. Each side in a Tier 2 case is permitted:

32 (A) Forty total hours of fact witness depositions, and, if there are more than two parties,  
33 an additional four hours per party.

34 (B) Any combination of 50 of the following, unless there are more than two parties. If  
35 there are more than two parties, each side is permitted an additional 10 requests per  
36 each additional party:

37 (1) Interrogatories (with no subparts), under Chapter 13 (commencing with Section  
38 2030.010) of Title 4 of Part 4, other than those described in iii;

39 (2) Requests for production of documents or things under Chapter 14 (commencing  
40 with Section 2033.010) of Title 4 of Part 4; and

41 (3) Requests for admission (with no subparts) under Chapter 16 (commencing with  
42 Section 2033.010) of Title 4 of Part 4, other than requests for admissions of the  
43 genuineness of documents.

- 1 (C) Interrogatories propounded on Judicial Council forms.  
2 (D) Requests for admission of the genuineness of documents.  
3 (E) Deposition subpoena duces tecum requiring the person to mail copies of documents,  
4 books, or records to the party or party's counsel along with an affidavit complying  
5 with Section 1561 of the Evidence Code.  
6 (F) Physical or mental examination under Chapter 15 (commencing with Section  
7 2032.010) of Title 4 of Part 4.

8  
9 Discovery methods listed in (C)–(F) are limited only as justice requires to protect the  
10 responding party from unwarranted annoyance, oppression, or undue annoyance and  
11 expense, or from discovery out of proportion to the claims in the case.

12  
13 (3) Tier 3 cases. Any limitations on discovery in a Tier 3 case beyond those stated  
14 elsewhere in the Civil Discovery Act, commencing at Title 4 of Part 4 may be set by the  
15 court at a case management or discovery conference, or by agreement of the parties.

16  
17 (b) (1) To obtain discovery beyond the limits on discovery established in (a), a party shall  
18 either:

19  
20 (A) By noticed motion or at an informal discovery conference, request leave of court for  
21 discovery beyond tier limits, stating whether the limits for discovery have already been  
22 met and setting forth why the additional discovery is necessary and proportional to the  
23 claims in the case, attaching that discovery, or in the case of a request for deposition,  
24 describing the anticipated discovery; or

25  
26 (B) File a stipulation of the parties, for each category of discovery for which the limit of  
27 discovery has been requested, that discovery beyond tier limits is necessary and  
28 proportional to the claims in the case.

29  
30 (2) A request or stipulation under (1) must be filed before the close of standard discovery  
31 and before serving a discovery request that reaches or exceeds the limit imposed by (a)  
32 on any category of discovery.

33  
34 (3) The court retains the power to disapprove any such stipulation.

35  
36 (c) Notwithstanding the total limits on deposition hours and written discovery requests set  
37 out in (a):

38  
39 (1) In a case with more than one party on a side, the court may for good cause further  
40 increase a side's allowed hours for fact witness depositions, allocate the allowed  
41 deposition hours among the parties on a side, or take any other action necessary to  
42 provide each party on a side with a reasonable opportunity to conduct deposition  
43 discovery;

1  
2 (2) Additional examination time ordered for the reasons set forth in section 2025.480  
3 does not count against the tier limits; and  
4

5 (3) If the configuration of sides as defined in (a) provides more deposition time or written  
6 discovery to one group of parties with common interests than another group of parties  
7 with common interests, the court may for good cause adjust how (a) allocates the totality  
8 of deposition time or written discovery it allows between those sides.  
9

10 (d) This section shall become operative January 1, 2021.  
11

## 12 Chapter 7

### 13 2023.010.

14 Misuses of the discovery process include, but are not limited to, the following:  
15

16  
17 (a)–(f) \* \* \*

18  
19 (g) Disobeying a court order to provide discovery, including an order to provide an initial  
20 disclosure or to supplement an initial disclosure under Section 2019.026.  
21

22 (h)–(i) \* \* \*

## 23 Chapter 18

### 24 2034.250.

25 (a) A party who has been served with a demand to exchange information concerning  
26 expert trial witnesses may promptly move for a protective order. This motion shall be  
27 accompanied by a meet and confer declaration under Section 2016.040.  
28

29  
30 (b) The court, for good cause shown, may make any order that justice requires to protect  
31 any party from unwarranted annoyance, embarrassment, oppression, or undue burden and  
32 expense. The protective order may include, but is not limited to, one or more of the  
33 following directions:  
34

35 (1)–(5) \* \* \*

36  
37 (6) That a party or a side reduce the list of employed or retained experts designated by  
38 that party or side under subdivision (b) of Section 2034.210 if the number of experts is  
39 inappropriate or out of proportion to the nature or value of the case; if one or more of the  
40 experts has been designated to testify in an area in which special knowledge, skill,  
41 experience, training, or education is unnecessary or would not likely assist the trier of  
42 fact; if the experts designated are redundant or otherwise cumulative; or for other good  
43 cause.

1  
2 (c)–(d) \* \* \*

3  
4 **Evidence Code**  
5 **Division 6**  
6 **Chapter 3**

7  
8 **723.**

9  
10 (a) The court may, at any time before or during the trial of an action, limit the number of  
11 expert witnesses to be called by any party.

12  
13 (b) In civil cases assigned to Tier 2 in Chapter 5 of Title 4 of Part 4 of the Code of Civil  
14 Procedure (commencing with Section 2019.010), each side is limited to calling four  
15 expert witnesses, except that more witnesses may be permitted in the following  
16 circumstances:

17  
18 (1) All parties have stipulated to additional experts;

19  
20 (2) The court finds good cause for additional witnesses; or

21  
22 (3) Supplemental witnesses are identified under Code of Civil Procedure section  
23 2034.280.

24  
25 (c) This section shall become operative January 1, 2021.  
26