Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

TO: Honorable Ronald M. George
Members of the Policy Coordination and Liaison Committee
William C. Vickrey, Administrative Director of the Courts

FROM: Curtis L. Child, Director
Office of Governmental Affairs

DATE: September 1, 2010

RE: Status of 2009-2010 legislation considered by the Policy Coordination and Liaison Committee

Following is the status report on 2009-2010 legislation considered by the Judicial Council's Policy Coordination and Liaison Committee (PCLC) during the 2009-2010 legislative session. The bills are listed in numerical order by house (Assembly and Senate) and are indexed by subject matter. The second column, "description" summarizes the relevant portions of the bill—and the version of the bill—on which the PCLC position is based. The description column also includes an updated summary to reflect the most current version of the bill. The "Judicial Council position" column tracks the council's initial position and any subsequent change to that position.

The text of all versions of a bill, committee analyses, vote information, history, and bill status can be found on the Legislature's website (including past session information) at: http://www.leginfo.ca.gov/bilinfo.html

JUDICIAL COUNCIL OF CALIFORNIA
Policy Coordination and Liaison Committee Action on 2010 Legislation and Status of Bills

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Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of September 1, 2010
AB 12 (Tracy Kenny)	AB 12 (Beall) – California Fostering Connections to Success Act As amended August 30, 2010 Implements federal foster care reform legislation to provide federally subsidized relative guardianships, and extend foster care jurisdiction to age 21. Reenacts the existing state funded Kinship Guardianship Assistance Program (Kin-GAP) to conform to federal requirements and allow for federal financial participation in the program. Provides that a child in foster care on his or her 18th birthday may remain in care as a nonminor dependent up to age 21 if certain eligibility criteria are met. Phases in this expansion beginning July 1, 2012 to reach eligible youth up to age 19, July 1, 2013 for youth up to age 20, and, contingent upon an appropriation by the Legislature, on July 1, 2014 to reach eligible youth to age 21. Requires the court, at the last review hearing before a foster child turns 18, to ensure that the child's transitional independent living case plan includes a plan for the child to meet one of the criteria for eligibility as a nonminor dependent and that the child has been informed of the right to seek termination of dependency jurisdiction. Requires that status review hearings involving nonminor dependents be conducted in a manner that respects the nonminor dependent's status as a legal adult, be focused on the goals and services described in the nonminor dependent's transitional independent living case plan, including efforts made to achieve permanence, and attended as appropriate by additional participants invited by the nonminor dependent. Provides that parents of nonminor dependents are not entitled to notice of proceedings or representation be counsel. Requires the court when terminating the delinquency jurisdiction of a delinquent ward who is in a foster care placement or who was a dependent child who was removed from his or her parents at the time he or she was adjudicated a delinquent ward to set a hearing pursuant to Welfare and Institutions Code section 241.1 if the court finds that the child appears to come within the description of Welfare and Institutions Code section 300 because of abuse or neglect and cannot be returned home safely	Sponsor	Judicial Council, Children's Law Center, California Alliance of Child & Family Services, California Youth Connection Youth Law Center, County Welfare Directors Association, John Burton Foundation for Children without Homes, and SEIU	To Governor
AB 273 (Donna Hershkowitz)	AB 273 (Anderson) – Collections As introduced 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."	Oppose	Author	Assembly Judiciary Committee—Dead.
AB 447 (June Clark)	AB 447 (Nestande) – Criminal procedure: trial counsel: inability to pay As introduced 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.	Oppose	Riverside County District Attorney	Assembly Public Safety Committee—Dead.

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of September 1, 2010
AB 612 (Tracy Kenny)	AB 612 (Beall) – Custody and visitation: nonscientific theories As introduced 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 which includes a nonscientific theory. ***UPDATE: As amended May 5, 2009*** ***Provides that courts may consider the significant hostility of a child to a parent as evidence corroborating allegations of abuse by that parent in a child custody dispute, and shall not make a determination that allegations of physical or sexual abuse are false based solely on the expression of significant hostility by the child to the allegedly abusive parent. Requires that training for child custody evaluators include this provision.*** ***UPDATE: As amended June 28, 2009*** ***Prohibits courts from relying on or considering an unproven, unscientific theory and disallows acceptance into evidence of reports that rely on such theories***	Oppose Update: ***As amended May 5, 2009*** ***Neutral*** Update: ***As amended June 28, 2009*** ***Oppose***	Center for Judicial Excellence	Senate Judiciary Committee—Dead.
AB 663 (Tracy Kenny)	AB 663 (Jones) – Legal aid: court interpreters As amended June 15, 2009 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 fifteen dollars per appearance to support the cost of the civil interpreter pilot project. Limits the use of the term legal aid.	Sponsor interpreter related provisions; no position on legal aid provision	Judicial Council	Senate Appropriations Committee—Dead.
AB 743 (Tracy Kenny)	AB 743 (Portantino) – Foster care: sibling placement As amended July 15, 2010 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 ten calendar days prior to the change, with specified exceptions.	Support	Children's Law Center of Los Angeles	To Governor

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of September 1, 2010
AB 790 (Donna Hershkowitz)	AB 790 (Hernandez) – State employee compensation As amended March 22, 2010 Provides that the General Fund and other special funds are to be continuously appropriated in an amount necessary for to pay compensation and employee benefits, so state employees will be fully paid in the absence of a state budget.	Oppose unless amended to provide equal treatment for judicial branch employees	California Association of Professional Scientists; Professional Engineers in California Government	Senate Floor—inactive.
AB 908 (June Clark)	AB 908 (Berryhill, T.) – Probation: cost of services As introduced 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.	Oppose	Chief Probation Officers of California	Assembly Public Safety Committee—Dead.
AB 939 (Tracy Kenny)	AB 939 (Committee on Judiciary) – Family law proceedings As amended August 16, 2010 Makes numerous changes to provisions in the Family Code. Authorizes service by mail of post-judgment modifications of child support or custody. Requires that the court receive live testimony in family law proceedings unless it finds good cause not to, and states its reasons on the record. Requires the court to rule on a request for attorney's fees early in the proceeding, and requires that fees be awarded if the court finds that there is a disparity in income and an ability of one party to pay the other party's fees. Allows the court to order "family centered case resolution" (previously referred to as "case management" by statute) without stipulation. Requires that the minor's counsel and the court comply with existing rules of court concerning the appointment requirements for minor's counsel. Eliminates the authority for minor's counsel to prepare and submit to the court a statement of issues, and instead authorizes counsel to present only admissible evidence. Requires minor's counsel to present the wishes of the child if the child desires them to be presented. Requires that any recommendation by a mediator in a child custody matter be provided to the parties in writing in advance of the hearing, and requires the judicial officer to inquire to ensure compliance with this provision. Requires courts to refer to child custody mediators who are authorized to submit recommendations to the court as "Child Custody Recommending Counselors," and requires that the process be referred as "Child Custody Recommending Counseling." Allows the court to accept a paternity stipulation in a Domestic Violence Prevention Act (DVPA) matter, and provides that custody, visitation and support orders issued in a DVPA matter survive the termination of the order. Requires that child welfare agencies investigate referrals from the family court in the same manner that they investigate other allegations of abuse. Authorizes family court personnel to examine child welfare case files, even if no petition has been filed with the court. Revises the current summary dissolution statute to allow use of this procedure for an eligible marriage that is less than five years in duration at the time the parties are legally separated, and allows the court to issue the judgment after six months, absent any other action by the parties.	Support	Author	To Governor

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of September 1, 2010
AB 942 (Donna Hershkowitz)	AB 942 (Committee on Judiciary) – Judgeships As amended July 14, 2009 Requires the Judicial Council to prepare and submit to the Legislature a Judicial Needs Assessment that revises the time study specifically for family and juvenile law, and thus re-evaluates the overall judicial need. Authorizes the Judicial Council to convert up to an additional 10 subordinate judicial officer positions (SJOs) to judgeships each year, upon vacancy, if the conversion of these additional positions will result in a judge being assigned to a family or juvenile law assignment previously presided over by a subordinate judicial officer.	Support	Author	Senate Appropriations Committee—Dead.
AB 996 (Janus Norman)	AB 996 (Anderson) – Hours of operation As introduced Authorizes the courts to operate on a continuous and ongoing basis, 24 hours per day, seven days per week.	Oppose	Author	Assembly Judiciary Committee—Dead.
AB 1050 (Tracy Kenny)	AB 1050 (Ma) – Child custody: preferences of the child As amended August 2, 2010 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 interests and states its reasons on the record. If the court denies calling the child, requires the court to find alternate means of obtaining information about the child's preferences. Requires the Judicial Council to promulgate a rule of court regarding the examination of a child witness, including guidelines for obtaining information by means other than direct testimony. Delays implementation of the new provisions until the rule is adopted.	Support	Author	Signed into law (Stats. 2010, ch. 187)
AB 1229 (Tracy Kenny)	AB 1229 (Evans) – Juvenile court costs As amended August 10, 2010 Clean-up to AB 131 of last year (Stats. 2009, ch. 413), clarifies that courts can designate their own financial evaluation officers.	Sponsor	Judicial Council	To Governor
AB 1335 (June Clark)	AB 1335 (Lieu) – Judicial elections: write-in candidates As amended June 9, 2010 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 provisions for a judge of a court of record. Revises the number of signatures needed for placing an uncontested judicial election on the ballot for a potential write-in contest, extends the time required for a write-in candidate to declare his or her intentions to run.	Support	California Judges Association	To Governor

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of September 1, 2010
AB 1338 (June Clark)	AB 1338 (Anderson) – Arraignment courts As amended April 28, 2009 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.	Oppose unless funded	Author	Assembly Appropriations Committee—Dead.
AB 1341 (Curtis Child)	AB 1341 (Lowenthal, Bonnie) – Property taxation: possessory interests: Long Beach Courthouse As amended August 2, 2010 Provides that no possessory interest arises in a non-governmental entity that delivers the new Long Beach Courthouse if certain criteria are satisfied. The courthouse shall be public property and exempt from tax that would attach if it a private entity were deemed as having a possessory interest in public property.	Sponsor	Judicial Council	To Governor
AB 1596 (Tracy Kenny)	AB 1596 (Hayashi) – Protective orders: emergency protective orders: enforcement priority: sexual assault As amended August 5, 2010 Contains numerous technical changes to create more consistency in protective order statutes.	Sponsor	Judicial Council	To Governor
AB 1655 (Tracy Kenny)	AB 1655 (Evans) – Dependent children: psychotropic medications As introduced Establishes a pilot project in three counties, operative until January 1, 2014, to enhance procedures relating to approval of psychotropic medication requests for youth in foster care. Requires the Department of Social Services to report on the findings of the pilot project and mental health outcomes for foster youth by July 1, 2014. Requires the Judicial Council to adopt rules and forms to implement the project by July 1, 2011.	Support	Children's Law Center of Los Angeles	Assembly Appropriations Committee—Dead.
AB 1697 (Donna Hershkowitz)	AB 1697 (Hall) – Court security As introduced and as conceptually proposed to be amended 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; extends the sunset date on the $10 increase in court security fee from 2011 to 2016 and directs that the revenue from this fee be placed in a special account; provides that this fee shall be adjusted annually based on the change in the California Price Index. ***UPDATE: As amended May 28, 2010*** ***In lieu of the above, extends the sunset date on the $10 increase in the court security fee from June 30, 2011, to June 30, 2013, and creates a court security account in the Trial Court Trust Fund which shall be used solely for court security purposes.***	Oppose as introduced; oppose as conceptually proposed to be amended; inappropriately interferes with Judicial Council governance; inappropriately takes funding authority away from the Judicial Council. Update: ***As amended April 15, 2010 Neutral***	California State Sheriffs' Association; Peace Officers Research Association of California; and Los Angeles County Sheriff Lee Baca	Senate Judiciary Committee—Dead.

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of September 1, 2010
AB 1699 (Donna Hershkowitz)	AB 1699 (Hernandez) – State employee compensation As introduced 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. ***UPDATE: As amended August 17, 2010*** ***Extends the protections of this bill to, among others, judicial branch employees, including employees of the trial court.***	Oppose unless amended to provide equal treatment for judicial branch employees. Update: ***As amended August 17, 2010*** ***Neutral***	Professional Engineers in California Government; California Association of Professional Scientists	Senate Floor—Dead.
AB 1749 (Tracy Kenny)	AB 1749 (Lowenthal, Bonnie) – Whistleblower Protection Act: Administrative Office of the Courts As introduced Extends the existing provisions of the California Whistleblower Protection Act (CWPA) to the Administrative Office of the Courts. ***UPDATE: As amended April 27, 2010*** ***Includes the trial courts, courts of appeal and Supreme Court in the CWPA. Provides that the State Personnel Board will only make recommendations to the judicial branch employer on retaliation complaints.***	Oppose unless amended to address separation of powers concerns Upate: ***As amended April 27, 2010*** ***Support***	Author	Signed into law (Stats. 2010, ch. 160)
AB 1852 (Tracy Kenny)	AB 1852 (Portantino) – Dependent children: locating extended family members As introduced 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 non-relative extended family members of a dependent child to establish permanent familial connections between the child and his or her family.	Support	California Youth Connection	Assembly Appropriations Committee—Dead.
AB 1894 (Daniel Pone)	AB 1894 (Monning) – Judges: disqualification As amended June 10, 2010 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.	Support	Consumer Attorneys of California	Signed into law (Stats. 2010, ch. 131)
AB 1925 (June Clark)	AB 1925 (Salas) – Veterans courts As amended August 2, 2010 Authorizes superior courts to develop and implement veterans courts for eligible veterans of the United States military.	No position	Author	To Governor

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of September 1, 2010
AB 1926 (Tracy Kenny)	AB 1926 (Evans) – Court records: preservation guidelines As amended April 6, 2010 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. Requires the Judicial Council to adopt rules to establish the guidelines or standards for the creation, maintenance, reproduction, and preservation of court records. The amended statutes would not apply to court reporters' transcripts or electronic recordings made as the official record of oral proceedings.	Sponsor	Judicial Council	Signed into law (Stats. 2010, ch. 167)
AB 1987 (Donna Hershkowitz)	AB 1987 (Ma) – Public retirement: final compensation: computation: retirees As amended August 17, 2010 For 1937 Act retirement systems, 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 covered by a state or local pension system may return to service.	Oppose the provision mandating a period of time for separation, unless amended to exclude subordinate judicial officers (SJO). No position on remaining provisions. Update: ***No position based on commitment to allow exclusion of SJOs from separation requirement in a separate bill.***	Author	To Governor
AB 2056 (June Clark)	AB 2056 (Miller) – Criminal procedure: continuances: assault with intent to commit rape As amended April 28, 2010 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.	Oppose; 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.	Riverside County District Attorney Rod Pacheco	Assembly Public Safety Committee—Dead.
AB 2116 (June Clark)	AB 2116 (Evans) – Subordinate judicial officers: gifts and honoraria As amended June 29, 2010 Extends existing provisions regulating gifts and honoraria limitations for judges and justices to subordinate judicial officers. Requires the court employing the subordinate judicial officer to exercise initial jurisdiction to enforce the provisions, and the Commission on Judicial Performance to exercise discretionary jurisdiction.	Support	California Judges Association	Signed into law (Stats. 2010, ch. 206)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of September 1, 2010
AB 2119 (Daniel Pone)	AB 2119 (Tran) – Civil procedure: deadlines: computation As introduced 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.	Support	State Bar of California – Committee on the Administration of Justice	Signed into law (Stats. 2010, ch. 41)
AB 2212 (Tracy Kenny)	AB 2212 (Fuentes) – Minors: mental competency As amended August 5, 2010 Authorizes the juvenile court or the minor's counsel in a delinquency matter to express a doubt as to the competency of the minor who is the subject of the action, and requires the court to suspend the proceedings if the court finds that substantial evidence raises a doubt as to the minor's competency. Upon suspension, requires the court to order that the question of the minor's competence be determined in a hearing and to appoint an expert. Requires that, if the minor is found to be incompetent by a preponderance of the evidence, all proceedings remain suspended to determine whether there is a substantial probability that the minor will attain that capacity in the foreseeable future or the court no longer retains jurisdiction. Allows the court during the period of suspension to make any order for services to restore the minor to competency, and to rule on any motion that does not require the participation of the minor to prepare the motion. Requires the Judicial Council to adopt a rule of court to implement the requirements for the competency evaluations and proceedings.	Support	Author	To Governor
AB 2217 (June Clark)	AB 2217 (Fuentes) – Jurors: electronic communications As amended August 3, 2010 Requires the court, when admonishing the jury against conversation about the trial, to clearly explain, as part of the admonishment, that the prohibition on conversation applies to all forms of communication, including electronic and wireless. Requires the officer in charge of a jury to prevent any form of electronic or wireless communication. Includes "research and dissemination" in the prohibition. Violation of this admonishment would be included in the list of acts constituting criminal and civil contempt of court.	Support	Author	To Governor
AB 2271 (Daniel Pone)	AB 2271 (Silva) – Probate: appeals As amended June 16, 2010 Adds temporary trustees to the list of persons who may be appointed by the court during an appeal of certain probate orders.	Support	Conference of California Bar Associations	Signed into law (Stats. 2010, ch. 94)
AB 2284 (Daniel Pone)	AB 2284 (Evans) – Jury trial: expedited jury trials As amended August 18, 2010 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	Support, but reserve the right to modify the position, as necessary, after consideration of all public comments received on the rules proposal.	Consumer Attorneys of California; California Defense Counsel	To Governor

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of September 1, 2010
AB 2475 (Tracy Kenny)	AB 2475 (Beall) – Judicial immunity As amended April 28, 2010 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. Requires the Bureau of State Audits to establish a compliance unit to review compliance of family courts and public employees with family laws and procedures. ***UPDATE: As amended May 11, 2010*** ***Requires the Judicial Council to adopt a statewide complaint procedure for family court appointees.***	Oppose Update: ***As amended May 11, 2010*** ***No position***	Author	Assembly Appropriations Committee—Dead.
AB 2487 (June Clark)	AB 2487 (Feuer) – Judge disqualification As amended August 2, 2010 Requires a judge to disqualify himself or herself when the judge has received a contribution in excess of $1,500 from a party or counsel in a matter before the judge, and the contribution was received either in support of the judge's election, if the election occurred within the last six years, or in support of an upcoming election. Allows the non-contributing party to waive the disqualification. Also requires the judge to disclose on the record any contribution of an amount that a judicial candidate would be required to report to the Fair Political Practices Commission (currently $100).	Support if amended to limit the mandatory disqualification to two years instead of six years.	Author	To Governor
AB 2499 (June Clark)	AB 2499 (Portantino) – Traffic violator schools: regulation As amended August 5, 2010 Consolidates all traffic violator school programs under the licensing authority of the Department of Motor Vehicles. 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.	Support	Author	To Governor
AB 2505 (June Clark)	AB 2505 (Strickland) – Warrants: electronic signature: computer server transmission As amended April 8, 2010 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 email, and allows the affiant's signature to be in the form of an electronic signature.	Support	Ventura County District Attorney Greg Totten	Signed into law (Stats. 2010, ch. 98)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of September 1, 2010
AB 2521 (Donna Hershkowitz)	AB 2521 (Torrico) – Courts: budget and fiscal management As amended June 17, 2010 Requires the Controller to perform a compliance audit all funds and accounts under the jurisdiction and control of each trial court every four years. Requires the Controller to perform a compliance audit all funds under the jurisdiction and control of the Administrative Office of the Courts (AOC) every 2 years. Provides that the first audit of the trial courts shall be a pilot with six trial courts established by December 15, 2012. Audits of all trial courts and the AOC shall begin by December 15, 2013. Requires the results of the audits to be issued to the Legislature, Judicial Council, and Department of Finance. Provides that the costs of the audits shall be borne by the trial courts and the AOC within existing resources.	Oppose unless funded, concerns noted about the scope and frequency of the audits.	Services Employees International Union	Senate Judiciary Committee—Dead.
AB 2763 (Donna Hershkowitz)	AB 2763 (Committee on Judiciary) – Judicial needs assessment and subordinate judicial officer conversions As amended August 18, 2010 Requires the Judicial Council to prepare and submit to the Legislature a Judicial Needs Assessment that revises the time study specifically as to family and juvenile law judgeship needs. Authorizes the Judicial Council to convert up to an additional 10 subordinate judicial officer positions to judgeships each year, upon annual ratification by the Legislature, if the conversion of these additional positions will result in a judge being assigned to a family or juvenile law assignment previously presided over by a subordinate judicial officer.	Support	Author	To Governor
AB 2767 (Daniel Pone)	AB 2767 (Committee on Judiciary) – Civil omnibus bill As amended June 15, 2010 Among other things: (1) Clarifies the disposition of unclaimed victim restitution money held by the superior court; and (2) Adjusts, from April 1, 2010, to April 1, 2013, the date on which the Judicial Council is required to submit the first report to the Legislature regarding increased dollar amounts for homestead exemptions.	(1) Sponsor (2) Support	(1) Judicial Council (2) California Teamsters Union	Signed into law (Stats. 2010, ch. 212)
SB 59 (June Clark)	SB 59 (Huff) – Criminal procedure: trials: continuances As amended December 15, 2009 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.	Oppose	Sacramento County District Attorney's Office, Gang Unit	Senate Public Safety Committee—Dead.
SB 210 (June Clark)	SB 210 (Runner) – Traffic violator schools: regulation As proposed to be amended Consolidates all traffic violator school programs under the licensing authority of the Department of Motor Vehicles.	Support	Author	Senate Rules Committee—Dead.

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of September 1, 2010
SB 259 (Daniel Pone)	SB 259 (Benoit) – Common interest developments: elections As introduced 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.	Oppose	Community Associations Institute	Senate Judiciary Committee—Dead.
SB 377 (Donna Hershkowitz)	SB 377 (Corbett) – Courts: judgeships As introduced Authorizes 50 new judgeships, upon appropriation by the Legislature, to be allocated to the superior courts pursuant to the methodology adopted by the Judicial Council.	Sponsor	Judicial Council	Senate Appropriations Committee—Dead.
SB 962 (Tracy Kenny)	SB 962 (Liu) – Prisoners: adjudication of parental rights: participation As amended August 2, 2010 Allows incarcerated parents to participate in specified court proceedings concerning parental rights via videoconferencing or teleconferencing if the technology is available. States the intent of the Legislature that no job placement or reduction in earned privileges while incarcerated result participation by parents from court proceedings Allows the California Department of Corrections and Rehabilitation to establish a pilot project to facilitate parental involvement in dependency court hearings if private funding can be obtained.	Support	Los Angeles Dependency Lawyers, Inc.	To Governor
SB 1041 (Daniel Pone)	SB 1041 (Harman) – Hearsay evidence: wills and revocable trusts As amended May 6, 2010 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.	Support	Conference of California Bar Associations	Signed into law (Stats. 2010, ch. 106)
SB 1274 (Daniel Pone)	SB 1274 (Committee on Judiciary) – Electronic service of process As amended March 23, 2010 Authorizes service by electronic notification by defining electronic service to include both electronic transmission and electronic notification. The bill also explicitly authorizes electronic service of all types of documents and expands the courts ability to serve certain documents electronically.	Sponsor	Judicial Council	Signed into law (Stats. 2010, ch. 156)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of September 1, 2010
SB 1417 (June Clark)	SB 1417 (Cox) – Corporations for prevention of cruelty to children or animals: endorsement and appointment As amended August 16, 2010 Modifies the process for formation of Societies for the Prevention of Cruelty to Animals and for the appointment of humane officers.	Support if amended to provide clear court process.	State Humane Association of California; Placer County Counsel; California State Sheriffs Association	To Governor
SB 1425 (Donna Hershkowitz)	SB 1425 (Simitian) – Public Retirement: final compensation: computation: retirees As amended August 19, 2010 For Public Employees' Retirement System (PERS) and State Teachers' Retirement System (STRS) 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 covered by PERS or STRS may return to service.	Oppose the provision mandating a period of time for separation, unless amended to exclude judicial officers. No position on remaining provisions. Update: ***No position based on commitment to allow exclusion of judges and SJOs from separation requirements in a different bill.***	Author	To Governor
SB 1449 (June Clark)	SB 1449 (Leno) – Marijuana possession: reclassification As amended April 5, 2010 Reclassifies from a misdemeanor to an infraction simple possession and possession while driving of not more than 28.5 grams of marijuana.	Support	Author	To Governor
SCA 27 (June Clark)	SCA 27 (Harman) – Death penalty appeals: transfer As introduced 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.	Support	Author	Senate Public Safety Committee—failed passage.

Appendix

Status of 2010 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of September 1, 2010
AB 12 (Tracy Kenny)	AB 12 (Beall) – California Fostering Connections to Success Act As amended August 30, 2010 Implements federal foster care reform legislation to provide federally subsidized relative guardianships, and extend foster care jurisdiction to age 21. Reenacts the existing state funded Kinship Guardianship Assistance Program (Kin-GAP) to conform to federal requirements and allow for federal financial participation in the program. Provides that a child in foster care on his or her 18th birthday may remain in care as a nonminor dependent up to age 21 if certain eligibility criteria are met. Phases in this expansion beginning July 1, 2012 to reach eligible youth up to age 19, July 1, 2013 for youth up to age 20, and, contingent upon an appropriation by the Legislature, on July 1, 2014 to reach eligible youth to age 21. Requires the court, at the last review hearing before a foster child turns 18, to ensure that the child's transitional independent living case plan includes a plan for the child to meet one of the criteria for eligibility as a nonminor dependent and that the child has been informed of the right to seek termination of dependency jurisdiction. Requires that status review hearings involving nonminor dependents be conducted in a manner that respects the nonminor dependent's status as a legal adult, be focused on the goals and services described in the nonminor dependent's transitional independent living case plan, including efforts made to achieve permanence, and attended as appropriate by additional participants invited by the nonminor dependent. Provides that parents of nonminor dependents are not entitled to notice of proceedings or representation be counsel. Requires the court when terminating the delinquency jurisdiction of a delinquent ward who is in a foster care placement or who was a dependent child who was removed from his or her parents at the time he or she was adjudicated a delinquent ward to set a hearing pursuant to Welfare and Institutions Code section 241.1 if the court finds that the child appears to come within the description of Welfare and Institutions Code section 300 because of abuse or neglect and cannot be returned home safely	Judicial Council, Children's Law Center, California Alliance of Child & Family Services, California Youth Connection Youth Law Center, County Welfare Directors Association, John Burton Foundation for Children without Homes, and SEIU	To Governor

Appendix

Status of 2010 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of September 1, 2010
AB 663 (Tracy Kenny)	AB 663 (Jones) – Legal aid: court interpreters As amended June 15, 2009 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 fifteen dollars per appearance to support the cost of the civil interpreter pilot project. Limits the use of the term legal aid.	Judicial Council	Senate Appropriations Committee—Dead.
AB 1229 (Tracy Kenny)	AB 1229 (Evans) – Juvenile court costs As amended August 10, 2010 Clean-up to AB 131 of last year (Stats. 2009, ch. 413), clarifies that courts can designate their own financial evaluation officers.	Judicial Council	To Governor
AB 1341 (Curtis Child)	AB 1341 (Lowenthal, Bonnie) – Property taxation: possessory interests: Long Beach Courthouse As amended August 2, 2010 Provides that no possessory interest arises in a non-governmental entity that delivers the new Long Beach Courthouse if certain criteria are satisfied. The courthouse shall be public property and exempt from tax that would attach if it a private entity were deemed as having a possessory interest in public property.	Judicial Council	To Governor
AB 1596 (Tracy Kenny)	AB 1596 (Hayashi) – Protective orders: emergency protective orders: enforcement priority: sexual assault As amended August 5, 2010 Contains numerous technical changes to create more consistency in protective order statutes.	Judicial Council	To Governor

Appendix

Status of 2010 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of September 1, 2010
AB 1926 (Tracy Kenny)	AB 1926 (Evans) – Court records: preservation guidelines As amended April 6, 2010 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. Requires the Judicial Council to adopt rules to establish the guidelines or standards for the creation, maintenance, reproduction, and preservation of court records. The amended statutes would not apply to court reporters' transcripts or electronic recordings made as the official record of oral proceedings.	Judicial Council	To Governor
AB 2767 (Daniel Pone)	AB 2767 (Committee on Judiciary) – Civil omnibus bill As amended June 15, 2010 Among other things: (1) Clarifies the disposition of unclaimed victim restitution money held by the superior court; and (2) Adjusts, from April 1, 2010, to April 1, 2013, the date on which the Judicial Council is required to submit the first report to the Legislature regarding increased dollar amounts for homestead exemptions.	(1) Sponsor (2) Support	To Governor
SB 377 (Donna Hershkowitz)	SB 377 (Corbett) – Courts: judgeships As introduced Authorizes 50 new judgeships, upon appropriation by the Legislature, to be allocated to the superior courts pursuant to the methodology adopted by the Judicial Council.	Judicial Council	Senate Appropriations Committee—Dead.
SB 1274 (Daniel Pone)	SB 1274 (Committee on Judiciary) – Electronic service of process As amended March 23, 2010 Authorizes service by electronic notification by defining electronic service to include both electronic transmission and electronic notification. The bill also explicitly authorizes electronic service of all types of documents and expands the courts ability to serve certain documents electronically.	Judicial Council	Signed into law (Stats. 2010, ch. 156)