

AMENDED IN SENATE MAY 31, 2001

AMENDED IN ASSEMBLY APRIL 16, 2001

AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 223

Introduced by Assembly Member Frommer

February 13, 2001

An act to amend Sections 425.10, 425.11, 489.220, 685.030, 720.160, 720.260, 877.6, 1013, 1134, 2026, and 2033.5 of the Code of Civil Procedure, to amend Section 915 of the Evidence Code, to amend Sections ~~15202, 68085~~, 68502.5, 68511.3, 72055, 77001, 77003, 77009, 77202, 77206, and 77212, ~~to add Section 77214 to, and to repeal Sections 26835.1, 26838, 26850.1, 26851.1, 26853.1, and~~ and to repeal Section 68113 of, the Government Code, and to amend Sections 1463.1, 4750, 4751, and 4753 of the Penal Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 223, as amended, Frommer. Evidence: depositions: forms: discovery.

Existing law sets forth the required contents of a civil complaint or cross-complaint, the right of a defendant to request a statement of the nature and amount of damages sought, the required amount of an undertaking to obtain a release of an attachment or a protective order, or to protect the rights of a 3rd-party creditor with regard to a writ of execution on a debtor's property.

This bill would make technical changes in these provisions and increase the required amount of those undertakings, as specified.

Existing law authorizes the clerk of a court to enter in the Register of Actions a writ of execution on a money judgment as wholly satisfied when no more than \$10 interest deficit exists in a limited civil case, as specified.

This bill would extend that authorization to all civil cases involving money judgments.

Existing law provides that a party may obtain discovery by taking an oral deposition in another state of the United States, or in a territory or an insular possession subject to its jurisdiction. The deposition must be conducted under the supervision of a person authorized to administer oaths by the laws of the United States or before a person appointed by the court.

This bill would authorize the clerk of the court to issue a commission authorizing the deposition in another state or place. The commission would be issued to any party in any action pending in its venue without a noticed motion or court order. The commission would contain such terms as are required by the foreign jurisdiction to initiate the process. If a court order is required by the foreign jurisdiction, an order for a commission would be authorized to be obtained by an ex parte application.

Existing law requires the Judicial Council to develop and approve official form interrogatories and requests for admission of the genuineness of any relevant documents or of the truth of any relevant matters of fact in any civil action in a state court based on personal injury, property damage, wrongful death, unlawful detainer, breach of contract, family law, or fraud.

This bill would *further* require the Judicial Council to develop and approve official form interrogatories and requests for admission for use in any other civil action in a state court as the Judicial Council deems appropriate.

Existing law generally provides that attorney work product is not discoverable unless the court determines the denial of discovery will unfairly prejudice the party seeking discovery, as specified. However, existing law also provides that any writing reflecting an attorney's impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances. Existing law relating to the assertion of privilege provides that the presiding officer may not require disclosure of information claimed to be privileged in order to rule on the claim. However, if a court is unable to rule on the validity of the assertion of certain specified privileges without requiring disclosure,



the court may require the disclosure of the information in chambers out of the presence and hearing of all persons except the person authorized to claim the protection and such other persons as the person authorized to claim the protection is willing to have present.

This bill would specify that a presiding officer may not require disclosure of attorney work product coming within the absolute prohibition in order to rule on a claim of privilege and would provide that other attorney work product may be disclosed pursuant to the above procedure in order to rule on such a claim.

Existing law requires each trial court to report to the Judicial Council on progress towards achieving specified cost reduction goals.

This bill would repeal that requirement.

Existing law specifies the total fee for filing a first paper in a limited civil case, and requires the amount of the demand to be stated on the first page of that paper, as specified.

This bill would revise the total fee for filing a first paper in a limited civil case, as specified, and would eliminate the requirement that the amount of the demand be stated on the first page of that paper.

Existing law provides that the Judicial Council shall establish by rule the Trial Court Budget Commission and may delegate certain budgetary activities and recommending authority to the Trial Court Budget Commission. Existing law also provides specific standards for the allocation ~~determination made~~ of moneys to individual courts proposed by the commission for approval by the Judicial Council. Existing law requires that each trial court send a copy of its budget request to the board of supervisors, and provides that the board of supervisors may comment on the budget to the Trial Court Budget Commission.

This bill would remove the statutory authorization for the Trial Court Budget Commission, *make corresponding changes*, and ~~repeal~~ delete the provision requiring the sending of a copy of a trial court budget request to the board of supervisors. This bill would also provide that the Judicial Council may seek input regarding budgetary activities as it deems appropriate, and expressly permit the consideration of other issues when making allocation determinations. This bill would repeal the statute requiring that each trial court send a copy of its budget request to the board of supervisors, and authorizing the board of supervisors to comment on the budget to the Trial Court Budget Commission.

~~Existing law contains a variety of provisions for coordinated courts. This bill would eliminate provisions involving coordinated courts.~~



~~Existing law provides for the payment to the counties by the state for the costs, including court costs, for homicide trials in small counties.~~

~~This bill would amend the provisions involving homicide trials to include court related costs to be divided between the county and the court, as specified.~~

Existing law provides generally for the state funding of trial courts. These provisions require the establishment of a decentralized system of trial court management, define court operations for funding purposes, require the board of supervisors in each county to establish a Trial Court Operations Fund in the county treasury, provide for an annual appropriation to the Judicial Council for general operations of trial courts, require the Judicial Council to adopt appropriate rules for budget submission and management and the reporting of revenues and expenditures by each trial court, and require the continuation by counties of certain services to the courts.

This bill would revise the requirements for decentralized trial court management systems, revise the procedures for the audit and review of Trial Court Operations Fund, revise the budget request procedures for the annual appropriation for trial court funding, and make corresponding changes in the definition of trial court operations.

Existing law provides for the payment to the counties by the state for the costs, including court costs, for trials involving inmates in state penal institutions.

This bill would amend the provisions involving inmate offenses by providing that the superior courts may be compensated directly by the state for court-related costs.

~~Existing law requires the payment of specified fees for document authentication, filing a motion prior to the filing of the record on appeal, filing and indexing papers for which a charge is not otherwise provided, recording, registering, or issuing any license or certificate, and taking an affidavit.~~

~~This bill would repeal the statutes requiring these fees.~~

~~Existing law establishes the Trial Court Trust Fund which is funded by fees charged by the court.~~

~~This bill would remove certain fees charged by the court from those used to fund the Trial Court Trust Fund.~~

~~This bill would authorize the Administrative Office of the Courts to offer services to the courts and, if the Judicial Council directs, require the courts to use these services.~~



Existing law provides that, with the prior approval of the county auditor, a municipal court may deposit into a bank account moneys that are deposited with the court as bail.

This bill would extend this provision to all trial courts, require prior approval of the administrative director of the courts rather than the county auditor, and provide for regulation of these accounts by the Judicial Council, as specified.

This bill would expressly authorize the Judicial Council to restrict or prohibit a trial court from transferring money from one program to another, to audit the trial courts, to establish and control separate funds, and to regulate, control, and manage all moneys collected by the trial courts.

Existing law requires the Judicial Council to prepare a form, containing specific required information disclosures, by which litigants to an action may claim financial hardship and be excused from paying certain fees.

This bill would remove from the form the disclosure of the litigant's date of birth.

This bill would also require that any specified costs, charged to the courts by the counties, be expressly stated and contain only items of court operations.

Existing law provides for a confession of judgment without an action, upon the payment of a specified fee and the filing of specified documents, that becomes the judgment roll.

This bill would increase the filing fee for a confession of judgment in limited civil cases, and revise the list of required documents that become the judgment roll.

Existing law provides that a settling party in certain actions may give notice of settlement to all parties and the court and that, within 25 days of the mailing of that notice, a nonsettling party may file a notice of motion to contest the good faith of the settlement.

This bill would shorten the time limitation for the nonsettling party to file a motion contesting the good faith of the settlement to 20 days, if the original notice of settlement was personally served.

Existing law provides that service by mail is completed at the time of deposit and that the period of notice and any required response to the service, or any right or duty based thereon, is extended 5 days if mailed to a destination within California, 10 days if the destination is within the United States but outside California, and 20 days if the destination is outside the United States.



This bill would specify that the applicable days for this period of notice are calendar days, and that these time extensions shall be determined based upon either the destination or the place of mailing, or both, as specified.

Vote: majority. 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 425.10 of the Code of Civil Procedure*
 2 *is amended to read:*

3 425.10. A complaint or cross-complaint shall contain both of
 4 the following:

5 (a) A statement of the facts constituting the cause of action, in
 6 ordinary and concise language.

7 (b) A demand for judgment for the relief to which the pleader
 8 claims to be entitled. If the recovery of money or damages ~~be is~~
 9 demanded, the amount ~~thereof~~ demanded shall be stated, unless
 10 the action is brought ~~in the superior court~~ to recover actual or
 11 punitive damages for personal injury or wrongful death, in which
 12 case the amount ~~thereof~~ demanded shall not be stated, ~~except in a~~
 13 ~~limited civil case~~ but the caption shall comply with Section 422.30.

14 SEC. 2. *Section 425.11 of the Code of Civil Procedure is*
 15 *amended to read:*

16 425.11. (a) As used in this section:

17 (1) “Complaint” includes a cross-complaint.

18 (2) “Plaintiff” includes a cross-complainant.

19 (3) “Defendant” includes a cross-defendant.

20 (b) When a complaint is filed in an action ~~in the superior court~~
 21 to recover damages for personal injury or wrongful death, the
 22 defendant may at any time request a statement setting forth the
 23 nature and amount of damages being sought, ~~except in a limited~~
 24 ~~civil case~~. The request shall be served upon the plaintiff, who shall
 25 serve a responsive statement as to the damages within 15 days. In
 26 the event that a response is not served, the ~~party~~ defendant, on
 27 notice to the plaintiff, may petition the court in which the action
 28 is pending to order the plaintiff to serve a responsive statement.

29 (c) If no request is made for the statement referred to in
 30 subdivision (a), the plaintiff shall serve the statement on the
 31 defendant before a default may be taken.



1 (d) The statement referred to in subdivision (b) shall be served
2 in the following manner:

3 (1) If a party has not appeared in the action, the statement shall
4 be served in the same manner as a summons.

5 (2) If a party has appeared in the action, the statement shall be
6 served upon ~~his or her~~ *the party's* attorney, or upon the party if ~~he~~
7 ~~or she~~ *the party* has appeared without an attorney, in the manner
8 provided for service of a summons or in the manner provided by
9 Chapter 5 (commencing with Section 1010) of Title 14 of Part 2.

10 (e) The statement referred to in subdivision (b) may be
11 combined with the statement described in Section 425.115.

12 *SEC. 3. Section 489.220 of the Code of Civil Procedure is*
13 *amended to read:*

14 489.220. (a) Except as provided in subdivision (b), the
15 amount of an undertaking filed pursuant to this article shall be ~~two~~
16 ~~thousand five hundred dollars (\$2,500) in a limited civil case, and~~
17 ~~seven thousand five hundred dollars (\$7,500) otherwise~~ *ten*
18 *thousand dollars (\$10,000).*

19 (b) If, upon objection to the undertaking, the court determines
20 that the probable recovery for wrongful attachment exceeds the
21 amount of the undertaking, it shall order the amount of the
22 undertaking increased to the amount it determines to be the
23 probable recovery for wrongful attachment if it is ultimately
24 determined that the attachment was wrongful.

25 *SEC. 4. Section 685.030 of the Code of Civil Procedure is*
26 *amended to read:*

27 685.030. (a) If a money judgment is satisfied in full pursuant
28 to a writ under this title, interest ceases to accrue on the judgment:

29 (1) If the proceeds of collection are paid in a lump sum, on the
30 date of levy.

31 (2) If the money judgment is satisfied pursuant to an earnings
32 withholding order, on the date and in the manner provided in
33 Section 706.024 or Section 706.028.

34 (3) In any other case, on the date the proceeds of sale or
35 collection are actually received by the levying officer.

36 (b) If a money judgment is satisfied in full other than pursuant
37 to a writ under this title, interest ceases to accrue on the date the
38 judgment is satisfied in full.



1 (c) If a money judgment is partially satisfied pursuant to a writ
2 under this title or is otherwise partially satisfied, interest ceases to
3 accrue as to the part satisfied on the date the part is satisfied.

4 (d) For the purposes of subdivisions (b) and (c), the date a
5 money judgment is satisfied in full or in part is the earliest of the
6 following times:

7 (1) The date satisfaction is actually received by the judgment
8 creditor.

9 (2) The date satisfaction is tendered to the judgment creditor or
10 deposited in court for the judgment creditor.

11 (3) The date of any other performance that has the effect of
12 satisfaction.

13 (e) ~~In a limited civil case, the~~ The clerk of a court may enter in
14 the Register of Actions a writ of execution on a money judgment
15 as returned wholly satisfied when the judgment amount, as
16 specified on the writ, is fully collected and only an interest deficit
17 of no more than ten dollars (\$10) exists, due to automation of the
18 continual daily interest accrual calculation.

19 *SEC. 5. Section 720.160 of the Code of Civil Procedure is*
20 *amended to read:*

21 720.160. (a) If the creditor files with the levying officer an
22 undertaking that satisfies the requirements of this section within
23 the time allowed under subdivision (b) of Section 720.140:

24 (1) The levying officer shall execute the writ in the manner
25 provided by law unless the third person files an undertaking to
26 release the property pursuant to Chapter 6 (commencing with
27 Section 720.610).

28 (2) After sale, payment, or delivery of the property pursuant to
29 the writ, the property is free of all claims of the third person for
30 which the creditor has given the undertaking.

31 (b) Subject to Sections 720.770 and 996.010, unless the
32 creditor elects to file an undertaking in a larger amount, the amount
33 of the undertaking filed by the creditor under this section shall be
34 in the amount of:

35 ~~(1) Except as provided in paragraph (2), seven thousand five~~
36 ~~hundred dollars (\$7,500), or twice the amount of the execution lien~~
37 ~~as of the date of levy or other enforcement lien as of the date it was~~
38 ~~created, whichever is the lesser amount.~~

39 ~~(2) In a limited civil case, two thousand five hundred dollars~~
40 ~~(\$2,500) ten thousand dollars (\$10,000), or twice the amount of~~



1 the execution lien as of the date of levy or other enforcement lien
2 as of the date it was created, whichever is the lesser amount.

3 (c) An undertaking given by the creditor under this chapter
4 shall:

5 (1) Be made in favor of the third person.

6 (2) Indemnify the third person against any loss, liability,
7 damages, costs, and attorney’s fees, incurred by reason of the
8 enforcement proceedings.

9 (3) Be conditioned on a final judgment that the third person
10 owns or has the right of possession of the property.

11 (d) If the creditor is a public entity exempt from giving an
12 undertaking, the public entity shall, in lieu of filing the
13 undertaking, file with the levying officer a notice stating that the
14 public entity opposes the claim of the third person. When so filed,
15 the notice is deemed to satisfy the requirement of this section that
16 an undertaking be filed.

17 *SEC. 6. Section 720.260 of the Code of Civil Procedure is*
18 *amended to read:*

19 720.260. (a) If the creditor within the time allowed under
20 subdivision (b) of Section 720.240 either files with the levying
21 officer an undertaking that satisfies the requirements of this
22 section and a statement that satisfies the requirements of Section
23 720.280 or makes a deposit with the levying officer of the amount
24 claimed under Section 720.230:

25 (1) The levying officer shall execute the writ in the manner
26 provided by law unless, in a case where the creditor has filed an
27 undertaking, the secured party or lienholder files an undertaking
28 to release the property pursuant to Chapter 6 (commencing with
29 Section 720.610).

30 (2) After sale, payment, or delivery of the property pursuant to
31 the writ, the property is free of all claims or liens of the secured
32 party or lienholder for which the creditor has given the
33 undertaking or made the deposit.

34 (b) Subject to Sections 720.770 and 996.010, unless the
35 creditor elects to file an undertaking in a larger amount, the amount
36 of the undertaking filed by the creditor under this section shall be
37 in the amount of:

38 ~~(1) Except as provided in paragraph (2), seven thousand five~~
39 ~~hundred dollars (\$7,500), or twice the amount of the execution lien~~



1 as of the date of levy or other enforcement lien as of the date it was
2 created, whichever is the lesser amount.

3 (2) ~~In a limited civil case, two thousand five hundred dollars~~
4 ~~(\$2,500), ten thousand dollars (\$10,000)~~ or twice the amount of
5 the execution lien as of the date of levy or other enforcement lien
6 as of the date it was created, whichever is the lesser amount.

7 (c) An undertaking given by the creditor under this chapter
8 shall:

9 (1) Be made in favor of the secured party or lienholder.

10 (2) Indemnify the secured party or lienholder against any loss,
11 liability, damages, costs, and attorney’s fees, incurred by reason of
12 the enforcement proceedings.

13 (3) Be conditioned on a final judgment that the security interest
14 or lien of the third person is entitled to priority over the creditor’s
15 lien.

16 (d) If the creditor is a public entity exempt from giving an
17 undertaking, the public entity shall, in lieu of filing the
18 undertaking, file with the levying officer a notice stating that the
19 public entity opposes the claim of the third person. When so filed,
20 the notice is deemed to satisfy the requirement of this section that
21 an undertaking be filed.

22 *SEC. 7. Section 877.6 of the Code of Civil Procedure is*
23 *amended to read:*

24 877.6. (a) (1) Any party to an action in which it is alleged
25 that two or more parties are joint tortfeasors or co-obligors on a
26 contract debt shall be entitled to a hearing on the issue of the good
27 faith of a settlement entered into by the plaintiff or other claimant
28 and one or more alleged tortfeasors or co-obligors, upon giving
29 notice in the manner provided in subdivision (b) of Section 1005.
30 Upon a showing of good cause, the court may shorten the time for
31 giving the required notice to permit the determination of the issue
32 to be made before the commencement of the trial of the action, or
33 before the verdict or judgment if settlement is made after the trial
34 has commenced.

35 (2) In the alternative, a settling party may give notice of
36 settlement to all parties and to the court, together with an
37 application for determination of good faith settlement and a
38 proposed order. The application shall indicate the settling parties,
39 and the basis, terms, and amount of the settlement. The notice,
40 application, and proposed order shall be given by certified mail,



1 return receipt requested. Proof of service shall be filed with the
2 court. Within 25 days of the mailing of the notice, application, and
3 proposed order, *or within 20 days of personal service*, a nonsettling
4 party may file a notice of motion to contest the good faith of the
5 settlement. If none of the nonsettling parties files a motion within
6 25 days of mailing of the notice, application, and proposed order,
7 *or within 20 days of personal service*, the court may approve the
8 settlement. The notice by a nonsettling party shall be given in the
9 manner provided in subdivision (b) of Section 1005. However, this
10 paragraph shall not apply to settlements in which a confidentiality
11 agreement has been entered into regarding the case or the terms of
12 the settlement.

13 (b) The issue of the good faith of a settlement may be
14 determined by the court on the basis of affidavits served with the
15 notice of hearing, and any counteraffidavits filed in response, or
16 the court may, in its discretion, receive other evidence at the
17 hearing.

18 (c) A determination by the court that the settlement was made
19 in good faith shall bar any other joint tortfeasor or co-obligor from
20 any further claims against the settling tortfeasor or co-obligor for
21 equitable comparative contribution, or partial or comparative
22 indemnity, based on comparative negligence or comparative fault.

23 (d) The party asserting the lack of good faith shall have the
24 burden of proof on that issue.

25 (e) When a determination of the good faith or lack of good faith
26 of a settlement is made, any party aggrieved by the determination
27 may petition the proper court to review the determination by writ
28 of mandate. The petition for writ of mandate shall be filed within
29 20 days after service of written notice of the determination, or
30 within any additional time not exceeding 20 days as the trial court
31 may allow.

32 (1) The court shall, within 30 days of the receipt of all materials
33 to be filed by the parties, determine whether or not the court will
34 hear the writ and notify the parties of its determination.

35 (2) If the court grants a hearing on the writ, the hearing shall be
36 given special precedence over all other civil matters on the
37 calendar of the court except those matters to which equal or greater
38 precedence on the calendar is granted by law.

39 (3) The running of any period of time after which an action
40 would be subject to dismissal pursuant to the applicable provisions



1 of Chapter 1.5 (commencing with Section 583.110) of Title 8 of
2 Part 2 shall be tolled during the period of review of a determination
3 pursuant to this subdivision.

4 *SEC. 8. Section 1013 of the Code of Civil Procedure is*
5 *amended to read:*

6 1013. (a) In case of service by mail, the notice or other paper
7 ~~must~~ shall be deposited in a post office, mailbox, subpost office,
8 substation, or mail chute, or other like facility regularly
9 maintained by the United States Postal Service, in a sealed
10 envelope, with postage paid, addressed to the person on whom it
11 is to be served, at the office address as last given by that person on
12 any document filed in the cause and served on the party making
13 service by mail; otherwise at that party's place of residence. The
14 service is complete at the time of the deposit, but any period of
15 notice and any right or duty to do any act or make any response
16 within any period or on a date certain after the service of the
17 document, which time period or date is prescribed by statute or
18 rule of court, shall be extended five *calendar* days, upon service
19 by mail, if the place of address *and the place of mailing* is within
20 the State of California, 10 *calendar* days if *either the place of*
21 *mailing or* the place of address is outside the State of California but
22 within the United States, and 20 *calendar* days if *either the place*
23 *of mailing or* the place of address is outside the United States, but
24 the extension shall not apply to extend the time for filing notice of
25 intention to move for new trial, notice of intention to move to
26 vacate judgment pursuant to Section 663a, or notice of appeal.
27 This extension applies in the absence of a specific exception
28 provided for by this section or other statute or rule of court.

29 (b) The copy of the notice or other paper served by mail
30 pursuant to this chapter shall bear a notation of the date and place
31 of mailing or be accompanied by an unsigned copy of the affidavit
32 or certificate of mailing.

33 (c) In case of service by Express Mail, the notice or other paper
34 must be deposited in a post office, mailbox, subpost office,
35 substation, or mail chute, or other like facility regularly
36 maintained by the United States Postal Service for receipt of
37 Express Mail, in a sealed envelope, with Express Mail postage
38 paid, addressed to the person on whom it is to be served, at the
39 office address as last given by that person on any document filed
40 in the cause and served on the party making service by Express



1 Mail; otherwise at that party's place of residence. In case of service
2 by another method of delivery providing for overnight delivery,
3 the notice or other paper must be deposited in a box or other facility
4 regularly maintained by the express service carrier, or delivered to
5 an authorized courier or driver authorized by the express service
6 carrier to receive documents, in an envelope or package designated
7 by the express service carrier with delivery fees paid or provided
8 for, addressed to the person on whom it is to be served, at the office
9 address as last given by that person on any document filed in the
10 cause and served on the party making service; otherwise at that
11 party's place of residence. The service is complete at the time of
12 the deposit, but any period of notice and any right or duty to do any
13 act or make any response within any period or on a date certain
14 after the service of the document served by Express Mail or other
15 method of delivery providing for overnight delivery shall be
16 extended by two court days, but the extension shall not apply to
17 extend the time for filing notice of intention to move for new trial,
18 notice of intention to move to vacate judgment pursuant to Section
19 663a, or notice of appeal. This extension applies in the absence of
20 a specific exception provided for by this section or other statute or
21 rule of court.

22 (d) The copy of the notice or other paper served by Express
23 Mail or another means of delivery providing for overnight delivery
24 pursuant to this chapter shall bear a notation of the date and place
25 of deposit or be accompanied by an unsigned copy of the affidavit
26 or certificate of deposit.

27 (e) Service by facsimile transmission shall be permitted only
28 where the parties agree and a written confirmation of that
29 agreement is made. The Judicial Council may adopt rules
30 implementing the service of documents by facsimile transmission
31 and may provide a form for the confirmation of the agreement
32 required by this subdivision. In case of service by facsimile
33 transmission, the notice or other paper must be transmitted to a
34 facsimile machine maintained by the person on whom it is served
35 at the facsimile machine telephone number as last given by that
36 person on any document which he or she has filed in the cause and
37 served on the party making the service. The service is complete at
38 the time of transmission, but any period of notice and any right or
39 duty to do any act or make any response within any period or on
40 a date certain after the service of the document, which time period



1 or date is prescribed by statute or rule of court, shall be extended,
2 after service by facsimile transmission, by two court days, but the
3 extension shall not apply to extend the time for filing notice of
4 intention to move for new trial, notice of intention to move to
5 vacate judgment pursuant to Section 663a, or notice of appeal.
6 This extension applies in the absence of a specific exception
7 provided for by this section or other statute or rule of court.

8 (f) The copy of the notice or other paper served by facsimile
9 transmission pursuant to this chapter shall bear a notation of the
10 date and place of transmission and the facsimile telephone number
11 to which transmitted or be accompanied by an unsigned copy of
12 the affidavit or certificate of transmission which shall contain the
13 facsimile telephone number to which the notice or other paper was
14 transmitted.

15 (g) Subdivisions (b), (d), and (f) are directory.

16 *SEC. 9. Section 1134 of the Code of Civil Procedure is*
17 *amended to read:*

18 1134. ~~In all courts the~~ (a) *The statement must required by*
19 *Section 1133 shall be filed with the clerk of the court in which the*
20 *judgment is to be entered, who must endorse upon it, and enter a*
21 *judgment of the court for the amount confessed with the costs*
22 ~~hereinafter set forth provided in subdivision (b). At~~

23 (b) *At the time of filing, the plaintiff shall pay as court costs that*
24 *shall become a part of the judgment the following fees: a fee of*
25 *fifteen dollars (\$15) or in a limited civil case ten dollars (\$10). No*
26 *fee shall be collected from the defendant. No fee shall be paid by*
27 *the clerk of the court in which a confession of judgment is filed for*
28 *the law library fund nor for services of any court reporter. The*

29 (c) *The statement and affidavit, with the judgment endorsed*
30 *thereon, together with the certificate filed pursuant to Section*
31 *1132, becomes the judgment roll.*

32 *SEC. 10. Section 2026 of the Code of Civil Procedure is*
33 *amended to read:*

34 2026. (a) Any party may obtain discovery by taking an oral
35 deposition, as described in subdivision (a) of Section 2025, in
36 another state of the United States, or in a territory or an insular
37 possession subject to its jurisdiction. Except as modified in this
38 section, the procedures for taking oral depositions in California set
39 forth in Section 2025 apply to an oral deposition taken in another



1 state of the United States, or in a territory or an insular possession
2 subject to its jurisdiction.

3 (b) (1) If a deponent is a party to the action or an officer,
4 director, managing agent, or employee of a party, the service of the
5 deposition notice is effective to compel that deponent to attend and
6 to testify, as well as to produce any document or tangible thing for
7 inspection and copying. The deposition notice shall specify a place
8 in the state, territory, or insular possession of the United States that
9 is within 75 miles of the residence or a business office of a
10 deponent.

11 (2) If the deponent is not a party to the action or an officer,
12 director, managing agent, or employee of a party, a party serving
13 a deposition notice under this section shall use any process and
14 procedures required and available under the laws of the state,
15 territory, or insular possession where the deposition is to be taken
16 to compel the deponent to attend and to testify, as well as to
17 produce any document or tangible thing for inspection, copying,
18 and any related activity.

19 (c) A deposition taken under this section shall be conducted (1)
20 under the supervision of a person who is authorized to administer
21 oaths by the laws of the United States or those of the place where
22 the examination is to be held, and who is not otherwise disqualified
23 under subdivision (k) and subparagraph (B) of paragraph (2) of
24 subdivision (l) of Section 2025, or (2) before a person appointed
25 by the court. This appointment is effective to authorize that person
26 to administer oaths and to take testimony. On request, the clerk of
27 the court shall issue a commission authorizing the deposition in
28 another state or place. The commission shall request that process
29 issue in the place where the examination is to be held, requiring
30 attendance and enforcing the obligations of the deponents to
31 produce documents and answer questions. The commission shall
32 be issued by the clerk to any party in any action pending in its
33 venue without a noticed motion or court order. The commission
34 may contain such terms as are required by the foreign jurisdiction
35 to initiate the process. If a court order is required by the foreign
36 jurisdiction, an order for a commission may be obtained by ex
37 parte application.

38 ~~SEC. 2.~~

39 *SEC. 11.* Section 2033.5 of the Code of Civil Procedure is
40 amended to read:



1 2033.5. (a) The Judicial Council shall develop and approve
 2 official form interrogatories and requests for admission of the
 3 genuineness of any relevant documents or of the truth of any
 4 relevant matters of fact for use in any civil action in a state court
 5 based on personal injury, property damage, wrongful death,
 6 unlawful detainer, breach of contract, family law, or fraud and for
 7 any other civil actions the Judicial Council deems appropriate. Use
 8 of the approved form interrogatories and requests for admission
 9 shall be optional.

10 (b) In developing the form interrogatories and requests for
 11 admission required by this section, the Judicial Council shall
 12 consult with a representative advisory committee which shall
 13 include, but not be limited to, representatives of the plaintiff’s bar,
 14 the defense bar, the public interest bar, court administrators, and
 15 the public. The form interrogatories and requests for admission
 16 shall be drafted in nontechnical language and shall be made
 17 available through the office of the clerk of the appropriate trial
 18 court.

19 (c) The Judicial Council also shall promulgate any necessary
 20 rules to govern the use of the form interrogatories and requests for
 21 admission.

22 (d) The Judicial Council shall develop and approve official
 23 form interrogatories for use by a victim who has not received
 24 complete payment of a restitution order made pursuant to Section
 25 1202.4 of the Penal Code.

26 (e) Notwithstanding whether a victim initiates or maintains an
 27 action to satisfy the unpaid restitution order, a victim may
 28 propound the form interrogatories approved pursuant to this
 29 section once each calendar year. The defendant subject to the
 30 restitution order shall, in responding to the interrogatories
 31 propounded, provide current information regarding the nature,
 32 extent, and location of any assets, income, and liabilities in which
 33 the defendant claims a present or future interest.

34 (f) This section shall become operative on January 1, 2000.

35 ~~SEC. 3.~~

36 *SEC. 12.* Section 915 of the Evidence Code is amended to
 37 read:

38 915. (a) Subject to subdivision (b), the presiding officer may
 39 not require disclosure of information claimed to be privileged
 40 under this division or attorney work product under subdivision (c)



1 of Section 2018 of the Code of Civil Procedure in order to rule on
2 the claim of privilege; provided, however, that in any hearing
3 conducted pursuant to subdivision (c) of Section 1524 of the Penal
4 Code in which a claim of privilege is made and the court
5 determines that there is no other feasible means to rule on the
6 validity of such claim other than to require disclosure, the court
7 shall proceed in accordance with subdivision (b).

8 (b) When a court is ruling on a claim of privilege under Article
9 9 (commencing with Section 1040) of Chapter 4 (official
10 information and identity of informer) or under Section 1060 (trade
11 secret) or under subdivision (b) of Section 2018 of the Code of
12 Civil Procedure (attorney work product) and is unable to do so
13 without requiring disclosure of the information claimed to be
14 privileged, the court may require the person from whom disclosure
15 is sought or the person authorized to claim the privilege, or both,
16 to disclose the information in chambers out of the presence and
17 hearing of all persons except the person authorized to claim the
18 privilege and such other persons as the person authorized to claim
19 the privilege is willing to have present. If the judge determines that
20 the information is privileged, neither he nor any other person may
21 ever disclose, without the consent of a person authorized to permit
22 disclosure, what was disclosed in the course of the proceedings in
23 chambers.

24 ~~SEC. 4. Section 15202 of the Government Code, as added by~~
25 ~~Section 12 of Chapter 127 of the Statutes of 2000, is amended to~~
26 ~~read:~~

27 ~~15202. (a) A county with a population of 300,000 or less, at~~
28 ~~the time of the 1980 decennial census, that is responsible for the~~
29 ~~cost of a trial or trials or any hearing of a person for the offense of~~
30 ~~homicide may apply to the Controller for reimbursement of 90~~
31 ~~percent of the costs incurred by the county for each homicide trial~~
32 ~~or hearing, without regard to fiscal years, in excess of the amount~~
33 ~~of money derived by the county from a tax of 0.00625 of 1 percent~~
34 ~~of the full value of property assessed for purposes of taxation~~
35 ~~within the county.~~

36 ~~(b) (1) A county with a population of 200,000 or less, as of~~
37 ~~January 1, 1990, that is responsible for the cost of two or more~~
38 ~~trials or hearings within a fiscal year of a person or persons for the~~
39 ~~offense of homicide may apply to the Controller for~~
40 ~~reimbursement of 90 percent of the costs incurred in a fiscal year~~



1 by the county for the conduct of the first trial within a fiscal year,
2 and 85 percent of the costs incurred in a fiscal year by the county
3 for the conduct of any and all subsequent trials or hearings in
4 excess of the amount of money derived by the county from a tax
5 of 0.00625 of 1 percent of the full value of property assessed for
6 purposes of taxation within the county.

7 ~~(2) A county with a population of 200,000 or less, as of January~~
8 ~~1, 1990, that, within a fiscal year, is reimbursed for costs incurred~~
9 ~~by the county for the conduct of only one trial or hearing pursuant~~
10 ~~to subdivision (a) shall be reimbursed for that one trial or hearing~~
11 ~~in subsequent fiscal years for costs incurred in those subsequent~~
12 ~~fiscal years without again being required to expend county funds~~
13 ~~equal to 0.00625 of 1 percent of the full value of property assessed~~
14 ~~for purposes of taxation within the county, so long as all~~
15 ~~reimbursements to the county under this paragraph are for only~~
16 ~~that one trial or hearing.~~

17 For purposes of this subdivision, in determining the costs of a
18 homicide trial, trials, hearing, or hearings, the costs shall include,
19 all pretrial, trial, and posttrial costs incurred in connection with the
20 investigation, prosecution, and defense of a homicide case or cases
21 within a fiscal year, including, but not limited to, the costs incurred
22 by the district attorney, sheriff, public defender, and witnesses, that
23 were reasonably required by the court and participants in the case
24 or cases, and other extraordinary costs associated with the
25 investigation in homicide cases.

26 ~~(c) A county with a population exceeding 300,000 at the time~~
27 ~~of the 1980 decennial census that is responsible for the cost of a~~
28 ~~trial or trials or any hearing of a person for the offense of homicide~~
29 ~~may apply to the Controller for reimbursement of 80 percent of the~~
30 ~~costs incurred by the county in excess of the amount of money~~
31 ~~derived by the county from a tax of 0.00625 of 1 percent, and not~~
32 ~~in excess of the amount of money derived from a tax of 0.0125 of~~
33 ~~1 percent, and for reimbursement of 100 percent of the costs~~
34 ~~incurred in excess of the amount of money derived from a tax of~~
35 ~~0.0125 percent, of the full value of property assessed for purposes~~
36 ~~of taxation within the county.~~

37 ~~(d) A county that is eligible for reimbursement under~~
38 ~~subdivision (a), (b), or (c) shall be reimbursed for the total actual~~
39 ~~costs incurred for a homicide trial in excess of the amount of~~
40 ~~money derived by the county from a tax of 0.0125 of 1 percent of~~



1 the full value of property assessed for purposes of taxation within
2 the county, when the cost of a trial, as defined in subdivision (a),
3 (b), or (c), exceeds 0.0125 of 1 percent of the full value of property
4 assessed for purposes of taxation within the county.

5 ~~(e) The Controller shall not reimburse any county for costs that~~
6 ~~exceed the standards for travel and per diem expenses set forth in~~
7 ~~Sections 700 to 715, inclusive, and Section 718 of Title 2 of the~~
8 ~~California Code of Regulations. The Controller may reimburse~~
9 ~~extraordinary costs in unusual cases if the county provides~~
10 ~~sufficient justification of the need for these expenditures. Nothing~~
11 ~~in this section shall permit the reimbursement of costs for travel in~~
12 ~~excess of 1,000 miles on any single round trip, without the prior~~
13 ~~approval of the Attorney General.~~

14 ~~(f) The Legislature recognizes that the conduct of trials for~~
15 ~~persons accused of homicide should not be hampered or delayed~~
16 ~~because of a lack of funds available to the counties for that~~
17 ~~purpose. While this section is intended to provide an equitable~~
18 ~~basis for determining the allocation to the state of the costs of~~
19 ~~homicide trials in any particular county, the rising costs of those~~
20 ~~trials necessitate an objective study to assure reasonable financial~~
21 ~~restraints and incentives for cost effectiveness that do not place an~~
22 ~~unreasonable burden on the treasury of the smaller counties.~~

23 ~~(g) For purposes of this section, county costs include any~~
24 ~~court-related costs. The county shall ask the superior court how~~
25 ~~much court-related costs were incurred by the court and shall~~
26 ~~include these costs in its application. The amount of any~~
27 ~~reimbursement shall be divided between the court and the county~~
28 ~~in the proportion in which the total costs in the application are~~
29 ~~divided between the court and the county.~~

30 ~~(h) This section shall remain operative only until January 1,~~
31 ~~2005, and as of that date is repealed.~~

32 ~~SEC. 5.—Section 15202 of the Government Code, as added by~~
33 ~~Section 11 of Chapter 127 of the Statutes of 2000, is amended to~~
34 ~~read:~~

35 ~~15202.—A county which is responsible for the cost of a trial or~~
36 ~~trials or any hearing of a person for the offense of homicide may~~
37 ~~apply to the Controller for reimbursement of the costs incurred by~~
38 ~~the county in excess of the amount of money derived by the county~~
39 ~~from a tax of 0.0125 of 1 percent of the full value of property~~
40 ~~assessed for purposes of taxation within the county.~~



1 ~~The Controller shall not reimburse any county for costs that~~
2 ~~exceed the State Board of Control's standards for travel and per~~
3 ~~diem expenses. The Controller may reimburse extraordinary costs~~
4 ~~in unusual cases if the county provides sufficient justification of~~
5 ~~the need for these expenditures. Nothing in this section shall~~
6 ~~permit the reimbursement of costs for travel in excess of 1,000~~
7 ~~miles on any single round trip, without the prior approval of the~~
8 ~~Attorney General.~~

9 ~~For purposes of this section, county costs include any~~
10 ~~court-related costs. The county shall ask the superior court how~~
11 ~~much court-related costs were incurred by the court and shall~~
12 ~~include these costs in its application. The amount of any~~
13 ~~reimbursement shall be divided between the court and the county~~
14 ~~in the proportion in which the total costs in the application are~~
15 ~~divided between the court and the county.~~

16 ~~This section shall become operative on January 1, 2005.~~

17 ~~SEC. 6.—Section 26835.1 of the Government Code is repealed.~~

18 ~~SEC. 7.—Section 26838 of the Government Code is repealed.~~

19 ~~SEC. 8.—Section 26850.1 of the Government Code is repealed.~~

20 ~~SEC. 9.—Section 26851.1 of the Government Code is repealed.~~

21 ~~SEC. 10.—Section 26853.1 of the Government Code is~~
22 ~~repealed.~~

23 ~~SEC. 11.—Section 68085 of the Government Code is amended~~
24 ~~to read:~~

25 ~~68085.—(a) (1) There is hereby established the Trial Court~~
26 ~~Trust Fund, the proceeds of which shall be apportioned at least~~
27 ~~quarterly for the purpose of funding trial court operations, as~~
28 ~~defined in Section 77003. In no event shall apportionment~~
29 ~~payments exceed 30 percent of the total annual apportionment to~~
30 ~~the Trial Court Trust Fund for state trial court funding in any~~
31 ~~90-day period.~~

32 ~~(2) The apportionment payments shall be made by the~~
33 ~~Controller. For fiscal year 1997–98, the Controller shall make the~~
34 ~~first apportionment payment within 10 days of the operative date~~
35 ~~of this section. The final payment from the Trial Court Trust Fund~~
36 ~~for each fiscal year shall be made on or before August 31 of the~~
37 ~~subsequent fiscal year.~~

38 ~~(3) If apportionment payments are made on a quarterly basis,~~
39 ~~the payments shall be on July 15, October 15, January 15, and~~
40 ~~April 15. In addition to quarterly payments, a final payment from~~



1 the Trial Court Trust Fund for each fiscal year may be made on or
2 before August 31 of the subsequent fiscal year.

3 (b) Notwithstanding any other provision of law, the fees listed
4 in subdivision (c) shall all be deposited upon collection in a special
5 account in the county treasury, and transmitted herefrom monthly
6 to the Controller for deposit in the Trial Court Trust Fund.

7 (c) (1) Except as specified in subdivision (d), this section
8 applies to all fees collected pursuant to Sections 631.3 and 116.230
9 of the Code of Civil Procedure and Sections 26820.4, 26823,
10 26826, 26826.01, 26827, 26827.4, 26830, 26832.1, 26833.1,
11 26836.1, 26837.1, 26852.1, 26855.4, 26862, 27081.5, 68086,
12 72055, 72056, 72056.01, and 72060.

13 (2) If any of the fees provided for in this subdivision are
14 partially waived by court order, and the fee is to be divided
15 between the Trial Court Trust Fund and any other fund, the amount
16 of the partial waiver shall be deducted from the amount to be
17 distributed to each fund in the same proportion as the amount of
18 each distribution bears to the total amount of the fee.

19 (3) Any amounts transmitted by a county to the Controller for
20 deposit into the Trial Court Trust Fund from fees collected
21 pursuant to Section 27361 between January 1, 1998, and the
22 effective date of this paragraph shall be credited against the total
23 amount the county is required to pay to the state pursuant to
24 paragraph (2) of subdivision (b) of Section 77201 for the 1997-98
25 fiscal year.

26 (d) This section does not apply to that portion of a filing fee
27 collected pursuant to Section 26820.4, 26826, 26827, 72055, or
28 72056 which is allocated for dispute resolution pursuant to Section
29 470.3 of the Business and Professions Code, the county law library
30 pursuant to Section 6320 of the Business and Professions Code, the
31 Judges' Retirement Fund pursuant to Section 26822.3, automated
32 recordkeeping or conversion to micrographics pursuant to
33 Sections 26863 and 68090.7, and courthouse financing pursuant
34 to Section 76238. This section also does not apply to fees collected
35 pursuant to subdivisions (a) and (c) of Section 27361.

36 (e) This section applies to all payments required to be made to
37 the State Treasury by any county or city and county pursuant to
38 Section 77201, 77201.1, or 77205.



1 ~~(f) Notwithstanding any other provision of law, no agency shall~~
2 ~~take action to change the amounts allocated to any of the above~~
3 ~~funds.~~

4 ~~(g) Before making any apportionments under this section, the~~
5 ~~Controller shall deduct, from the annual appropriation for that~~
6 ~~purpose, the actual administrative costs that will be incurred under~~
7 ~~this section. Costs reimbursed under this section shall be~~
8 ~~determined on an annual basis in consultation with the Judicial~~
9 ~~Council.~~

10 ~~(h) Any amounts required to be transmitted by a county or city~~
11 ~~and county to the state pursuant to this section shall be remitted to~~
12 ~~the Controller no later than 45 days after the end of the month in~~
13 ~~which the fees were collected. This remittance shall be~~
14 ~~accompanied by a remittance advice identifying the collection~~
15 ~~month and the appropriate account in the Trial Court Trust Fund~~
16 ~~to which it is to be deposited. Any remittance which is not made~~
17 ~~by the county or city and county in accordance with this section~~
18 ~~shall be considered delinquent, and subject to the penalties~~
19 ~~specified in this section.~~

20 ~~(i) Upon receipt of any delinquent payment required pursuant~~
21 ~~to this section, the Controller shall calculate a penalty on any~~
22 ~~delinquent payment by multiplying the amount of the delinquent~~
23 ~~payment at a daily rate equivalent to 1½ percent per month for the~~
24 ~~number of days the payment is delinquent. Notwithstanding~~
25 ~~Section 77009, any penalty on a delinquent payment that a court~~
26 ~~is required to reimburse to a county's general fund pursuant to this~~
27 ~~section and Section 24353 shall be paid from the Trial Court~~
28 ~~Operations Fund for that court.~~

29 ~~(j) Penalty amounts calculated pursuant to subdivision (i) shall~~
30 ~~be paid by the county to the Trial Court Trust Fund no later than~~
31 ~~45 days after the end of the month in which the penalty was~~
32 ~~calculated.~~

33 ~~(k) The Trial Court Trust Fund shall be invested in the Surplus~~
34 ~~Money Investment Fund and all interest earned shall be allocated~~
35 ~~to the Trial Court Trust Fund semiannually and shall be allocated~~
36 ~~among the courts in accordance with the requirements of~~
37 ~~subdivision (a). The specific allocations shall be specified by the~~
38 ~~Judicial Council, based upon recommendations from the Trial~~
39 ~~Court Budget Commission.~~



1 ~~(1) It is the intent of the Legislature that the revenues required~~
2 ~~to be deposited into the Trial Court Trust Fund be remitted as soon~~
3 ~~after collection by the courts as possible. Not later than February~~
4 ~~1, 2001, the Judicial Council, in consultation with the California~~
5 ~~State Association of Counties and the California County Auditors~~
6 ~~Association, shall study and make recommendations to the~~
7 ~~Legislature on alternative procedures that would improve the~~
8 ~~collection and remittance of revenues to the Trial Court Trust~~
9 ~~Fund.~~

10 ~~SEC. 12.~~

11 ~~SEC. 13.~~ Section 68113 of the Government Code is repealed.

12 ~~SEC. 13.~~

13 ~~SEC. 14.~~ Section 68502.5 of the Government Code is
14 amended to read:

15 68502.5. (a) The Judicial Council may, as part of its trial
16 court budget process, seek input from groups and individuals as it
17 deems appropriate including, but not limited to, advisory
18 committees and the Administrative Director of the Courts. The
19 trial court budget process may include, but is not limited to, the
20 following:

21 (1) The receipt of budget requests from the trial courts.

22 (2) The review of the trial courts' budget requests and evaluate
23 them against performance criteria established by the Judicial
24 Council by which a court's performance, level of coordination,
25 and efficiency can be measured.

26 (3) The annual adoption of the projected cost in the subsequent
27 fiscal year of court operations as defined in Section 77003 for each
28 trial court. This estimation shall serve as a basis for recommended
29 court budgets, which shall be developed for comparison purposes
30 and to delineate funding responsibilities.

31 (4) The annual approval of a schedule for the allocation of
32 moneys to individual courts and an overall trial court budget for
33 forwarding to the Governor for inclusion in the Governor's
34 proposed State Budget. The schedule shall be based on the
35 performance criteria established pursuant to paragraph (2), on a
36 minimum standard established by the Judicial Council for the
37 operation and staffing of all trial court operations, and on such
38 other factors as determined by the Judicial Council. This minimum
39 standard shall be modeled on court operations using all reasonable
40 and available measures to increase court efficiency. The schedule



1 of allocations shall assure that all trial courts receive funding for
2 the minimum operating and staffing standards before funding
3 operating and staffing requests above the minimum standards, and
4 shall include incentives and rewards for any trial court's
5 implementation of efficiencies and cost saving measures.

6 (5) The reallocation of funds during the course of the fiscal year
7 to ensure equal access to the trial courts by the public, to improve
8 trial court operations, and to meet trial court emergencies. Neither
9 the state nor the counties shall have any obligation to replace
10 moneys appropriated for trial courts and reallocated pursuant to
11 this paragraph.

12 (6) The allocation of funds in the Trial Court Improvement
13 Fund to ensure equal access to trial courts by the public, to improve
14 trial court operations, and to meet trial court emergencies.

15 (7) Upon approval of the trial courts' budget by the Legislature,
16 the preparation during the course of the fiscal year of allocation
17 schedules for payments to the trial courts, consistent with Section
18 68085, which shall be submitted to the Controller's office by the
19 10th day of the month in which payments are to be made.

20 (8) The establishment of rules regarding a court's authority to
21 transfer trial court funding moneys from one functional category
22 to another in order to address needs in any functional category.

23 (9) At the request of the presiding judge of a trial court, an
24 independent review of the funding level of the court to determine
25 whether it is adequate to enable the court to discharge its statutory
26 and constitutional responsibilities.

27 (10) From time to time, a review of the level of fees charged by
28 the courts for various services and prepare recommended
29 adjustments for forwarding to the Legislature.

30 (11) Provisions set forth in rules adopted pursuant to Section
31 77206 of the Government Code.

32 (b) The Judicial Council shall retain the ultimate responsibility
33 to adopt a budget and allocate funding for the trial courts and
34 perform the other activities listed in subdivision (a) that best assure
35 their ability to carry out their functions, promote implementation
36 of statewide policies, and promote the immediate implementation
37 of efficiencies and cost savings measures in court operations, in
38 order to guarantee equal access to the courts.

39 ~~SEC. 14.~~



1 *SEC. 15. Section 68511.3 of the Government Code is amended*
2 *to read:*

3 68511.3. (a) The Judicial Council shall formulate and adopt
4 uniform forms and rules of court for litigants proceeding in forma
5 pauperis. These rules shall provide for all of the following:

6 (1) Standard procedures for considering and determining
7 applications for permission to proceed in forma pauperis,
8 including, in the event of a denial of such permission, a written
9 statement detailing the reasons for denial and an evidentiary
10 hearing where there is a substantial evidentiary conflict.

11 (2) Standard procedures to toll relevant time limitations when
12 a pleading or other paper accompanied by such an application is
13 timely lodged with the court and delay is caused due to the
14 processing of the application to proceed in forma pauperis.

15 (3) Proceeding in forma pauperis at every stage of the
16 proceedings at both the appellate and trial levels of the court
17 system.

18 (4) The confidentiality of the financial information provided to
19 the court by these litigants.

20 (5) That the court may authorize the clerk of the court, county
21 financial officer, or other appropriate county officer to make
22 reasonable efforts to verify the litigant's financial condition
23 without compromising the confidentiality of the application.

24 (6) That permission to proceed in forma pauperis be granted to
25 all of the following:

26 (A) Litigants who are receiving benefits pursuant to the
27 Supplemental Security Income (SSI) and State Supplemental
28 Payments (SSP) programs (Sections 12200 to 12205, inclusive, of
29 the Welfare and Institutions Code), the California Work
30 Opportunity and Responsibility to Kids Act (CalWORKs)
31 program (Chapter 2 (commencing with Section 11200) of Part 3
32 of Division 9 of the Welfare and Institutions Code), the Food
33 Stamp program (7 U.S.C. Sec. 2011 et seq.), or Section 17000 of
34 the Welfare and Institutions Code.

35 (B) Litigants whose monthly income is 125 percent or less of
36 the current monthly poverty line annually established by the
37 Secretary of Health and Human Services pursuant to the Omnibus
38 Budget Reconciliation Act of 1981, as amended.

39 (C) Other persons when in the court's discretion, this
40 permission is appropriate because the litigant is unable to proceed

1 without using money which is necessary for the use of the litigant
2 or the litigant’s family to provide for the common necessities of
3 life.

4 (b) (1) Litigants who apply for permission to proceed in forma
5 pauperis pursuant to subparagraph (A) of paragraph (6) of
6 subdivision (a) shall declare under penalty of perjury that they are
7 receiving such benefits and may voluntarily provide the court with
8 their date of birth and social security number or their Medi-Cal
9 identification number to permit the court to verify the applicant’s
10 receipt of public assistance. The court may require any applicant,
11 except a defendant in an unlawful detainer action, who chooses not
12 to disclose his or her social security number for verification
13 purposes to attach to the application documentation of benefits to
14 support the claim and all other financial information on a form
15 promulgated by the Judicial Council for this purpose.

16 (2) Litigants who apply for permission to proceed in forma
17 pauperis pursuant to subparagraph (B) or (C) of paragraph (6) of
18 subdivision (a) shall file a financial statement under oath on a form
19 promulgated by, and pursuant to rules adopted by, the Judicial
20 Council.

21 (c) The forms and rules adopted by the Judicial Council shall
22 provide for the disclosure of the following information about the
23 litigant:

- 24 (1) Current street address.
- 25 ~~(2) Date of birth.~~
- 26 ~~(3)~~
- 27 (2) Occupation and employer.
- 28 ~~(4)~~
- 29 (3) Monthly income and expenses.
- 30 ~~(5)~~
- 31 (4) Address and value of any real property owned directly or
32 beneficially.
- 33 ~~(6)~~
- 34 (5) Personal property with a value that exceeds five hundred
35 dollars (\$500).

36 The information furnished by the litigant shall be used by the
37 court in determining his or her ability to pay all or a portion of the
38 fees and costs.

39 (d) At any time after the court has granted a litigant permission
40 to proceed in forma pauperis and prior to final disposition of the



1 case, the clerk of the court, county financial officer, or other
2 appropriate county officer may notify the court of any changed
3 financial circumstances which may enable the litigant to pay all or
4 a portion of the fees and costs which had been waived. The court
5 may authorize the clerk of the court, county financial officer, or
6 other appropriate county officer to require the litigant to appear
7 before and be examined by the person authorized to ascertain the
8 validity of their indigent status. However, no litigant shall be
9 required to appear more than once in any four-month period. A
10 litigant proceeding in forma pauperis shall notify the court within
11 five days of any settlement or monetary consideration received in
12 settlement of this litigation and of any other change in financial
13 circumstances that affects the litigant's ability to pay court fees and
14 costs. After the litigant either (1) appears before and is examined
15 by the person authorized to ascertain the validity of his or her
16 indigent status or (2) notifies the court of a change in financial
17 circumstances, the court may then order the litigant to pay to the
18 county such sum and in such manner as the court believes is
19 compatible with the litigant's financial ability.

20 In any action or proceeding in which the litigant whose fees and
21 costs have been waived would have been entitled to recover those
22 fees and costs from another party to the action or proceeding had
23 they been paid, the court may assess the amount of the waived fees
24 and costs against the other party and order the other party to pay
25 that sum to the county or to the clerk and serving and levying
26 officers respectively, or the court may order the amount of the
27 waived fees and costs added to the judgment and so identified by
28 the clerk.

29 Execution may be issued on any order provided for in this
30 subdivision in the same manner as on a judgment in a civil action.
31 When an amount equal to the sum due and payable to the clerk has
32 been collected upon the judgment, these amounts shall be remitted
33 to the clerk within 30 days. Thereafter, when an amount equal to
34 the sum due to the serving and levying officers has been collected
35 upon the judgment, these amounts shall be due and payable to
36 those officers and shall be remitted within 30 days. If the
37 remittance is not received by the clerk within 30 days or there is
38 a filing of a partial satisfaction of judgment in an amount at least
39 equal to the fees and costs payable to the clerk or a satisfaction of
40 judgment has been filed, notwithstanding any other provision of



1 law, the court may issue an abstract of judgment, writ of execution,
2 or both for recovery of those sums, plus the fees for issuance and
3 execution and an additional fee for administering this section. The
4 county board of supervisors shall establish a fee, not to exceed
5 actual costs of administering this subdivision and in no case
6 exceeding twenty-five dollars (\$25), which shall be added to the
7 writ of execution.

8 (e) Notwithstanding subdivision (a), a person who is sentenced
9 to imprisonment in a state prison or confined in a county jail and,
10 during the period of imprisonment or confinement, files a civil
11 action or notice of appeal of a civil action in forma pauperis shall
12 be required to pay the full amount of the filing fee to the extent
13 provided in this subdivision.

14 (1) In addition to the form required by this section for filing in
15 forma pauperis, an inmate shall file a copy of a statement of
16 account for any sums due to the inmate for the six-month period
17 immediately preceding the filing of the civil action or notice of
18 appeal of a civil action. This copy shall be certified by the
19 appropriate official of the Department of Corrections or a county
20 jail.

21 (2) Upon filing the civil action or notice of appeal of a civil
22 action, the court shall assess, and when funds exist, collect, as a
23 partial payment of any required court fees, an initial partial filing
24 fee of 20 percent of the greater of one of the following:

25 (A) The average monthly deposits to the inmate's account.

26 (B) The average monthly balance in the inmate's account for
27 the six-month period immediately preceding the filing of the civil
28 action or notice of appeal.

29 (3) After payment of the initial partial filing fee, the inmate
30 shall be required to make monthly payments of 20 percent of the
31 preceding month's income credited to the inmate's account. The
32 Department of Corrections shall forward payments from this
33 account to the clerk of the court each time the amount in the
34 account exceeds ten dollars (\$10) until the filing fees are paid.

35 (4) In no event shall the filing fee collected pursuant to this
36 subdivision exceed the amount of fees permitted by law for the
37 commencement of a civil action or an appeal of a civil action.

38 (5) In no event shall an inmate be prohibited from bringing a
39 civil action or appeal of a civil action solely because the inmate has
40 no assets and no means to pay the initial partial filing fee.



1 *SEC. 16. Section 72055 of the Government Code is amended*
2 *to read:*

3 72055. (a) The total fee for filing of the first paper in a
4 limited civil case, shall be ~~ninety dollars (\$90), except that in cases~~
5 ~~where the amount demanded, excluding attorney's fees and costs,~~
6 ~~is ten thousand dollars (\$10,000) or less, the fee shall be~~
7 ~~eighty three dollars (\$83). The amount of the demand shall be~~
8 ~~stated on the first page of the paper immediately below the caption~~
9 *eighty-seven dollars (\$87).*

10 (b) This section applies to the initial complaint, petition, or
11 application, and any papers transmitted from another court on the
12 transfer of a civil action or proceeding, but does not include
13 documents filed pursuant to Section 491.150, 704.750, or 708.160
14 of the Code of Civil Procedure.

15 (c) The term "total fee" as used in this section and Section
16 72056 includes any amount allocated to the Judges' Retirement
17 Fund pursuant to Section 72056.1, any automation fee imposed
18 pursuant to Section 68090.7, any construction fee imposed
19 pursuant to Section 76238, and the law library fee established
20 pursuant to Article 2 (commencing with Section 6320) of Chapter
21 5 of Division 3 of the Business and Professions Code. The term
22 "total fee" as used in this section and Section 72056 also includes
23 any dispute resolution fee imposed pursuant to Section 470.3 of
24 the Business and Professions Code, but the board of supervisors of
25 each county may exclude any portion of this dispute resolution fee
26 from the term "total fee."

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

36 *SEC. 17. Section 77001 of the Government Code is amended*
37 *to read:*

38 77001. The Judicial Council shall adopt rules which establish
39 a decentralized system of trial court management. These rules
40 shall ensure:



- 1 (a) Local authority and responsibility of trial courts to manage
- 2 day-to-day operations.
- 3 (b) Countywide administration of the trial courts.
- 4 (c) The authority and responsibility of trial courts to manage all
- 5 of the following, consistent with statute, rules of court, and
- 6 standards of judicial administration:
- 7 (1) Annual allocation of funding, including policies and
- 8 procedures about moving funding between functions or line items
- 9 or programs.
- 10 (2) Local personnel ~~systems~~ *plans*, including the promulgation
- 11 of personnel policies.
- 12 (3) Processes and procedures to improve court operations and
- 13 responsiveness to the public.
- 14 (4) The trial courts of each county shall establish the means of
- 15 selecting presiding judges, assistant presiding judges, executive
- 16 officers or court administrators, clerks of court, and jury
- 17 commissioners.
- 18 (d) Trial court input into the Judicial Council budget process.
- 19 (e) Equal access to justice throughout California utilizing
- 20 standard practices and procedures whenever feasible.
- 21 ~~SEC. 15.~~
- 22 *SEC. 18.* Section 77003 of the Government Code is amended
- 23 to read:
- 24 77003. (a) As used in this chapter, “court operations” means
- 25 all of the following:
- 26 (1) Salaries, benefits, and public agency retirement
- 27 contributions for superior and municipal court judges and for
- 28 subordinate judicial officers. For purposes of this paragraph,
- 29 “subordinate judicial officers” includes all commissioner or
- 30 referee positions created prior to July 1, 1997, including positions
- 31 created in the municipal court prior to July 1, 1997, which
- 32 thereafter became positions in the superior court as a result of
- 33 unification of the municipal and superior courts in a county, and
- 34 including those commissioner positions created pursuant to
- 35 Sections 69904, 70141, 70141.9, 70142.11, 72607, 73794,
- 36 74841.5, and 74908; and includes any staff who provide direct
- 37 support to commissioners; but does not include commissioners or
- 38 staff who provide direct support to the commissioners whose
- 39 positions were created after July 1, 1997, unless approved by the
- 40 Judicial Council, subject to availability of funding.



1 (2) The salary, benefits, and public agency retirement
2 contributions for other court staff including all municipal court
3 staff positions specifically prescribed by statute.

4 (3) Those marshals and sheriffs as the court deems necessary
5 for court operations.

6 (4) Court-appointed counsel in juvenile court dependency
7 proceedings and counsel appointed by the court to represent a
8 minor pursuant to Chapter 10 (commencing with Section 3150) of
9 Part 2 of Division 8 of the Family Code.

10 (5) Services and supplies relating to court operations.

11 (6) Collective bargaining under ~~the Meyers-Milias-Brown Act~~
12 ~~or Sections 2201 to 2210, inclusive, of the California Rules of~~
13 ~~Court Sections 71630 and 71639.3 with respect to court employees~~
14 ~~specified in Section 3501.5.~~

15 (7) Subject to paragraph (1) of subdivision (d) of Section
16 77212, actual indirect costs for county and city and county general
17 services attributable to court operations, but specifically
18 excluding, but not limited to, law library operations conducted by
19 a trust pursuant to statute; courthouse construction; district
20 attorney services; probation services; indigent criminal defense;
21 grand jury expenses and operations; and pretrial release services.

22 (b) However, “court operations” does not include collection
23 enhancements as defined in Rule 810 of the California Rules of
24 Court as it read on July 1, 1996.

25 ~~SEC. 16.~~

26 *SEC. 19. Section 77009 of the Government Code is amended*
27 *to read:*

28 77009. (a) For the purposes of funding trial court operations,
29 each board of supervisors shall establish in the county treasury a
30 Trial Court Operations Fund, which will operate as an agency
31 fund. All funds appropriated in the Budget Act and allocated and
32 reallocated to each court in the county by the Judicial Council shall
33 be deposited into the fund. Accounts shall be established in the
34 Trial Court Operations Fund for each trial court in the county,
35 except that one account may be established for courts which have
36 a unified budget. In a county where court budgets include
37 appropriations for expenditures administered on a countywide
38 basis, including, but not limited to, court security, centralized
39 data-processing and planning and research services, an account for



1 each centralized service shall be established and funded from those
2 appropriations.

3 (b) The moneys of the Trial Court Operations Fund arising
4 from deposits of funds appropriated in the Budget Act and
5 allocated or reallocated to each court in the county by the Judicial
6 Council shall be payable only for the purposes set forth in Sections
7 77003 and 77006.5, and for services purchased by the court
8 pursuant to subdivisions (b) and (c) of Section 77212. The
9 presiding judge of each court in a county, or his or her designee,
10 shall authorize and direct expenditures from the fund and the
11 county auditor-controller shall make payments from the funds as
12 directed. Approval of the board of supervisors is not required for
13 expenditure from this fund.

14 (c) All funds received by a trial court from any source shall be
15 deposited in the trial court operations fund, except as provided in
16 this section. Funds that are received to fulfill the requirements of
17 Article 4 (commencing with Section 4250) of Chapter 2 of Part 2
18 of Division 9 and Division 14 (commencing with Section 10000)
19 of the Family Code shall be identified and maintained in a separate
20 account established in the fund for this purpose. All other funds
21 that are received for purposes other than court operations, as
22 defined in Section 77003 and Rule 810 of the California Rules of
23 Court, shall be identified and maintained in one or more separate
24 accounts established in the fund pursuant to procedures adopted by
25 the Judicial Council. This subdivision shall only apply to funds
26 received by the courts for operating and program purposes. This
27 subdivision shall not apply to either of the following:

28 (1) Funds received by the courts pursuant to Section 68084, if
29 those funds are not for operating or program use.

30 (2) Payments from a party or a defendant received by a trial
31 court or the county for any fees, fines, or forfeitures.

32 (d) Interest received by a county which is attributable to
33 investment of money required by this section to be deposited in its
34 Trial Court Operations Fund shall be deposited in the fund and
35 shall be used for trial court operations purposes.

36 (e) In no event shall interest be charged to the Trial Court
37 Operations Fund, except as provided in Section 77009.1.

38 (f) Reasonable administrative expenses incurred by the county
39 associated with the operation of this fund shall be charged to each



1 court on a pro rata basis in proportion to the total amount allocated
2 to each court in this fund.

3 (g) A county, or city and county, may bill trial courts within its
4 jurisdiction for costs for services provided by the county, or city
5 and county, as described in Sections 77003 and 77212, including
6 indirect costs as described in paragraph (7) of subdivision (a) of
7 Section 77003 and Section 77212. The costs billed by the county,
8 or the city and the county, pursuant to this subdivision shall not
9 exceed the costs incurred by the county, or the city and the county,
10 of providing similar services to county departments or special
11 districts.

12 (h) Pursuant to Section 77206, the Controller, at the request of
13 the Legislature ~~or the Judicial Council~~, may perform financial and
14 fiscal compliance audits of this fund. *The Judicial Council or its*
15 *representatives may perform audits and reviews of this fund*
16 *wherever the records may be located.*

17 (i) The Judicial Council ~~with the concurrence of the~~
18 ~~Department of Finance and the Controller's office~~, *in consultation*
19 *with the Controller's office*, shall establish procedures to
20 implement the provisions of this section and to provide for
21 payment of trial court operations expenses, as described in
22 Sections 77003 and 77006.5, incurred on July 1, 1997, and
23 thereafter.

24 (j) ~~The Judicial Council shall study alternative methods for the~~
25 ~~establishment and management of the Trial Court Operations Fund~~
26 ~~as provided in this section, and shall report its findings and~~
27 ~~recommendations to the Legislature not later than November 1,~~
28 ~~1998. Notwithstanding any other provision of law, including, but~~
29 ~~not limited to, this section, the Judicial Council may establish trial~~
30 ~~court operations funds separate from the county treasury. The~~
31 ~~operations funds may supersede those provided for under this~~
32 ~~section and may require the courts to include any or all money~~
33 ~~under the control of the court in the funds.~~

34 SEC. 20. Section 77202 of the Government Code is amended
35 to read:

36 77202. (a) The Legislature shall make an annual
37 appropriation to the Judicial Council for the general operations of
38 the trial courts based on the request of the Judicial Council. The
39 Judicial Council's trial court budget request shall meet the needs
40 of all trial courts in a manner which promotes equal access to the



1 courts statewide. The Judicial Council shall allocate the
2 appropriation to the trial courts in a manner that best ensures the
3 ability of the courts to carry out their functions, promotes
4 implementation of statewide policies, and promotes the immediate
5 implementation of efficiencies and cost saving measures in court
6 operations, in order to guarantee access to justice to citizens of the
7 state.

8 The Judicial Council shall ensure that its trial court budget
9 request and the allocations made by it reward each trial court's
10 implementation of efficiencies and cost saving measures.

11 These efficiencies and cost saving measures shall include, but
12 not be limited to, the following:

13 (1) The sharing or merger of court support staff among trial
14 courts across counties.

15 (2) The assignment of any type of case to a judge for all
16 purposes commencing with the filing of the case and regardless of
17 jurisdictional boundaries.

18 (3) The establishment of a separate calendar or division to hear
19 a particular type of case.

20 (4) In rural counties, the use of all court facilities for hearings
21 and trials of all types of cases and the acceptance of filing
22 documents in any case.

23 (5) The use of alternative dispute resolution programs, such as
24 arbitration.

25 (6) The development and use of automated accounting and
26 case-processing systems.

27 (b) The Judicial Council shall adopt policies and procedures
28 governing practices and procedures for budgeting in the trial
29 courts in a manner that best ensures the ability of the courts to carry
30 out their functions and may delegate such adoption to the
31 Administrative Director of the Courts. The Administrative
32 Director of the Courts shall establish budget procedures and an
33 annual schedule of budget development and management
34 consistent with these rules.

35 ~~SEC. 17.~~

36 *SEC. 21. Section 77206 of the Government Code is amended*
37 *to read:*

38 77206. (a) ~~The Judicial Council shall adopt appropriate rules~~
39 ~~for budget submission and management, and reporting of revenues~~
40 ~~and expenditures by each court. The Controller, in consultation~~



1 ~~with the Judicial Council, shall maintain appropriate regulations~~
2 ~~for record keeping and accounting by the courts, in order to~~
3 ~~determine all moneys collected by the courts, including filing fees,~~
4 ~~finances, forfeitures, and penalties, and all revenues and expenditures~~
5 ~~relating to court operations.~~ *Notwithstanding any other provision*
6 *of law, the Judicial Council may regulate the budget and fiscal*
7 *management of the trial courts. The Judicial Council, in*
8 *consultation with the Controller, shall maintain appropriate*
9 *regulations for recordkeeping and accounting by the courts. The*
10 *Judicial Council shall seek to ensure, by these provisions, that (1)*
11 *the fiscal affairs of the trial courts are managed efficiently,*
12 *effectively, and responsibly, and (2) all moneys collected by the*
13 *courts, including filing fees, fines, forfeitures, and penalties, and*
14 *all revenues and expenditures relating to court operations are*
15 *known. The Judicial Council may delegate their authority under*
16 *this section, when appropriate, to the Administrative Director of*
17 *the Courts.*

18 (b) Regulations, rules, and reporting requirements adopted
19 pursuant to this chapter shall be exempt from review and approval
20 or other processing by the Office of Administrative Law as
21 provided for in Chapter 3.5 (commencing with Section 11340) of
22 Part 1 of Division 3 of Title 2.

23 (c) The Controller, at the request of the Legislature ~~or the~~
24 ~~Judicial Council~~, may perform and publish financial and fiscal
25 compliance audits of the reports of court revenues and
26 expenditures. The Controller shall report the results of these audits
27 to the Legislature *and the Judicial Council. The Judicial Council*
28 *or its representative may perform audits and reviews of all court*
29 *financial records wherever they may be located.*

30 (d) The Judicial Council shall provide for the transmission of
31 summary information concerning court revenues and
32 expenditures to the Controller.

33 (e) The Judicial Council shall adopt rules to provide for
34 reasonable public access to budget allocation and expenditure
35 information at the state and local level.

36 (f) The Judicial Council shall adopt rules ensuring that, upon
37 written request, the trial courts provide, in a timely manner,
38 information relating to the administration of the courts, including
39 financial information and other information that affects the wages,
40 hours, and working conditions of trial court employees.



1 SEC. 22. Section 77212 of the Government Code is amended
2 to read:

3 77212. (a) The State of California, the counties of California,
4 and the trial courts of California, recognize that a unique and
5 interdependent relationship has evolved between the courts and
6 the counties over a sustained period of time. While it is the intent
7 of this act to transfer all fiscal responsibility for the support of the
8 trial courts from the counties to the State of California, it is
9 imperative that the activities of the state, the counties, and the trial
10 courts be maintained in a manner that ensures that services to the
11 people of California not be disrupted. Therefore, to this end,
12 during the 1997–98 fiscal year, commencing on July 1, 1997,
13 counties shall continue to provide and courts shall continue to use,
14 county services provided to the trial courts on July 1, 1997,
15 including, but not limited to: auditor/controller services,
16 coordination of telephone services, data-processing and
17 information technology services, procurement, human resources
18 services, affirmative action services, treasurer/tax collector
19 services, county counsel services, facilities management, and legal
20 representation. These services shall be provided to the court at a
21 rate that shall not exceed the costs of providing similar services to
22 county departments or special districts. If the cost was not included
23 in the county base pursuant to paragraph (1) of subdivision (b) of
24 Section 77201 or was not otherwise charged to the court prior to
25 July 1, 1997, and were court operation costs as defined in Section
26 77003 in fiscal year 1994–95, the court may seek adjustment of the
27 amount the county is required to submit to the state pursuant
28 Section 77201.

29 (b) In fiscal year 1998–99 commencing on July 1, 1998, and
30 thereafter the county may give notice to the court that the county
31 will no longer provide a specific service except that the county
32 shall cooperate with the court to ensure that a vital service for the
33 court shall be available from the county or other entities that
34 provide those services. The notice must be given at least 90 days
35 prior to the end of the fiscal year and shall be effective only upon
36 the first day of the succeeding fiscal year.

37 (c) In fiscal year 1998–99, commencing on July 1, 1998, and
38 thereafter, the court may give notice to the county that the court
39 will no longer use a specific county service. The notice shall be
40 given at least 90 days prior to the end of the fiscal year and shall



1 be effective only upon the first day of the succeeding fiscal year.
2 However, for three years from the effective date of this section, a
3 court shall not terminate a service that involved the acquisition of
4 equipment, including, but not limited to, computer and data
5 processing systems, financed by a long-term financing plan
6 whereby the county is dependent upon the court's continued
7 financial support for a portion of the cost of the acquisition.

8 (d) (1) If a trial court desires to receive or continue to receive
9 a specific service from a county or city and county as provided in
10 subdivision (c), and the county or city and county desires to
11 provide or continue to provide that service as provided in
12 subdivision (b), the presiding judge of that court and the county or
13 city and county shall enter into a contract for that service. The
14 contract shall identify the scope of service, method of service
15 delivery, term of agreement, anticipated service outcomes, and the
16 cost of the service. The court and the county or city and county
17 shall cooperate in developing and implementing the contract.

18 ~~The~~

19 *For any contract entered into after January 1, 2002, the amount*
20 *of any indirect or overhead costs shall be individually stated in any*
21 *contract together with the method of calculation of the indirect or*
22 *overhead costs. ~~In the absence of any statement, indirect or~~*
23 *~~overhead costs may not be charged.~~ This amount shall not contain*
24 *items that are not otherwise allowable court operations. The*
25 *Judicial Council may audit the county figures to ensure*
26 *compliance with this section and to determine the reasonableness*
27 *of the figures.*

28 (2) This subdivision applies to services to be provided in fiscal
29 year 1999–2000 and thereafter.

30 ~~SEC. 18. Section 77214 is added to the Government Code, to~~
31 ~~read:~~

32 ~~77214. The Administrative Director of the Courts may offer~~
33 ~~services to the trial courts. If the Judicial Council requires that~~
34 ~~certain services be utilized for enhancing the efficiency or~~
35 ~~effectiveness of the courts, or upon the court's request, the~~
36 ~~Administrative Director of the Courts shall ensure that these~~
37 ~~services are available.~~

38 ~~SEC. 19.~~

39 *SEC. 23. Section 1463.1 of the Penal Code is amended to*
40 *read:*



1 1463.1. Notwithstanding ~~the~~ *any other* provisions of ~~Section~~
 2 ~~1463~~ *law except Section 77009 of the Government Code*, any
 3 ~~municipal~~ *trial court* may elect, with prior approval of the ~~county~~
 4 ~~auditor~~ *Administrative Director of the Courts*, to deposit in a bank
 5 account pursuant to Section 53679 of the Government Code, all
 6 moneys deposited as bail with such court, or with the clerk thereof.

7 All moneys received and disbursed through such *a* bank
 8 account shall be properly and uniformly accounted for under such
 9 procedures as the ~~State~~ *Controller* may deem necessary. *The*
 10 *Judicial Council may regulate the bank accounts, provided that its*
 11 *regulations are not inconsistent with those of the Controller.*

12 SEC. 24. Section 4750 of the Penal Code is amended to read:

13 4750. A city or county and the superior court in the county
 14 shall be entitled to reimbursement for reasonable and necessary
 15 costs connected with state prisons or prisoners in connection with
 16 any of the following:

17 (a) Any crime committed at a state prison, whether by a
 18 prisoner, employee, or other person.

19 With respect to a prisoner, “crime committed at a state prison”
 20 as used in this subdivision, includes, but is not limited to, crimes
 21 committed by the prisoner while detained in local facilities as a
 22 result of a transfer pursuant to Section 2910 or 6253, or in
 23 conjunction with any hearing, proceeding, or other activity for
 24 which reimbursement is otherwise provided by this section.

25 (b) Any crime committed by a prisoner in furtherance of an
 26 escape. Any crime committed by an escaped prisoner within 10
 27 days after the escape and within 100 miles of the facility from
 28 which the escape occurred shall be presumed to have been a crime
 29 committed in furtherance of an escape.

30 (c) Any hearing on any return of a writ of habeas corpus
 31 prosecuted by or on behalf of a prisoner.

32 (d) Any trial or hearing on the question of the sanity of a
 33 prisoner.

34 (e) Any costs not otherwise reimbursable under Section 1557
 35 or any other related provision in connection with any extradition
 36 proceeding for any prisoner released to hold.

37 (f) Any costs incurred by a coroner in connection with the death
 38 of a prisoner.



1 (g) Any costs incurred in transporting a prisoner within the host
2 county or as requested by the prison facility or incurred for
3 increased security while a prisoner is outside a state prison.

4 ~~SEC. 20.~~

5 *SEC. 25.* Section 4751 of the Penal Code is amended to read:
6 4751. Costs incurred include all of the following:

7 (a) Costs of law enforcement agencies in connection with any
8 matter set forth in Section 4750, including the investigation or
9 evaluation of any of those matters regardless of whether a crime
10 has in fact occurred, a hearing held, or an offense prosecuted.

11 (b) Costs of any trial or hearing of any matter set forth in
12 Section 4750, including costs for the preparation of the trial,
13 pretrial hearing, actual trial or hearing, expert witness fees, the
14 costs of guarding or keeping the prisoner, the transportation of the
15 prisoner, the costs of appeal, and the execution of the sentence. The
16 cost of detention in a city or county correctional facility shall
17 include the same cost factors as are utilized by the Department of
18 Corrections in determining the cost of prisoner care in state
19 correctional facilities.

20 (c) The costs of the prosecuting attorney in investigating,
21 evaluating, or prosecuting cases related to any matter set forth in
22 Section 4750, whether or not the prosecuting attorney decides to
23 commence legal action.

24 (d) Costs incurred by the public defender or court appointed
25 attorney with respect to any matter set forth in Section 4750.

26 (e) Any other costs reasonably incurred by a county or superior
27 court in connection with any matter set forth in Section 4750.

28 ~~SEC. 21.~~

29 *SEC. 26.* Section 4753 of the Penal Code is amended to read:
30 4753. A city or county shall designate an officer or agency to

31 prepare a statement of costs of the city or county that shall be
32 reimbursed under this chapter. A superior court shall designate an
33 officer or employee to prepare a statement of costs of the court that
34 shall be reimbursed under this chapter.

35 The statements of the city or county and of the superior court
36 shall be sent together to the Controller for approval. The Controller
37 shall reimburse the city or county and the superior court within 60
38 days after receipt of the statement or provide a written statement
39 as to the reason for not making reimbursement at that time. The
40 reimbursement to the superior court shall be made directly to the



- 1 court. If sufficient funds are not available, the Controller shall
- 2 request the Director of Finance to include any amounts necessary
- 3 to satisfy the claims in a request for a deficiency appropriation.

O

