

REPORT OF THE CHIEF LEGISLATIVE ANALYST

July 7, 2008

TO: Honorable Members of the Rules and Government Committee

FROM: Gerry F. Miller *Gerry F. Miller*
Chief Legislative Analyst

Council File No.: 08-0002-S80
Assignment No.: 08-05-0971

SUBJECT: Resolution (LaBonge-Garcetti) to SUPPORT SB 1407 (Perata)

CLA RECOMMENDATION: Adopt Resolution (LaBonge-Garcetti) to include in the City's 2007-08 State Legislative Program, SUPPORT for SB 1407 (Perata), which would amend the Trial Court Facilities Act of 2002 and authorize a court facility construction financing program.

SUMMARY

Resolution (LaBonge-Garcetti), introduced May 28, 2008, states that many buildings which house California's courts are in a critical state of disrepair and antiquated design. Inferior facilities have created dangerous conditions that place jurors, witnesses, litigants, visitors and court employees at risk. The Judicial Council estimates that 90 percent of courthouses need improvement to provide for safe and sufficient juror assembly space, access for the disabled, protection of children and separate and secure hallways to protect both the defendants' right to a fair trial and the safety of the public, witnesses, judges and staff. SB 1407 (Perata) would authorize a court facility construction financing program, which would include lease-purchase financing or the issuance of bonds to be funded with increased criminal fees and fines. Therefore, Resolution (LaBonge-Garcetti) recommends support for SB 1407 (Perata).

BACKGROUND

The Trial Court Facilities Act of 2002 (TCFA) established the State Court Facilities Construction Fund (SCFCF) and provides that monies in the SCFCF may be used to acquire, rehabilitate, construct, or finance court facilities, as defined, and to implement trial court projects in designated counties. The TCFA also established a process for the transfer of responsibility for court facilities from the counties to the State, under the direction of the Judicial Council, and for calculating a court facilities payment (CFP) to be paid to the State for those facilities that transfer. Across the State's 58 counties, there are approximately 450 court facilities to be transferred under the TCFA and as of June 2008, 125 facilities have been transferred, leaving 325 remaining to be transferred by December 31, 2008.

In 2004, the Judicial Council approved the Trial Court Five-Year Capital Outlay Plan, which uses a systematic methodology to rank necessary court facility improvements Statewide. The methodology prioritizes facilities projects into five groups: immediate, critical, high, medium, and low. The Capital Outlay Plan presents annual estimated funding requirements to fund all proposed projects over a 10-year implementation period, with all projects being completed at the end of the ten years. In April 2007, the Judicial Council adopted an updated Capital Outlay Plan that includes 175 new construction, major renovation and expansion projects estimated to cost \$9.8 billion in 2007 dollars. The TCFA requires the Judicial Council to annually recommend to

JUL 08 2008
RULES & GOVERNMENT



the Governor and the Legislature the amount proposed to be spent for projects paid for with money in SCFCF.

Introduced in February 2008, SB 1407 (Perata) would establish the Immediate and Critical Needs Account (ICNA) of the State Court Facilities Construction Fund (SCFCF) and extend the purposes for which monies in the SCFCF may be used. The proceeds of the ICNA will be used for: the planning, design, construction, rehabilitation, renovation, replacement, or acquisition of court facilities; for the repayment of monies appropriated for lease of court facilities pursuant to the issuance of lease-revenue bonds; and, for the payment for lease or rental of court facilities. Except for those monies that have been deposited into the Immediate and Critical Needs Account, 25 percent of all money collected for the SCFCF from any county shall be designated for implementation of trial court projects in that county.

Additionally, SB 1407 (Perata) would authorize the issuance of up to \$5 billion in lease-revenue bonds, notes, or bond anticipation notes to finance the planning, design, construction, rehabilitation, renovation, replacement, leasing or acquisition of court facilities. The funds would finance the construction of approximately 40 of the most immediate and critical need projects in the Judicial Council's Plan. The projects will be phased in over four years. The first year projects approved by the Judicial Council are included in the Governor's Budget for FY 2008-09 and include courthouses in Butte, Los Angeles, Tehama and Yolo Counties.

To support the debt service on the issued bonds, courthouse renovations and major repairs, SB 1407 (Perata) increases certain filing fees, and specified criminal fines and penalties, and designates that a certain amount or percentage of the fees are to be deposited into the ICNA. The additional fees include:

- Raising the criminal offense conviction fee by \$40 for a total fee of \$60;
- A \$25-35 increase in the first paper filing fees;
- An additional \$2 to the State Court Construction Parking Penalty;
- A mandate for each county to collect \$5 for every \$10 of the base fine on a criminal offense; and
- A \$40 increase in the Traffic Violator School fee.

SB 1407 (Perata) specifies that the total bonded indebtedness shall not exceed that amount for which fine and fee revenues may fully satisfy the debt service. Additionally, the bill provides that in the event that the bonds are not sold, the Judicial Council shall commit a sufficient portion of its current support appropriation, as determined by the Department of Finance, to repay any interim financing. It is the intent of the Legislature that this commitment be made until all interim financing is repaid either through the proceeds of the sale of bonds or from an appropriation. As a lease-revenue bond, SB 1407 (Perata) requires a two-thirds vote of the Legislature, but does not have to be approved by the voters.

The Assembly Committee on the Judiciary (Committee) notes that while this bill increases fees, it does not increase fee waivers for low-income individuals, thus likely making their access to justice significantly less attainable. Given that filing fees are being proposed for an increase up

to \$35 and that legal services program are permitted to assist clients with income up to 200 percent of the federal poverty guidelines, the Committee wants to consider raising the fee waiver limit from 125 percent of the federal poverty guidelines to 200 percent of poverty to help ensure access to the courts for all Californians. The Committee feels this increase is consistent with legal services income restrictions.

The California Attorneys for Criminal Justice, the California Public Defenders Association (CPDA) and the Teamsters oppose the increase in fees on criminal convictions. These groups argue that increasing fees paid by defendants in criminal cases will have the unintended consequence of less overall fines being paid, with the result that current Trial Court Funding program funding would be depleted and there would be a reduction in compliance with terms of probation as ordered by the court.

Consequently, based on past experience, the Judicial Council realized that an increase in a fee could result in decreases in the collection of criminal bail and thus factored this into the estimated revenues from the additional fee. The estimated amounts collected have been discounted by 20 percent to take into account the potential increase in non-collections. Furthermore, if the money collected is even less than that predicted, then the Judicial Council will limit the number of projects and the amount of the lease-revenue bonds issued.

Lastly, the Howard Jarvis Taxpayers Association objects to issuing any additional bonds, general obligation or lease-revenue, when the State is already facing almost \$50 billion in bond debt and a significant budget deficit. The Association believes that courthouse construction should be budgeted from the general fund.

FISCAL IMPACT

The Judicial Council has estimated that nearly \$300 million in revenue annually will be generated by the penalty and civil filing fee increases proposed by this measure.

DEPARTMENTS NOTIFIED

None.

STATUS OF LEGISLATION

2/21/08	Introduced
5/29/08	Passed Senate, as amended
6/24/08	Passed, as amended, by the Assembly Com. on JUD
6/26/08	Currently in Assembly Com. on Pub. S.


Donna K. Condor
Analyst

Attachments: 1. Resolution
2. SB 1407 (Perata)

RESOLUTION RULES & GOVERNMENT

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed before a local state or federal government body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, many of Southern California's courthouses have antiquated design and are in a critical state of disrepair which may lead to dangerous, conditions that place children, jurors, witnesses, litigants, visitors and court employees at risk; and

WHEREAS, court facilities need improvement to provide for safe and sufficient juror assembly space, including: courtrooms and deliberation rooms, access for the disabled, protection of all parties in family law disputes, separation of victims, defendants, witnesses, and families in criminal cases, protection of children involved in custody, dependency, criminal and civil cases, separate and secured hallways to protect both defendants' right to a fair trial, and the safety of the public, witnesses, judges and staff; and

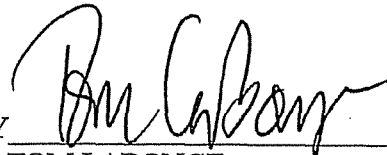
WHEREAS, the Judicial Council has developed the Trial Court Capital-Outlay Plan which has organized 152 projects into five priority groups that will replace and renovate the courthouses that no longer can safely and effectively serve their communities' needs; and

WHEREAS, SB 1407 (Perata) authorizes the issuance of up to \$5 billion in lease revenue bonds to finance the construction of approximately 40 major capital court projects which will be funded by allocating revenues from increases in certain filing fees, specified criminal fines and penalties; and

WHEREAS, the additional fees are: a \$40 penalty imposed on all criminal convictions, a \$35, \$30 and \$25 increase in the first paper filing fees dependent on the type of case, a new \$2 fee in addition to the \$1.50 State Court Construction Parking Penalty, a mandate on the currently optional \$5 fee for each \$10 of the base fine on certain criminal violations and a \$40 increase of the Traffic Violator School fee;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2007-2008 State Legislative Program SUPPORT of SB 1407 (Perata), the Trial Court Facilities Act, that authorizes a court facility construction financing program, which includes lease-purchase financing or the issuance of bonds to be funded with increased fees and fines.

PRESENTED BY



TOM LABONGE

Councilmember, 4th District

SECONDED BY



MAM

08-0002-S80

AMENDED IN ASSEMBLY JUNE 18, 2008

AMENDED IN SENATE MAY 27, 2008

AMENDED IN SENATE MAY 14, 2008

AMENDED IN SENATE APRIL 28, 2008

SENATE BILL

No. 1407

**Introduced by Senator Perata
(Coauthors: Senators Corbett and Kuehl)**

February 21, 2008

An act to amend Section 6322.1 of the Business and Professions Code, to amend Sections 68085.3, 68085.4, 68086.1, 70372, 70374, 70375, 70391, 70603, 70611, 70612, 70613, 70614, 70621, 70650, 70651, 70652, 70653, 70654, 70655, 70656, 70657.5, 70658, and 70670 of, and to add Sections 70371.5 and 70373 to, the Government Code, to amend Section 103470 of the Health and Safety Code, to amend Section 7660 of the Probate Code, and to amend Section 42007.1 of the Vehicle Code, relating to court facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1407, as amended, Perata. Court facilities: financing.

(1) The Trial Court Facilities Act of 2002 establishes the State Court Facilities Construction Fund and provides that moneys in that fund may be used to acquire, rehabilitate, construct, or finance court facilities, as defined, and to implement trial court projects in designated counties, as specified.

This bill would extend the purposes for which moneys in that fund may be used to include the planning, design, construction, rehabilitation, replacement, leasing, or acquisition of court facilities. The bill would

establish the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, the proceeds of which would be used for the planning, design, construction, rehabilitation, renovation, replacement, or acquisition of court facilities, for the repayment of moneys appropriated for lease of court facilities pursuant to the issuance of lease-revenue bonds, and for the payment for lease or rental of court facilities.

(2) Existing law requires the plans and specifications for any place of detention of persons charged with or convicted of a crime, or detained pursuant to the Juvenile Court Law, to be submitted to the Corrections Standards Authority for its recommendations if those plans and specifications involve construction, reconstruction, remodeling, or repairs with an aggregate cost in excess of \$15,000. Existing law provides that no state department or agency other than the authority has the authority to make recommendations ~~in~~ *with* respect to plans and specifications for the construction of those detention facilities.

This bill would exempt from those provisions the planning, design, construction, rehabilitation, renovation, replacement, or acquisition of a court facility that is funded from the Immediate and Critical Needs Account of the State Court Facilities Construction Fund described in (1) above.

~~(3) Existing law authorizes the State Public Works Board to issue revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance the cost of the construction or renovation and the equipping of public buildings and facilities, as specified. The revenues, rentals, or receipts from the public buildings or facilities or equipment authorized by these provisions is pledged to the payment of the principal of, and the interest on, the certificates, revenue bonds, notes, or anticipation notes issued for that financing. The Legislature is required to authorize the total amount that may be financed.~~

~~This bill would authorize the State Public Works Board to issue lease-revenue bonds, notes, or bond anticipation notes pursuant to these provisions in an amount not to exceed \$5,000,000,000 to finance the planning, design, construction, rehabilitation, renovation, replacement, leasing, or acquisition of court facilities, as specified. The bill would require the Judicial Council to make recommendations to the Governor and the Legislature for projects based on its determination that the need for a project is most immediate and critical.~~

(3) Existing law provides that the Judicial Council, as the policymaking body for the judicial branch, shall have certain

responsibilities and authorities with regard to court facilities, including to conduct audits of the collection of fees by the local courts, and to establish and consult with local project advisory groups on the construction of new trial court facilities.

~~This bill would further authorize the Judicial Council to conduct audits of the collection of fees to be transmitted to the state for deposit in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund. The bill would include the local sheriff among those local project advisory groups with whom the Judicial Council consults in the construction of new trial court facilities, as specified.~~

(4) Existing law specifies various uniform fees for filing specified documents in connection with certain civil proceedings, including a fee schedule for filing a first petition or first account in connection with a trust or estate. Existing law also imposes a fee of \$20 upon every conviction for a criminal offense, other than parking offenses, for funding of court security. Supplemental penalties and fees are imposed upon specified parking offenses and persons ordered to attend traffic violator school. Existing law specifies the disposition of fines and forfeitures, and traffic violator fees, collected by the courts for crimes other than parking violations.

This bill would generally increase those fees, and would impose an additional \$40 fee upon every conviction for a criminal offense, but would eliminate the fee schedule for filing a first petition or first account in connection with a trust or estate and replace it with a set filing fee. The bill would eliminate certain exemptions from payment of filing fees in connection with an estate. ~~The bill would provide for a specified portion of all of those fees to be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, as described in (1) above.~~ The bill would make other conforming changes.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6322.1 of the Business and Professions
- 2 Code is amended to read:

6322.1. (a) Until the end of the moratorium described in Section 70601 of the Government Code, the board of supervisors of any county may increase, as provided in this section, the amount distributed to its county law library fund from the uniform filing fees listed in Section 6321 whenever it determines that the increase is necessary to defray the expenses of the law library.

Any increase in the amount distributed to the law library fund in any county under this subdivision shall not be effective until January 1 of the next year after the adoption by the board of supervisors of the increase. The amount of the increase in any calendar year shall be no greater than three dollars (\$3) over the previous calendar year. A copy of the action of the board of supervisors that establishes the increase shall be provided to the Administrative Office of the Courts as soon as it becomes available but no later than December 15 of the year before the increased distribution goes into effect.

(b) Distribution changes after January 1, 2008, shall be determined by the process described in Section 70601 of the Government Code.

(c) (1) In an action or proceeding in which a claim for money damages falls within the monetary jurisdiction of the small claims court and is filed by an assignee who is prohibited from filing or maintaining a claim pursuant to Section 116.420 of the Code of Civil Procedure, the uniform filing fee shall be reduced by fifteen dollars (\$15) to one hundred ninety dollars (\$190) if the complaint contains a declaration under penalty of perjury, executed by the party requesting the reduction in fees, that the case qualifies for the lower fee because the claim for money damages will not exceed the monetary jurisdiction of small claims court and is filed by an assignee of the claim.

(2) When the uniform filing fee is reduced as provided under this subdivision, the amount distributed from each uniform filing fee to the law library fund in the county shall be as follows:

Jurisdiction	Amount
Alameda.....	\$12.00
Alpine.....	1.00
Amador.....	6.00
Butte.....	12.00
Calaveras.....	7.00

1	Colusa.....	12.00
2	Contra Costa.....	8.00
3	Del Norte.....	6.00
4	El Dorado.....	9.00
5	Fresno.....	9.00
6	Glenn.....	6.00
7	Humboldt.....	12.00
8	Imperial.....	12.00
9	Inyo.....	6.00
10	Kern.....	12.00
11	Kings.....	12.00
12	Lake.....	12.00
13	Lassen.....	12.00
14	Los Angeles.....	5.00
15	Madera.....	12.00
16	Marin.....	12.00
17	Mariposa.....	4.00
18	Mendocino.....	12.00
19	Merced.....	12.00
20	Modoc.....	6.00
21	Mono.....	6.00
22	Monterey.....	10.00
23	Napa.....	12.00
24	Nevada.....	7.00
25	Orange.....	8.00
26	Placer.....	7.00
27	Plumas.....	6.00
28	Riverside.....	12.00
29	Sacramento.....	8.50
30	San Benito.....	6.00
31	San Bernardino.....	12.00
32	San Diego.....	12.00
33	San Francisco.....	12.00
34	San Joaquin.....	10.00
35	San Luis Obispo.....	12.00
36	San Mateo.....	12.00
37	Santa Barbara.....	12.00
38	Santa Clara.....	8.00
39	Santa Cruz.....	12.00
40	Shasta.....	8.50

1	Sierra.....	9.00
2	Siskiyou.....	8.00
3	Solano.....	9.00
4	Sonoma.....	12.00
5	Stanislaus.....	6.50
6	Sutter.....	1.00
7	Tehama.....	9.00
8	Trinity.....	6.00
9	Tulare.....	12.00
10	Tuolumne.....	2.00
11	Ventura.....	12.00
12	Yolo.....	10.00
13	Yuba.....	7.00

14
15 The increases described in subdivision (a) do not apply to the
16 law library distributions in this subdivision.

17 (3) Notwithstanding subdivision (d) of Section 68085.4 of the
18 Government Code, when the uniform filing fee is reduced as
19 provided in this subdivision, the amounts distributed to dispute
20 resolution programs, the State Court Facilities Construction Fund,
21 the Judges' Retirement Fund, children's waiting rooms, and the
22 Equal Access Fund shall remain as provided under subdivisions
23 (b) and (c) of Section 68085.4 of the Government Code and shall
24 not be changed. Only the amounts distributed to the Trial Court
25 Trust Fund and the law libraries shall be adjusted. If the fee is
26 further reduced below one hundred ninety dollars (\$190), as with
27 a partial waiver or partial payment, the proportional reductions
28 described in subdivision (g) of Section 68085.1 of the Government
29 Code shall apply.

30 (d) Distributions under this section to the law library fund in
31 each county shall be used only for the purposes authorized by this
32 chapter.

33 (e) As used in this section and Section 6321, "law library fund"
34 includes a law library account described in the second paragraph
35 of Section 6320.

36 SEC. 2. Section 68085.3 of the Government Code is amended
37 to read:

38 68085.3. (a) Fees collected under Sections 70611, 70612,
39 70650, 70651, 70652, 70653, 70655, and 70670 shall be deposited

1 in a bank account established by the Administrative Office of the
2 Courts for deposit of fees collected by the courts.

3 (b) For each three-hundred-fifty-five-dollar (\$355) fee listed in
4 subdivision (a), and each fee listed in paragraphs (2) to (9),
5 inclusive, of subdivision (a) of Section 70650, the Administrative
6 Office of the Courts shall distribute specified amounts in each
7 county as follows:

8 (1) To the county law library fund, the amount described in
9 Sections 6321 and 6322.1 of the Business and Professions Code.

10 (2) To the account to support dispute resolution programs, the
11 amount described in Section 470.5 of the Business and Professions
12 Code.

13 (c) The remainder of the fees in subdivision (a) shall be
14 transmitted monthly to the Treasurer for deposit. For each
15 three-hundred-fifty-five-dollar (\$355) fee listed in subdivision (a),
16 and each fee listed in paragraphs (2) to (9), inclusive, of subdivision
17 (a) of Section 70650, the Controller shall make deposits as follows:

18 (1) To the State Court Facilities Construction Fund, as provided
19 in Article 6 (commencing with Section 70371) of Chapter 5.7,
20 thirty-five dollars (\$35).

21 (2) To the Immediate and Critical Needs Account of the State
22 Court Facilities Construction Fund, established in Section 70371.5,
23 thirty-five dollars (\$35).

24 (3) To the Judges' Retirement Fund, as established in Section
25 75100, two dollars and fifty cents (\$2.50).

26 (4) To the Trial Court Trust Fund for use as part of the Equal
27 Access Fund program administered by the Judicial Council, four
28 dollars and eighty cents (\$4.80).

29 (5) To the Trial Court Trust Fund, as provided in Section
30 68085.1, the remainder of the fee.

31 (d) If any of the fees listed in subdivision (a) are reduced or
32 partially waived, the amount of the reduction or partial waiver
33 shall be deducted from the amount to be distributed to each fund
34 or account in the same proportion as the amount of each
35 distribution bears to the total amount of the fee.

36 (e) As used in this section, "law library fund" includes a law
37 library account described in Section 6320 of the Business and
38 Professions Code.

39 SEC. 3. Section 68085.4 of the Government Code is amended
40 to read:

1 68085.4. (a) Fees collected under Sections 70613, 70614,
2 70621, 70654, 70656, and 70658 of this code, Section 103470 of
3 the Health and Safety Code, and Section 7660 of the Probate Code,
4 shall be deposited in a bank account established by the
5 Administrative Office of the Courts for deposit of fees collected
6 by the courts.

7 (b) For each three-hundred-thirty-dollar (\$330) fee and each
8 two-hundred-five-dollar (\$205) fee listed in subdivision (a), the
9 Administrative Office of the Courts shall distribute specified
10 amounts in each county as follows:

11 (1) To the county law library fund, the amount described in
12 Sections 6321 and 6322.1 of the Business and Professions Code.

13 (2) To the account to support dispute resolution programs, the
14 amount described in Section 470.5 of the Business and Professions
15 Code.

16 (c) The remainder of the fees in subdivision (a) shall be
17 transmitted monthly to the Treasurer for deposit. For each
18 three-hundred-thirty-dollar (\$330) fee and each
19 two-hundred-five-dollar (\$205) fee listed in subdivision (a), the
20 Controller shall make deposits as follows:

21 (1) To the State Court Facilities Construction Fund, as provided
22 in Article 6 (commencing with Section 70371) of Chapter 5.7,
23 twenty-five dollars (\$25) if the fee is three hundred thirty dollars
24 (\$330), and twenty dollars (\$20) if the fee is two hundred five
25 dollars (\$205).

26 (2) To the Immediate and Critical Needs Account of the State
27 Court Facilities Construction Fund, established in Section 70371.5,
28 thirty dollars (\$30) if the fee is three hundred thirty dollars (\$330),
29 and twenty-five dollars (\$25) if the fee is two hundred five dollars
30 (\$205).

31 (3) To the Judges' Retirement Fund, as established in Section
32 75100, two dollars and fifty cents (\$2.50).

33 (4) To the Trial Court Trust Fund for use as part of the Equal
34 Access Fund program administered by the Judicial Council, four
35 dollars and eighty cents (\$4.80).

36 (5) To the Trial Court Trust Fund, as provided in Section
37 68085.1, the remainder of the fee.

38 (d) If any of the fees listed in subdivision (a) are reduced or
39 partially waived, the amount of the reduction or partial waiver
40 shall be deducted from the amount to be distributed to each fund

1 or account in the same proportion as the amount of each
2 distribution bears to the total amount of the fee.

3 (e) As used in this section, "law library fund" includes a law
4 library account described in Section 6320 of the Business and
5 Professions Code.

6 SEC. 4. Section 68086.1 of the Government Code is amended
7 to read:

8 68086.1. (a) Commencing January 1, 2006, for each
9 three-hundred-fifty-five-dollar (\$355) fee collected under Section
10 70611, 70612, or 70670, twenty-five dollars (\$25) of the amount
11 distributed to the Trial Court Trust Fund shall be used for services
12 of an official court reporter in civil proceedings.

13 (b) Commencing January 1, 2006, for each
14 three-hundred-thirty-dollar (\$330) fee collected under subdivision
15 (a) of Section 70613 or subdivision (a) of Section 70614,
16 twenty-five dollars (\$25) of the amount distributed to the Trial
17 Court Trust Fund shall be used for services of an official court
18 reporter in civil proceedings.

19 (c) It is the intent of the Legislature, in approving the
20 twenty-five-dollar (\$25) distribution out of each filing fee listed
21 in subdivisions (a) and (b), to continue an incentive to courts to
22 use the services of an official court reporter in civil proceedings.
23 However, nothing in this section shall affect the Judicial Council's
24 authority to allocate these revenues to replace reductions in the
25 General Fund appropriation to the Trial Court Trust Fund.

26 (d) The portion of the distribution to the Trial Court Trust Fund
27 to be used for services of an official court reporter in civil
28 proceedings pursuant to subdivisions (a) and (b) shall be used only
29 in trial courts that utilize the services of an official court reporter
30 in civil proceedings.

31 SEC. 5. Section 70371.5 is added to the Government Code, to
32 read:

33 70371.5. (a) There is hereby established the Immediate and
34 Critical Needs Account of the State Court Facilities Construction
35 Fund, the proceeds of which shall only be used for any of the
36 following:

37 (1) The planning, design, construction, rehabilitation, renovation,
38 replacement, or acquisition of court facilities.

39 ~~(2) Repayment for moneys appropriated for lease of court~~
40 ~~facilities pursuant to the issuance of lease-revenue bonds.~~

1 (3) Payment for lease or rental of court facilities, including those
2 made for facilities in which one or more private sector participants
3 undertake some of the risks associated with the financing, design,
4 construction, or operation of the facility.

5 (b) Any moneys expended from the Immediate and Critical
6 Needs Account are not subject to Section 77202. Any planning,
7 design, construction, rehabilitation, renovation, replacement, or
8 acquisition of a court facility that is funded from the Immediate
9 and Critical Needs Account is not subject to subdivision (a) of
10 Section 6029 of the Penal Code.

11 (c) *It is the intent of the Legislature that the money in the*
12 *Immediate and Critical Needs Account of the State Court Facilities*
13 *Construction Fund shall be used in part to pay the debt service of*
14 *lease revenue bonds, notes, bond anticipation notes, or other*
15 *appropriate financial instruments used to pay for the costs referred*
16 *to in subdivision (a) in the amount of up to five billion dollars*
17 *(\$5,000,000,000). The total bonded indebtedness shall not exceed*
18 *that amount for which fine and fee revenues may fully satisfy the*
19 *debt service.*

20 SEC. 6. Section 70372 of the Government Code is amended
21 to read:

22 70372. (a) (1) Except as otherwise provided in subdivision
23 (b) of Section 70375 and in this article, there shall be levied a state
24 court construction penalty, in the amount of five dollars (\$5) for
25 every ten dollars (\$10), or part of ten dollars (\$10), upon every
26 fine, penalty, or forfeiture imposed and collected by the courts for
27 all criminal offenses, including, but not limited to, all offenses
28 involving a violation of a section of the Fish and Game Code, the
29 Health and Safety Code, or the Vehicle Code or any local ordinance
30 adopted pursuant to the Vehicle Code. This penalty is in addition
31 to any other state or local penalty, including, but not limited to,
32 the penalty provided by Section 1464 of the Penal Code and
33 Section 76000.

34 (2) The amount of the court construction penalty may be reduced
35 by a county as provided in subdivision (b) of Section 70375.

36 (3) This construction penalty does not apply to the following:

37 (A) Any restitution fine.

38 (B) Any penalty authorized by Section 1464 of the Penal Code
39 or Chapter 12 (commencing with Section 76000) of Title 8.

1 (C) Any parking offense subject to Article 3 (commencing with
2 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

3 (D) The state surcharge authorized by Section 1465.7 of the
4 Penal Code.

5 (4) Any bail schedule adopted pursuant to Section 1269b of the
6 Penal Code or adopted by the Judicial Council pursuant to Section
7 40310 of the Vehicle Code may include the necessary amount to
8 pay the penalty established by this section, the penalties authorized
9 by Section 1464 of the Penal Code and Chapter 12 (commencing
10 with Section 76000) of Title 8, and the surcharge authorized by
11 Section 1465.7 of the Penal Code for all matters where a personal
12 appearance is not mandatory and the bail is posted primarily to
13 guarantee payment of the fine. After a determination by the court
14 of the amount due, the clerk of the court shall collect the penalty
15 and transmit it immediately to the county treasury and the county
16 treasurer shall transmit these sums as provided in subdivision (f).

17 (b) In addition to the penalty provided by subdivision (a), for
18 every parking offense where a parking penalty, fine, or forfeiture
19 is imposed, an added state court construction penalty of ~~three~~
20 ~~dollars and fifty cents (\$3.50)~~ *four dollars and fifty cents (\$4.50)*
21 shall be included in the total penalty, fine, or forfeiture. These
22 moneys shall be taken from fines and forfeitures deposited with
23 the county treasurer prior to any division pursuant to Section
24 1462.3 or 1463.009 of the Penal Code. In those cities, districts, or
25 other issuing agencies which elect to accept parking penalties, and
26 otherwise process parking violations pursuant to Article 3
27 (commencing with Section 40200) of Chapter 1 of Division 17 of
28 the Vehicle Code, that city, district, or issuing agency shall observe
29 the increased bail amounts as established by the court reflecting
30 the added penalty provided for by this section. Each agency which
31 elects to process parking violations shall pay to the county treasurer
32 ~~three dollars and fifty cents (\$3.50)~~ *four dollars and fifty cents*
33 *(\$4.50)* for the parking penalty imposed by this section for each
34 violation which is not filed in court. Those payments to the county
35 treasurer shall be made monthly, and the county treasurer shall
36 transmit these sums as provided in subdivision (f).

37 (c) Where multiple offenses are involved, the state court
38 construction penalty shall be based upon the total fine or bail for
39 each case. When a fine is suspended, in whole or in part, the state

1 court construction penalty shall be reduced in proportion to the
2 suspension.

3 (d) When any deposited bail is made for an offense to which
4 this section applies, and for which a court appearance is not
5 mandatory, the person making the deposit shall also deposit a
6 sufficient amount to include the state court construction penalty
7 prescribed by this section for forfeited bail. If bail is returned, the
8 state court construction penalty paid thereon pursuant to this section
9 shall also be returned.

10 (e) In any case where a person convicted of any offense, to
11 which this section applies, is in prison until the fine is satisfied,
12 the judge may waive all or any part of the state court construction
13 penalty, the payment of which would work a hardship on the person
14 convicted or his or her immediate family.

15 (f) (1) Within 45 days after the end of the month that moneys
16 are deposited in the county treasury pursuant to subdivision (a),
17 the county treasurer shall transmit the moneys to the Controller,
18 to be deposited as follows:

19 (A) The total to be deposited pursuant to subdivision (a) shall
20 be multiplied by a fraction as follows:

21 (i) The numerator is the amount imposed as an additional penalty
22 on every ten dollars (\$10), or part of ten dollars (\$10), upon every
23 fine, penalty, or forfeiture, if any, for deposit into the local
24 courthouse construction fund in that county established pursuant
25 to Sections 76000 and 76100. The numerator shall be expressed
26 in whole dollars and fractions of a dollar.

27 (ii) The denominator is five dollars (\$5).

28 (B) The resulting amount shall be deposited in the Immediate
29 and Critical Needs Account of the State Court Facilities
30 Construction Fund, established in Section 70371.5.

31 (C) The remaining amount of the deposit shall be deposited in
32 the State Court Facilities Construction Fund.

33 (2) Within 45 days after the end of the month that moneys are
34 deposited in the county treasury pursuant to subdivision (b), the
35 county treasurer shall transmit the moneys to the Controller to be
36 deposited as follows: three-sevenths of the total amount shall be
37 deposited in the State Court Facilities Construction Fund and
38 four-sevenths of the total amount shall be deposited in the
39 Immediate and Critical Needs Account of the State Court Facilities
40 Construction Fund, established in Section 70371.5.

1 SEC. 6.5. Section 70373 is added to the Government Code, to
2 read:

3 70373. (a) (1) To ensure and maintain adequate funding for
4 court facilities, a fee of forty dollars (\$40) shall be imposed on
5 every conviction for a criminal offense, including a traffic offense,
6 except parking offenses as defined in subdivision (i) of Section
7 1463 of the Penal Code, involving a violation of a section of the
8 Vehicle Code or any local ordinance adopted pursuant to the
9 Vehicle Code.

10 (2) For the purposes of this section, "conviction" includes the
11 dismissal of a traffic violation on the condition that the defendant
12 attend a court-ordered traffic violator school, as authorized by
13 Sections 41501 and 42005 of the Vehicle Code. This security fee
14 shall be deposited in accordance with subdivision (d), and may
15 not be included with the fee calculated and distributed pursuant to
16 Section 42007 of the Vehicle Code.

17 (b) This fee shall be in addition to the state penalty assessed
18 pursuant to Section 1464 of the Penal Code and may not be
19 included in the base fine to calculate the state penalty assessment
20 as specified in subdivision (a) of Section 1464 of the Penal Code.
21 The penalties authorized by Chapter 12 (commencing with Section
22 76000), and the state surcharge authorized by Section 1465.7 of
23 the Penal Code, do not apply to this fee.

24 (c) When bail is deposited for an offense to which this section
25 applies, and for which a court appearance is not necessary, the
26 person making the deposit also shall deposit a sufficient amount
27 to include the fee prescribed by this section.

28 (d) Notwithstanding any other law, the fees collected pursuant
29 to subdivision (a) shall all be deposited in a special account in the
30 county treasury and transmitted therefrom monthly to the Controller
31 for deposit in the Immediate and Critical Needs Account of the
32 State Court Facilities Construction Fund, established in Section
33 70371.5.

34 (e) The Judicial Council shall provide for the administration of
35 this section.

36 SEC. 7. Section 70374 of the Government Code, as amended
37 by Section 5 of Chapter 9 of the Statutes of 2008, is amended to
38 read:

39 70374. (a) ~~The Judicial Council shall annually recommend to~~
40 ~~the Governor and the Legislature the amount proposed to be spent~~

1 for projects paid for with money in the State Court Facilities
2 Construction Fund. The use of the appropriated money is subject
3 to subdivision (f) of Section 70391.

4 (b) Acquisition and construction of court facilities shall be
5 subject to the State Building Construction Act of 1955
6 (commencing with Section 15800) and the Property Acquisition
7 Law (commencing with Section 15850), except that, (1)
8 notwithstanding any other provision of law, the Administrative
9 Office of the Courts shall serve as an implementing agency upon
10 approval of the Department of Finance, and (2) the provisions of
11 subdivision (e) shall prevail. Acquisition and construction of
12 facilities are not subject to the provisions of the Public Contract
13 Code, but shall be subject to facilities contracting policies and
14 procedures adopted by the Judicial Council after consultation and
15 review by the Department of Finance.

16 (c) Money in the State Court Facilities Construction Fund shall
17 only be used for either of the following:

18 (1) The planning, design, construction, rehabilitation, renovation,
19 replacement, leasing, or acquisition of court facilities, as defined
20 by subdivision (d) of Section 70301.

21 (2) The rehabilitation of one or more existing court facilities in
22 conjunction with the construction, acquisition, or financing of one
23 or more new court facilities.

24 (d) (1) Except as provided in Section 70374.2 and paragraph
25 (2) of this subdivision, 25 percent of all money collected for the
26 State Court Facilities Construction Fund from any county shall be
27 designated for implementation of trial court projects in that county.

28 The Judicial Council shall determine the local projects after
29 consulting with the trial court in that county and based on the
30 locally approved trial court facilities master plan for that county.

31 (2) Paragraph (1) shall not apply to money that has been
32 deposited in the Immediate and Critical Needs Account of the State
33 Court Facilities Construction Fund, established in Section 70371.5.

34 (e) The following provisions shall prevail over provisions of
35 the State Building Construction Act of 1955 (Part 10b
36 (commencing with Section 15800) of Division 3 of Title 2) in
37 regard to buildings subject to this section.

38 (1) The Administrative Office of the Courts shall be responsible
39 for the operation, including, but not limited to, the maintenance
40 and repair, of all court facilities whose title is held by the state.

1 Notwithstanding Section 15807, the operation of buildings under
2 this section shall be the responsibility of the Judicial Council.

3 (2) Notwithstanding Section 15808.1, the Judicial Council shall
4 have the responsibility for determining whether a building under
5 this act shall be located within or outside of an existing public
6 transit corridor.

7 (3) The buildings under this section are subject to Section
8 15814.12 concerning cogeneration and alternative energy sources
9 at the request of, or with the consent of, the Judicial Council. Any
10 building acquired by the state pursuant to this section on or before
11 July 1, 2007, is not subject to subdivision (b) of Section 15814.12
12 concerning acquiring of cogeneration or alternative energy
13 equipment if the building, when acquired, already had cogeneration
14 or alternative energy equipment. Section 15814.17 only applies to
15 buildings to which the Judicial Council has given its consent under
16 subdivision (a) of Section 15814.12.

17 ~~(f) The State Public Works Board may issue lease-revenue~~
18 ~~bonds, notes, or bond anticipation notes pursuant to Chapter 5~~
19 ~~(commencing with Section 15830) of Part 10b of Division 3 of~~
20 ~~Title 2 in an amount not to exceed five billion dollars~~
21 ~~(\$5,000,000,000) to finance the planning, design, construction,~~
22 ~~rehabilitation, renovation, replacement, leasing, or acquisition of~~
23 ~~court facilities. The Judicial Council shall make recommendations~~
24 ~~to the Governor and the Legislature for projects based on its~~
25 ~~determination that the need for a project is most immediate and~~
26 ~~critical using the then most recent version of the Prioritization~~
27 ~~Methodology for Trial Court Capital Outlay Projects originally~~
28 ~~adopted on August 26, 2006.~~

29 ~~(g) The State Public Works Board and the Judicial Council may~~
30 ~~obtain interim financing for the project costs authorized in~~
31 ~~subdivision (f) from any appropriate source, including, but not~~
32 ~~limited to, the Pooled Money Investment Account pursuant to~~
33 ~~Sections 16312 and 16313.~~

34 ~~(h) The Judicial Council is authorized and directed to execute~~
35 ~~and deliver any and all leases, contracts, agreements, or other~~
36 ~~documents necessary or advisable to consummate the sale of bonds~~
37 ~~or otherwise effectuate the financing of the projects authorized~~
38 ~~under subdivision (f).~~

39 ~~(i) The State Public Works Board may authorize the~~
40 ~~augmentation of the cost of construction of the projects authorized~~

~~1 under subdivision (f) pursuant to that board's authority under
2 Section 13332.11. In addition, the board may authorize any
3 additional amount necessary to establish a reasonable construction
4 reserve and to pay the cost of financing, including the payment of
5 interest during the design and construction of the projects, the costs
6 of financing a debt service fund, and the cost of issuance of
7 permanent financing for the projects. This additional amount may
8 include interest payable on any interim financing obtained. The
9 total bonded indebtedness authorized pursuant to this section shall
10 not exceed that amount for which fine and fee revenues may fully
11 satisfy the debt service.~~

~~12 (j) In the event that the bonds authorized for projects in
13 subdivision (f) are not sold, the Judicial Council shall commit a
14 sufficient portion of its current support appropriation, as determined
15 by the Department of Finance, to repay any interim financing. It
16 is the intent of the Legislature that this commitment be made until
17 all interim financing is repaid either through the proceeds of the
18 sale of bonds or from an appropriation.~~

~~19 (k) The State Public Works Board shall not itself be deemed a
20 lead or responsible agency for purposes of the California
21 Environmental Quality Act as set forth in Division 13 (commencing
22 with Section 21000) of the Public Resources Code for any activities
23 under the State Building Construction Act of 1955 as set forth in
24 Part 10b (commencing with Section 15800) of Division 3 of Title
25 2. This subdivision does not exempt the Judicial Council or any
26 other agency from the requirements of the California
27 Environmental Quality Act.~~

~~28 SEC. 8. Section 70375 of the Government Code is amended
29 to read:~~

~~30 70375. (a) This article shall take effect on January 1, 2003,
31 and the fund, penalty, and fee assessment established by this article
32 shall become operative on January 1, 2003, except as otherwise
33 provided in this article.~~

~~34 (b) In each county, the five-dollar (\$5) penalty amount
35 authorized by subdivision (a) of Section 70372 shall be reduced
36 by the amount collected for transmission to the state for inclusion
37 in the Transitional State Court Facilities Construction Fund
38 established pursuant to Section 70401 to the extent it is funded by
39 money from the local courthouse construction fund.~~

(c) The authority for all of the following shall expire proportionally on the June 30th following the date of transfer of responsibility for facilities from the county to the Judicial Council, except so long as money is needed to pay for construction provided for in those sections and undertaken prior to the transfer of responsibility for facilities from the county to the Judicial Council:

(1) An additional penalty for a local courthouse construction fund established pursuant to Section 76100.

(2) A filing fee surcharge in the County of Riverside established pursuant to Section 70622.

(3) A filing fee surcharge in the County of San Bernardino established pursuant to Section 70624.

(4) A filing fee surcharge in the City and County of San Francisco established pursuant to Section 70625.

(d) For purposes of subdivision (c), the term “proportionally” means that proportion of the fee or surcharge that shall expire upon the transfer of responsibility for a facility that is the same proportion as the square footage that facility bears to the total square footage of court facilities in that county.

SEC. 9. Section 70391 of the Government Code is amended to read:

70391. The Judicial Council, as the policymaking body for the judicial branch, shall have the following responsibilities and authorities with regard to court facilities, in addition to any other responsibilities or authorities established by law:

(a) Exercise full responsibility, jurisdiction, control, and authority as an owner would have over trial court facilities whose title is held by the state, including, but not limited to, the acquisition and development of facilities.

(b) Exercise the full range of policymaking authority over trial court facilities, including, but not limited to, planning, construction, acquisition, and operation, to the extent not expressly otherwise limited by law.

(c) Dispose of surplus court facilities following the transfer of responsibility under Article 3 (commencing with Section 70321), subject to all of the following:

(1) If the property was a court facility previously the responsibility of the county, the Judicial Council shall comply with the requirements of Section 11011, and as follows, except that, notwithstanding any other provision of law, the proportion

1 of the net proceeds that represents the proportion of other state
2 funds used on the property other than for operation and
3 maintenance shall be returned to the fund from which it came and
4 the remainder of the proceeds shall be deposited in the State Court
5 Facilities Construction Fund.

6 (2) The Judicial Council shall consult with the county
7 concerning the disposition of the facility. Notwithstanding any
8 other law, including Section 11011, when requested by the
9 transferring county, a surplus facility shall be offered to that county
10 at fair market value prior to being offered to any other state agency
11 or other local government agency.

12 (3) The Judicial Council shall consider whether the potential
13 new or planned use of the facility:

14 (A) Is compatible with the use of other adjacent public buildings.

15 (B) Unreasonably departs from the historic or local character
16 of the surrounding property or local community.

17 (C) Has a negative impact on the local community.

18 (D) Unreasonably interferes with other governmental agencies
19 that use or are located in or adjacent to the building containing the
20 court facility.

21 (E) Is of sufficient benefit to outweigh the public good in
22 maintaining it as a court facility or building.

23 (4) All funds received for disposal of surplus court facilities
24 shall be deposited by the Judicial Council in the State Court
25 Facilities Construction Fund.

26 (5) If the facility was acquired, rehabilitated, or constructed, in
27 whole or in part, with money in the State Court Facilities
28 Construction Fund that was deposited in that fund from the state
29 fund, any funds received for disposal of that facility shall be
30 apportioned to the state fund and the State Court Facilities
31 Construction Fund in the same proportion that the original cost of
32 the building was paid from the state fund and other sources of the
33 State Court Facilities Construction Fund.

34 (6) Submission of a plan to the Legislature for the disposition
35 of court facilities transferred to the state, prior to, or as part of, any
36 budget submission to fund a new courthouse that will replace the
37 existing court facilities transferred to the state.

38 (d) Conduct audits of all of the following:

39 (1) The collection of fees by the local courts.

(2) The money in local courthouse construction funds established pursuant to Section 76100.

~~(3) The collection of fees to be transmitted to the state for deposit in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5.~~

(e) Establish policies, procedures, and guidelines for ensuring that the courts have adequate and sufficient facilities, including, but not limited to, facilities planning, acquisition, construction, design, operation, and maintenance.

(f) Establish and consult with local project advisory groups on the construction of new trial court facilities, including the trial court, the county, *the local sheriff*, state agencies, bar groups, and members of the community. ~~Consultation with the local sheriff in design, planning, and construction shall include the physical layout of new facilities, as it relates to court security and other security considerations, including matters relating to the safe control and transport of in-custody defendants.~~

(g) Manage court facilities in consultation with the trial courts.

(h) Allocate appropriated funds for court facilities maintenance and construction, subject to the other provisions of this chapter.

(i) Manage shared-use facilities to the extent required by the agreement under Section 70343.

(j) Prepare funding requests for court facility construction, repair, and maintenance.

(k) Implement the design, bid, award, and construction of all court construction projects, except as delegated to others.

(l) Provide for capital outlay projects that may be built with funds appropriated or otherwise available for these purposes as follows:

(1) Approve five-year and master plans for each district.

(2) Establish priorities for construction.

(3) Recommend to the Governor and the Legislature the projects to be funded by the State Court Facilities Construction Fund.

(4) Submit the cost of projects proposed to be funded to the Department of Finance for inclusion in the Governor's Budget.

(m) In carrying out its responsibilities and authority under this section, the Judicial Council shall consult with the local court for:

(1) Selecting and contracting with facility consultants.

(2) Preparing and reviewing architectural programs and designs for court facilities.

1 (3) Preparing strategic master and five-year capital facilities
2 plans.

3 (4) Major maintenance of any facility.

4 ~~SEC. 9.~~

5 *SEC. 9.5.* Section 70603 of the Government Code is amended
6 to read:

7 70603. (a) Except as provided in this section, the fees charged
8 for filings and services under this chapter are intended to be
9 uniform statewide and to be the only allowable fees for those
10 services and filings. The only charges that may be added to the
11 fees in this chapter are the following:

12 (1) In a complex case, the fee provided for in Section 70616
13 may be added to the first paper and first responsive paper filing
14 fees in Sections 70611, 70612, 70613, and 70614.

15 (2) In an unlawful detainer action subject to Section 1161.2 of
16 the Code of Civil Procedure, a charge of fifteen dollars (\$15) as
17 provided under that section may be added to the fee in Section
18 70613 for filing a first appearance by a plaintiff.

19 (3) In Riverside County, a surcharge as provided in Section
20 70622 may be added to the first paper and first responsive paper
21 filing fees in Sections 70611, 70612, 70613, 70614, 70650, 70651,
22 70652, 70653, 70655, and 70670.

23 (4) In San Bernardino County, a surcharge as provided in
24 Section 70624 may be added to the first paper and first responsive
25 paper filing fees in Sections 70611, 70612, 70613, 70614, 70650,
26 70651, 70652, 70653, 70655, and 70670. This paragraph applies
27 to fees collected under Sections 70611, 70612, 70613, 70614,
28 70650, 70651, 70652, 70653, 70655, and 70670, beginning January
29 1, 2006.

30 (5) In the City and County of San Francisco, a surcharge as
31 provided in Section 70625 may be added to the first paper and first
32 responsive paper filing fees in Sections 70611, 70612, 70613,
33 70614, 70650, 70651, 70652, 70653, 70655, and 70670.

34 (b) Notwithstanding paragraph (1) of subdivision (c) of Section
35 68085.3 and paragraph (1) of subdivision (c) of Section 68085.4,
36 when a charge for courthouse construction in the County or City
37 and County of San Francisco, Riverside, or San Bernardino is
38 added to the uniform filing fee as provided under paragraph (3),
39 (4), or (5) of subdivision (a), the amount distributed to the State
40 Court Facilities Construction Fund under Section 68085.3 or

1 68085.4 shall be reduced by an amount equal to the charge added
2 under paragraph (3), (4), or (5) of subdivision (a), up to the amount
3 that would otherwise be distributed to the State Court Facilities
4 Construction Fund. If the amount added under paragraph (3), (4),
5 or (5) of subdivision (a) is greater than the amount that would be
6 distributed to the State Court Facilities Construction Fund under
7 Section 68085.3 or 68085.4, no distribution shall be made to the
8 State Court Facilities Construction Fund, but the amount charged
9 to the party may be greater than the amount of the uniform fee
10 otherwise allowed, in order to collect the surcharge under paragraph
11 (3), (4), or (5) of subdivision (a).

12 (c) If a filing fee is reduced by fifteen dollars (\$15) under
13 subdivision (c) of Section 6322.1 of the Business and Professions
14 Code, and a courthouse construction surcharge is added to the
15 filing fee as provided under paragraph (3), (4), or (5) of subdivision
16 (a), the amount distributed to the State Court Facilities Construction
17 Fund under Section 68085.4 shall be reduced as provided in
18 subdivision (b). If the amount added under paragraph (3), (4), or
19 (5) of subdivision (a) is greater than the amount that would be
20 distributed to the State Court Facilities Construction Fund under
21 Section 68085.4, no distribution shall be made to the State Court
22 Facilities Construction Fund, but the amount charged to the party
23 may be greater than one hundred ninety dollars (\$190), in order
24 to collect the surcharge under paragraph (3), (4), or (5) of
25 subdivision (a).

26 SEC. 10. Section 70611 of the Government Code is amended
27 to read:

28 70611. The uniform fee for filing the first paper in a civil action
29 or proceeding in the superior court, other than in a limited civil
30 case, an adoption proceeding, a proceeding under the Probate Code,
31 or a proceeding under the Family Code, is three hundred fifty-five
32 dollars (\$355). The fee shall be distributed as provided in Section
33 68085.3.

34 This section applies to the initial complaint, petition, or
35 application, and the papers transmitted from another court on the
36 transfer of a civil action or proceeding, but does not include
37 documents filed pursuant to Section 491.150, 704.750, or 708.160
38 of the Code of Civil Procedure.

39 SEC. 11. Section 70612 of the Government Code is amended
40 to read:

1 70612. (a) The uniform fee for filing the first paper in the
2 action or proceeding described in Section 70611 on behalf of any
3 defendant, intervenor, respondent, or adverse party, whether
4 separately or jointly, except for the purpose of making disclaimer,
5 is three hundred fifty-five dollars (\$355). The fee shall be
6 distributed as provided in Section 68085.3.

7 (b) As used in this section, the term “paper” does not include a
8 stipulation for the appointment of a temporary judge or of a court
9 investigator, or the report made by the court investigator.

10 SEC. 12. Section 70613 of the Government Code is amended
11 to read:

12 70613. (a) The uniform fee for filing the first paper in a limited
13 civil case is three hundred thirty dollars (\$330), except as provided
14 in subdivision (b).

15 (b) In a case where the amount demanded, excluding attorney’s
16 fees and costs, is ten thousand dollars (\$10,000) or less, the uniform
17 fee for filing the first paper is two hundred five dollars (\$205).
18 The first page of the first paper shall state whether the amount
19 demanded exceeds or does not exceed ten thousand dollars
20 (\$10,000).

21 (c) This section applies to the initial complaint, petition, or
22 application, and any papers transmitted from another court on the
23 transfer of a civil action or proceeding, but does not include
24 documents filed pursuant to Section 491.150, 704.750, or 708.160
25 of the Code of Civil Procedure.

26 (d) The fee for a paper filed under this section shall be
27 distributed as provided in Section 68085.4.

28 (e) The fee shall be waived in any action for damages against
29 a defendant, based upon the defendant’s commission of a felony
30 offense, upon presentation to the clerk of the court of a certified
31 copy of the abstract of judgment of conviction of the defendant of
32 the felony giving rise to the claim for damages. If the plaintiff
33 would have been entitled to recover those fees from the defendant
34 had they been paid, the court may assess the amount of the waived
35 fees against the defendant and order the defendant to pay that sum
36 to the court.

37 SEC. 13. Section 70614 of the Government Code is amended
38 to read:

39 70614. (a) The uniform fee for filing the first paper in a limited
40 civil case on behalf of any party other than a plaintiff is three

1 hundred thirty dollars (\$330), except as provided in subdivision
2 (b).

3 (b) In a case where the amount demanded, excluding attorney's
4 fees and costs, is ten thousand dollars (\$10,000) or less, the uniform
5 fee for filing the first paper is two hundred five dollars (\$205).

6 (c) The fees in this section do not apply to papers filed for the
7 purpose of making disclaimer.

8 (d) The fee for a paper filed under this section shall be
9 distributed as provided in Section 68085.4.

10 SEC. 14. Section 70621 of the Government Code is amended
11 to read:

12 70621. (a) (1) The fee for filing a notice of appeal to the
13 appellate division of the superior court in a limited civil case is
14 three hundred thirty dollars (\$330), except as provided in
15 subdivision (b).

16 (2) The fee for filing a petition for a writ within the original
17 jurisdiction of the appellate division of the superior court is three
18 hundred thirty dollars (\$330), except as provided in subdivision
19 (b).

20 (b) If the amount demanded in the limited civil case, excluding
21 attorney's fees and costs, is ten thousand dollars (\$10,000) or less,
22 the fee for filing a petition for a writ or a notice of appeal to the
23 appellate division of the superior court is two hundred five dollars
24 (\$205).

25 (c) The fees provided for in this section shall be distributed as
26 provided in Section 68085.4.

27 (d) The Judicial Council may make rules governing the time
28 and method of payment of the fees in this section and providing
29 for excuse.

30 SEC. 15. Section 70650 of the Government Code is amended
31 to read:

32 70650. (a) The uniform filing fee for the first petition for letters
33 of administration or letters testamentary, or the first petition for
34 special letters of administration with the powers of a general
35 personal representative pursuant to Section 8545 of the Probate
36 Code, is three hundred fifty-five dollars (\$355).

37 (b) The uniform filing fee for the first objections to the probate
38 of any will or codicil under Section 8250 of the Probate Code, or
39 the first petition for revocation of probate of any will or codicil
40 under Section 8270 of the Probate Code, is three hundred fifty-five

1 dollars (\$355). The uniform filing fee for the first petition for
2 special letters of administration without the powers of a general
3 personal representative is the fee provided in Section 70657.5.
4 Where objections to the probate of a will or codicil or a petition
5 for revocation of probate of a will or codicil are filed together with
6 a petition for appointment of a personal representative described
7 in subdivision (c) filed by the same person, only the fee provided
8 in subdivision (c) shall be charged to that person.

9 (c) A fee of three hundred fifty-five dollars (\$355) shall also be
10 charged for filing each subsequent petition or objections of a type
11 described in subdivision (a) in the same proceeding by a person
12 other than the original petitioner or contestant. The same fee as
13 provided in subdivision (b) shall be charged for filing each
14 subsequent petition or objections of a type described in that
15 subdivision in the same proceeding by a person other than the
16 original petitioner or contestant.

17 (d) Notwithstanding Section 70658.5, if a petition for special
18 letters of administration without the powers of a general personal
19 representative is filed together with a petition for appointment of
20 an administrator with general powers under subdivision (a) or (c)
21 by the same person, the person filing the petitions shall be charged
22 the applicable filing fees for both petitions.

23 (e) The first three hundred fifty-five dollars (\$355) of the filing
24 fee charged under this section shall be distributed as provided in
25 Section 68085.3. The remainder shall be distributed to the Trial
26 Court Trust Fund.

27 SEC. 16. Section 70651 of the Government Code is amended
28 to read:

29 70651. (a) The uniform filing fee for objections or any other
30 paper in opposition to a petition described in subdivision (a) of
31 Section 70650, other than a petition described in subdivision (c)
32 of Section 70650, is three hundred fifty-five dollars (\$355). If
33 objections or any other paper in opposition are filed together with
34 a petition described in subdivision (c) of Section 70650 by the
35 same person, only the fee provided in subdivision (c) of Section
36 70650 shall be charged to that person.

37 (b) The uniform filing fee charged under this section shall be
38 distributed as provided in Section 68085.3.

39 SEC. 17. Section 70652 of the Government Code is amended
40 to read:

1 70652. (a) The uniform filing fee for each petition concerning
2 the internal affairs of a trust under Chapter 3 (commencing with
3 Section 17200) of Part 5 of Division 9 of the Probate Code, or a
4 first account of a trustee of a testamentary trust that is subject to
5 the continuing jurisdiction of the court pursuant to Chapter 4
6 (commencing with Section 17300) of Part 5 of Division 9 of the
7 Probate Code, is three hundred fifty-five dollars (\$355).

8 (b) The uniform filing fee for each paper filed in opposition to
9 a petition or first account of a trustee of a testamentary trust under
10 subdivision (a) is three hundred fifty-five dollars (\$355).

11 (c) To avoid hardship, or for other good cause, the court may
12 direct the clerk of the court to refund all or any part of a filing fee
13 paid under this section.

14 (d) This section does not apply to petitions or opposition filed
15 concerning trusts created by court order under Article 10
16 (commencing with Section 2580) of Chapter 6 of Part 3 of Division
17 4 of the Probate Code, Article 1 (commencing with Section 3100)
18 of Chapter 3 of Part 6 of Division 4 of the Probate Code, Article
19 1 (commencing with Section 3600) of Chapter 4 of Part 8 of
20 Division 4 of the Probate Code.

21 SEC. 18. Section 70653 of the Government Code is amended
22 to read:

23 70653. (a) The uniform filing fee for a petition for appointment
24 of a conservator, a guardian of the estate, or a guardian of the
25 person and estate, pursuant to Division 4 (commencing with
26 Section 1400) of the Probate Code, is three hundred fifty-five
27 dollars (\$355).

28 (b) Except as provided in subdivision (f), the uniform filing fee
29 for objections or any other paper in opposition to a petition under
30 subdivision (a) or (d) is three hundred fifty-five dollars (\$355).

31 (c) If a competing petition for appointment of a guardian or
32 conservator subject to the fee under subdivision (a) is filed together
33 with opposition to the petition of another by the same person, the
34 person filing the competing petition and opposition shall be charged
35 a filing fee only for the competing petition.

36 (d) Notwithstanding Section 70658.5, if a petition for
37 appointment of a temporary guardian or conservator is filed
38 together with a petition for appointment of a guardian or
39 conservator under subdivision (a), or a competing petition under

1 subdivision (c) by the same person, the person filing the petitions
2 shall be charged the applicable filing fees for both petitions.

3 (e) The uniform filing fee charged under this section shall be
4 distributed as provided in Section 68085.3.

5 (f) No fee under this section shall be charged for objections or
6 any other paper in opposition filed by or on behalf of the proposed
7 conservatee, or the minor or a parent of the minor who is the
8 subject of a guardianship proceeding.

9 SEC. 19. Section 70654 of the Government Code is amended
10 to read:

11 70654. (a) The uniform filing fee for a petition for appointment
12 of a guardian of the person only, is two hundred five dollars (\$205).

13 (b) Except as provided in subdivision (e), the uniform filing fee
14 for objections or any other paper in opposition to a petition under
15 subdivision (a) is two hundred five dollars (\$205).

16 (c) If a competing petition for appointment of a guardian subject
17 to the fee under subdivision (a) is filed together with opposition
18 to the petition of another by the same person, the person filing the
19 competing petition and opposition shall be charged a filing fee
20 only for the competing petition.

21 (d) Notwithstanding Section 70658.5, if a petition for
22 appointment of a temporary guardian is filed together with a
23 petition for appointment of a guardian under subdivision (a), or a
24 competing petition under subdivision (c) by the same person, the
25 person filing the petitions shall be charged the applicable filing
26 fees for both petitions.

27 (e) No fee under this section shall be charged for objections or
28 any other paper in opposition filed by or on behalf of the minor or
29 a parent of the minor who is the subject of the proceeding.

30 (f) The uniform filing fee charged under this section shall be
31 distributed as provided in Section 68085.4.

32 (g) No other fees shall be charged for filing a paper under this
33 section in addition to the uniform filing fee provided for in this
34 section.

35 SEC. 20. Section 70655 of the Government Code is amended
36 to read:

37 70655. (a) The uniform filing fee for a petition that commences
38 any of the proceedings under the Probate Code listed in subdivision
39 (c) is three hundred fifty-five dollars (\$355).

1 (b) The uniform filing fee for objections or any other paper filed
2 in opposition to a petition under subdivision (a) is three hundred
3 fifty-five dollars (\$355).

4 (c) This section applies to petitions or opposition concerning
5 the following proceedings:

6 (1) A petition for compromise of a minor's claim pursuant to
7 Section 3600 of the Probate Code.

8 (2) A petition to determine succession to real property pursuant
9 to Section 13151 of the Probate Code.

10 (3) A spousal or domestic partnership property petition pursuant
11 to Section 13650 of the Probate Code, except as provided in Section
12 13652 of the Probate Code.

13 (4) A petition to establish the fact of death to determine title to
14 real property under Section 200 of the Probate Code.

15 (5) A petition for an order concerning a particular transaction
16 pursuant to Section 3100 of the Probate Code.

17 (6) A petition concerning capacity determination and health
18 care decision for an adult without conservator pursuant to Section
19 3200 of the Probate Code.

20 (7) A petition concerning an advance health care directive
21 pursuant to Section 4766 of the Probate Code.

22 (8) A petition concerning a power of attorney pursuant to Section
23 4541 of the Probate Code.

24 (9) A petition for approval, compromise, or settlement of claims
25 against a deceased settlor, or for allocation of amounts due between
26 trusts, pursuant to Section 19020 of the Probate Code.

27 (10) Any other petition that commences a proceeding under the
28 Probate Code not otherwise provided for in this article.

29 (d) The uniform filing fee charged under this section shall be
30 distributed as provided in Section 68085.3.

31 SEC. 21. Section 70656 of the Government Code is amended
32 to read:

33 70656. (a) The uniform filing fee for a petition requesting an
34 order setting aside a decedent's estate of small value pursuant to
35 Section 6602 of the Probate Code, if no estate proceeding is
36 pending for the decedent, is two hundred five dollars (\$205).

37 (b) The uniform filing fee for objections or any other paper filed
38 in opposition to a petition under subdivision (a) is two hundred
39 five dollars (\$205).

1 (c) If a petition or objections or any other paper in opposition
2 under this section is filed concurrently with a petition for
3 appointment of a personal representative described in Section
4 70650, the petitioner or objector shall be charged only for the filing
5 fee provided in Section 70650.

6 (d) The uniform filing fee charged under this section shall be
7 distributed as provided in Section 68085.4.

8 (e) Except as provided in subdivision (c), no other fee shall be
9 charged for filing a paper under this section in addition to the
10 uniform filing fee provided for in this section.

11 SEC. 22. Section 70657.5 of the Government Code is amended
12 to read:

13 70657.5. (a) The uniform fee for filing the following petitions
14 or applications, and objections or other opposition, is forty dollars
15 (\$40):

16 (1) Petitions or applications, or opposition, concerning the
17 internal affairs of a trust that are not subject to the filing fees
18 provided in Section 70650, 70651, or 70652.

19 (2) Petitions or applications, or objections, filed subsequent to
20 issuance of temporary letters of conservatorship or guardianship
21 or letters of conservatorship or guardianship that are not subject
22 to the filing fee provided in subdivision (a) of Section 70658.

23 (3) Petitions or applications, or objections, filed subsequent to
24 issuance of special letters of administration or letters testamentary
25 or of administration in decedent's estate proceedings that are not
26 subject to the filing fee provided in subdivision (a) of Section
27 70658.

28 (4) The first or subsequent petition for special letters of
29 administration without the powers of a general personal
30 representative.

31 (5) The first or subsequent petition for temporary letters of
32 conservatorship or guardianship.

33 (b) No fee is payable under this section for any of the following:

34 (1) A petition or opposition filed subsequent to issuance of
35 letters of temporary guardianship or letters of guardianship in a
36 guardianship described in Section 70654.

37 (2) A disclaimer of an interest in a decedent's estate.

38 SEC. 23. Section 70658 of the Government Code is amended
39 to read:

1 70658. (a) Except as provided in subdivision (c), the uniform
2 fee for filing a petition or application, or objections or any other
3 paper in opposition to a petition or application listed in this
4 subdivision, filed after issuance of letters testamentary, letters of
5 administration, letters of special administration to a personal
6 representative of a decedent's estate, or letters of guardianship or
7 conservatorship, or letters of temporary guardianship or
8 conservatorship to a guardian or conservator, is two hundred five
9 dollars (\$205). This section shall apply to the following petitions
10 or applications, or opposition:

11 (1) Petition or application for or opposition to an order directing,
12 authorizing, approving, or confirming the sale, lease, encumbrance,
13 grant of an option, purchase, conveyance, or exchange of property.

14 (2) Petition or application for or opposition to an order settling
15 an account of a fiduciary.

16 (3) Petition or application for or opposition to an order
17 authorizing, instructing, or directing a fiduciary, or approving or
18 confirming the acts of a fiduciary.

19 (4) Petition or application for or opposition to an order fixing,
20 authorizing, allowing, or directing payment of compensation or
21 expenses of an attorney.

22 (5) Petition or application for or opposition to an order fixing,
23 authorizing, allowing, or directing payment of compensation or
24 expenses of a fiduciary.

25 (6) Petition or application for or opposition to an order
26 surcharging or removing a fiduciary.

27 (7) Petition or application for or opposition to an order
28 transferring or authorizing the transfer of the property of an estate
29 to a fiduciary in another jurisdiction.

30 (8) Petition or application for or opposition to an order allowing
31 a fiduciary's request to resign.

32 (9) Petition or application for or opposition to an order
33 adjudicating the merits of a claim made under Part 19 (commencing
34 with Section 850) of Division 2 of the Probate Code.

35 (10) Petition or application for or opposition to an order granting
36 permission to fix the residence of a ward or conservatee at a place
37 not within this state.

38 (11) Petition or application for or opposition to an order
39 directing, authorizing, approving, or modifying payments for
40 support, maintenance, or education of a ward or conservatee or

1 for a person entitled to support, maintenance, or education from a
2 ward or conservatee.

3 (12) Petition or application for or opposition to an order granting
4 or denying a request under Section 2423, concerning payment of
5 surplus income to the relatives of a conservatee, or Section 2580,
6 concerning substituted judgment, of the Probate Code.

7 (13) Petition or application for or opposition to an order affecting
8 the legal capacity of a conservatee pursuant to Chapter 4
9 (commencing with Section 1870) of Part 3 of Division 4 of the
10 Probate Code.

11 (14) Petition or application for or opposition to an order
12 adjudicating the merits of a claim under Article 5 (commencing
13 with Section 2500) of Chapter 6 of Part 4 of Division 4 of the
14 Probate Code.

15 (b) The uniform fee in subdivision (a) shall be distributed as
16 provided in Section 68085.4. No other fee shall be charged for
17 filing a paper under this section in addition to the uniform filing
18 fee provided for in this section.

19 (c) The fee provided in this section shall not be charged for
20 filing any of the following papers:

21 (1) A petition or application, or opposition, in a guardianship
22 proceeding under Section 70654.

23 (2) A disclaimer of an interest in a decedent's estate.

24 SEC. 24. Section 70670 of the Government Code is amended
25 to read:

26 70670. (a) The uniform fee for filing the first paper in a
27 proceeding under the Family Code, other than a proceeding for
28 dissolution of marriage or domestic partnership, legal separation,
29 or nullity, is three hundred fifty-five dollars (\$355). The fee shall
30 be distributed as provided in Section 68085.3.

31 (b) The uniform fee for filing the first paper in a proceeding for
32 dissolution of marriage or domestic partnership, legal separation,
33 or nullity, is three hundred fifty-five dollars (\$355). The fee shall
34 be distributed as provided in Section 68085.3, except that two
35 dollars (\$2) of the funds that would otherwise be distributed to the
36 Trial Court Trust Fund shall be transmitted to the Treasurer for
37 deposit in the Health Statistics Special Fund.

38 (c) The uniform fee for filing the first paper in a proceeding
39 under subdivision (a) on behalf of any respondent, defendant,
40 intervenor, or adverse party, whether separately or jointly, is three

1 hundred fifty-five dollars (\$355). The fee shall be distributed as
2 provided in Section 68085.3.

3 (d) The uniform fee for filing the first paper in a proceeding
4 under subdivision (b) on behalf of any respondent, defendant,
5 intervenor, or adverse party, whether separately or jointly, is three
6 hundred fifty-five dollars (\$355). The fee shall be distributed as
7 provided in Section 68085.3.

8 (e) The fees in this section do not apply to papers filed for the
9 purpose of making a disclaimer.

10 SEC. 25. Section 103470 of the Health and Safety Code is
11 amended to read:

12 103470. The fee for filing the petition is two hundred five
13 dollars (\$205). This fee shall be distributed as provided in Section
14 68085.4 of the Government Code. The petition may be heard by
15 any judge hearing probate matters, or if a probate department has
16 been designated for hearing probate matters, the matter shall be
17 assigned to the probate department for hearing.

18 SEC. 26. Section 7660 of the Probate Code is amended to read:

19 7660. (a) If a public administrator takes possession or control
20 of an estate pursuant to this chapter, the public administrator may,
21 acting as personal representative of the estate, summarily dispose
22 of the estate in the manner provided in this article in either of the
23 following circumstances:

24 (1) The total value of the property in the decedent's estate does
25 not exceed the amount prescribed in Section 13100. The authority
26 provided by this paragraph may be exercised only upon order of
27 the court. The order may be made upon ex parte application. The
28 fee to be allowed to the clerk for the filing of the application is
29 two hundred five dollars (\$205). The authority for this summary
30 administration of the estate shall be evidenced by a court order for
31 summary disposition.

32 (2) The total value of the property in the decedent's estate does
33 not exceed thirty thousand dollars (\$30,000). The authority
34 provided by this paragraph may be exercised without court
35 authorization.

36 (A) A public administrator who is authorized to summarily
37 dispose of property of a decedent pursuant to this paragraph may
38 issue a written certification of Authority for Summary
39 Administration. The written certification is effective for 30 days
40 after the date of issuance.

1 (B) A financial institution, government or private agency,
2 retirement fund administrator, insurance company, licensed
3 securities dealer, or other person shall, without the necessity of
4 inquiring into the truth of the written certification of Authority for
5 Summary Administration and without court order or letters being
6 issued do all of the following:

7 (i) Provide the public administrator complete information
8 concerning any property held in the name of the decedent,
9 including the names and addresses of any beneficiaries or joint
10 owners.

11 (ii) Grant the public administrator access to a safe-deposit box
12 or storage facility rented in the name of the decedent for the
13 purpose of inspection and removal of property of the decedent.
14 Costs and expenses incurred in accessing a safe-deposit box or
15 storage facility shall be borne by the estate of the decedent.

16 (iii) Surrender to the public administrator any property of the
17 decedent that is held or controlled by the financial institution,
18 agency, retirement fund administrator, insurance company, licensed
19 securities dealer, or other person.

20 (C) Receipt by a financial institution, government or private
21 agency, retirement fund administrator, insurance company, licensed
22 securities dealer, or other person of the written certification
23 provided by this article shall do both of the following:

24 (i) Constitute sufficient acquittance for providing information
25 or granting access to a safe-deposit box or a storage facility and
26 for surrendering any property of the decedent.

27 (ii) Fully discharge the financial institution, government or
28 private agency, retirement fund administrator, insurance company,
29 licensed securities dealer, or other person from liability for any
30 act or omission of the public administrator with respect to the
31 property, a safe-deposit box, or a storage facility.

32 (b) Summary disposition may be made notwithstanding the
33 existence of the decedent's will, if the will does not name an
34 executor or if the named executor refuses to act.

35 (c) Nothing in this article precludes the public administrator
36 from filing a petition with the court under any other provision of
37 this code concerning the administration of the decedent's estate.

38 (d) Petitions filed pursuant to this article shall contain the
39 information required by Section 8002.

1 (e) If a public administrator takes possession or control of an
2 estate pursuant to this chapter, this article conveys the authority
3 of a personal representative as described in Section 9650 to the
4 public administrator to summarily dispose of the estates pursuant
5 to the procedures described in paragraphs (1) and (2) of subdivision
6 (a).

7 (f) The fee charged under paragraph (1) of subdivision (a) shall
8 be distributed as provided in Section 68085.4 of the Government
9 Code. When an application is filed under that paragraph, no other
10 fees shall be charged in addition to the uniform filing fee provided
11 for in Section 68085.4 of the Government Code.

12 SEC. 27. Section 42007.1 of the Vehicle Code is amended to
13 read:

14 42007.1. (a) The fee collected by the clerk pursuant to
15 subdivision (a) of Section 42007 shall be in an amount equal to
16 the total bail set forth for the eligible offense on the uniform
17 countywide bail schedule plus sixty-four dollars (\$64).

18 (b) Notwithstanding subdivision (b) of Section 42007, the
19 revenue from the sixty-four-dollar (\$64) fee collected under this
20 section shall be deposited in the county general fund. Sixty-two
21 and one-half percent of the amount collected under this section
22 and deposited into the county general fund shall be transmitted
23 therefrom monthly to the Controller for deposit in the Immediate
24 and Critical Needs Account of the State Court Facilities
25 Construction Fund, established in Section 70371.5 of the
26 Government Code.

27 SEC. 28. This act is an urgency statute necessary for the
28 immediate preservation of the public peace, health, or safety within
29 the meaning of Article IV of the Constitution and shall go into
30 immediate effect. The facts constituting the necessity are:

31 In order to meet the immediate and critical needs of California's
32 aging courthouses at the earliest possible time, it is necessary for
33 this act to take effect immediately.