

AMENDED IN SENATE AUGUST 31, 2001

AMENDED IN SENATE JULY 2, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1700

Introduced by Committee on Judiciary (Steinberg (Chair), Robert Pacheco (Vice Chair), Corbett, Dutra, Jackson, Longville, Shelley, and Wayne)

March 6, 2001

An act to amend Section 54.8 of the Civil Code, to amend Sections 403.020, 403.030, 403.040, 631.3, 1010.5, 1010.6, and 1161.2 of, and to repeal and add Sections 403.050 and 403.060 of, the Code of Civil Procedure, to amend Sections 24051, 26820.6, 26827.6, 28003, 68079, 68085, 77003, and 77209 of, to repeal and add Section 69505 of, and to repeal Sections 29610.1, 68085.5, 69506, 71010, 71040.5, 71040.7, 71045, 71083.1, 71085.1, 72053, 74501.1, 74501.2, 74904, and 77208 of, the Government Code, to amend Section 1203.4a of the Penal Code, and to amend Sections 100, 603.5, 903.3, and 904 of the Welfare and Institutions Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1700, as amended, Committee on Judiciary. Courts.

(1) Existing law provides for portable assistive listening systems for the courts; procedures for the reclassification of cases; the disposition of various fees remaining unused with the courts; the role of the county board of supervisors in setting court fees; the filing by court officers and others of a sworn inventory oath; the setting of court fees; payroll dates for judicial personnel; court personnel costs; the cost of court seals; the



disposition of court fees; courthouse construction; registers of actions; court management review; court district consolidation; the naming of court districts; the selection of court officials; inspection of commitment facilities; court operations; trial court funding; court pilot projects; court-appointed special advocate grants; juvenile court infraction adjudication; liability for costs of sealing juvenile records; and parental responsibility for services for wards of the juvenile court.

This bill would revise, recast, or repeal these various provisions. The bill would impose a state-mandated local program by transferring various duties from the counties to the courts.

This bill would also incorporate additional changes in Section 77003 of the Government Code, proposed by AB 223, to be operative only if AB 223 and this bill are both chaptered and become effective January 1, 2002, and this bill is chaptered last.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 54.8 of the Civil Code is amended to
2 read:
3 54.8. (a) In any civil or criminal proceeding, including, but
4 not limited to, traffic, small claims court, family court proceedings
5 and services, and juvenile court proceedings, in any court-ordered
6 or court-provided alternative dispute resolution, including
7 mediation and arbitration, or in any administrative hearing of a
8 public agency, where a party, witness, attorney, judicial employee,
9 judge, juror, or other participant who is hearing impaired, the
10 individual who is hearing impaired, upon his or her request, shall



1 be provided with a functioning assistive listening system or a
2 computer-aided transcription system. Any individual requiring
3 this equipment shall give advance notice of his or her need to the
4 appropriate court or agency at the time the hearing is set or not later
5 than five days before the hearing.

6 (b) Assistive listening systems include, but are not limited to,
7 special devices which transmit amplified speech by means of
8 audio-induction loops, radio frequency systems (AM or FM), or
9 infrared transmission. Personal receivers, headphones, and neck
10 loops shall be available upon request by individuals who are
11 hearing impaired.

12 (c) If a computer-aided transcription system is requested,
13 sufficient display terminals shall be provided to allow the
14 individual who is hearing impaired to read the real-time transcript
15 of the proceeding without difficulty.

16 (d) A sign shall be posted in a prominent place indicating the
17 availability of, and how to request, an assistive listening system
18 and a computer-aided transcription system. Notice of the
19 availability of the systems shall be posted with notice of trials.

20 (e) Each superior court shall have at least one portable assistive
21 listening system for use in any court facility within the county.
22 When not in use, the system shall be stored in a location
23 determined by the court.

24 (f) The Judicial Council shall develop and approve official
25 forms for notice of the availability of assistive listening systems
26 and computer-aided transcription systems for individuals who are
27 hearing impaired. The Judicial Council shall also develop and
28 maintain a system to record utilization by the courts of these
29 assistive listening systems and computer-aided transcription
30 systems.

31 (g) If the individual who is hearing impaired is a juror, the jury
32 deliberation room shall be equipped with an assistive listening
33 system or a computer-aided transcription system upon the request
34 of the juror.

35 (h) A court reporter may be present in the jury deliberating
36 room during a jury deliberation if the services of a court reporter
37 for the purpose of operating a computer-aided transcription system
38 are required for a juror who is hearing impaired.

39 (i) In any of the proceedings referred to in subdivision (a), or
40 in any administrative hearing of a public agency, in which the



1 individual who is hearing impaired is a party, witness, attorney,
2 judicial employee, judge, juror, or other participant, and has
3 requested use of an assistive listening system or computer-aided
4 transcription system, the proceedings shall not commence until the
5 system is in place and functioning.

6 (j) As used in this section, “individual who is hearing
7 impaired” means an individual with a hearing loss, who, with
8 sufficient amplification or a computer-aided transcription system,
9 is able to fully participate in the proceeding.

10 (k) In no case shall this section be construed to prescribe a
11 lesser standard of accessibility or usability than that provided by
12 Title II of the Americans with Disabilities Act of 1990 (Public Law
13 101-336) and federal regulations adopted pursuant to that act.

14 SEC. 2. Section 403.020 of the Code of Civil Procedure is
15 amended to read:

16 403.020. (a) If a plaintiff, cross-complainant, or petitioner
17 files an amended complaint or other amended initial pleading that
18 changes the jurisdictional classification from limited to unlimited,
19 the party at the time of filing the pleading shall pay the
20 reclassification fee provided in Section 403.060, and the clerk
21 shall promptly reclassify the case. If the amendment changes the
22 jurisdictional classification from unlimited to limited, no
23 reclassification fee is required, and the clerk shall promptly
24 reclassify the case.

25 (b) For purposes of this chapter, an amendment to an initial
26 pleading shall be treated in the same manner as an amended initial
27 pleading.

28 SEC. 3. Section 403.030 of the Code of Civil Procedure is
29 amended to read:

30 403.030. If a party in a limited civil case files a
31 cross-complaint that causes the action or proceeding to exceed the
32 maximum amount in controversy for a limited civil case or
33 otherwise fail to satisfy the requirements for a limited civil case as
34 prescribed by Section 85, the caption of the cross-complaint shall
35 state that the action or proceeding is a limited civil case to be
36 reclassified by cross-complaint, or words to that effect. The party
37 at the time of filing the cross-complaint shall pay the
38 reclassification fees provided in Section 403.060, and the clerk
39 shall promptly reclassify the case.



1 SEC. 4. Section 403.040 of the Code of Civil Procedure is
2 amended to read:

3 403.040. (a) The plaintiff, cross-complainant, or petitioner
4 may file a motion for reclassification within the time allowed for
5 that party to amend the initial pleading. The defendant or
6 cross-defendant may file a motion for reclassification within the
7 time allowed for that party to respond to the initial pleading. The
8 court, on its own motion, may reclassify a case at any time. A
9 motion for reclassification does not extend the moving party's
10 time to amend or answer or otherwise respond. The court shall
11 grant the motion and enter an order for reclassification, regardless
12 of any fault or lack of fault, if the case has been classified in an
13 incorrect jurisdictional classification.

14 (b) If a party files a motion for reclassification after the time for
15 that party to amend that party's initial pleading or to respond to a
16 complaint, cross-complaint, or other initial pleading, the court
17 shall grant the motion and enter an order for reclassification only
18 if both of the following conditions are satisfied:

19 (1) The case is incorrectly classified.

20 (2) The moving party shows good cause for not seeking
21 reclassification earlier.

22 (c) If the court grants a motion for reclassification, the payment
23 of the reclassification fee shall be determined, unless the court
24 orders otherwise, as follows:

25 (1) If a case is reclassified as an unlimited civil case, the party
26 whose pleading causes the action or proceeding to exceed the
27 maximum amount in controversy for a limited civil case or
28 otherwise fails to satisfy the requirements of a limited civil case
29 under Section 85 shall pay the reclassification fee provided in
30 Section 403.060.

31 (2) If a case is reclassified as a limited civil case, no
32 reclassification fee is required.

33 (d) If the court grants an order for reclassification of an action
34 or proceeding pursuant to this section, the reclassification shall
35 proceed as follows:

36 (1) If the required reclassification fee is paid pursuant to
37 Section 403.060 or no reclassification fee is required, the clerk
38 shall promptly reclassify the case.

39 (2) An action that has been reclassified pursuant to this section
40 shall not be further prosecuted in any court until the required



1 reclassification fee is paid. If the required reclassification fee has
2 not been paid within five days after service of notice of the order
3 for reclassification, any party interested in the case, regardless of
4 whether that party is named in the complaint, may pay the fee, and
5 the clerk shall promptly reclassify the case as if the fee had been
6 paid as provided in Section 403.060. The fee shall then be a proper
7 item of costs of the party paying it, recoverable if that party
8 prevails in the action or proceeding. Otherwise, the fee shall be
9 offset against and deducted from the amount, if any, awarded to the
10 party responsible for the fee, if that party prevails in the action or
11 proceeding.

12 (3) If the fee is not paid within 30 days after service of notice
13 of an order of reclassification, the court on its own motion or the
14 motion of any party may order the case to proceed as a limited civil
15 case, dismiss the action or cross-action without prejudice on the
16 condition that no other action or proceeding on the same matters
17 may be commenced in any other court until the reclassification fee
18 is paid, or take such other action as the court may deem
19 appropriate.

20 (e) Nothing in this section shall be construed to require the
21 superior court to reclassify an action or proceeding because the
22 judgment to be rendered, as determined at the trial or hearing, is
23 one that might have been rendered in a limited civil case.

24 (f) In any case where the misclassification is due solely to an
25 excess in the amount of the demand, the excess may be remitted
26 and the action may continue as a limited civil case.

27 SEC. 5. Section 403.050 of the Code of Civil Procedure is
28 repealed.

29 SEC. 6. Section 403.050 is added to the Code of Civil
30 Procedure, to read:

31 403.050. (a) The parties to the action or proceeding may
32 stipulate to reclassification of the case within the time allowed to
33 respond to the initial pleading.

34 (b) If the stipulation for reclassification changes the
35 jurisdictional classification of the case from limited to unlimited,
36 the reclassification fee provided in Section 403.060 shall be paid
37 at the time the stipulation is filed.

38 (c) Upon filing of the stipulation and, if required under
39 subdivision (b), the payment of the reclassification fee provided
40 in Section 403.060, the clerk shall promptly reclassify the case.



1 SEC. 7. Section 403.060 of the Code of Civil Procedure is
2 repealed.

3 SEC. 8. Section 403.060 is added to the Code of Civil
4 Procedure, to read:

5 403.060. (a) The fee for reclassification of a case from a
6 limited civil case to an unlimited civil case shall be one hundred
7 twenty-five dollars (\$125). This reclassification fee shall be in
8 addition to any other fee due for that appearance or filing in a
9 limited civil case. No additional amounts shall be charged for
10 appearance or filing fees paid prior to reclassification. After
11 reclassification, the fees ordinarily charged in an unlimited case
12 shall be charged.

13 (b) If a reclassification fee is required and is not paid at the time
14 an amended complaint or other initial pleading, a cross-complaint,
15 or a stipulation for reclassification is filed under Section 403.020,
16 403.030, or 403.050, the clerk shall not reclassify the case and the
17 case shall remain and proceed as a limited civil case.

18 (c) No fee shall be charged for reclassification of a case from
19 an unlimited civil case to a limited civil case. The fees ordinarily
20 required for filing or appearing in a limited civil case shall be
21 charged at the time of filing a pleading that reclassifies the case.
22 Parties are not entitled to a refund of the difference between any
23 fees previously paid for appearance or filing in an unlimited civil
24 case and the fees due in a limited civil case. After reclassification,
25 the fees ordinarily charged in a limited civil case shall be charged.

26 SEC. 9. Section 631.3 of the Code of Civil Procedure is
27 amended to read:

28 631.3. Notwithstanding any other provision of law, when a
29 party to the litigation has deposited jury fees with the judge or clerk
30 and that party waives a jury or obtains a continuance of the trial,
31 or the case is settled, none of the deposit shall be refunded if the
32 court finds there has been insufficient time to notify the jurors that
33 the trial would not proceed at the time set. If the jury fees so
34 deposited are not refunded for the reasons herein specified, or if
35 a refund of jury fees deposited with the judge or clerk has not been
36 requested, in writing, by the depositing party within 20 business
37 days from the date on which the jury is waived or the action is
38 settled, dismissed, or a continuance thereof granted, the fees shall
39 be transmitted to the Controller for deposit into the Trial Court
40 Trust Fund. All jury fees and mileage fees that may accrue by



1 reason of a juror serving on more than one case in the same day
2 shall be transmitted to the Controller for deposit into the Trial
3 Court Trust Fund. All jury fees that were deposited with the court
4 in advance of trial pursuant to Section 631 prior to January 1, 1999,
5 and which remain on deposit in cases that were settled, dismissed,
6 or otherwise disposed of, and three years have passed since the date
7 the case was settled, dismissed, or otherwise disposed of, shall be
8 transmitted to the Controller for deposit into the Trial Court Trust
9 Fund.

10 SEC. 10. Section 1010.5 of the Code of Civil Procedure is
11 amended to read:

12 1010.5. The Judicial Council may adopt rules permitting the
13 filing of papers by facsimile transmission, both directly with the
14 courts and through third parties. Notwithstanding any other
15 provision of law, the rules may provide that the facsimile
16 transmitted document shall constitute an original document, and
17 that notwithstanding Section 6159 of the Government Code or
18 Title 1.3 (commencing with Section 1747) of Part 4 of Division 3
19 of the Civil Code, any court authorized to accept a credit card as
20 payment pursuant to this section may add a surcharge to the
21 amount of the transaction to be borne by the litigant to cover
22 charges imposed on credit card transactions regarding fax filings
23 between a litigant and the court.

24 If the Judicial Council adopts rules permitting the filing of
25 papers by facsimile transmission, the consent of the Judicial
26 Council shall not be necessary to permit the use of credit cards to
27 pay fees for the filing of papers by facsimile transmission directly
28 with the court, provided that the court charges a processing fee to
29 the filing party sufficient to cover the cost to the court of
30 processing payment by credit card.

31 SEC. 10.5. Section 1010.6 of the Code of Civil Procedure is
32 amended to read:

33 1010.6. (a) A trial court may adopt local rules permitting
34 electronic filing and service of documents, subject to rules adopted
35 pursuant to subdivision (b) and the following conditions:

36 (1) A document that is filed electronically shall have the same
37 legal effect as an original paper document.

38 (2) (A) When a document to be filed requires the signature, not
39 under penalty of perjury, of an attorney or a person filing in propria



1 persona, the document shall be deemed to have been signed by that
2 attorney or person if filed electronically.

3 (B) When a document to be filed requires the signature, under
4 penalty of perjury, of any person, the document shall be deemed
5 to have been signed by that person if filed electronically and if a
6 printed form of the document has been signed by that person prior
7 to, or on the same day as, the date of filing. The attorney or person
8 filing the document represents, by the act of filing, that the
9 declarant has complied with this section. The attorney or person
10 filing the document shall maintain the printed form of the
11 document bearing the original signature and make it available for
12 review and copying upon the request of the court or any party to
13 the action or proceeding in which it is filed.

14 (3) Any document that is electronically filed with the court
15 after the close of business on any day shall be deemed to have been
16 filed on the next court day. “Close of business,” as used in this
17 paragraph, shall mean 5 p.m. or the time at which the court would
18 not accept filing at the court’s filing counter, whichever is earlier.

19 (4) The court receiving a document filed electronically shall
20 issue a confirmation that the document has been received and filed.
21 The confirmation shall serve as proof that the document has been
22 filed.

23 (5) Upon electronic filing of a complaint, petition, or other
24 document that must be served with a summons, a trial court may
25 electronically transmit a summons with the court seal and the case
26 number to the party filing the complaint. Personal service of a
27 printed form of the electronic summons shall have the same legal
28 effect as personal service of an original summons. If a trial court
29 plans to electronically transmit a summons to the party filing a
30 complaint, the court shall immediately upon receipt of the
31 complaint notify the attorney or party that a summons will be
32 electronically transmitted to the electronic address given by the
33 person filing the complaint.

34 (6) Where notice may be served by mail, express mail,
35 overnight delivery, or facsimile transmission, electronic service of
36 the notice and any accompanying documents may be authorized
37 when a party has agreed to accept service electronically in that
38 action. Electronic service is complete at the time of transmission,
39 but any period of notice or any right or duty to do any act or make
40 any response within any period or on a date certain after the service



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

9 (7) The court shall permit a party or attorney to file an
10 application for waiver of court fees and costs, in lieu of requiring
11 the payment of the filing fee, as part of the process involving the
12 electronic filing of a document. The court shall consider and
13 determine the application in accordance with Section 68511.3 of
14 the Government Code and shall not require the party or attorney
15 to submit any documentation other than that set forth in Section
16 68511.3 of the Government Code. Nothing in this section shall
17 require the court to waive a filing fee that is not otherwise
18 waivable.

19 (8) If a trial court adopts rules conforming to paragraphs (1) to
20 (7), inclusive, it may provide by order that all parties to an action
21 file documents electronically in a class action, a consolidated
22 action, or a group of actions, a coordinated action, or an action that
23 is deemed complex under Judicial Council rules, provided that the
24 trial court's order does not cause undue hardship or significant
25 prejudice to any party in the action.

26 (b) By January 1, 2003, the Judicial Council shall adopt
27 uniform rules for the electronic filing and service of documents in
28 the trial courts of the state, which shall include statewide policies
29 on vendor contracts, privacy, and access to public records. These
30 rules shall conform to the conditions set forth in this section, as
31 amended from time to time.

32 SEC. 11. Section 1161.2 of the Code of Civil Procedure is
33 amended to read:

34 1161.2. (a) Except as provided in subdivision (g), in any case
35 filed under this chapter as a limited civil case, the court clerk shall
36 not allow access to the court file, index, register of actions, or other
37 court records until 60 days following the date the complaint is
38 filed, except pursuant to an ex parte court order upon a showing
39 of good cause therefor by any person including, but not limited to,
40 a newspaper publisher. However, the clerk of the court shall allow



1 access to the court file to a party in the action, an attorney of a party
2 in the action, or any other person who (1) provides to the clerk the
3 names of at least one plaintiff, one defendant, and the address,
4 including the apartment, unit, or space number, if applicable, of the
5 subject premises, or (2) provides to the clerk the name of one of
6 the parties or the case number and can establish through proper
7 identification that he or she resides at the subject premises.

8 (b) For purposes of this section, “good cause” includes, but is
9 not limited to, the gathering of newsworthy facts by a person
10 described in Section 1070 of the Evidence Code. It is the intent of
11 the Legislature that a simple procedure be established to request
12 the ex parte order described in subdivision (a).

13 (c) Except as provided in subdivision (g), upon the filing of any
14 case so restricted, the court clerk shall mail notice to each
15 defendant named in the action. The notice shall be mailed to the
16 address provided in the complaint. The notice shall contain a
17 statement that an unlawful detainer complaint (eviction action) has
18 been filed naming that party as a defendant, and that access to the
19 court file will be delayed for 60 days except to a party, an attorney
20 for one of the parties, or any other person who (1) provides to the
21 clerk the names of at least one plaintiff and one defendant in the
22 action and provides to the clerk the address, including any
23 applicable apartment, unit, or space number, of the subject
24 premises, or (2) provides to the clerk the name of one of the parties
25 in the action or the case number and can establish through proper
26 identification that he or she lives at the subject premises. The
27 notice shall also contain a statement that access to the court index,
28 register of actions, or other records is not permitted until 60 days
29 after the complaint is filed, except pursuant to an ex parte order
30 upon a showing of good cause therefor. The notice shall contain
31 on its face the name and phone number of the county bar
32 association and the name and phone number of an office funded
33 by the federal Legal Services Corporation that provides legal
34 services to low-income persons in the county in which the action
35 is filed. The notice shall state that these numbers may be called for
36 legal advice regarding the case. The notice shall be issued between
37 24 and 48 hours of the filing of the complaint, excluding weekends
38 and holidays. One copy of the notice shall be addressed to “all
39 occupants” and mailed separately to the subject premises. The
40 notice shall not constitute service of the summons and complaint.



1 (d) Notwithstanding any other provision of law, the court shall
2 charge an additional fee of four dollars (\$4) for filing a first
3 appearance by the plaintiff. This fee shall be included as part of the
4 total filing fee for actions filed under this chapter.

5 (e) A municipal court or the superior court in a county in which
6 there is no municipal court, after consultation with local
7 associations of rental property owners, tenant groups, and
8 providers of legal services to tenants, may exempt itself from the
9 operation of this section upon a finding that unscrupulous eviction
10 defense services are not a substantial problem in the judicial
11 district. The court shall review the finding every 12 months. An
12 exempt court shall not charge the additional fee authorized in
13 subdivision (d).

14 (f) The Judicial Council shall examine the extent to which
15 requests for access to files pursuant to an ex parte order under
16 subdivision (a) are granted or denied, and if denied, the reason for
17 the denial of access.

18 (g) This section shall not apply to a case that seeks to terminate
19 a mobilehome park tenancy if the statement of the character of the
20 proceeding in the caption of the complaint clearly indicates that the
21 complaint seeks termination of a mobilehome park tenancy.

22 SEC. 12. Section 24051 of the Government Code is amended
23 to read:

24 24051. On or before July 10th in each year, or at such other
25 interval designated by the board of supervisors, each county
26 officer or person in charge of any office, department, service, or
27 institution of the county, and the executive head of each special
28 district whose affairs and funds are under the supervision and
29 control of the board of supervisors or for which the board is ex
30 officio the governing body shall file with the county clerk, or with
31 the county auditor, according to the procedure prescribed by the
32 board, an inventory under oath, showing in detail all county
33 property in his or her possession or in his or her charge at the close
34 of business on the preceding June 30th. By ordinance the board of
35 supervisors may prescribe an annual or such other period,
36 provided that such period shall not be in excess of three years, for
37 preparation of the inventory and a correspondingly different date
38 for its filing, and may prescribe the manner and form in which the
39 inventory shall be compiled. The inventories shall be kept of
40 record by the county clerk or auditor for at least five years. Any



1 inventory which has been on file for five years or more may be
2 destroyed on order of the board of supervisors. A true copy of the
3 inventory shall be delivered by the person who made it to his
4 successor in office, who shall receipt for it. The receipt shall be
5 filed with the county clerk or county auditor.

6 SEC. 13. Section 26820.6 of the Government Code is
7 amended to read:

8 26820.6. The term “total fee” as used in Sections 26820.4,
9 26826, and 26827, includes the amount allocated to the Judges’
10 Retirement Fund pursuant to Section 26822.3, the vital statistic fee
11 imposed pursuant to Section 26859, the fee for the automation and
12 conversion of court records imposed pursuant to Section 26863,
13 any construction fee imposed pursuant to Section 76238, and the
14 law library fee established pursuant to Article 2 (commencing with
15 Section 6320) of Chapter 5 of Division 3 of the Business and
16 Professions Code. The term “total fee” as used in Sections
17 26820.4, 26826, and 26827, also includes any dispute resolution
18 fee imposed pursuant to Section 470.3 of the Business and
19 Professions Code, but the Judicial Council may authorize any trial
20 court to exclude any portion of this dispute resolution fee from the
21 term “total fee.”

22 SEC. 14. Section 26827.6 of the Government Code is
23 amended to read:

24 26827.6. (a) The fee for receiving and storing a document
25 transferred to the clerk of the superior court under Section 732 of
26 the Probate Code is ten dollars (\$10), unless the court determines
27 that ten dollars (\$10) is less than the direct cost of making a
28 photograph, microphotograph, photocopy, or electronic image of
29 the document, if any, and the direct cost of indexing and long-term
30 storage of the document or its photograph, microphotograph,
31 photocopy, or electronic image. Any determination made by a
32 court under this subdivision shall be valid only if either (1) made
33 under procedures adopted by the Judicial Council or (2) approved
34 by the Judicial Council.

35 (b) If the court makes the determination provided in
36 subdivision (a), the court may set a fee for receiving and storing
37 a document that exceeds ten dollars (\$10), but that fee shall not
38 exceed the direct costs specified in subdivision (a).



1 (c) The superior court may reduce or waive the fee established
2 pursuant to this section under either of the following
3 circumstances:

4 (1) The court has assumed jurisdiction under Article 11
5 (commencing with Section 6180) of Chapter 4 of Division 3 of the
6 Business and Professions Code over the law practice of the
7 attorney with whom the document is deposited.

8 (2) On a showing of hardship.

9 SEC. 15. Section 28003 of the Government Code is amended
10 to read:

11 28003. (a) In any county the board of supervisors may by
12 ordinance fix a date or schedule of dates for the payment of salaries
13 of the officers, deputies, clerks, and employees of the several
14 departments and institutions of the county government.

15 (b) If the county processes the payroll of the trial courts in that
16 county, the board of supervisors shall also fix a date or schedule
17 of dates for the payment of salaries of those judges and other
18 officers and employees of the trial courts whose salaries are
19 processed by the county.

20 (c) In any court that processes its own payroll, the court shall
21 fix a date or schedule of dates for the payment of the salaries of the
22 judges and other officers and the employees of that court.

23 (d) Nothing in this section shall affect the processing by the
24 state of payroll for judges.

25 SEC. 16. Section 29610.1 of the Government Code is
26 repealed.

27 SEC. 17. Section 68079 of the Government Code is amended
28 to read:

29 68079. A court for which the necessary seal has not been
30 provided, or the judge or judges of that court, shall provide it. The
31 expense shall be an item of court operations. Until the seal is
32 provided the clerk or judge of each court may use his or her private
33 seal whenever a seal is required.

34 SEC. 18. Section 68085 of the Government Code is amended
35 to read:

36 68085. (a) (1) There is hereby established the Trial Court
37 Trust Fund, the proceeds of which shall be apportioned at least
38 quarterly for the purpose of funding trial court operations, as
39 defined in Section 77003. In no event shall apportionment
40 payments exceed 30 percent of the total annual apportionment to



1 the Trial Court Trust Fund for state trial court funding in any
2 90-day period.

3 (2) The apportionment payments shall be made by the
4 Controller. For fiscal year 1997–98, the Controller shall make the
5 first apportionment payment within 10 days of the operative date
6 of this section. The final payment from the Trial Court Trust Fund
7 for each fiscal year shall be made on or before August 31 of the
8 subsequent fiscal year.

9 (3) If apportionment payments are made on a quarterly basis,
10 the payments shall be on July 15, October 15, January 15, and
11 April 15. In addition to quarterly payments, a final payment from
12 the Trial Court Trust Fund for each fiscal year may be made on or
13 before August 31 of the subsequent fiscal year.

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

18 (c) (1) Except as specified in subdivision (d), this section
19 applies to all fees collected pursuant to Sections 631.3 , 116.230,
20 and 403.060 of the Code of Civil Procedure and Sections 26820.4,
21 26823, 26826, 26826.01, 26827, 26827.4, 26830, 26832.1,
22 26833.1, 26835.1, 26836.1, 26837.1, 26838, 26850.1, 26851.1,
23 26852.1, 26853.1, 26855.4, 26862, 27081.5, 68086, 72055,
24 72056, 72056.01, and 72060.

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

31 (3) Any amounts transmitted by a county to the Controller for
32 deposit into the Trial Court Trust Fund from fees collected
33 pursuant to Section 27361 between January 1, 1998, and the
34 effective date of this paragraph shall be credited against the total
35 amount the county is required to pay to the state pursuant to
36 paragraph (2) of subdivision (b) of Section 77201 for the 1997–98
37 fiscal year.

38 (d) This section does not apply to that portion of a filing fee
39 collected pursuant to Section 26820.4, 26826, 26827, 72055, or
40 72056 which is allocated for dispute resolution pursuant to Section



1 470.3 of the Business and Professions Code, the county law library
2 pursuant to Section 6320 of the Business and Professions Code, the
3 Judges' Retirement Fund pursuant to Section 26822.3, automated
4 recordkeeping or conversion to micrographics pursuant to
5 Sections 26863 and 68090.7, and courthouse financing pursuant
6 to Section 76238. This section also does not apply to fees collected
7 pursuant to subdivisions (a) and (c) of Section 27361.

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

11 (f) Notwithstanding any other provision of law, no agency shall
12 take action to change the amounts allocated to any of the above
13 funds.

14 (g) Before making any apportionments under this section, the
15 Controller shall deduct, from the annual appropriation for that
16 purpose, the actual administrative costs that will be incurred under
17 this section. Costs reimbursed under this section shall be
18 determined on an annual basis in consultation with the Judicial
19 Council.

20 (h) Any amounts required to be transmitted by a county or city
21 and county to the state pursuant to this section shall be remitted to
22 the Controller no later than 45 days after the end of the month in
23 which the fees were collected. This remittance shall be
24 accompanied by a remittance advice identifying the collection
25 month and the appropriate account in the Trial Court Trust Fund
26 to which it is to be deposited. Any remittance which is not made
27 by the county or city and county in accordance with this section
28 shall be considered delinquent, and subject to the penalties
29 specified in this section.

30 (i) Upon receipt of any delinquent payment required pursuant
31 to this section, the Controller shall calculate a penalty on any
32 delinquent payment by multiplying the amount of the delinquent
33 payment at a daily rate equivalent to $1\frac{1}{2}$ percent per month for the
34 number of days the payment is delinquent. Notwithstanding
35 Section 77009, any penalty on a delinquent payment that a court
36 is required to reimburse to a county's general fund pursuant to this
37 section and Section 24353 shall be paid from the Trial Court
38 Operations Fund for that court.

39 (j) Penalty amounts calculated pursuant to subdivision (i) shall
40 be paid by the county to the Trial Court Trust Fund no later than



1 45 days after the end of the month in which the penalty was
2 calculated.

3 (k) The Trial Court Trust Fund shall be invested in the Surplus
4 Money Investment Fund and all interest earned shall be allocated
5 to the Trial Court Trust Fund semiannually and shall be allocated
6 among the courts in accordance with the requirements of
7 subdivision (a). The specific allocations shall be specified by the
8 Judicial Council, based upon recommendations from the Trial
9 Court Budget Commission.

10 (l) It is the intent of the Legislature that the revenues required
11 to be deposited into the Trial Court Trust Fund be remitted as soon
12 after collection by the courts as possible. Not later than February
13 1, 2001, the Judicial Council, in consultation with the California
14 State Association of Counties and the California County Auditors
15 Association, shall study and make recommendations to the
16 Legislature on alternative procedures that would improve the
17 collection and remittance of revenues to the Trial Court Trust
18 Fund.

19 SEC. 19. Section 68085.5 of the Government Code is
20 repealed.

21 SEC. 20. Section 69505 of the Government Code is repealed.

22 SEC. 21. Section 69505 is added to the Government Code, to
23 read:

24 69505. Notwithstanding any other provision of law to the
25 contrary, the following procedures shall apply for business-related
26 travel expenses of judges and employees of the trial courts:

27 (a) The Administrative Director of the Courts shall annually
28 recommend policies and schedules for reimbursement of travel
29 expenses and procedures for processing these requests, which shall
30 be approved by the Judicial Council and shall be followed by the
31 trial courts.

32 (b) Each court shall develop a system for presentation and
33 approval of requests that shall ensure that requests are reviewed in
34 an impartial and appropriate manner and that conforms to the
35 policies, schedules, and procedures approved by the Judicial
36 Council.

37 (c) The cost of the approved requests shall be paid from that
38 court's Trial Court Operations Fund.

39 SEC. 22. Section 69506 of the Government Code is repealed.

40 SEC. 23. Section 71010 of the Government Code is repealed.



- 1 SEC. 24. Section 71040.5 of the Government Code is
- 2 repealed.
- 3 SEC. 25. Section 71040.7 of the Government Code is
- 4 repealed.
- 5 SEC. 26. Section 71045 of the Government Code is repealed.
- 6 SEC. 27. Section 71083.1 of the Government Code is
- 7 repealed.
- 8 SEC. 28. Section 71085.1 of the Government Code is
- 9 repealed.
- 10 SEC. 29. Section 72053 of the Government Code is repealed.
- 11 SEC. 30. Section 74501.1 of the Government Code is
- 12 repealed.
- 13 SEC. 31. Section 74501.2 of the Government Code is
- 14 repealed.
- 15 SEC. 32. Section 74904 of the Government Code is repealed.
- 16 SEC. 33. Section 77003 of the Government Code is amended
- 17 to read:
- 18 77003. (a) As used in this chapter, “court operations” means
- 19 all of the following:
- 20 (1) Salaries, benefits, and public agency retirement
- 21 contributions for superior and municipal court judges and for
- 22 subordinate judicial officers. For purposes of this paragraph,
- 23 “subordinate judicial officers” includes all commissioner or
- 24 referee positions created prior to July 1, 1997, including positions
- 25 created in the municipal court prior to July 1, 1997, which
- 26 thereafter became positions in the superior court as a result of
- 27 unification of the municipal and superior courts in a county, and
- 28 including those commissioner positions created pursuant to
- 29 Sections 69904, 70141, 70141.9, 70142.11, 72607, 73794,
- 30 74841.5, and 74908; and includes any staff who provide direct
- 31 support to commissioners; but does not include commissioners or
- 32 staff who provide direct support to the commissioners whose
- 33 positions were created after July 1, 1997, unless approved by the
- 34 Judicial Council, subject to availability of funding.
- 35 (2) The salary, benefits, and public agency retirement
- 36 contributions for other court staff including all municipal court
- 37 staff positions specifically prescribed by statute.
- 38 (3) Those marshals and sheriffs as the court deems necessary
- 39 for court operations.



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

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

6 (6) Collective bargaining under the Meyers-Milias-Brown Act
7 or Sections 2201 to 2210, inclusive, of the California Rules of
8 Court with respect to court employees specified in Section 3501.5.

9 (7) Actual indirect costs for county and city and county general
10 services attributable to court operations, but specifically
11 excluding, but not limited to, law library operations conducted by
12 a trust pursuant to statute; courthouse construction; district
13 attorney services; probation services; indigent criminal defense;
14 grand jury expenses and operations; and pretrial release services.

15 (8) Except as provided in subdivision (b), other matters listed
16 as court operations in Rule 810 of the California Rules of Court as
17 it read on July 1, 1996.

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

21 *SEC. 33.5. Section 77003 of the Government Code is*
22 *amended to read:*

23 77003. (a) As used in this chapter, “court operations” means
24 all of the following:

25 (1) Salaries, benefits, and public agency retirement
26 contributions for superior and municipal court judges and for
27 subordinate judicial officers. For purposes of this paragraph,
28 “subordinate judicial officers” includes all commissioner or
29 referee positions created prior to July 1, 1997, including positions
30 created in the municipal court prior to July 1, 1997, which
31 thereafter became positions in the superior court as a result of
32 unification of the municipal and superior courts in a county, and
33 including those commissioner positions created pursuant to
34 Sections 69904, 70141, 70141.9, 70142.11, 72607, 73794,
35 74841.5, and 74908; and includes any staff who provide direct
36 support to commissioners; but does not include commissioners or
37 staff who provide direct support to the commissioners whose
38 positions were created after July 1, 1997, unless approved by the
39 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-Millias-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) Actual—~~*Subject to paragraph (1) of subdivision (d) of*
16 *Section 77212, actual* indirect costs for county and city and county
17 general 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 (8) *Except as provided in subdivision (b), other matters listed*
23 *as court operations in Rule 810 of the California Rules of Court*
24 *as it read on July 1, 1996.*

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

28 SEC. 34. Section 77208 of the Government Code is repealed.

29 SEC. 35. Section 77209 of the Government Code is amended
30 to read:

31 77209. (a) There is in the State Treasury the Trial Court
32 Improvement Fund.

33 (b) The Judicial Council shall reserve funds for the following
34 projects by allocating 1 percent of the annual appropriation for the
35 trial courts to the Trial Court Improvement Fund as follows:

36 (1) At least one-half of 1 percent of the total appropriation for
37 trial court operations shall be set aside as a reserve which shall not
38 be allocated prior to March 15 of each year unless allocated to a
39 court or courts for urgent needs.



1 (2) Up to one-quarter of 1 percent of the total appropriation for
2 trial court operations may be allocated from the fund to courts
3 which have fully unified to the extent permitted by law and which
4 meet additional criteria as may be established by the Judicial
5 Council.

6 (3) Up to one-quarter of 1 percent of the total appropriation for
7 trial court operations may be allocated from the fund for statewide
8 projects or programs for the benefit of the trial courts.

9 (c) Any funds in the Trial Court Improvement Fund that are
10 unencumbered at the end of the fiscal year shall be reappropriated
11 to the Trial Court Improvement Fund for the following fiscal year.

12 (d) Moneys deposited in the Trial Court Improvement Fund
13 shall be placed in an interest bearing account. Any interest earned
14 shall accrue to the fund and shall be disbursed pursuant to
15 subdivision (e).

16 (e) Moneys deposited in the Trial Court Improvement Fund
17 may be disbursed for purposes of this section.

18 (f) Moneys deposited in the Trial Court Improvement Fund
19 pursuant to Section 68090.8 shall be allocated by the Judicial
20 Council for automated recordkeeping system improvements
21 pursuant to that section and in furtherance of Rule 991 of the
22 California Rules of Court, as it read on July 1, 1996.

23 (g) Moneys deposited in the Trial Court Improvement Fund
24 shall be administered by the Judicial Council. The Judicial Council
25 may, with appropriate guidelines, delegate to the Administrative
26 Director of the Courts the administration of the fund. Moneys in
27 the fund may be expended to implement trial court projects
28 approved by the Judicial Council. Expenditures may be made to
29 vendors or individual trial courts that have the responsibility to
30 implement approved projects.

31 (h) Notwithstanding other provisions of this section, the 2
32 percent automation fund moneys deposited in the Trial Court
33 Improvement Fund pursuant to Section 68090.8 shall be allocated
34 by the Judicial Council to individual courts of the counties for
35 deposit in the Trial Court Operations Fund of the county from
36 which the money was collected in an amount not less than the
37 revenues collected in the local 2 percent automation funds in fiscal
38 year 1994–95. The Judicial Council shall allocate the remainder of
39 the moneys deposited in the Trial Court Improvement Fund as
40 specified in this section.



1 For the purposes of this subdivision, the term “2 percent
2 automation fund” means the fund established pursuant to Section
3 68090.8 as it read on June 30, 1996.

4 (i) The Judicial Council shall present an annual report to the
5 Legislature on the use of the Trial Court Improvement Fund. The
6 report shall include appropriate recommendations.

7 SEC. 36. Section 1203.4a of the Penal Code is amended to
8 read:

9 1203.4a. (a) Every defendant convicted of a misdemeanor
10 and not granted probation shall, at any time after the lapse of one
11 year from the date of pronouncement of judgment, if he or she has
12 fully complied with and performed the sentence of the court, is not
13 then serving a sentence for any offense and is not under charge of
14 commission of any crime and has, since the pronouncement of
15 judgment, lived an honest and upright life and has conformed to
16 and obeyed the laws of the land, be permitted by the court to
17 withdraw his or her plea of guilty or nolo contendere and enter a
18 plea of not guilty; or if he or she has been convicted after a plea of
19 not guilty, the court shall set aside the verdict of guilty; and in
20 either case the court shall thereupon dismiss the accusatory
21 pleading against such defendant, who shall thereafter be released
22 from all penalties and disabilities resulting from the offense of
23 which he or she has been convicted, except as provided in Section
24 12021.1 of this code or Section 13555 of the Vehicle Code. The
25 defendant shall be informed of the provisions of this section, either
26 orally or in writing, at the time he or she is sentenced. The
27 defendant may make such application and change of plea in person
28 or by attorney, or by the probation officer authorized in writing;
29 provided, that in any subsequent prosecution of such defendant for
30 any other offense, the prior conviction may be pleaded and proved
31 and shall have the same effect as if relief had not been granted
32 pursuant to this section.

33 This subdivision applies to convictions which occurred before
34 as well as those occurring after, the effective date of this section.

35 (b) Subdivision (a) does not apply to any misdemeanor falling
36 within the provisions of subdivision (b) of Section 42001 of the
37 Vehicle Code, or to any infraction.

38 (c) A person who petitions for a dismissal of a charge under this
39 section may be required to reimburse the county and the court for
40 the cost of services rendered at a rate to be determined by the



1 county board of supervisors for the county and by the court for the
2 court, not to exceed sixty dollars (\$60), and to reimburse any city
3 for the cost of services rendered at a rate to be determined by the
4 city council not to exceed sixty dollars (\$60). Ability to make this
5 reimbursement shall be determined by the court using the
6 standards set forth in paragraph (2) of subdivision (f) of Section
7 987.8 and shall not be a prerequisite to a person's eligibility under
8 this section. The court may order reimbursement in any case in
9 which the petitioner appears to have the ability to pay, without
10 undue hardship, all or any portion of the cost for services
11 established pursuant to this subdivision.

12 (d) Any determination of amount made by a court under this
13 section shall be valid only if either (1) made under procedures
14 adopted by the Judicial Council or (2) approved by the Judicial
15 Council.

16 SEC. 37. Section 100 of the Welfare and Institutions Code is
17 amended to read:

18 100. The Judicial Council shall establish a planning and
19 advisory group consisting of appropriate professional and
20 program specialists to recommend on the development of program
21 guidelines and funding procedures consistent with this chapter. At
22 a minimum, the council shall adopt program guidelines consistent
23 with the guidelines established by the National Court Appointed
24 Special Advocate Association, and with California law; but the
25 council may require additional or more stringent standards. State
26 funding shall be contingent on a program adopting and adhering
27 to the program guidelines adopted by the council.

28 The program guidelines adopted by the council shall be adopted
29 and incorporated into local rules of court by each participating
30 superior court as a prerequisite to funding pursuant to this chapter.

31 The council shall adopt program guidelines and criteria for
32 funding which encourage multicounty CASA programs where
33 appropriate, and shall in no case provide for funding more than one
34 program per county.

35 The council shall establish in a timely fashion a
36 request-for-proposal process to establish, maintain, or expand
37 local CASA programs and require local matching funds or in-kind
38 funds equal to the proposal request. The maximum state grant per
39 county program per year shall not exceed seventy thousand dollars
40 (\$70,000) in counties in which the population is less than 700,000



1 and shall not exceed one hundred thousand dollars (\$100,000) in
2 counties in which the population is 700,000 or more, according to
3 the annual population report provided by the Department of
4 Finance.

5 SEC. 38. Section 603.5 of the Welfare and Institutions Code
6 is amended to read:

7 603.5. (a) Notwithstanding any other provision of law, in
8 counties which adopt the provisions of this section, jurisdiction
9 over the case of a minor alleged to have committed only a violation
10 of the Vehicle Code classified as an infraction or a violation of a
11 local ordinance involving the driving, parking, or operation of a
12 motor vehicle, is with the municipal court or the superior court in
13 a county in which there is no municipal court, except that the court
14 may refer to the juvenile court for adjudication, cases involving a
15 minor who has been adjudicated a ward of the juvenile court, or
16 who has other matters pending in the juvenile court.

17 (b) The cases specified in subdivision (a) shall not be governed
18 by the procedures set forth in the juvenile court law.

19 (c) Any provisions of juvenile court law requiring that
20 confidentiality be observed as to cases and proceedings,
21 prohibiting or restricting the disclosure of juvenile court records,
22 or restricting attendance by the public at juvenile court
23 proceedings shall not apply. The procedures for bail specified in
24 Chapter 1 (commencing with Section 1268) of Title 10 of Part 2
25 of the Penal Code shall apply.

26 (d) The provisions of this section shall apply in a county in
27 which the trial courts make the section applicable as to any matters
28 to be heard and the court has determined that there is available
29 funding for any increased costs.

30 SEC. 39. Section 903.3 of the Welfare and Institutions Code
31 is amended to read:

32 903.3. (a) The father, mother, spouse, or other person liable
33 for the support of a minor person, the person himself or herself if
34 he or she is an adult, or the estates of those persons shall, unless
35 indigent, be liable for the cost to the county and court for any
36 investigation related to the sealing and for the sealing of any
37 juvenile court or arrest records pursuant to Section 781 pertaining
38 to that person. The liability of those persons and estates shall be a
39 joint and several liability.



1 (b) In the event a petition is filed for an order sealing a record,
2 the father, mother, spouse, or other person liable for the support of
3 a minor, that person if he or she is an adult, or the estate of that
4 person, may be required to reimburse the county and court for the
5 actual cost of services rendered, whether or not the petition is
6 granted and the records are sealed or expunged, at a rate to be
7 determined by the county board of supervisors for the county and
8 by the court for the court, not to exceed one hundred twenty dollars
9 (\$120). Ability to make this reimbursement shall be determined by
10 the court using the standards set forth in paragraph (2) of
11 subdivision (g) of Section 987.8 and shall not be a prerequisite to
12 a person's eligibility under this section. The court may order
13 reimbursement in any case in which the petitioner appears to have
14 the ability to pay, without undue hardship, all or any portion of the
15 cost for services.

16 (c) Notwithstanding subdivision (a), the father, mother,
17 spouse, or other person liable for the support of the minor, the
18 person himself or herself if he or she is an adult, the estate of that
19 person, or the estate of the minor, shall not be liable for the costs
20 described in this section if a petition to declare the minor a
21 dependent child of the court pursuant to Section 300 is dismissed
22 at or before the jurisdictional hearing.

23 (d) Any determination of amount made by a court under this
24 section shall be valid only if either (1) made under procedures
25 adopted by the Judicial Council or (2) approved by the Judicial
26 Council.

27 SEC. 40. Section 904 of the Welfare and Institutions Code is
28 amended to read:

29 904. The monthly or daily charge, not to exceed cost, for care,
30 support, and maintenance of minor persons placed or detained in
31 or committed to any institution by order of a juvenile court, the
32 cost of delinquency-related legal services referred to by Section
33 903.1, the cost of probation supervision referred to by Section
34 903.2, and the cost of sealing records in county or local agency
35 custody referred to by Section 903.3 shall be determined by the
36 board of supervisors. The cost of dependency-related legal
37 services referred to by Section 903.1 and the cost of sealing records
38 in court custody referred to by Section 903.3 shall be determined
39 by the court. Any determination made by a court under this section



1 shall be valid only if either (1) made under procedures adopted by
2 the Judicial Council or (2) approved by the Judicial Council.

3 SEC. 41. *Section 33.5 of this bill incorporates amendments to*
4 *Section 77003 of the Government Code proposed by both this bill*
5 *and AB 223. It shall only become operative if (1) both bills are*
6 *enacted and become effective on or before January 1, 2002, (2)*
7 *each bill amends Section 77003 of the Government Code, and (3)*
8 *this bill is enacted after AB 223, in which case Section 33 of this*
9 *bill shall not become operative.*

10 SEC. 42. Notwithstanding Section 17610 of the Government
11 Code, if the Commission on State Mandates determines that this
12 act contains costs mandated by the state, reimbursement to local
13 agencies and school districts for those costs shall be made pursuant
14 to Part 7 (commencing with Section 17500) of Division 4 of Title
15 2 of the Government Code. If the statewide cost of the claim for
16 reimbursement does not exceed one million dollars (\$1,000,000),
17 reimbursement shall be made from the State Mandates Claims
18 Fund.

