

AMENDED IN ASSEMBLY AUGUST 19, 2002

AMENDED IN ASSEMBLY JULY 10, 2002

AMENDED IN ASSEMBLY JUNE 18, 2002

AMENDED IN SENATE MAY 1, 2002

AMENDED IN SENATE APRIL 9, 2002

**SENATE BILL**

**No. 1316**

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**Introduced by Committee on Judiciary (Senators Escutia  
(Chair), Kuehl, Peace, and Sher)**

January 24, 2002

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An act to amend Sections 6079.1, 6152, 6302.5, 6324, 6341, 6405, 22391, 22455, and 25361 of, and to repeal Section 6365 of, the Business and Professions Code, to amend Sections 52.1, 1181, 1789.24, 1812.105, 1812.503, 1812.510, 1812.515, 1812.525, 1812.600, and 2924j of the Civil Code, to amend Sections 17, 32.5, 73e, 75, 77, 86.1, 116.210, 116.250, 116.950, 134, 166, 170.5, 170.6, 170.9, 179, 194, 195, 198.5, 201, 215, 217, 234, 274a, 394, 396, 403, 403.010, 404, 404.3, 404.9, 422.30, 575, 594, 628, 632, 668, 670, 701.530, 701.540, 904.5, 1060, 1068, 1085, 1103, 1132, 1141.11, 1141.12, 1208.5, 1281.5, 1420, 1607, 1609, 1710.20, 1775.1, and 2015.3 of, and to repeal Sections 34, 85.1, 199, 199.2, 199.3, 199.5, 200, 402, 655, 1052, 1052.5, and 1141.29 of, and to repeal Chapter 5 (commencing with Section 81) of Title 1 of Part 1 of, the Code of Civil Procedure, to amend Section 420 of the Corporations Code, to amend Sections 69763.1 and 69763.2 of the Education Code, to amend Sections 13.5, 327, 2212, 8203, 11221, 13107, 13109, and 13111 of, and to repeal Section 325 of, the Elections Code, to amend Sections 300, 452.5, and 1061 of the Evidence Code, to amend Sections 4252, 7122, 7134, 8613, 8614,

8702, 8714.5, 8818, 9200, and 17521 of, and to repeal Sections 240.5 and 6390 of, the Family Code, to amend Section 210 of the Fish and Game Code, to amend Sections 30801, 31503, 31621, and 31622 of the Food and Agricultural Code, and to amend Sections 945.3, 1770, 3501.5, 6103.5, 6520, 6701, 6704, 12989, 15422, 16265.2, 20437, 20440, 23220, 23396, 25100.5, 26608.3, 26625, 26625.2, 26625.3, 26625.4, 26638.2, 26638.4, 26638.5, 26638.6, 26638.7, 26638.8, 26638.9, 26638.10, 26638.11, 26639.2, 26639.3, 26665, 26671.1, 26671.4, 26671.5, 26671.6, 26671.8, 26827.1, 26835.1, 26856, 27081, 27464, 27706, 29610, 31520, 31662.6, 31663, 41803.5, 50920, 53069.4, 53075.6, 53075.61, 61601.1, 68071, 68072, 68073, 68074.1, 68082, 68090.7, 68093, 68105, 68108, 68115, 68152, 68202, 68206.2, 68502.5, 68562, 68620, 69508.5, 69510, 69510.5, 69510.6, 69580, 69581, 69582, 69582.5, 69583, 69584, 69584.5, 69585, 69585.5, 69585.7, 69586, 69587, 69588, 69589, 69590, 69590.5, 69590.7, 69591, 69592, 69593, 69594, 69595, 69595.5, 69596, 69598, 69599, 69599.5, 69600, 69601, 69602, 69603, 69604, 69605, 69605.5, 69606, 69610, 69611, 69649, 69741, 69743, 69744, 69744.5, 69941, 69942, 69944, 69955, 71305, 71380, 71382, 71384, 71601, 71620, 71674, 72110, 72116, 72190, 72190.1, 72190.2, 72301, 72403, 72407, 73301, 74820.2, 74820.3, 75076.2, 75103, 75602, 76200, 76238, 76245, 77003, 77007, 77008, 82011, 84215, and 91013.5 of, to amend and repeal Sections 72114.2 and 72115 of, to amend and renumber Section 72194.5 of, to add Sections 26638.12, 26639.7, 26672, 69580.3, 69580.7, 69581.3, 69581.7, 69582.3, 69583.5, 69584.7, 69585.9, 69588.3, 69588.7, 69589.3, 69589.7, 69591.3, 69591.7, 69593.5, 69598.5, 69600.5, 69601.3, 69601.7, 69604.3, 69604.5, 69604.7, 69840, ~~69916~~, 69917, and 70219 to, to add Article 13 (commencing with Section 70141.11) to Chapter 5 of, Article 1 (commencing with Section 71002), Article 2 (commencing with Section 71042.5), Article 3 (commencing with Section 71094), Article 5 (commencing with Section 71180), and Article 7 (commencing with Section 71265) to Chapter 6 of, Article 1 (commencing with Section 72004) to Chapter 8 of, Chapter 9 (commencing with Section 72708) to, Article 9.5 (commencing with Section 73660), Article 11.6 (commencing with Section 73750), Article 27 (commencing with Section 74602), Article 31 (commencing with Section 74784), and Article 40 (commencing with Section 74984) to Chapter 10 of, Title 8 of, to repeal Sections 23296, 23398, 23579, 26608.4, 26608.5, 26625.1, 26625.10, 26625.11, 26625.12, 26625.13, 26625.14, 26625.15, 26639.1, 26667, 26668,



26800, 31555, 68077, 68083, 68096, 68520, 68540, 68542, 68542.5, 68546, 68611, 68618.5, 69607, 69608, 69609, 69613, 69614, 69615, 69648, 69750, 69753, 69801, 69890, 69891.1, 69891.5, 69892, 69892.1, 69893.5, 69894, 69894.1, ~~69894.6~~, 69895, 69896, 69897, 69898, 69899.5, 69900, 69901, 69903.3, 69904, 69906, 69908, 69911, 69912, 69915, 69945, 69957, 69958, 69959, 70214.5, 70214.6, 72053.5, 72111, 72113, 72114.1, 72114.2, 72150, 72151, 72190.5, 72191, 72192, 72194, 72195, 72196, 72198, 72199, 72400, 72404, 72405, 72406, 72408, 73300, 74820.4, 74820.5, 74820.6, 74820.7, 74820.8, 74820.9, 74820.10, 74820.11, 74820.12, 74820.13, 74820.14, and 75095.5 of, to repeal Article 1.5 (commencing with Section 26630) of Chapter 2 of Part 3 of Division 2 of Title 3 of, and Article 13 (commencing with Section 70140) of Chapter 5 of, Article 1 (commencing with Section 71001), Article 2 (commencing with Section 71040), Article 3 (commencing with Section 71080), Article 4 (commencing with Section 71140), Article 5 (commencing with Section 71180), Article 6 (commencing with Section 71220), and Article 7 (commencing with Section 71260) of Chapter 6 of, Article 1 (commencing with Section 72000), Article 6 (commencing with Section 72230), Article 7 (commencing with Section 72270), and Article 10 (commencing with Section 72450) of Chapter 8 of, Chapter 9 (commencing with Section 72600) of, Chapter 9.1 (commencing with Section 73075) of, and Chapter 9.2 (commencing with Section 73100) of, Article 1.5 (commencing with Section 73330), Article 2 (commencing with Section 73340), Article 3.1 (commencing with Section 73400), Article 4 (commencing with Section 73430), Article 5 (commencing with Section 73480), Article 6 (commencing with Section 73520), Article 7.5 (commencing with Section 73580), Article 8 (commencing with Section 73600), Article 9.5 (commencing with Section 73660), Article 9.7 (commencing with Section 73671), Article 10 (commencing with Section 73680), Article 11 (commencing with Section 73701), Article 11.6 (commencing with Section 73750), Article 13 (commencing with Section 73820), Article 14 (commencing with Section 73870), Article 17.1 (commencing with Section 74010), Article 18 (commencing with Section 74020), Article 21.5 (commencing with Section 74190), Article 21.6 (commencing with Section 74205), Article 25.1 (commencing with Section 74355), Article 26 (commencing with Section 74500), Article 27 (commencing with Section 74600), Article 28.5 (commencing with Section 74660), Article 29 (commencing with Section 74690), Article 29.5



(commencing with Section 74700), Article 31 (commencing with Section 74780), Article 32 (commencing with Section 74800), Article 32.5 (commencing with Section 74830), Article 33 (commencing with Section 74840), Article 34 (commencing with Section 74860), Article 35 (commencing with Section 74900), and Article 41 (commencing with Section 74993) of Chapter 10 of, Title 8 of, to repeal and add Sections 26639 and 74820.1 of, and to repeal and add Article 4 (commencing with Section 71141) to Chapter 6 of, and Article 3 (commencing with Section 73390), Article 7 (commencing with Section 73560), Article 9 (commencing with Section 73640), Article 10.5 (commencing with Section 73698), Article 11.5 (commencing with Section 73730), Article 12 (commencing with Section 73770), Article 12.2 (commencing with Section 73783.1), Article 12.3 (commencing with Section 73784), Article 12.5 (commencing with Section 73790), Article 16 (commencing with Section 73950), Article 20 (commencing with Section 74130), Article 25 (commencing with Section 74340), Article 28 (commencing with Section 74640), Article 29.6 (commencing with Section 74720), Article 30 (commencing with Section 74740), Article 30.1 (commencing with Section 74760), Article 35.5 (commencing with Section 74915), Article 36 (commencing with Section 74920), Article 37 (commencing with Section 74934), Article 38 (commencing with Section 74948), Article 39 (commencing with Section 74960), and Article 40 (commencing with Section 74993) to Chapter 10 of, the Government Code, to amend Section 515 of the Harbors and Navigation Code, to amend Sections 1428, 1543, 1568.0823, 1569.43, 102247, and 103625 of the Health and Safety Code, to amend Section 11706 of the Insurance Code, to amend Sections 98, 98.1, 98.2, 1181, 1701.10, 2691, and 5600 of the Labor Code, to amend Section 395.3 of the Military and Veterans Code, to amend Sections 28, 808, 810, 830.1, 851.8, 859a, 869, 870, 924.4, 932, 933, 938.1, 987.2, 1000, 1000.5, 1050, 1089, 1203.1b, 1203.1c, 1203.6, 1214, 1237.5, 1240.1, 1281a, 1428, 1463, 1524.1, 1538.5, 3075, 3076, 3085.1, 3607, 4007, 4008, 4009, 4010, 4012, 4024.1, 4112, 4301, 4303, 4304, 4852.18, 6031.1, 13151, and 14154 of, and to repeal Sections 1429.5 and 1462 of, the Penal Code, to amend Sections 1513, 1821, 1826, 1827.5, 1851, and 15688 of the Probate Code, to amend Section 14591.5 of the Public Resources Code, to amend Section 5411.5 of the Public Utilities Code, to amend Section 19707 of the Revenue and Taxation Code, to amend Sections 5419, 6619, 6621, 6622, 6623, and 8266 of the Streets and Highways Code, to amend



Section 1815 of the Unemployment Insurance Code, to amend Sections 9805, 9806, 9872.1, 10751, 11102.1, 11203, 11301.5, 11710.2, 27362, 40256, 40502, 40506.5, 40508.6, 42003, 42008, 42008.5, and 42203 of the Vehicle Code, and to amend Sections 246, 255, 270, 601.4, 656, 661, 742.16, 872, 1737, 5205, 6251, 6776, and 14172 of the Welfare and Institutions Code, relating to court unification.

LEGISLATIVE COUNSEL'S DIGEST

SB 1316, as amended, Committee on Judiciary. Court unification.

The California Constitution provides for the abolition of municipal courts and their unification within the superior courts, as specified.

This bill would conform various statutory provisions of law to the abolition of municipal courts and their unification within the superior courts.

The bill would also make related statutory changes with respect to certain superior court rules; the discontinuation of law libraries; jury service, to become operative January 1, 2004; funding of certain jury costs; the definition of subordinate judicial officers and their powers, duties, and compensation; the appointment, duties, and fees of court reporters; the setting of various court and related fees; the transfer of various duties from the county clerk to the clerk of the superior court; the duties of the Judicial Council and the California Law Revision Commission; provisions affecting county employees who work for the courts; the duties of sheriffs and marshals with respect to the courts; state and county charges for court fees and costs; the boundaries of judicial districts; the appointment and duties of various officers and employees of the superior court; and the definition of court operations for purposes of trial court funding.

The bill would also set forth the intent of the Legislature and the operation of the bill with respect to existing rights under the law. The bill would also provide that any other bill enacted in the year 2002 that takes effect on or before January 1, 2003, and that affects any section affected by this bill, except AB 3034, shall prevail over the changes made by this bill.

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 6079.1 of the Business and Professions  
2 Code is amended to read:

3 6079.1. (a) The Supreme Court shall appoint a presiding  
4 judge of the State Bar Court. In addition, five hearing judges shall  
5 be appointed, two by the Supreme Court, one by the Governor, one  
6 by the Senate Committee on Rules, and one by the Speaker of the  
7 Assembly, to efficiently decide any and all regulatory matters  
8 pending before the Hearing Department of the State Bar Court.  
9 The presiding judge and all other judges of that department shall  
10 be appointed for a term of six years and may be reappointed for  
11 additional six-year terms. Any judge appointed under this section  
12 shall be subject to admonition, censure, removal, or retirement by  
13 the Supreme Court upon the same grounds as provided for judges  
14 of courts of record of this state.

15 (b) Judges of the State Bar Court appointed under this section  
16 shall not engage in the private practice of law. The State Bar Court  
17 shall be broadly representative of the ethnic, sexual, and racial  
18 diversity of the population of California and composed in  
19 accordance with Sections 11140 and 11141 of the Government  
20 Code. Each judge:

21 (1) Shall have been a member of the State Bar for at least five  
22 years.

23 (2) Shall not have any record of the imposition of discipline as  
24 an attorney in California or any other jurisdiction.

25 (3) Shall meet such other requirements as may be established  
26 by subdivision (d) of Section 12011.5 of the Government Code.

27 (c) Applicants for appointment or reappointment as a State Bar  
28 Court judge shall be screened by an applicant evaluation  
29 committee as directed by the Supreme Court. The committee,  
30 appointed by the Supreme Court, shall submit evaluations and  
31 recommendations to the appointing authority and the Supreme  
32 Court as provided in Rule 961 of the California Rules of Court, or  
33 as otherwise directed by the Supreme Court. The committee shall  
34 submit no fewer than three recommendations for each available  
35 position.

36 (d) For judges appointed pursuant to this section or Section  
37 6086.65, the board shall fix and pay reasonable compensation and  
38 expenses and provide adequate supporting staff and facilities.



1 Hearing judges shall be paid 91.3225 percent of the salary of a  
2 superior court judge. The presiding judge shall be paid the same  
3 salary as a superior court judge.

4 (e) From among the members of the State Bar or retired judges,  
5 the Supreme Court or the board may appoint pro tempore judges  
6 to decide matters in the Hearing Department of the State Bar Court  
7 when a judge of the State Bar Court is unavailable to serve without  
8 undue delay to the proceeding. Subject to modification by the  
9 Supreme Court, the board may set the qualifications, terms, and  
10 conditions of service for pro tempore judges and may, in its  
11 discretion, compensate some or all of them out of funds  
12 appropriated by the board for this purpose.

13 (f) A judge or pro tempore judge appointed under this section  
14 shall hear every regulatory matter pending in the Hearing  
15 Department of the State Bar Court as to which the taking of  
16 testimony or offering of evidence at trial has not commenced, and  
17 when so assigned, shall sit as the sole adjudicator, except for  
18 rulings that are to be made by the presiding judge of the State Bar  
19 Court or referees of other departments of the State Bar Court.

20 (g) Any judge or pro tempore judge of the State Bar Court as  
21 well as any employee of the State Bar assigned to the State Bar  
22 Court shall have the same immunity that attaches to judges in  
23 judicial proceedings in this state. Nothing in this subdivision limits  
24 or alters the immunities accorded the State Bar, its officers and  
25 employees, or any judge or referee of the State Bar Court as they  
26 existed prior to January 1, 1989. This subdivision does not  
27 constitute a change in, but is cumulative with, existing law.

28 (h) Nothing in this section shall be construed to prohibit the  
29 board from appointing persons to serve without compensation to  
30 arbitrate fee disputes under Article 13 (commencing with Section  
31 6200) of this chapter or to monitor the probation of a member of  
32 the State Bar, whether those appointed under Section 6079, as  
33 added by Chapter 1114 of the Statutes of 1986, serve in the State  
34 Bar Court or otherwise.

35 SEC. 2. Section 6152 of the Business and Professions Code  
36 is amended to read:

37 6152. (a) It is unlawful for:

38 (1) Any person, in an individual capacity or in a capacity as a  
39 public or private employee, or for any firm, corporation,  
40 partnership or association to act as a runner or capper for any



1 attorneys or to solicit any business for any attorneys in and about  
2 the state prisons, county jails, city jails, city prisons, or other places  
3 of detention of persons, city receiving hospitals, city and county  
4 receiving hospitals, county hospitals, superior courts, or in any  
5 public institution or in any public place or upon any public street  
6 or highway or in and about private hospitals, sanitariums or in and  
7 about any private institution or upon private property of any  
8 character whatsoever.

9 (2) Any person to solicit another person to commit or join in the  
10 commission of a violation of subdivision (a).

11 (b) A general release from a liability claim obtained from any  
12 person during the period of the first physical confinement, whether  
13 as an inpatient or outpatient, in a clinic or health facility, as defined  
14 in Sections 1203 and 1250 of the Health and Safety Code, as a  
15 result of the injury alleged to have given rise to the claim and  
16 primarily for treatment of the injury, is presumed fraudulent if the  
17 release is executed within 15 days after the commencement of  
18 confinement or prior to release from confinement, whichever  
19 occurs first.

20 (c) Nothing in this section shall be construed to prevent the  
21 recommendation of professional employment where that  
22 recommendation is not prohibited by the Rules of Professional  
23 Conduct of the State Bar of California.

24 (d) Nothing in this section shall be construed to mean that a  
25 public defender or assigned counsel may not make known his or  
26 her services as a criminal defense attorney to persons unable to  
27 afford legal counsel whether those persons are in custody or  
28 otherwise.

29 SEC. 3. Section 6302.5 of the Business and Professions Code  
30 is amended to read:

31 6302.5. (a) Notwithstanding any other provision of law, in  
32 Los Angeles County appointments made by judges of the superior  
33 court shall be for a term of four years, and appointments made by  
34 the board of supervisors of the county shall be for a term of two  
35 years.

36 (b) The terms of no more than three judge-appointed members  
37 shall expire in the same year.

38 (c) The term of one member appointed by the board of  
39 supervisors shall expire each year.



1 SEC. 4. Section 6324 of the Business and Professions Code  
2 is amended to read:

3 6324. The board of supervisors of any county may set apart  
4 from the fees collected by the clerk of the court, sums not  
5 exceeding one thousand two hundred dollars (\$1,200) in any one  
6 fiscal year, to be paid by the clerk into the law library fund in  
7 addition to the moneys otherwise provided to be deposited in that  
8 fund by law. The board of supervisors may also appropriate from  
9 the county treasury for law library purposes such additional sums  
10 as may in their discretion appear proper. When so paid into the law  
11 library fund, such sums shall constitute a part of the fund and be  
12 used for the same purposes.

13 SEC. 5. Section 6341 of the Business and Professions Code  
14 is amended to read:

15 6341. Any board of law library trustees may establish and  
16 maintain a branch of the law library in any city in the county, other  
17 than the county seat, in which a session of the superior court is  
18 held. In any city constituting the county seat, any board of law  
19 library trustees may establish and maintain a branch of the law  
20 library at any location therein where four or more judges of the  
21 superior court are designated to hold sessions more than 10 miles  
22 distant from the principal office of the court. In any city and county  
23 any board of law library trustees may establish and maintain  
24 branches of the law library. A branch is in all respects a part of the  
25 law library and is governed accordingly.

26 SEC. 6. Section 6365 of the Business and Professions Code  
27 is repealed.

28 SEC. 7. Section 6405 of the Business and Professions Code  
29 is amended to read:

30 6405. (a) (1) An application for a certificate of registration  
31 by an individual shall be accompanied by a bond of twenty-five  
32 thousand dollars (\$25,000) executed by a corporate surety  
33 qualified to do business in this state and conditioned upon  
34 compliance with this chapter. The total aggregate liability on the  
35 bond shall be limited to twenty-five thousand dollars (\$25,000).  
36 An application for secondary registration shall meet all of the  
37 requirements of this subdivision, except that in place of posting  
38 another original bond or cash deposit, the applicant shall include  
39 a certified copy of the bond or cash deposit posted in the county  
40 in which the applicant filed the primary registration.



1 (2) An application for a certificate of registration by a  
2 partnership or corporation shall be accompanied by a bond of  
3 twenty-five thousand dollars (\$25,000) executed by a corporate  
4 surety qualified to do business in this state and conditioned upon  
5 compliance with this chapter. The total aggregate liability on the  
6 bond shall be limited to twenty-five thousand dollars (\$25,000).

7 An application for a certificate of registration by a person  
8 employed by a partnership or corporation shall be accompanied by  
9 a bond of twenty-five thousand dollars (\$25,000) only if the  
10 partnership or corporation has not posted a bond of twenty-five  
11 thousand dollars (\$25,000) as required by this subdivision. An  
12 application for secondary registration shall meet all of the  
13 requirements of this subdivision, except that in place of posting  
14 another original bond or cash deposit, the applicant shall include  
15 a certified copy of the bond or cash deposit posted in the county  
16 in which the applicant filed the primary registration.

17 (3) The bond may be terminated pursuant to Section 995.440  
18 of, and Article 13 (commencing with Section 996.310) of Chapter  
19 2 of Title 14 of Part 2 of, the Code of Civil Procedure.

20 (b) The county clerk shall, upon filing of the bond, deliver the  
21 bond forthwith to the county recorder for recording. The recording  
22 fee specified in Section 27361 of the Government Code shall be  
23 paid by the registrant. The fee may be paid to the county clerk who  
24 shall transmit it to the recorder.

25 (c) The fee for filing, canceling, revoking, or withdrawing the  
26 bond is seven dollars (\$7).

27 (d) The county recorder shall record the bond and any notice of  
28 cancellation, revocation, or withdrawal of the bond, and shall  
29 thereafter mail the instrument, unless specified to the contrary, to  
30 the person named in the instrument and, if no person is named, to  
31 the party leaving it for recording. The recording fee specified in  
32 Section 27361 of the Government Code for notice of cancellation,  
33 revocation, or withdrawal of the bond shall be paid to the county  
34 clerk, who shall transmit it to the county recorder.

35 (e) In lieu of the bond required by subdivision (a), a registrant  
36 may deposit twenty-five thousand dollars (\$25,000) in cash with  
37 the county clerk.

38 (f) If the certificate is revoked, the bond or cash deposit shall  
39 be returned to the bonding party or depositor subject to subdivision



1 (g) and the right of a person to recover against the bond or cash  
2 deposit under Section 6412.

3 (g) The county clerk may retain a cash deposit until the  
4 expiration of three years from the date the registrant has ceased to  
5 do business, or three years from the expiration or revocation date  
6 of the registration, in order to ensure there are no outstanding  
7 claims against the deposit. A judge of a superior court may order  
8 the return of the deposit prior to the expiration of three years upon  
9 evidence satisfactory to the judge that there are no outstanding  
10 claims against the deposit.

11 (h) The bond required by this section shall be in favor of the  
12 State of California for the benefit of any person who is damaged  
13 as a result of the violation of this chapter or by the fraud,  
14 dishonesty, or incompetency of an individual, partnership, or  
15 corporation registered under this chapter. The bond required by  
16 this section shall also indicate the name of the county in which it  
17 will be filed.

18 SEC. 8. Section 22391 of the Business and Professions Code  
19 is amended to read:

20 22391. (a) When a deposit has been made in lieu of a bond  
21 pursuant to Section 995.710 of the Code of Civil Procedure, the  
22 person asserting a claim against the deposit shall, in lieu of Section  
23 996.430 of the Code of Civil Procedure, establish the claim by  
24 furnishing evidence to the Secretary of State of a money judgment  
25 entered by a court together with evidence that the claimant is a  
26 person described in Section 22390.

27 (b) When a person has established the claim with the Secretary  
28 of State, the Secretary of State shall review and approve the claim  
29 and enter the date of approval thereon. The claim shall be  
30 designated an “approved claim.”

31 (c) When the first claim against a particular deposit account has  
32 been approved, it shall not be paid until the expiration of a period  
33 of 240 days after the date of its approval by the Secretary of State.  
34 Subsequent claims that are approved by the Secretary of State  
35 within the same 240-day period shall similarly not be paid until the  
36 expiration of the 240-day period. Upon the expiration of the  
37 240-day period, the Secretary of State shall pay all approved  
38 claims from that 240-day period in full unless the deposit is  
39 insufficient, in which case each approved claim shall be paid a pro  
40 rata share of the deposit.



1 (d) When the Secretary of State approves the first claim against  
2 a particular deposit account after the expiration of a 240-day  
3 period, the date of approval of that claim shall begin a new 240-day  
4 period to which subdivision (c) shall apply with respect to the  
5 amount remaining in the deposit account.

6 (e) After a deposit account is exhausted, no further claims shall  
7 be paid by the Secretary of State. Claimants who have had their  
8 claims paid in full or in part pursuant to subdivisions (c) and (d)  
9 shall not be required to return funds received from the deposit for  
10 the benefit of other claimants.

11 (f) When a deposit has been made in lieu of a bond, the amount  
12 of the deposit shall not be subject to attachment, garnishment, or  
13 execution with respect to an action or judgment against the  
14 invention developer, other than as to an amount no longer needed  
15 or required for the purpose of this chapter which would otherwise  
16 be returned to the invention developer by the Secretary of State.

17 (g) The Secretary of State shall retain a cash deposit for two  
18 years from the date the Secretary of State receives written  
19 notification from the assignor of the deposit that the assignor has  
20 ceased to engage in the business of an invention developer or has  
21 filed a bond pursuant to Section 22389, provided that there are no  
22 outstanding claims against the deposit. The written notice shall  
23 include all of the following: (1) name, address, and telephone  
24 number of the assignor; (2) name, address, and telephone number  
25 of the bank at which the deposit is located; (3) account number of  
26 the deposit; and (4) a statement whether the assignor is ceasing to  
27 engage in the business of an invention developer or has filed a bond  
28 with the Secretary of State. The Secretary of State shall forward  
29 an acknowledgment of receipt of the written notification to the  
30 assignor at the address indicated therein, specifying the date of  
31 receipt of the written notice and anticipated date of release of the  
32 deposit.

33 (h) This section shall apply to all deposits retained by the  
34 Secretary of State.

35 (i) A judge of a superior court may order the return of the  
36 deposit prior to the expiration of two years upon evidence  
37 satisfactory to the judge that there are no outstanding claims  
38 against the deposit or order the Secretary of State to retain the  
39 deposit for a sufficient period beyond the two years specified in  
40 subdivision (g) to resolve outstanding claims against the deposit.



1 SEC. 9. Section 22455 of the Business and Professions Code  
2 is amended to read:

3 22455. (a) A certificate of registration shall be accompanied  
4 by a bond of five thousand dollars (\$5,000) which is executed by  
5 a corporate surety qualified to do business in this state and  
6 conditioned upon compliance with the provisions of this chapter  
7 and all laws governing the transmittal of confidential documentary  
8 information under the code sections specified in Section 22450.  
9 The total aggregate liability on the bond shall be limited to five  
10 thousand dollars (\$5,000). The bond may be terminated pursuant  
11 to the provisions of Section 995.440 and Article 13 (commencing  
12 with Section 996.310) of Chapter 2 of Title 14 of Part 2 of the Code  
13 of Civil Procedure.

14 (1) The county clerk shall, upon filing the bond, deliver the  
15 bond forthwith to the county recorder for recording. The recording  
16 fee specified in Section 27361 of the Government Code shall be  
17 paid by the registered professional photocopier. The fee may be  
18 paid to the county clerk, who shall transmit it to the recorder.

19 (2) The fee for filing, canceling, revoking, or withdrawing the  
20 bond is seven dollars (\$7).

21 (3) The county recorder shall record the bond and any notice of  
22 cancellation, revocation, or withdrawal of the bond, and shall  
23 thereafter mail the instrument, unless specified to the contrary, to  
24 the person named in the instrument and, if no person is named, to  
25 the party leaving it for recording. The recording fee specified in  
26 Section 27361 of the Government Code for the notice of  
27 cancellation, revocation, or withdrawal of the bond shall be paid  
28 to the county clerk, who shall transmit it to the county recorder.

29 (b) In lieu of the bond required by subdivision (a), a registrant  
30 may deposit five thousand dollars (\$5,000) in cash with the county  
31 clerk.

32 (c) If the certificate is revoked, the bond or cash deposit shall  
33 be returned to the bonding party or depositor subject to the  
34 provisions of subdivision (d) and the right of a person to recover  
35 against the bond or cash deposit under Section 22459.

36 (d) The county clerk may retain a cash deposit until the  
37 expiration of three years from the date the registrant has ceased to  
38 do business, or three years from the expiration or revocation date  
39 of the registration, in order to ensure there are no outstanding  
40 claims against the deposit. A judge of a superior court may order



1 the return of the deposit prior to the expiration of three years upon  
2 evidence satisfactory to the judge that there are no outstanding  
3 claims against the deposit.

4 SEC. 10. Section 25361 of the Business and Professions Code  
5 is amended to read:

6 25361. Notice of the seizure and of the intended forfeiture  
7 proceeding shall be filed with the clerk of the court and shall be  
8 served on all persons, firms, or corporations having any right, title,  
9 or interest in the alcoholic beverages or other property seized. If  
10 the owner or owners are unknown or cannot be found, notice of the  
11 seizure and intended forfeiture proceedings shall be made upon  
12 such owners by publication pursuant to Section 6061 of the  
13 Government Code in the county where the seizure was made.

14 SEC. 11. Section 52.1 of the Civil Code is amended to read:

15 52.1. (a) If a person or persons, whether or not acting under  
16 color of law, interferes by threats, intimidation, or coercion, or  
17 attempts to interfere by threats, intimidation, or coercion, with the  
18 exercise or enjoyment by any individual or individuals of rights  
19 secured by the Constitution or laws of the United States, or of the  
20 rights secured by the Constitution or laws of this state, the Attorney  
21 General, or any district attorney or city attorney may bring a civil  
22 action for injunctive and other appropriate equitable relief in the  
23 name of the people of the State of California, in order to protect  
24 the peaceable exercise or enjoyment of the right or rights secured.  
25 An action brought by the Attorney General, any district attorney,  
26 or any city attorney may also seek a civil penalty of twenty-five  
27 thousand dollars (\$25,000). If this civil penalty is requested, it  
28 shall be assessed individually against each person who is  
29 determined to have violated this section and the penalty shall be  
30 awarded to each individual whose rights under this section are  
31 determined to have been violated.

32 (b) Any individual whose exercise or enjoyment of rights  
33 secured by the Constitution or laws of the United States, or of  
34 rights secured by the Constitution or laws of this state, has been  
35 interfered with, or attempted to be interfered with, as described in  
36 subdivision (a), may institute and prosecute in his or her own name  
37 and on his or her own behalf a civil action for damages, including,  
38 but not limited to, damages under Section 52, injunctive relief, and  
39 other appropriate equitable relief to protect the peaceable exercise  
40 or enjoyment of the right or rights secured.



1 (c) An action brought pursuant to subdivision (a) or (b) may be  
2 filed either in the superior court for the county in which the  
3 conduct complained of occurred or in the superior court for the  
4 county in which a person whose conduct complained of resides or  
5 has his or her place of business. An action brought by the Attorney  
6 General pursuant to subdivision (a) also may be filed in the  
7 superior court for any county wherein the Attorney General has an  
8 office, and in that case, the jurisdiction of the court shall extend  
9 throughout the state.

10 (d) If a court issues a temporary restraining order or a  
11 preliminary or permanent injunction in an action brought pursuant  
12 to subdivision (a) or (b), ordering a defendant to refrain from  
13 conduct or activities, the order issued shall include the following  
14 statement: VIOLATION OF THIS ORDER IS A CRIME  
15 PUNISHABLE UNDER SECTION 422.9 OF THE PENAL  
16 CODE.

17 (e) The court shall order the plaintiff or the attorney for the  
18 plaintiff to deliver, or the clerk of the court to mail, two copies of  
19 any order, extension, modification, or termination thereof granted  
20 pursuant to this section, by the close of the business day on which  
21 the order, extension, modification, or termination was granted, to  
22 each local law enforcement agency having jurisdiction over the  
23 residence of the plaintiff and any other locations where the court  
24 determines that acts of violence against the plaintiff are likely to  
25 occur. Those local law enforcement agencies shall be designated  
26 by the plaintiff or the attorney for the plaintiff. Each appropriate  
27 law enforcement agency receiving any order, extension, or  
28 modification of any order issued pursuant to this section shall  
29 serve forthwith one copy thereof upon the defendant. Each  
30 appropriate law enforcement agency shall provide to any law  
31 enforcement officer responding to the scene of reported violence,  
32 information as to the existence of, terms, and current status of, any  
33 order issued pursuant to this section.

34 (f) A court shall not have jurisdiction to issue an order or  
35 injunction under this section, if that order or injunction would be  
36 prohibited under Section 527.3 of the Code of Civil Procedure.

37 (g) An action brought pursuant to this section is independent of  
38 any other action, remedy, or procedure that may be available to an  
39 aggrieved individual under any other provision of law, including,



1 but not limited to, an action, remedy, or procedure brought  
2 pursuant to Section 51.7.

3 (h) In addition to any damages, injunction, or other equitable  
4 relief awarded in an action brought pursuant to subdivision (b), the  
5 court may award the petitioner or plaintiff reasonable attorney's  
6 fees.

7 (i) A violation of an order described in subdivision (d) may be  
8 punished either by prosecution under Section 422.9 of the Penal  
9 Code, or by a proceeding for contempt brought pursuant to Title  
10 5 (commencing with Section 1209) of Part 3 of the Code of Civil  
11 Procedure. However, in any proceeding pursuant to the Code of  
12 Civil Procedure, if it is determined that the person proceeded  
13 against is guilty of the contempt charged, in addition to any other  
14 relief, a fine may be imposed not exceeding one thousand dollars  
15 (\$1,000), or the person may be ordered imprisoned in a county jail  
16 not exceeding six months, or the court may order both the  
17 imprisonment and fine.

18 (j) Speech alone is not sufficient to support an action brought  
19 pursuant to subdivision (a) or (b), except upon a showing that the  
20 speech itself threatens violence against a specific person or group  
21 of persons; and the person or group of persons against whom the  
22 threat is directed reasonably fears that, because of the speech,  
23 violence will be committed against them or their property and that  
24 the person threatening violence had the apparent ability to carry  
25 out the threat.

26 (k) No order issued in any proceeding brought pursuant to  
27 subdivision (a) or (b) shall restrict the content of any person's  
28 speech. An order restricting the time, place, or manner of any  
29 person's speech shall do so only to the extent reasonably necessary  
30 to protect the peaceable exercise or enjoyment of constitutional or  
31 statutory rights, consistent with the constitutional rights of the  
32 person sought to be enjoined.

33 SEC. 12. Section 1181 of the Civil Code is amended to read:

34 1181. The proof or acknowledgment of an instrument may be  
35 made before a notary public at any place within this state, or within  
36 the county or city and county in this state in which the officer  
37 specified below was elected or appointed, before either:

38 (a) A clerk of a superior court.

39 (b) A county clerk.

40 (c) A court commissioner.



- 1 (d) A retired judge of a municipal or justice court.
- 2 (e) A district attorney.
- 3 (f) A clerk of a board of supervisors.
- 4 (g) A city clerk.
- 5 (h) A county counsel.
- 6 (i) A city attorney.
- 7 (j) Secretary of the Senate.
- 8 (k) Chief Clerk of the Assembly.

9 SEC. 13. Section 1789.24 of the Civil Code is amended to  
10 read:

11 1789.24. (a) When a deposit has been made in lieu of a bond  
12 pursuant to Section 995.710 of the Code of Civil Procedure, the  
13 person asserting a claim against the deposit shall, in lieu of  
14 proceeding under Section 996.430 of the Code of Civil Procedure,  
15 establish the claim by furnishing evidence to the Secretary of State  
16 of a money judgment entered by a court, together with evidence  
17 that the claimant is a person described in subdivision (b) of Section  
18 1789.18.

19 (b) When a person has established the claim with the Secretary  
20 of State, the Secretary of State shall review and approve the claim  
21 and enter the date of approval thereon. The claim shall be  
22 designated an “approved claim.”

23 (c) When the first claim against a particular deposit has been  
24 approved, it shall not be paid until the expiration of a period of 240  
25 days after the date of its approval by the Secretary of State.  
26 Subsequent claims that are approved by the Secretary of State  
27 within the same 240-day period shall similarly not be paid until the  
28 expiration of the 240-day period. Upon the expiration of the  
29 240-day period, the Secretary of State shall pay all approved  
30 claims from that 240-day period in full unless the deposit is  
31 insufficient, in which case each approved claim shall be paid a pro  
32 rata share of the deposit.

33 (d) When the Secretary of State approves the first claim against  
34 a particular deposit after the expiration of a 240-day period, the  
35 date of approval of that claim shall begin a new 240-day period to  
36 which subdivision (c) shall apply with respect to any amount  
37 remaining in the deposit.

38 (e) After a deposit is exhausted, no further claims shall be paid  
39 by the Secretary of State. Claimants who have had their claims  
40 paid in full or in part pursuant to subdivision (c) or (d) shall not be



1 required to return funds received from the deposit for the benefit  
2 of other claimants.

3 (f) When a deposit has been made in lieu of a bond, as specified  
4 in subdivision (a), the amount of the deposit shall not be subject  
5 to attachment, garnishment, or execution with respect to an action  
6 or judgment against the credit services organization, other than as  
7 to an amount as no longer needed or required for the purpose of this  
8 title which would otherwise be returned to the credit services  
9 organization by the Secretary of State.

10 (g) The Secretary of State shall retain a cash deposit for two  
11 years from the date the Secretary of State receives written  
12 notification from the assignor of the deposit that the assignor has  
13 ceased to engage in the business of a credit services organization  
14 or has filed a bond pursuant to Section 1789.18, provided that there  
15 are no outstanding claims against the deposit. The written notice  
16 shall include all of the following: (1) name, address, and telephone  
17 number of the assignor; (2) name, address, and telephone number  
18 of the bank at which the deposit is located; (3) account number of  
19 the deposit; and (4) a statement whether the assignor is ceasing to  
20 engage in the business of a credit services organization or has filed  
21 a bond with the Secretary of State. The Secretary of State shall  
22 forward an acknowledgment of receipt of the written notice to the  
23 assignor at the address indicated therein, specifying the date of  
24 receipt of the written notice and anticipated date of release of the  
25 deposit.

26 (h) This section shall apply to all deposits retained by the  
27 Secretary of State.

28 (i) A judge of a superior court may order the return of the  
29 deposit prior to the expiration of two years upon evidence  
30 satisfactory to the judge that there are no outstanding claims  
31 against the deposit or order the Secretary of State to retain the  
32 deposit for a sufficient period beyond the two years specified in  
33 subdivision (g) to resolve outstanding claims against the deposit  
34 account.

35 SEC. 14. Section 1812.105 of the Civil Code is amended to  
36 read:

37 1812.105. (a) When a deposit has been made in lieu of a bond  
38 pursuant to Section 995.710 of the Code of Civil Procedure, the  
39 person asserting a claim against the deposit shall, in lieu of Section  
40 996.430 of the Code of Civil Procedure, establish the claim by



1 furnishing evidence to the Secretary of State of a money judgment  
2 entered by a court together with evidence that the claimant is a  
3 person described in Section 1812.104.

4 (b) When a person has established the claim with the Secretary  
5 of State, the Secretary of State shall review and approve the claim  
6 and enter the date of approval on the claim. The claim shall be  
7 designated an “approved claim.”

8 (c) When the first claim against a particular deposit has been  
9 approved, it shall not be paid until the expiration of a period of 240  
10 days after the date of its approval by the Secretary of State.  
11 Subsequent claims that are approved by the Secretary of State  
12 within the same 240-day period shall similarly not be paid until the  
13 expiration of the 240-day period. Upon the expiration of the  
14 240-day period, the Secretary of State shall pay all approved  
15 claims from that 240-day period in full unless the deposit is  
16 insufficient, in which case each approved claim shall be paid a pro  
17 rata share of the deposit.

18 (d) When the Secretary of State approves the first claim against  
19 a particular deposit after the expiration of a 240-day period, the  
20 date of approval of that claim shall begin a new 240-day period to  
21 which subdivision (c) shall apply with respect to the amount  
22 remaining in the deposit.

23 (e) After a deposit is exhausted, no further claims shall be paid  
24 by the Secretary of State. Claimants who have had their claims  
25 paid in full or in part pursuant to subdivisions (c) and (d) shall not  
26 be required to return funds received from the deposit for the  
27 benefit of other claimants.

28 (f) When a deposit has been made in lieu of a bond, the amount  
29 of the deposit shall not be subject to attachment, garnishment, or  
30 execution with respect to an action or judgment against the  
31 discount buying organization, other than as to an amount as no  
32 longer needed or required for the purpose of this title that would  
33 otherwise be returned to the discount buying organization by the  
34 Secretary of State.

35 (g) The Secretary of State shall retain a cash deposit for two  
36 years from the date the Secretary of State receives written  
37 notification from the assignor of the deposit that the assignor has  
38 ceased to engage in the business of a discount buying organization  
39 or has filed a bond pursuant to Section 1812.103, provided that  
40 there are no outstanding claims against the deposit. This written



1 notice shall include all of the following: (1) name, address, and  
2 telephone number of the assignor; (2) name, address, and  
3 telephone number of the bank at which the deposit is located; (3)  
4 account number of the deposit; and (4) a statement whether the  
5 assignor is ceasing to engage in the business of a discount buying  
6 organization or has filed a bond with the Secretary of State. The  
7 Secretary of State shall forward an acknowledgment of receipt of  
8 the written notice to the assignor at the address indicated therein,  
9 specifying the date of receipt of the written notice and anticipated  
10 date of release of the deposit, provided there are no outstanding  
11 claims against the deposit.

12 (h) A judge of a superior court may order the return of the  
13 deposit prior to the expiration of two years upon evidence  
14 satisfactory to the judge that there are no outstanding claims  
15 against the deposit or order the Secretary of State to retain the  
16 deposit for a sufficient period beyond the two years specified in  
17 subdivision (g) to resolve outstanding claims against the deposit.

18 SEC. 15. Section 1812.503 of the Civil Code is amended to  
19 read:

20 1812.503. (a) Every employment agency subject to this title  
21 shall maintain a bond issued by a surety company admitted to do  
22 business in this state. The principal sum of the bond shall be three  
23 thousand dollars (\$3,000). A copy of the bond shall be filed with  
24 the Secretary of State.

25 (b) The bond required by this section shall be in favor of, and  
26 payable to, the people of the State of California and shall be  
27 conditioned that the person obtaining the bond will comply with  
28 this title and will pay all sums due any individual or group of  
29 individuals when the person or his or her representative, agent, or  
30 employee has received those sums. The bond shall be for the  
31 benefit of any person or persons damaged by any violation of this  
32 title or by fraud, dishonesty, misstatement, misrepresentation,  
33 deceit, unlawful acts or omissions, or failure to provide the  
34 services of the employment agency in performance of the contract  
35 with the jobseeker, by the employment agency or its agents,  
36 representatives, or employees while acting within the scope of  
37 their employment.

38 (c) (1) No employment agency shall conduct any business  
39 without having a current surety bond in the amount prescribed by  
40 this title and filing a copy of the bond with the Secretary of State.



1 (2) Thirty days prior to the cancellation or termination of any  
2 surety bond required by this section, the surety shall send a written  
3 notice of that cancellation or termination to both the employment  
4 agency and the Secretary of State, identifying the bond and the  
5 date of cancellation or termination.

6 (3) If any employment agency fails to obtain a new bond and  
7 file a copy of that bond with the Secretary of State by the effective  
8 date of the cancellation or termination of the former bond, the  
9 employment agency shall cease to conduct any business unless and  
10 until a new surety bond is obtained and a copy of that bond is filed  
11 with the Secretary of State.

12 (d) When a deposit has been made in lieu of the bond pursuant  
13 to Section 995.710 of the Code of Civil Procedure, the person  
14 asserting a claim against the deposit shall, in lieu of Section  
15 996.430 of the Code of Civil Procedure, establish the claim by  
16 furnishing evidence to the Secretary of State of a money judgment  
17 entered by a court together with evidence that the claimant is a  
18 person described in subdivision (b).

19 (e) When a claimant has established the claim with the  
20 Secretary of State, the Secretary of State shall review and approve  
21 the claim and enter the date of approval thereon. The claim shall  
22 be designated an “approved claim.”

23 (f) When the first claim against a particular deposit has been  
24 approved, it shall not be paid until the expiration of a period of 240  
25 days after the date of its approval by the Secretary of State.  
26 Subsequent claims that are approved by the Secretary of State  
27 within the same 240-day period shall similarly not be paid until the  
28 expiration of the 240-day period. Upon the expiration of the  
29 240-day period, the Secretary of State shall pay all approved  
30 claims from that 240-day period in full unless the deposit is  
31 insufficient, in which case each approved claim shall be paid a pro  
32 rata share of the deposit.

33 (g) When the Secretary of State approves the first claim against  
34 a particular deposit after the expiration of a 240-day period, the  
35 date of approval of that claim shall begin a new 240-day period to  
36 which subdivision (f) shall apply with respect to any amount  
37 remaining in the deposit.

38 (h) After a deposit is exhausted, no further claims shall be paid  
39 by the Secretary of State. Claimants who have had their claims  
40 paid in full or in part pursuant to subdivision (f) or (g) shall not be



1 required to return funds received from the deposit for the benefit  
2 of other claimants.

3 (i) When a deposit has been made in lieu of a bond, the amount  
4 of the deposit shall not be subject to attachment, garnishment, or  
5 execution with respect to an action or judgment against the  
6 employment agency, other than as to an amount as no longer  
7 needed or required for the purpose of this title that would otherwise  
8 be returned to the employment agency by the Secretary of State.

9 (j) The Secretary of State shall retain a cash deposit for two  
10 years from the date the Secretary of State receives written  
11 notification from the assignor of the deposit that the assignor has  
12 ceased to engage in the business of an employment agency or has  
13 filed a bond pursuant to subdivision (a), provided that there are no  
14 outstanding claims against the deposit. This written notice shall  
15 include all of the following: (1) name, address, and telephone  
16 number of the assignor; (2) name, address, and telephone number  
17 of the bank at which the deposit is located; (3) account number of  
18 the deposit; and (4) a statement whether the assignor is ceasing to  
19 engage in the business of an employment agency or has filed a  
20 bond with the Secretary of State. The Secretary of State shall  
21 forward an acknowledgment of receipt of the written notice to the  
22 assignor at the address indicated therein, specifying the date of  
23 receipt of the written notice and anticipated date of release of the  
24 deposit, provided there are no outstanding claims against the  
25 deposit.

26 (k) A judge of a superior court may order the return of the  
27 deposit prior to the expiration of two years upon evidence  
28 satisfactory to the judge that there are no outstanding claims  
29 against the deposit or order the Secretary of State to retain the  
30 deposit for a sufficient period beyond the two years pursuant to  
31 subdivision (j) to resolve outstanding claims against the deposit  
32 account.

33 (l) The Secretary of State shall charge a filing fee not to exceed  
34 the cost of filing the bond or deposit filed in lieu of a bond as set  
35 forth in Section 995.710 of the Code of Civil Procedure.

36 (m) The Secretary of State shall enforce the provisions of this  
37 chapter that govern the filing and maintenance of bonds and  
38 deposits in lieu of bonds.

39 SEC. 16. Section 1812.510 of the Civil Code is amended to  
40 read:



1 1812.510. (a) Every employment counseling service subject  
2 to this title shall maintain a bond issued by a surety company  
3 admitted to do business in this state. The principal sum of the bond  
4 shall be ten thousand dollars (\$10,000). A copy of the bond shall  
5 be filed with the Secretary of State.

6 (b) The bond required by this section shall be in favor of, and  
7 payable to, the people of the State of California, and shall be  
8 conditioned that the person obtaining the bond will comply with  
9 this title and will pay all sums due any individual or group of  
10 individuals when the person or his or her representative, agent, or  
11 employee has received those sums. The bond shall be for the  
12 benefit of any person or persons damaged by any violation of this  
13 title or by fraud, dishonesty, misstatement, misrepresentation,  
14 deceit, unlawful acts or omissions, or failure to provide the  
15 services of the employment counseling service in performance of  
16 the contract with the customer by the employment counseling  
17 service or its agents, representatives, or employees while acting  
18 within the scope of their employment.

19 (c) (1) No employment counseling service shall conduct any  
20 business without having a current surety bond in the amount  
21 prescribed by this title and filing a copy of the bond with the  
22 Secretary of State.

23 (2) Thirty days prior to the cancellation or termination of any  
24 surety bond required by this section, the surety shall send a written  
25 notice of that cancellation or termination to both the employment  
26 counseling service and the Secretary of State, identifying the bond  
27 and the date of cancellation or termination.

28 (3) If any employment counseling service fails to obtain a new  
29 bond and file a copy of that bond with the Secretary of State by the  
30 effective date of the cancellation or termination of the former  
31 bond, the employment counseling service shall cease to conduct  
32 any business unless and until a new surety bond is obtained and a  
33 copy of that bond is filed with the Secretary of State.

34 (d) When a deposit has been made in lieu of the bond pursuant  
35 to Section 995.710 of the Code of Civil Procedure, the person  
36 asserting a claim against the deposit shall, in lieu of Section  
37 996.430 of the Code of Civil Procedure, establish the claim by  
38 furnishing evidence to the Secretary of State of a money judgment  
39 entered by a court together with evidence that the claimant is a  
40 person described in subdivision (b).



1 (e) When a person has established the claim with the Secretary  
2 of State, the Secretary of State shall immediately review and  
3 approve the claim and enter the date of approval on the claim. The  
4 claim shall be designated an “approved claim.”

5 (f) When the first claim against a particular deposit has been  
6 approved, it shall not be paid until the expiration of a period of 240  
7 days after the date of its approval by the Secretary of State.  
8 Subsequent claims that are approved by the Secretary of State  
9 within the same 240-day period shall similarly not be paid until the  
10 expiration of the 240-day period. Upon the expiration of the  
11 240-day period, the Secretary of State shall pay all approved  
12 claims from that 240-day period in full unless the deposit is  
13 insufficient, in which case each approved claim shall be paid a pro  
14 rata share of the deposit.

15 (g) When the Secretary of State approves the first claim against  
16 a particular deposit account after the expiration of the 240-day  
17 period, the date of approval of that claim shall begin a new 240-day  
18 period to which subdivision (f) shall apply with respect to the  
19 amount remaining in the deposit account.

20 (h) After a deposit account is exhausted, no further claims shall  
21 be paid by the Secretary of State. Claimants who have had their  
22 claims paid in full or in part pursuant to subdivisions (f) and (g)  
23 shall not be required to return funds received from the deposit for  
24 the benefit of other claimants.

25 (i) When a deposit has been made in lieu of a bond, the amount  
26 of the deposit shall not be subject to attachment, garnishment, or  
27 execution with respect to an action or judgment against the  
28 employment counseling service, other than as to an amount as no  
29 longer needed or required for the purpose of this title that would  
30 otherwise be returned to the employment counseling service by the  
31 Secretary of State.

32 (j) The Secretary of State shall retain a cash deposit for two  
33 years from the date the Secretary of State receives written  
34 notification from the assignor of the deposit that the assignor has  
35 ceased to engage in the business of a counseling service or has filed  
36 a bond pursuant to subdivision (a), provided that there are no  
37 outstanding claims against the deposit. Written notification to the  
38 Secretary of State shall include all of the following: (1) name,  
39 address, and telephone number of the assignor; (2) name, address,  
40 and telephone number of the bank at which the deposit is located;



1 (3) account number of the deposit; and (4) a statement whether the  
2 assignor is ceasing to engage in the business of a counseling  
3 service or has filed a bond with the Secretary of State. The  
4 Secretary of State shall forward an acknowledgment of receipt of  
5 the written notice to the assignor at the address indicated in the  
6 notice, specifying the date of receipt of the written notice and  
7 anticipated date of release of the deposit, provided there are no  
8 outstanding claims against the deposit account.

9 (k) A judge of a superior court may order the return of the  
10 deposit prior to the expiration of two years upon evidence  
11 satisfactory to the judge that there are no outstanding claims  
12 against the deposit or order the Secretary of State to retain the  
13 deposit for a sufficient period beyond the two years pursuant to  
14 subdivision (j) to resolve outstanding claims against the deposit  
15 account.

16 (l) The Secretary of State shall charge a filing fee not to exceed  
17 the cost of filing the bond or the deposit filed in lieu of a bond  
18 pursuant to Section 995.710 of the Code of Civil Procedure.

19 (m) The Secretary of State shall enforce the provisions of this  
20 chapter that govern the filing and maintenance of bonds and  
21 deposits in lieu of bonds.

22 SEC. 17. Section 1812.515 of the Civil Code is amended to  
23 read:

24 1812.515. (a) Every job listing service subject to this title  
25 shall maintain a bond issued by a surety company admitted to do  
26 business in this state. The principal sum of the bond shall be ten  
27 thousand dollars (\$10,000) for each location. A copy of the bond  
28 shall be filed with the Secretary of State.

29 (b) The bond required by this section shall be in favor of, and  
30 payable to, the people of the State of California, and shall be  
31 conditioned that the person obtaining the bond will comply with  
32 this title and will pay all sums due any individual or group of  
33 individuals when the person or his or her representative, agent, or  
34 employee has received those sums. The bond shall be for the  
35 benefit of any person or persons damaged by any violation of  
36 misrepresentation, deceit, unlawful acts of omissions, or failure to  
37 provide the services of the job listing service in performance of the  
38 contract with the jobseeker, by the job listing service or its agent,  
39 representatives, or employees while acting within the scope of  
40 their employment.



1 (c) (1) No job listing service shall conduct any business  
2 without having a current surety bond in the amount prescribed by  
3 this chapter and filing a copy of the bond with the Secretary of  
4 State, identifying the bond and the date of cancellation or  
5 termination.

6 (2) Thirty days prior to the cancellation or termination of any  
7 surety bond required by this section, the surety shall send a written  
8 notice of that cancellation or termination to both the job listing  
9 service and the Secretary of State, identifying the bond and the  
10 date of cancellation or termination.

11 (3) If any job listing service fails to obtain a new bond and file  
12 a copy of that bond with the Secretary of State by the effective date  
13 of the cancellation or termination of the former bond, the job  
14 listing service shall cease to conduct any business unless and until  
15 a new surety bond is obtained and a copy of that bond is filed with  
16 the Secretary of State.

17 (d) When a deposit has been made in lieu of a bond pursuant to  
18 Section 995.710 of the Code of Civil Procedure, the person  
19 asserting a claim against the deposit shall, in lieu of Section  
20 996.430 of the Code of Civil Procedure, establish the claim by  
21 furnishing evidence to the Secretary of State of a money judgment  
22 entered by a court together with evidence that the claimant is a  
23 person described in subdivision (b).

24 (e) When a person has established the claim with the Secretary  
25 of State, the Secretary of State shall review and approve the claim  
26 and enter the date of approval on the claim. The claim shall be  
27 designated an “approved claim.”

28 (f) When the first claim against a particular deposit has been  
29 approved, it shall not be paid until the expiration of a period of 240  
30 days after the date of its approval by the Secretary of State.  
31 Subsequent claims that are approved by the Secretary of State  
32 within the same 240-day period shall similarly not be paid until the  
33 expiration of the 240-day period. Upon the expiration of the  
34 240-day period, the Secretary of State shall pay all approved  
35 claims from that 240-day period in full unless the deposit is  
36 insufficient, in which case each approved claim shall be paid in a  
37 pro rata share of the deposit.

38 (g) When the Secretary of State approves the first claim against  
39 a particular deposit after the expiration of the 240-day period, the  
40 date of approval of that claim shall begin a new 240-day period to



1 which subdivision (f) shall apply with respect to the amount  
2 remaining in the deposit.

3 (h) After a deposit is exhausted, no further claims shall be paid  
4 by the Secretary of State. Claimants who have had their claims  
5 paid in full or in part pursuant to subdivisions (f) and (g) shall not  
6 be required to return funds received from the deposit for the  
7 benefit of other claimants.

8 (i) When a deposit has been made in lieu of a bond, the amount  
9 of the deposit shall not be subject to attachment, garnishment, or  
10 execution with respect to an action or judgment against the job  
11 listing service, other than as to an amount as no longer needed or  
12 required for the purpose of this title that would otherwise be  
13 returned to the job listing service by the Secretary of State.

14 (j) The Secretary of State shall retain a cash deposit for two  
15 years from the date the Secretary of State receives written  
16 notification from the assignor of the deposit that the assignor has  
17 ceased to engage in the business of a job listing service or has filed  
18 a bond pursuant to subdivision (a), provided that there are no  
19 outstanding claims against the deposit. Written notification to the  
20 Secretary of State shall include all of the following: (1) name,  
21 address, and telephone number of the assignor; (2) name, address,  
22 and telephone number of the bank at which the deposit is located;  
23 (3) account number of the deposit; and (4) a statement whether the  
24 assignor is ceasing to engage in the business of a job listing service  
25 or has filed a bond with the Secretary of State. The Secretary of  
26 State shall forward an acknowledgment of receipt of the written  
27 notice to the assignor at the address indicated therein, specifying  
28 the date of receipt of the written notice and anticipated date of  
29 release of the deposit, provided there are no outstanding claims  
30 against the deposit.

31 (k) A judge of a superior court may order the return of the  
32 deposit prior to the expiration of two years upon evidence  
33 satisfactory to the judge that there are no outstanding claims  
34 against the deposit or order the Secretary of State to retain the  
35 deposit for a specified period beyond the two years pursuant to  
36 subdivision (j) to resolve outstanding claims against the deposit  
37 account.

38 (l) The Secretary of State shall charge a filing fee not to exceed  
39 the cost of filing the bond or deposit filed in lieu of a bond pursuant  
40 to Section 995.710 of the Code of Civil Procedure.



1 (m) The Secretary of State shall enforce the provisions of this  
2 chapter that govern the filing and maintenance of bonds and  
3 deposits in lieu of bonds.

4 SEC. 18. Section 1812.525 of the Civil Code is amended to  
5 read:

6 1812.525. (a) Every nurses' registry subject to this title shall  
7 maintain a bond issued by a surety company admitted to do  
8 business in this state. The principal sum of the bond shall be three  
9 thousand dollars (\$3,000). A copy of the bond shall be filed with  
10 the Secretary of State.

11 (b) The bond required by this section shall be in favor of, and  
12 payable to, the people of the State of California, and shall be  
13 conditioned that the person obtaining the bond will comply with  
14 this title and will pay all sums due any individual or group of  
15 individuals when the person or his or her representative, agent, or  
16 employee has received those sums. The bond shall be for the  
17 benefit of any person or persons damaged by any violation of this  
18 title or by fraud, dishonesty, misstatement, misrepresentation,  
19 deceit, unlawful acts or omissions, or failure to provide the  
20 services of the nurses' registry in performance of the contract with  
21 the nurse by the nurses' registry or its agents, representatives, or  
22 employees while acting within the scope of their employment.

23 (c) (1) No nurses' registry shall conduct any business without  
24 having a current surety bond in the amount prescribed by this title  
25 and filing a copy of the bond with the Secretary of State.

26 (2) Thirty days prior to the cancellation or termination of any  
27 surety bond required by this section, the surety shall send a written  
28 notice of that cancellation or termination to both the nurses'  
29 registry and the Secretary of State, identifying the bond and the  
30 date of cancellation or termination.

31 (3) If any nurses' registry fails to obtain a new bond and file a  
32 copy of that bond with the Secretary of State by the effective date  
33 of the cancellation or termination of the former bond, the nurses'  
34 registry shall cease to conduct any business unless and until a new  
35 surety bond is obtained and a copy of that bond is filed with the  
36 Secretary of State.

37 (d) When a deposit has been made in lieu of a bond pursuant to  
38 Section 995.710 of the Code of Civil Procedure, the person  
39 asserting a claim against the deposit shall, in lieu of Section  
40 996.430 of the Code of Civil Procedure, establish the claim by



1 furnishing evidence to the Secretary of State of a money judgment  
2 entered by a court together with evidence that the claimant is a  
3 person described in subdivision (b).

4 (e) When a person has established the claim with the Secretary  
5 of State, the Secretary of State shall review and approve the claim  
6 and enter the date of approval on the claim. The claim shall be  
7 designated an “approved claim.”

8 (f) When the first claim against a particular deposit has been  
9 approved, it shall not be paid until the expiration of a period of 240  
10 days after the date of its approval by the Secretary of State.  
11 Subsequent claims that are approved by the Secretary of State  
12 within the same 240-day period shall similarly not be paid until the  
13 expiration of the 240-day period. Upon the expiration of the  
14 240-day period, the Secretary of State shall pay all approved  
15 claims from that 240-day period in full unless the deposit is  
16 insufficient, in which case each approved claim shall be paid a pro  
17 rata share of the deposit.

18 (g) When the Secretary of State approves the first claim against  
19 a particular deposit after the expiration of a 240-day period, the  
20 date of approval of that claim shall begin a new 240-day period to  
21 which subdivision (f) shall apply with respect to the amount  
22 remaining in the deposit.

23 (h) After a deposit is exhausted, no further claims shall be paid  
24 by the Secretary of State. Claimants who have had their claims  
25 paid in full or in part pursuant to subdivisions (f) and (g) shall not  
26 be required to return funds received from the deposit for the  
27 benefit of other claimants.

28 (i) When a deposit has been made in lieu of a bond, the amount  
29 of the deposit shall not be subject to attachment, garnishment, or  
30 execution with respect to an action or judgment against the nurses’  
31 registry, other than as to an amount as no longer needed or required  
32 for the purpose of this title that would otherwise be returned to the  
33 nurses’ registry by the Secretary of State.

34 (j) The Secretary of State shall retain a cash deposit for two  
35 years from the date the Secretary of State receives written  
36 notification from the assignor of the deposit that the assignor has  
37 ceased to engage in the business of a nurses’ registry or has filed  
38 a bond pursuant to subdivision (a), provided that there are no  
39 outstanding claims against the deposit. The written notice to the  
40 Secretary of State shall include all of the following: (1) name,



1 address, and telephone number of the assignor; (2) name, address,  
2 and telephone number of the bank at which the deposit is located;  
3 (3) account number of the deposit; and (4) a statement whether the  
4 assignor is ceasing to engage in the business of a nurses' registry  
5 or has filed a bond with the Secretary of State. The Secretary of  
6 State shall forward an acknowledgment of receipt of the written  
7 notice to the assignor at the address indicated therein, specifying  
8 the date of receipt of the written notice and anticipated date of  
9 release of the deposit, provided there are no outstanding claims  
10 against the deposit.

11 (k) A judge of a superior court may order the return of the  
12 deposit prior to the expiration of two years upon evidence  
13 satisfactory to the judge that there are no outstanding claims  
14 against the deposit or order the Secretary of State to retain the  
15 deposit for a specified period beyond the two years pursuant to  
16 subdivision (j) to resolve outstanding claims against the deposit.

17 (l) The Secretary of State shall charge a filing fee not to exceed  
18 the cost of filing the bond or deposit filed in lieu of a bond pursuant  
19 to Section 995.710 of the Code of Civil Procedure.

20 (m) The Secretary of State shall enforce the provisions of this  
21 chapter that govern the filing and maintenance of bonds and  
22 deposits in lieu of bonds.

23 SEC. 19. Section 1812.600 of the Civil Code is amended to  
24 read:

25 1812.600. (a) Every auctioneer and auction company shall  
26 maintain a bond issued by a surety company admitted to do  
27 business in this state. The principal sum of the bond shall be twenty  
28 thousand dollars (\$20,000). A copy of the bond shall be filed with  
29 the Secretary of State.

30 (b) The bond required by this section shall be in favor of, and  
31 payable to, the people of the State of California and shall be for the  
32 benefit of any person or persons damaged by any fraud,  
33 dishonesty, misstatement, misrepresentation, deceit, unlawful acts  
34 or omissions, or failure to provide the services of the auctioneer or  
35 auction company in performance of the auction by the auctioneer  
36 or auction company or its agents, representatives, or employees  
37 while acting within the scope of their employment.

38 (c) (1) No auctioneer or auction company shall conduct any  
39 business without having a current surety bond in the amount



1 prescribed by this section and without filing a copy of the bond  
2 with the Secretary of State.

3 (2) Thirty days prior to the cancellation or termination of any  
4 surety bond required by this section, the surety shall send a written  
5 notice of that cancellation or termination to both the auctioneer or  
6 auction company and the Secretary of State, identifying the bond  
7 and the date of cancellation or termination.

8 (3) If any auctioneer or auction company fails to obtain a new  
9 bond and file a copy of that bond with the Secretary of State by the  
10 effective date of the cancellation or termination of the former  
11 bond, the auctioneer or auction company shall cease to conduct  
12 any business unless and until that time as a new surety bond is  
13 obtained and a copy of that bond is filed with the Secretary of State.

14 (d) A deposit may be made in lieu of a bond as set forth in  
15 Section 995.710 of the Code of Civil Procedure. When a deposit  
16 is made in lieu of the bond, the person asserting the claim against  
17 the deposit shall establish the claim by furnishing evidence to the  
18 Secretary of State of a money judgment entered by a court together  
19 with evidence that the claimant is a person described in subdivision  
20 (b).

21 (e) When a claimant has established the claim with the  
22 Secretary of State, the Secretary of State shall review and approve  
23 the claim and enter the date of approval on the claim. The claim  
24 shall be designated an “approved claim.”

25 (f) When the first claim against a particular deposit has been  
26 approved, it shall not be paid until the expiration of a period of 240  
27 days after the date of its approval by the Secretary of State.  
28 Subsequent claims that are approved by the Secretary of State  
29 within the same 240-day period shall similarly not be paid until the  
30 expiration of the 240-day period. Upon expiration of the 240-day  
31 period, the Secretary of State shall pay all approved claims from  
32 that 240-day period in full unless the deposit is insufficient, in  
33 which case each approved claim shall be paid a pro rata share of  
34 the deposit.

35 (g) When the Secretary of State approves the first claim against  
36 a particular deposit after the expiration of a 240-day period, the  
37 date of approval of that claim shall begin a new 240-day period to  
38 which subdivision (f) shall apply with respect to any amount  
39 remaining in the deposit.



1 (h) After a deposit is exhausted, no further claims shall be paid  
2 by the Secretary of State. Claimants who have had their claims  
3 paid in full or in part pursuant to subdivision (f) or (g) shall not be  
4 required to return funds received from the deposit for the benefit  
5 of other claimants.

6 (i) When a deposit has been made in lieu of a bond, the amount  
7 of the deposit shall not be subject to attachment, garnishment, or  
8 execution with respect to an action or judgment against the  
9 auctioneer or auction company, other than as to that amount that  
10 is no longer needed or required for the purpose of this section that  
11 otherwise would be returned to the auctioneer or auction company  
12 by the Secretary of State.

13 (j) The Secretary of State shall retain a cash deposit for two  
14 years from the date the Secretary of State receives written  
15 notification from the assignor of the deposit that the assignor has  
16 ceased to engage in the business of an auctioneer or auction  
17 company or has filed a bond pursuant to subdivision (a), provided  
18 that there are no outstanding claims against the deposit. Written  
19 notification to the Secretary of State shall include all of the  
20 following: (1) name, address, and telephone number of the  
21 assignor; (2) name, address, and telephone number of the bank at  
22 which the deposit is located; (3) account number of the deposit;  
23 and (4) a statement whether the assignor is ceasing to engage in the  
24 business of an auctioneer or auction company or has filed a bond  
25 with the Secretary of State. The Secretary of State shall forward  
26 an acknowledgment of receipt of the written notice to the assignor  
27 at the address indicated in the notice, specifying the date of receipt  
28 of the written notice and anticipated date of release of the deposit,  
29 provided there are no outstanding claims against the deposit.

30 (k) A judge of a superior court may order the return of the  
31 deposit prior to the expiration of two years upon evidence  
32 satisfactory to the judge that there are no outstanding claims  
33 against the deposit or order the Secretary of State to retain the  
34 deposit for a specified period beyond the two years pursuant to  
35 subdivision (j) to resolve outstanding claims against the deposit.

36 (l) If an auctioneer or auction company fails to perform any of  
37 the duties specifically imposed upon him or her pursuant to this  
38 title, any person may maintain an action for enforcement of those  
39 duties or to recover a civil penalty in the amount of one thousand  
40 dollars (\$1,000), or for both enforcement and recovery.



1 (m) In any action to enforce these duties or to recover civil  
2 penalties, or for both enforcement and recovery, the prevailing  
3 plaintiff shall be entitled to reasonable attorney’s fees and costs, in  
4 addition to the civil penalties provided under subdivision (l).

5 (n) Notwithstanding the repeal of Chapter 3.7 (commencing  
6 with Section 5700) of Division 3 of the Business and Professions  
7 Code by the act adding this chapter, any cash security in lieu of the  
8 surety bond formerly required and authorized by former Chapter  
9 3.7 (commencing with Section 5700) of Division 3 of the Business  
10 and Professions Code, shall be transferred to, and maintained by,  
11 the Secretary of State.

12 (o) The Secretary of State shall charge and collect a filing fee  
13 not to exceed the cost of filing the bond or deposit filed in lieu of  
14 a bond as set forth in Section 995.710 of the Code of Civil  
15 Procedure.

16 (p) The Secretary of State shall enforce the provisions of this  
17 chapter that govern the filing and maintenance of bonds and  
18 deposits in lieu of bonds.

19 SEC. 20. Section 2924j of the Civil Code is amended to read:

20 2924j. (a) Unless an interpleader action has been filed, within  
21 30 days of the execution of the trustee’s deed resulting from a sale  
22 in which there are proceeds remaining after payment of the  
23 amounts required by paragraphs (1) and (2) of subdivision (a) of  
24 Section 2924k, the trustee shall send written notice to all persons  
25 with recorded interests in the real property as of the date  
26 immediately prior to the trustee’s sale who would be entitled to  
27 notice pursuant to subdivisions (b) and (c) of Section 2924b. The  
28 notice shall be sent by first-class mail in the manner provided in  
29 paragraph (1) of subdivision (c) of Section 2924b and inform each  
30 entitled person of each of the following:

31 (1) That there has been a trustee’s sale of the described real  
32 property.

33 (2) That the noticed person may have a claim to all or a portion  
34 of the sale proceeds remaining after payment of the amounts  
35 required by paragraphs (1) and (2) of subdivision (a) of Section  
36 2924k.

37 (3) The noticed person may contact the trustee at the address  
38 provided in the notice to pursue any potential claim.

39 (4) That before the trustee can act, the noticed person may be  
40 required to present proof that the person holds the beneficial



1 interest in the obligation and the security interest therefor. In the  
2 case of a promissory note secured by a deed of trust, proof that the  
3 person holds the beneficial interest may include the original  
4 promissory note and assignment of beneficial interests related  
5 thereto. The noticed person shall also submit a written claim to the  
6 trustee, executed under penalty of perjury, stating the following:

7 (A) The amount of the claim to the date of trustee's sale.

8 (B) An itemized statement of the principal, interest, and other  
9 charges.

10 (C) That claims must be received by the trustee at the address  
11 stated in the notice no later than 30 days after the date the trustee  
12 sends notice to the potential claimant.

13 (b) The trustee shall exercise due diligence to determine the  
14 priority of the written claims received by the trustee to the trustee's  
15 sale surplus proceeds from those persons to whom notice was sent  
16 pursuant to subdivision (a). In the event there is no dispute as to  
17 the priority of the written claims submitted to the trustee, proceeds  
18 shall be paid within 30 days after the conclusion of the notice  
19 period. If the trustee has failed to determine the priority of written  
20 claims within 90 days following the 30-day notice period, then  
21 within 10 days thereafter the trustee shall deposit the funds with  
22 the clerk of the court pursuant to subdivision (c) or file an  
23 interpleader action pursuant to subdivision (e). Nothing in this  
24 section shall preclude any person from pursuing other remedies or  
25 claims as to surplus proceeds.

26 (c) If, after due diligence, the trustee is unable to determine the  
27 priority of the written claims received by the trustee to the trustee's  
28 sale surplus of multiple persons or if the trustee determines there  
29 is a conflict between potential claimants, the trustee may file a  
30 declaration of the unresolved claims and deposit with the clerk of  
31 the superior court of the county in which the sale occurred, that  
32 portion of the sales proceeds that cannot be distributed, less any  
33 fees charged by the clerk pursuant to this subdivision. The  
34 declaration shall specify the date of the trustee's sale, a description  
35 of the property, the names and addresses of all persons sent notice  
36 pursuant to subdivision (a), a statement that the trustee exercised  
37 due diligence pursuant to subdivision (b), that the trustee provided  
38 written notice as required by subdivisions (a) and (d) and the  
39 amount of the sales proceeds deposited by the trustee with the  
40 court. Further, the trustee shall submit a copy of the trustee's sales



1 guarantee and any information relevant to the identity, location,  
2 and priority of the potential claimants with the court and shall file  
3 proof of service of the notice required by subdivision (d) on all  
4 persons described in subdivision (a).

5 The clerk shall deposit the amount with the county treasurer  
6 subject to order of the court upon the application of any interested  
7 party. The clerk may charge a reasonable fee for the performance  
8 of activities pursuant to this subdivision equal to the fee for filing  
9 an interpleader action pursuant to Article 2 (commencing with  
10 Section 26820) of Division 2 of Title 3 of the Government Code.  
11 Upon deposit of that portion of the sale proceeds that cannot be  
12 distributed by due diligence, the trustee shall be discharged of  
13 further responsibility for the disbursement of sale proceeds. A  
14 deposit with the clerk of the court pursuant to this subdivision may  
15 be either for the total proceeds of the trustee's sale, less any fees  
16 charged by the clerk, if a conflict or conflicts exist with respect to  
17 the total proceeds, or that portion that cannot be distributed after  
18 due diligence, less any fees charged by the clerk.

19 (d) Before the trustee deposits the funds with the clerk of the  
20 court pursuant to subdivision (c), the trustee shall send written  
21 notice by first-class mail, postage prepaid, to all persons described  
22 in subdivision (a) informing them that the trustee intends to deposit  
23 the funds with the clerk of the court and that a claim for the funds  
24 must be filed with the court within 30 days from the date of the  
25 notice, providing the address of the court in which the funds were  
26 deposited, and a phone number for obtaining further information.

27 Within 90 days after deposit with the clerk, the court shall  
28 consider all claims filed at least 15 days before the date on which  
29 the hearing is scheduled by the court, the clerk shall serve written  
30 notice of the hearing by first-class mail on all claimants identified  
31 in the trustees' declaration at the addresses specified therein.  
32 Where the amount of the deposit is twenty-five thousand dollars  
33 (\$25,000) or less, a proceeding pursuant to this section is a limited  
34 civil case. The court shall distribute the deposited funds to any and  
35 all claimants entitled thereto.

36 (e) Nothing in this section restricts the ability of a trustee to file  
37 an interpleader action in order to resolve a dispute about the  
38 proceeds of a trustee's sale. Once an interpleader action has been  
39 filed, thereafter the provisions of this section shall not apply.



1 (f) “Due diligence,” for the purposes of this section means that  
2 the trustee researched the written claims submitted or other  
3 evidence of conflicts and determined that a conflict of priorities  
4 exists between two or more claimants which the trustee is unable  
5 to resolve.

6 (g) To the extent required by the Unclaimed Property Law, a  
7 trustee in possession of surplus proceeds not required to be  
8 deposited with the court pursuant to subdivision (b) shall comply  
9 with the Unclaimed Property Law (Chapter 7 (commencing with  
10 Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure).

11 (h) Prior to July 1, 2000, the Judicial Council shall adopt a form  
12 to accomplish the filing authorized by this section.

13 SEC. 21. Section 17 of the Code of Civil Procedure is  
14 amended to read:

15 17. Words used in this code in the present tense include the  
16 future as well as the present; words used in the masculine gender  
17 include the feminine and neuter; the singular number includes the  
18 plural and the plural the singular; the word “person” includes a  
19 corporation as well as a natural person; the word “county”  
20 includes “city and county”; writing includes printing and  
21 typewriting; oath includes affirmation or declaration; and every  
22 mode of oral statement, under oath or affirmation, is embraced by  
23 the term “testify,” and every written one in the term “depose”;  
24 signature or subscription includes mark, when the person cannot  
25 write, his or her name or her being written near it by a person who  
26 writes his or her own name as a witness; provided, that when a  
27 signature is by mark it must, in order that the same may be  
28 acknowledged or may serve as the signature to any sworn  
29 statement, be witnessed by two persons who must subscribe their  
30 own names as witness thereto.

31 The following words have in this code the signification attached  
32 to them in this section, unless otherwise apparent from the context:

33 1. The word “property” includes both real and personal  
34 property;

35 2. The words “real property” are coextensive with lands,  
36 tenements, and hereditaments;

37 3. The words “personal property” include money, goods,  
38 chattels, things in action, and evidences of debt;

39 4. The word “month” means a calendar month, unless  
40 otherwise expressed;



1 5. The word “will” includes codicil;

2 6. The word “writ” signifies an order or precept in writing,  
3 issued in the name of the people, or of a court or judicial officer;  
4 and the word “process” a writ or summons issued in the course of  
5 judicial proceedings;

6 7. The word “state,” when applied to the different parts of the  
7 United States, includes the District of Columbia and the territories;  
8 and the words “United States” may include the district and  
9 territories;

10 8. The word “section” whenever hereinafter employed, refers  
11 to a section of this code, unless some other code or statute is  
12 expressly mentioned;

13 9. The word “affinity” when applied to the marriage relation,  
14 signifies the connection existing in consequence of marriage,  
15 between each of the married persons and the blood relatives of the  
16 other;

17 10. The word “sheriff” shall include “marshal.”

18 SEC. 22. Section 32.5 of the Code of Civil Procedure is  
19 amended to read:

20 32.5. The “jurisdictional classification” of a case means its  
21 classification as a limited civil case or an unlimited civil case.

22 SEC. 23. Section 34 of the Code of Civil Procedure is  
23 repealed.

24 SEC. 24. Section 73e of the Code of Civil Procedure is  
25 amended to read:

26 73e. Notwithstanding any other provisions of law, in each  
27 county wherein the juvenile hall is not located at the county seat  
28 of the county, a majority of the judges of the superior court in and  
29 for such county may by an order filed with the clerk of the court  
30 direct that a session or sessions of the superior court, while sitting  
31 for the purpose of hearing and determining cases and proceedings  
32 arising under Chapter 2 of Part 1 of Division 2 or Chapter 2 of Part  
33 1 of Division 6 or Chapter 4 of Part 4 of Division 6 of the Welfare  
34 and Institutions Code, may be held or continued in any place in the  
35 county in which the juvenile hall is located and thereafter such  
36 session or sessions of the court may be held or continued in the  
37 location designated in such order. In a county having two superior  
38 court judges the presiding judge may make the order.

39 SEC. 25. Section 75 of the Code of Civil Procedure is  
40 amended to read:



1 75. The superior court in any county may by rule provide that,  
2 whenever all judges are absent from the county, any noncontested  
3 matter in which no evidence is required, or which may be  
4 submitted upon affidavits, shall be deemed submitted upon the  
5 filing with the clerk of a statement of submission by the party or  
6 the party's attorney or upon the date set for the hearing.

7 SEC. 26. Section 77 of the Code of Civil Procedure is  
8 amended to read:

9 77. (a) In every county and city and county, there is an  
10 appellate division of the superior court consisting of three judges  
11 or, when the Chief Justice finds it necessary, four judges.

12 The Chief Justice shall assign judges to the appellate division for  
13 specified terms pursuant to rules, not inconsistent with statute,  
14 adopted by the Judicial Council to promote the independence and  
15 quality of each appellate division. Each judge assigned to the  
16 appellate division of a superior court shall be a judge of that court,  
17 a judge of the superior court of another county, or a judge retired  
18 from the superior court or a court of higher jurisdiction in this state.

19 The Chief Justice shall designate one of the judges of each  
20 appellate division as the presiding judge of the division.

21 (b) In each appellate division, no more than three judges shall  
22 participate in a hearing or decision. The presiding judge of the  
23 division shall designate the three judges who shall participate.

24 (c) In addition to their other duties, the judges designated as  
25 members of the appellate division of the superior court shall serve  
26 for the period specified in the order of designation. Whenever a  
27 judge is designated to serve in the appellate division of the superior  
28 court of a county other than the county in which that judge was  
29 elected or appointed as a superior court judge, or if the judge is  
30 retired, in a county other than the county in which the judge  
31 resides, the judge shall receive expenses for travel, board, and  
32 lodging. If the judge is out of the judge's county overnight or  
33 longer, by reason of the designation, that judge shall be paid a per  
34 diem allowance in lieu of expenses for board and lodging in the  
35 same amounts as are payable for those purposes to justices of the  
36 Supreme Court under the rules of the State Board of Control. In  
37 addition, a retired judge shall receive for the time so served,  
38 amounts equal to that which the judge would have received if the  
39 judge had been assigned to the superior court of the county.



1 (d) The concurrence of two judges of the appellate division of  
2 the superior court shall be necessary to render the decision in every  
3 case in, and to transact any other business except business that may  
4 be done at chambers by the presiding judge of, the division. The  
5 presiding judge shall convene the appellate division when  
6 necessary. The presiding judge shall also supervise its business and  
7 transact any business that may be done at chambers.

8 (e) The appellate division of the superior court has jurisdiction  
9 on appeal in all cases in which an appeal may be taken to the  
10 superior court or the appellate division of the superior court as  
11 provided by law, except where the appeal is a retrial in the superior  
12 court.

13 (f) The powers of each appellate division shall be the same as  
14 are now or may hereafter be provided by law or rule of the Judicial  
15 Council relating to appeals to the appellate division of the superior  
16 courts.

17 (g) The Judicial Council shall promulgate rules, not  
18 inconsistent with law, to promote the independence of, and govern  
19 the practice and procedure and the disposition of the business of  
20 the appellate division.

21 (h) Notwithstanding the provisions of subdivisions (b) and (d),  
22 appeals from convictions of traffic infractions may be heard and  
23 decided by one judge of the appellate division of the superior  
24 court.

25 SEC. 27. Chapter 5 (commencing with Section 81) of Title 1  
26 of Part 1 of the Code of Civil Procedure is repealed.

27 SEC. 28. Section 85.1 of the Code of Civil Procedure is  
28 repealed.

29 SEC. 29. Section 86.1 of the Code of Civil Procedure is  
30 amended to read:

31 86.1. An action brought pursuant to the Long-Term Care,  
32 Health, Safety, and Security Act of 1973 (Chapter 2.4  
33 (commencing with Section 1417) of Division 2 of the Health and  
34 Safety Code) is a limited civil case if civil penalties are not sought  
35 or amount to twenty-five thousand dollars (\$25,000) or less.

36 SEC. 30. Section 116.210 of the Code of Civil Procedure is  
37 amended to read:

38 116.210. In each superior court there shall be a small claims  
39 division. The small claims division may be known as the small  
40 claims court.



1 SEC. 31. Section 116.250 of the Code of Civil Procedure is  
2 amended to read:

3 116.250. (a) Sessions of the small claims court may be  
4 scheduled at any time and on any day, including Saturdays, but  
5 excluding other judicial holidays. They may also be scheduled at  
6 any public building within the county, including places outside the  
7 courthouse.

8 (b) Each small claims division of a superior court with seven  
9 or more judicial officers shall conduct at least one night session or  
10 Saturday session each month for the purpose of hearing small  
11 claims cases other than small claims appeals. The term “session”  
12 includes, but is not limited to, a proceeding conducted by a  
13 member of the State Bar acting as a mediator or referee.

14 SEC. 32. Section 116.950 of the Code of Civil Procedure is  
15 amended to read:

16 116.950. (a) This section shall become operative only if the  
17 Department of Consumer Affairs determines that sufficient  
18 private or public funds are available in addition to the funds  
19 available in the department’s current budget to cover the costs of  
20 implementing this section.

21 (b) There shall be established an advisory committee,  
22 constituted as set forth in this section, to study small claims  
23 practice and procedure, with particular attention given to the  
24 improvement of procedures for the enforcement of judgments.

25 (c) The members of the advisory committee shall serve without  
26 compensation, but shall be reimbursed for expenses actually and  
27 necessarily incurred by them in the performance of their duties.

28 (d) The advisory committee shall be composed as follows:

29 (1) The Attorney General or a representative.

30 (2) Two consumer representatives from consumer groups or  
31 agencies, appointed by the Secretary of the State and Consumer  
32 Services Agency.

33 (3) One representative appointed by the Speaker of the  
34 Assembly and one representative appointed by the President pro  
35 Tempore of the Senate.

36 (4) Two representatives appointed by the Board of Governors  
37 of the State Bar.

38 (5) Two representatives of the business community, appointed  
39 by the Secretary of Technology, Trade, and Commerce.



1 (6) Six judicial officers who have extensive experience  
2 presiding in small claims court, appointed by the Judicial Council.  
3 Judicial officers appointed under this subdivision may include  
4 judicial officers of the superior court, judges of the appellate  
5 courts, retired judicial officers, and temporary judges.

6 (7) One representative appointed by the Governor.

7 (8) Two clerks of the court appointed by the Judicial Council.

8 (e) Staff assistance to the advisory committee shall be provided  
9 by the Department of Consumer Affairs, with the assistance of the  
10 Judicial Council, as needed.

11 SEC. 33. Section 134 of the Code of Civil Procedure is  
12 amended to read:

13 134. (a) Except as provided in subdivision (c), the courts  
14 shall be closed for the transaction of judicial business on judicial  
15 holidays for all but the following purposes:

16 (1) To give, upon their request, instructions to a jury when  
17 deliberating on their verdict.

18 (2) To receive a verdict or discharge a jury.

19 (3) For the conduct of arraignments and the exercise of the  
20 powers of a magistrate in a criminal action, or in a proceeding of  
21 a criminal nature.

22 (4) For the conduct of Saturday small claims court sessions  
23 pursuant to the Small Claims Act set forth in Chapter 5.5  
24 (commencing with Section 116.110).

25 (b) Injunctions and writs of prohibition may be issued and  
26 served on any day.

27 (c) In any superior court, one or more departments of the court  
28 may remain open and in session for the transaction of any business  
29 that may come before the department in the exercise of the civil or  
30 criminal jurisdiction of the court, or both, on a judicial holiday or  
31 at any hours of the day or night, or both, as the judges of the court  
32 prescribe.

33 (d) The fact that a court is open on a judicial holiday shall not  
34 make that day a nonholiday for purposes of computing the time  
35 required for the conduct of any proceeding nor for the performance  
36 of any act. Any paper lodged with the court at a time when the court  
37 is open pursuant to subdivision (c), shall be filed by the court on  
38 the next day that is not a judicial holiday, if the document meets  
39 appropriate criteria for filing.



1 SEC. 34. Section 166 of the Code of Civil Procedure is  
2 amended to read:

3 166. (a) The judges of the superior courts may, in chambers:

4 (1) Grant all orders and writs that are usually granted in the first  
5 instance upon an ex parte application, and hear and dispose of  
6 those orders and writs, appoint referees, require and receive  
7 inventories and accounts to be filed, order notice of settlement of  
8 supplemental accounts, suspend the powers of personal  
9 representatives, guardians, or conservators in the cases allowed by  
10 law, appoint special administrators, grant letters of temporary  
11 guardianship or conservatorship, approve or reject claims, and  
12 direct the issuance from the court of all writs and process necessary  
13 in the exercise of their powers in matters of probate.

14 (2) Hear and determine all motions made pursuant to Section  
15 657 or 663.

16 (3) Hear and determine all uncontested actions, proceedings,  
17 demurrers, motions, petitions, applications, and other matters  
18 pending before the court other than actions for dissolution of  
19 marriage, for legal separation, or for a judgment of nullity of the  
20 marriage, and except also applications for confirmation of sale of  
21 real property in probate proceedings.

22 (4) Hear and determine motions to tax costs of enforcing a  
23 judgment.

24 (5) Approve bonds and undertakings.

25 (b) A judge may, out of court, anywhere in the state, exercise  
26 all the powers and perform all the functions and duties conferred  
27 upon a judge as contradistinguished from the court, or that a judge  
28 may exercise or perform in chambers.

29 SEC. 35. Section 170.5 of the Code of Civil Procedure is  
30 amended to read:

31 170.5. For the purposes of Sections 170 to 170.5, inclusive,  
32 the following definitions apply:

33 (a) “Judge” means judges of the superior courts, and court  
34 commissioners and referees.

35 (b) “Financial interest” means ownership of more than a 1  
36 percent legal or equitable interest in a party, or a legal or equitable  
37 interest in a party of a fair market value in excess of one thousand  
38 five hundred dollars (\$1,500), or a relationship as director, advisor  
39 or other active participant in the affairs of a party, except as  
40 follows:



1 (1) Ownership in a mutual or common investment fund that  
2 holds securities is not a “financial interest” in those securities  
3 unless the judge participates in the management of the fund.

4 (2) An office in an educational, religious, charitable, fraternal,  
5 or civic organization is not a “financial interest” in securities held  
6 by the organization.

7 (3) The proprietary interest of a policyholder in a mutual  
8 insurance company, or a depositor in a mutual savings association,  
9 or a similar proprietary interest, is a “financial interest” in the  
10 organization only if the outcome of the proceeding could  
11 substantially affect the value of the interest.

12 (c) “Officer of a public agency” does not include a Member of  
13 the Legislature or a state or local agency official acting in a  
14 legislative capacity.

15 (d) The third degree of relationship shall be calculated  
16 according to the civil law system.

17 (e) “Private practice of law” includes a fee for service,  
18 retainer, or salaried representation of private clients or public  
19 agencies, but excludes lawyers as full-time employees of public  
20 agencies or lawyers working exclusively for legal aid offices,  
21 public defender offices, or similar nonprofit entities whose  
22 clientele is by law restricted to the indigent.

23 (f) “Proceeding” means the action, case, cause, motion, or  
24 special proceeding to be tried or heard by the judge.

25 (g) “Fiduciary” includes any executor, trustee, guardian, or  
26 administrator.

27 SEC. 36. Section 170.6 of the Code of Civil Procedure is  
28 amended to read:

29 170.6. (1) No judge, court commissioner, or referee of any  
30 superior court of the State of California shall try any civil or  
31 criminal action or special proceeding of any kind or character nor  
32 hear any matter therein that involves a contested issue of law or  
33 fact when it shall be established as hereinafter provided that the  
34 judge or court commissioner is prejudiced against any party or  
35 attorney or the interest of any party or attorney appearing in the  
36 action or proceeding.

37 (2) Any party to or any attorney appearing in any such action  
38 or proceeding may establish this prejudice by an oral or written  
39 motion without notice supported by affidavit or declaration under  
40 penalty of perjury or an oral statement under oath that the judge,

1 court commissioner, or referee before whom the action or  
2 proceeding is pending or to whom it is assigned is prejudiced  
3 against any such party or attorney or the interest of the party or  
4 attorney so that the party or attorney cannot or believes that he or  
5 she cannot have a fair and impartial trial or hearing before the  
6 judge, court commissioner, or referee. Where the judge, other than  
7 a judge assigned to the case for all purposes, court commissioner,  
8 or referee assigned to or who is scheduled to try the cause or hear  
9 the matter is known at least 10 days before the date set for trial or  
10 hearing, the motion shall be made at least five days before that  
11 date. If directed to the trial of a cause where there is a master  
12 calendar, the motion shall be made to the judge supervising the  
13 master calendar not later than the time the cause is assigned for  
14 trial. If directed to the trial of a cause that has been assigned to a  
15 judge for all purposes, the motion shall be made to the assigned  
16 judge or to the presiding judge by a party within 10 days after  
17 notice of the all purpose assignment, or if the party has not yet  
18 appeared in the action, then within 10 days after the appearance.  
19 If the court in which the action is pending is authorized to have no  
20 more than one judge and the motion claims that the duly elected  
21 or appointed judge of that court is prejudiced, the motion shall be  
22 made before the expiration of 30 days from the date of the first  
23 appearance in the action of the party who is making the motion or  
24 whose attorney is making the motion. In no event shall any judge,  
25 court commissioner, or referee entertain the motion if it be made  
26 after the drawing of the name of the first juror, or if there be no jury,  
27 after the making of an opening statement by counsel for plaintiff,  
28 or if there is no such statement, then after swearing in the first  
29 witness or the giving of any evidence or after trial of the cause has  
30 otherwise commenced. If the motion is directed to a hearing (other  
31 than the trial of a cause), the motion shall be made not later than  
32 the commencement of the hearing. In the case of trials or hearings  
33 not herein specifically provided for, the procedure herein specified  
34 shall be followed as nearly as may be. The fact that a judge, court  
35 commissioner, or referee has presided at or acted in connection  
36 with a pretrial conference or other hearing, proceeding or motion  
37 prior to trial and not involving a determination of contested fact  
38 issues relating to the merits shall not preclude the later making of  
39 the motion provided for herein at the time and in the manner  
40 hereinbefore provided.



1 A motion under this paragraph may be made following reversal  
2 on appeal of a trial court's decision, or following reversal on  
3 appeal of a trial court's final judgment, if the trial judge in the prior  
4 proceeding is assigned to conduct a new trial on the matter.  
5 Notwithstanding paragraph (3) of this section, the party who filed  
6 the appeal that resulted in the reversal of a final judgment of a trial  
7 court may make a motion under this section regardless of whether  
8 that party or side has previously done so. The motion shall be made  
9 within 60 days after the party or the party's attorney has been  
10 notified of the assignment.

11 (3) If the motion is duly presented and the affidavit or  
12 declaration under penalty of perjury is duly filed or such oral  
13 statement under oath is duly made, thereupon and without any  
14 further act or proof, the judge supervising the master calendar, if  
15 any, shall assign some other judge, court commissioner, or referee  
16 to try the cause or hear the matter. In other cases, the trial of the  
17 cause or the hearing of the matter shall be assigned or transferred  
18 to another judge, court commissioner, or referee of the court in  
19 which the trial or matter is pending or, if there is no other judge,  
20 court commissioner, or referee of the court in which the trial or  
21 matter is pending, the Chair of the Judicial Council shall assign  
22 some other judge, court commissioner, or referee to try the cause  
23 or hear the matter as promptly as possible. Except as provided in  
24 this section, no party or attorney shall be permitted to make more  
25 than one such motion in any one action or special proceeding  
26 pursuant to this section; and in actions or special proceedings  
27 where there may be more than one plaintiff or similar party or more  
28 than one defendant or similar party appearing in the action or  
29 special proceeding, only one motion for each side may be made in  
30 any one action or special proceeding.

31 (4) Unless required for the convenience of the court or unless  
32 good cause is shown, a continuance of the trial or hearing shall not  
33 be granted by reason of the making of a motion under this section.  
34 If a continuance is granted, the cause or matter shall be continued  
35 from day to day or for other limited periods upon the trial or other  
36 calendar and shall be reassigned or transferred for trial or hearing  
37 as promptly as possible.

38 (5) Any affidavit filed pursuant to this section shall be in  
39 substantially the following form:

40



(Here set forth court and cause)

State of California, ) PEREMPTORY CHALLENGE
County of \_\_\_\_\_ ) ss.

\_\_\_\_\_, being duly sworn, deposes and says: That he or she is a party (or attorney for a party) to the within action (or special proceeding). That \_\_\_\_\_ the judge, court commissioner, or referee before whom the trial of the (or a hearing in the) aforesaid action (or special proceeding) is pending (or to whom it is assigned) is prejudiced against the party (or his or her attorney) or the interest of the party (or his or her attorney) so that affiant cannot or believes that he or she cannot have a fair and impartial trial or hearing before the judge, court commissioner, or referee.

Subscribed and sworn to before me this
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.
(Clerk or notary public or other
officer administering oath)

(6) Any oral statement under oath or declaration under penalty of perjury made pursuant to this section shall include substantially the same contents as the affidavit above.

(7) Nothing in this section shall affect or limit Section 170 or Title 4 (commencing with Section 392) of Part 2, and this section shall be construed as cumulative thereto.

(8) If any provision of this section or the application to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the section that can be given effect without the invalid provision or application and to this end the provisions of this section are declared to be severable.

SEC. 37. Section 170.9 of the Code of Civil Procedure is amended to read:

170.9. (a) No judge shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250). This section shall not be construed to authorize the receipt of gifts that would otherwise be prohibited by the California Code of Judicial Ethics adopted by the California Supreme Court or any other provision of law.

(b) This section shall not prohibit or limit the following:



1 (1) Payments, advances, or reimbursements for travel and  
2 related lodging and subsistence permitted by subdivision (e).

3 (2) Wedding gifts and gifts exchanged between individuals on  
4 birthdays, holidays and other similar occasions, provided that the  
5 gifts exchanged are not substantially disproportionate in value.

6 (3) A gift, bequest, favor, or loan from any person whose  
7 preexisting relationship with a judge would prevent the judge from  
8 hearing a case involving that person, under the Code of Judicial  
9 Ethics adopted by the California Supreme Court.

10 (c) For purposes of this section, “judge” means judges of the  
11 superior courts, and justices of the courts of appeal or the Supreme  
12 Court.

13 (d) The gift limitation amounts in this section shall be adjusted  
14 biennially by the Commission on Judicial Performance to reflect  
15 changes in the Consumer Price Index, rounded to the nearest ten  
16 dollars (\$10).

17 (e) Payments, advances, or reimbursements, for travel,  
18 including actual transportation and related lodging and  
19 subsistence which is reasonably related to a judicial or  
20 governmental purpose, or to an issue of state, national, or  
21 international public policy, is not prohibited or limited by this  
22 section if any of the following apply:

23 (1) The travel is in connection with a speech, practice  
24 demonstration, or group or panel discussion given or participated  
25 in by the judge, the lodging and subsistence expenses are limited  
26 to the day immediately preceding, the day of, and the day  
27 immediately following the speech, demonstration, or discussion,  
28 and the travel is within the United States.

29 (2) The travel is provided by a government, a governmental  
30 agency or authority, a foreign government, a foreign bar  
31 association, an international service organization, a bona fide  
32 public or private educational institution, as defined in Section 203  
33 of the Revenue and Taxation Code, or a nonprofit charitable or  
34 religious organization which is exempt from taxation under  
35 Section 501(c)(3) of the Internal Revenue Code, or by a person  
36 domiciled outside the United States who substantially satisfies the  
37 requirements for tax exempt status under Section 501(c)(3) of the  
38 Internal Revenue Code.

39 For purposes of this section, “foreign bar association” means  
40 an association of attorneys located outside the United States (A)



1 that performs functions substantially equivalent to those  
2 performed by state or local bar associations in this state and (B)  
3 that permits membership by attorneys in that country representing  
4 various legal specialties and does not limit membership to  
5 attorneys generally representing one side or another in litigation.  
6 “International service organization” means a bona fide  
7 international service organization of which the judge is a member.  
8 A judge who accepts travel payments from an international service  
9 organization pursuant to this subdivision shall not preside over or  
10 participate in decisions affecting that organization, its state or local  
11 chapters, or its local members.

12 (3) The travel is provided by a state or local bar association or  
13 judges professional association in connection with testimony  
14 before a governmental body or attendance at any professional  
15 function hosted by the bar association or judges professional  
16 association, the lodging and subsistence expenses are limited to the  
17 day immediately preceding, the day of, and the day immediately  
18 following the professional function.

19 (f) Payments, advances, and reimbursements for travel not  
20 described in subdivision (e) are subject to the limit in subdivision  
21 (a).

22 (g) No judge shall accept any honorarium.

23 (h) “Honorarium” means any payment made in consideration  
24 for any speech given, article published, or attendance at any public  
25 or private conference, convention, meeting, social event, meal or  
26 like gathering.

27 (i) “Honorarium” does not include earned income for personal  
28 services which are customarily provided in connection with the  
29 practice of a bona fide business, trade, or profession, such as  
30 teaching or writing for a publisher, and does not include fees or  
31 other things of value received pursuant to Section 94.5 of the Penal  
32 Code for performance of a marriage.

33 For purposes of this section, “teaching” shall include  
34 presentations to impart educational information to lawyers in  
35 events qualifying for credit under Mandatory Continuing Legal  
36 Education, to students in bona fide educational institutions, and to  
37 associations or groups of judges.

38 (j) Subdivision (a) and (e) shall apply to all payments,  
39 advances, reimbursements for travel and related lodging and  
40 subsistence.



1 (k) This section does not apply to any honorarium that is not  
2 used and, within 30 days after receipt, is either returned to the  
3 donor or delivered to the Controller for deposit in the General  
4 Fund without being claimed as a deduction from income for tax  
5 purposes.

6 (l) “Gift” means any payment to the extent that consideration  
7 of equal or greater value is not received and includes a rebate or  
8 discount in the price of anything of value unless the rebate or  
9 discount is made in the regular course of business to members of  
10 the public without regard to official status. Any person, other than  
11 a defendant in a criminal action, who claims that a payment is not  
12 a gift by reason of receipt of consideration has the burden of  
13 proving that the consideration received is of equal or greater value.  
14 However, the term “gift” does not include:

15 (1) Informational material such as books, reports, pamphlets,  
16 calendars, periodicals, cassettes and discs, or free or reduced-price  
17 admission, tuition, or registration, for informational conferences  
18 or seminars. No payment for travel or reimbursement for any  
19 expenses shall be deemed “informational material.”

20 (2) Gifts which are not used and which, within 30 days after  
21 receipt, are returned to the donor or delivered to a charitable  
22 organization without being claimed as a charitable contribution for  
23 tax purposes.

24 (3) Gifts from a judge’s spouse, child, parent, grandparent,  
25 grandchild, brother, sister, parent-in-law, brother-in-law,  
26 sister-in-law, nephew, niece, aunt, uncle, or first cousin or the  
27 spouse of any such person; provided that a gift from any such  
28 person shall be considered a gift if the donor is acting as an agent  
29 or intermediary for any person not covered by this paragraph.

30 (4) Campaign contributions required to be reported under  
31 Chapter 4 (commencing with Section 84100) of Title 9 of the  
32 Government Code.

33 (5) Any devise or inheritance.

34 (6) Personalized plaques and trophies with an individual value  
35 of less than two hundred fifty dollars (\$250).

36 (7) Admission to events hosted by state or local bar  
37 associations or judges’ professional associations, and provision of  
38 related food and beverages at such events, when attendance does  
39 not require “travel” as described in paragraph (3) of subdivision  
40 (e).



1 (m) The Commission on Judicial Performance shall enforce the  
2 prohibitions of this section.

3 SEC. 38. Section 179 of the Code of Civil Procedure is  
4 amended to read:

5 179. Each of the justices of the Supreme Court and of any  
6 court of appeal and the judges of the superior courts, shall have  
7 power in any part of the state to take and certify:

8 1. The proof and acknowledgment of a conveyance of real  
9 property, or of any other written instrument.

10 2. The acknowledgment of satisfaction of a judgment of any  
11 court.

12 3. An affidavit or deposition to be used in this state.

13 SEC. 39 Section 194 of the Code of Civil Procedure is  
14 amended to read:

15 194. The following definitions govern the construction of this  
16 chapter:

17 (a) “County” means any county or any coterminous city and  
18 county.

19 (b) “Court” means a superior court of this state, and includes,  
20 when the context requires, any judge of the court.

21 (c) “Deferred jurors” are those prospective jurors whose  
22 request to reschedule their service to a more convenient time is  
23 granted by the jury commissioner.

24 (d) “Excused jurors” are those prospective jurors who are  
25 excused from service by the jury commissioner for valid reasons  
26 based on statute, state or local court rules, and policies.

27 (e) “Juror pool” means the group of prospective qualified  
28 jurors appearing for assignment to trial jury panels.

29 (f) “Jury of inquest” is a body of persons summoned from the  
30 citizens before the sheriff, coroner, or other ministerial officers, to  
31 inquire of particular facts.

32 (g) “Master list” means a list of names randomly selected from  
33 the source lists.

34 (h) “Potential juror” means any person whose name appears  
35 on a source list.

36 (i) “Prospective juror” means a juror whose name appears on  
37 the master list.

38 (j) “Qualified juror” means a person who meets the statutory  
39 qualifications for jury service.

40 (k) “Qualified juror list” means a list of qualified jurors.



1 (l) “Random” means that which occurs by mere chance  
2 indicating an unplanned sequence of selection where each juror’s  
3 name has substantially equal probability of being selected.

4 (m) “Source list” means a list used as a source of potential  
5 jurors.

6 (n) “Summons list” means a list of prospective or qualified  
7 jurors who are summoned to appear or to be available for jury  
8 service.

9 (o) “Trial jurors” are those jurors sworn to try and determine  
10 by verdict a question of fact.

11 (p) “Trial jury” means a body of persons selected from the  
12 citizens of the area served by the court and sworn to try and  
13 determine by verdict a question of fact.

14 (q) “Trial jury panel” means a group of prospective jurors  
15 assigned to a courtroom for the purpose of voir dire.

16 SEC. 40. Section 195 of the Code of Civil Procedure is  
17 amended to read:

18 195. (a) In each county, there shall be one jury commissioner  
19 who shall be appointed by, and serve at the pleasure of, a majority  
20 of the judges of the superior court. In any county where there is a  
21 superior court administrator or executive officer, that person shall  
22 serve as ex officio jury commissioner. In any court jurisdiction  
23 where any person other than a court administrator or  
24 clerk/administrator is serving as jury commissioner on the  
25 effective date of this section, that person shall continue to so serve  
26 at the pleasure of a majority of the judges of the appointing court.

27 (b) Any jury commissioner may, whenever the business of  
28 court requires, appoint deputy jury commissioners. Salaries and  
29 benefits of those deputies shall be fixed in the same manner as  
30 salaries and benefits of other court employees.

31 (c) The jury commissioner shall be primarily responsible for  
32 managing the jury system under the general supervision of the  
33 court in conformance with the purpose and scope of this act. He or  
34 she shall have authority to establish policies and procedures  
35 necessary to fulfill this responsibility.

36 SEC. 41. Section 198.5 of the Code of Civil Procedure is  
37 amended to read:

38 198.5. If sessions of the superior court are held in a location  
39 other than the county seat, the names for master jury lists and  
40 qualified jury lists to serve in a session may be selected from the



1 area in which the session is held, pursuant to a local superior court  
2 rule that (1) divides the county in a manner that provides all  
3 qualified persons in the county an equal opportunity to be  
4 considered for jury service and (2) gives each prospective juror  
5 residing in the county an opportunity to elect to serve on a jury with  
6 respect to a trial held anywhere in the county. Nothing in this  
7 section precludes the court, in its discretion, from ordering a  
8 countywide venire in the interest of justice.

9 SEC. 42. Section 199 of the Code of Civil Procedure is  
10 repealed.

11 SEC. 43. Section 199.2 of the Code of Civil Procedure is  
12 repealed.

13 SEC. 44. Section 199.3 of the Code of Civil Procedure is  
14 repealed.

15 SEC. 45. Section 199.5 of the Code of Civil Procedure is  
16 repealed.

17 SEC. 46. Section 200 of the Code of Civil Procedure is  
18 repealed.

19 SEC. 47. Section 201 of the Code of Civil Procedure is  
20 amended to read:

21 201. In any superior court, a separate trial jury panel may be  
22 drawn, summoned, and impaneled for each judge, or any one panel  
23 may be drawn, summoned, and impaneled by any one of the  
24 judges, for use in the trial of cases before any of the judges, as  
25 occasion may require. In those courts, when a panel of jurors is in  
26 attendance for service before one or more of the judges, whether  
27 impaneled for common use or not, the whole or any number of the  
28 jurors from such panel may be required to attend and serve in the  
29 trial of cases, or to complete a panel, or jury, before any other of  
30 the judges.

31 SEC. 48. Section 215 of the Code of Civil Procedure is  
32 amended to read:

33 215. (a) Beginning July 1, 2000, the fee for jurors in the  
34 superior court, in civil and criminal cases, is fifteen dollars (\$15)  
35 a day for each day's attendance as a juror after the first day.

36 (b) Unless a higher rate of mileage is otherwise provided by  
37 statute or by county or city and county ordinance, jurors in the  
38 superior court shall be reimbursed for mileage at the rate of fifteen  
39 cents (\$0.15) per mile for each mile actually traveled in attending  
40 court as a juror, in going only.



1 SEC. 49. Section 217 of the Code of Civil Procedure is  
2 amended to read:

3 217. In criminal cases only, while the jury is kept together,  
4 either during the progress of the trial or after their retirement for  
5 deliberation, the court may direct the sheriff or marshal to provide  
6 the jury with suitable and sufficient food and lodging, or other  
7 reasonable necessities. The expenses incurred under this section  
8 shall be charged against the Trial Court Operations Fund of the  
9 county in which the court is held. All those expenses shall be paid  
10 on the order of the court.

11 SEC. 50. Section 234 of the Code of Civil Procedure is  
12 amended to read:

13 234. Whenever, in the opinion of a judge of a superior court  
14 about to try a civil or criminal action or proceeding, the trial is  
15 likely to be a protracted one, or upon stipulation of the parties, the  
16 court may cause an entry to that effect to be made in the minutes  
17 of the court and thereupon, immediately after the jury is impaneled  
18 and sworn, the court may direct the calling of one or more  
19 additional jurors, in its discretion, to be known as “alternate  
20 jurors.”

21 These alternate jurors shall be drawn from the same source, and  
22 in the same manner, and have the same qualifications, as the jurors  
23 already sworn, and shall be subject to the same examination and  
24 challenges. However, each side, or each defendant, as provided in  
25 Section 231, shall be entitled to as many peremptory challenges to  
26 the alternate jurors as there are alternate jurors called.

27 The alternate jurors shall be seated so as to have equal power and  
28 facilities for seeing and hearing the proceedings in the case, and  
29 shall take the same oath as the jurors already selected, and shall,  
30 unless excused by the court, attend at all times upon the trial of the  
31 cause in company with the other jurors, but shall not participate in  
32 deliberation unless ordered by the court, and for a failure to do so  
33 are liable to be punished for contempt.

34 They shall obey the orders of and be bound by the admonition  
35 of the court, upon each adjournment of the court; but if the regular  
36 jurors are ordered to be kept in the custody of the sheriff or marshal  
37 during the trial of the cause, the alternate jurors shall also be kept  
38 in confinement with the other jurors; and upon final submission of  
39 the case to the jury, the alternate jurors shall be kept in the custody  
40 of the sheriff or marshal who shall not suffer any communication



1 to be made to them except by order of the court, and shall not be  
2 discharged until the original jurors are discharged, except as  
3 provided in this section.

4 If at any time, whether before or after the final submission of the  
5 case to the jury, a juror dies or becomes ill, or upon other good  
6 cause shown to the court is found to be unable to perform his or her  
7 duty, or if a juror requests a discharge and good cause appears  
8 therefor, the court may order the juror to be discharged and draw  
9 the name of an alternate, who shall then take his or her place in the  
10 jury box, and be subject to the same rules and regulations as though  
11 he or she has been selected as one of the original jurors.

12 All laws relative to fees, expenses, and mileage or transportation  
13 of jurors shall be applicable to alternate jurors, except that in civil  
14 cases the sums for fees and mileage or transportation need not be  
15 deposited until the judge directs alternate jurors to be impaneled.

16 SEC. 51. Section 274a of the Code of Civil Procedure is  
17 amended to read:

18 274a. Any judge of the superior court may have any opinion  
19 given or rendered by the judge in the trial of a felony case or an  
20 unlimited civil case, pending in that court, or any necessary order,  
21 petition, citation, commitment or judgment in any probate  
22 proceeding, proceeding concerning new or additional bonds of  
23 county officials or juvenile court proceeding, or the testimony or  
24 judgment relating to the custody or support of minor children in  
25 any proceeding in which the custody or support of minor children  
26 is involved, taken down in shorthand and transcribed together with  
27 such copies as the court may deem necessary by the official  
28 reporter or an official reporter pro tempore of the court.

29 SEC. 52. Section 394 of the Code of Civil Procedure is  
30 amended to read:

31 394. (a) An action or proceeding against a county, or city and  
32 county, a city, or local agency, may be tried in such county, or city  
33 and county, or the county in which such city or local agency is  
34 situated, unless the action or proceeding is brought by a county, or  
35 city and county, a city, or local agency, in which case it may be tried  
36 in any county, or city and county, not a party thereto and in which  
37 the city or local agency is not situated. Except for actions initiated  
38 by the district attorney pursuant to Section 11350, 11350.1,  
39 11475.1, or 11476.1 of the Welfare and Institutions Code, any  
40 action or proceeding brought by a county, city and county, city, or



1 local agency within a certain county, or city and county, against a  
2 resident of another county, city and county, or city, or a corporation  
3 doing business in the latter, shall be, on motion of either party,  
4 transferred for trial to a county, or city and county, other than the  
5 plaintiff, if the plaintiff is a county, or city and county, and other  
6 than that in which the plaintiff is situated, if the plaintiff is a city,  
7 or a local agency, and other than that in which the defendant  
8 resides, or is doing business, or is situated. Whenever an action or  
9 proceeding is brought against a county, city and county, city, or  
10 local agency, in any county, or city and county, other than the  
11 defendant, if the defendant is a county, or city and county, or, if the  
12 defendant is a city, or local agency, other than that in which the  
13 defendant is situated, the action or proceeding must be, on motion  
14 of the said defendant, transferred for trial to a county, or city and  
15 county, other than that in which the plaintiff, or any of the  
16 plaintiffs, resides, or is doing business, or is situated, and other  
17 than the plaintiff county, or city and county, or county in which  
18 such plaintiff city or local agency is situated, and other than the  
19 defendant county, or city and county, or county in which such  
20 defendant city or local agency is situated; provided, however, that  
21 any action or proceeding against the city, county, city and county,  
22 or local agency for injury occurring within the city, county, or city  
23 and county, or within the county in which such local agency is  
24 situated, to person or property or person and property caused by  
25 the negligence or alleged negligence of such city, county, city and  
26 county, local agency, or its agents or employees, shall be tried in  
27 such county, or city and county, or if a city is a defendant, in such  
28 city or in the county in which such city is situated, or if a local  
29 agency is a defendant, in such county in which such local agency  
30 is situated. In any such action or proceeding, the parties thereto  
31 may, by stipulation in writing, or made in open court, and entered  
32 in the minutes, agree upon any county, or city and county, for the  
33 place of trial thereof. When the action or proceeding is one in  
34 which a jury is not of right, or in case a jury be waived, then in lieu  
35 of transferring the cause the court in the original county may  
36 request the Chairman of the Judicial Council to assign a  
37 disinterested judge from a neutral county to hear said cause and all  
38 proceedings in connection therewith. When such action or  
39 proceeding is transferred to another county for trial, a witness  
40 required to respond to a subpoena for a hearing within the original



1 county shall be compelled to attend hearings in the county to which  
2 the cause is transferred. If the demand for transfer be made by one  
3 party and the opposing party does not consent thereto the  
4 additional costs of the nonconsenting party occasioned by the  
5 transfer of the cause, including living and traveling expenses of  
6 said nonconsenting party and material witnesses, found by the  
7 court to be material, and called by such nonconsenting party, not  
8 to exceed five dollars (\$5) per day each in excess of witness fees  
9 and mileage otherwise allowed by law, shall be assessed by the  
10 court hearing the cause against the party requesting the transfer. To  
11 the extent of such excess, such costs shall be awarded to the  
12 nonconsenting party regardless of the outcome of the trial. This  
13 section shall apply to actions or proceedings now pending or  
14 hereafter brought.

15 (b) For the purposes of this section, “local agency” shall mean  
16 any governmental district, board, or agency, or any other local  
17 governmental body or corporation, but shall not include the State  
18 of California or any of its agencies, departments, commissions, or  
19 boards.

20 SEC. 53. Section 396 of the Code of Civil Procedure is  
21 amended to read:

22 396. If an action or proceeding is commenced in a court that  
23 lacks jurisdiction of the subject matter thereof, as determined by  
24 the complaint or petition, if there is a court of this state that has  
25 subject matter jurisdiction, the action or proceeding shall not be  
26 dismissed (except as provided in Section 399, and subdivision 1  
27 of Section 581) but shall, on the application of either party, or on  
28 the court’s own motion, be transferred to a court having  
29 jurisdiction of the subject matter that may be agreed upon by the  
30 parties, or, if they do not agree, to a court having subject matter  
31 jurisdiction that is designated by law as a proper court for the trial  
32 or determination thereof, and it shall thereupon be entered and  
33 prosecuted in the court to which it is transferred as if it had been  
34 commenced therein, all prior proceedings being saved. In any such  
35 case, if summons is served prior to the filing of the action or  
36 proceeding in the court to which it is transferred, as to any  
37 defendant, so served, who has not appeared in the action or  
38 proceeding, the time to answer or otherwise plead shall date from  
39 service upon that defendant of written notice of filing of the action  
40 or proceeding in the court to which it is transferred.



1 If an action or proceeding is commenced in or transferred to a  
2 court that has jurisdiction of the subject matter thereof as  
3 determined by the complaint or petition, and it thereafter appears  
4 from the verified pleadings, or at the trial, or hearing, that the  
5 determination of the action or proceeding, or of a cross-complaint,  
6 will necessarily involve the determination of questions not within  
7 the jurisdiction of the court, in which the action or proceeding is  
8 pending, the court, whenever that lack of jurisdiction appears,  
9 must suspend all further proceedings therein and transfer the  
10 action or proceeding and certify the pleadings (or if the pleadings  
11 be oral, a transcript of the same), and all papers and proceedings  
12 therein to a court having jurisdiction thereof that may be agreed  
13 upon by the parties, or, if they do not agree, to a court having  
14 subject matter jurisdiction that is designated by law as a proper  
15 court for the trial or determination thereof.

16 An action or proceeding that is transferred under the provisions  
17 of this section shall be deemed to have been commenced at the time  
18 the complaint or petition was filed in the court from which it was  
19 originally transferred.

20 Nothing herein shall be construed to preclude or affect the right  
21 to amend the pleadings as provided in this code.

22 Upon the making of an order for transfer, proceedings shall be  
23 had as provided in Section 399 of this code, the costs and fees  
24 thereof, and of filing the case in the court to which transferred, to  
25 be paid by the party filing the pleading in which the question  
26 outside the jurisdiction of the court appears unless the court  
27 ordering the transfer shall otherwise direct.

28 SEC. 54. Section 402 of the Code of Civil Procedure is  
29 repealed.

30 SEC. 55. Section 403 of the Code of Civil Procedure is  
31 amended to read:

32 403. A judge may, on motion, transfer an action or actions  
33 from another court to that judge's court for coordination with an  
34 action involving a common question of fact or law within the  
35 meaning of Section 404. The motion shall be supported by a  
36 declaration stating facts showing that the actions meet the  
37 standards specified in Section 404.1, are not complex as defined  
38 by the Judicial Council and that the moving party has made a good  
39 faith effort to obtain agreement to the transfer from all parties to  
40 each action. Notice of the motion shall be served on all parties to



1 each action and on each court in which an action is pending. Any  
2 party to that action may file papers opposing the motion within the  
3 time permitted by rule of the Judicial Council. The court to which  
4 a case is transferred may order the cases consolidated for trial  
5 pursuant to Section 1048 without any further motion or hearing.

6 The Judicial Council may adopt rules to implement this section,  
7 including rules prescribing procedures for preventing duplicative  
8 or conflicting transfer orders issued by different courts.

9 SEC. 56. Section 403.010 of the Code of Civil Procedure is  
10 amended to read:

11 403.010. Nothing in this chapter expands or limits the law on  
12 whether a plaintiff, cross-complainant, or petitioner may file an  
13 amended complaint or other amended initial pleading. Nothing in  
14 this chapter expands or limits the law on whether, and to what  
15 extent, an amendment relates back to the date of filing the original  
16 complaint or other initial pleading.

17 SEC. 57. Section 404 of the Code of Civil Procedure is  
18 amended to read:

19 404. When civil actions sharing a common question of fact or  
20 law are pending in different courts, a petition for coordination may  
21 be submitted to the Chairperson of the Judicial Council, by the  
22 presiding judge of any such court, or by any party to one of the  
23 actions after obtaining permission from the presiding judge, or by  
24 all of the parties plaintiff or defendant in any such action. A  
25 petition for coordination, or a motion for permission to submit a  
26 petition, shall be supported by a declaration stating facts showing  
27 that the actions are complex, as defined by the Judicial Council and  
28 that the actions meet the standards specified in Section 404.1. On  
29 receipt of a petition for coordination, the Chairperson of the  
30 Judicial Council may assign a judge to determine whether the  
31 actions are complex, and if so, whether coordination of the actions  
32 is appropriate, or the Chairperson of the Judicial Council may  
33 authorize the presiding judge of a court to assign the matter to  
34 judicial officers of the court to make the determination in the same  
35 manner as assignments are made in other civil cases.

36 SEC. 58. Section 404.3 of the Code of Civil Procedure is  
37 amended to read:

38 404.3. A judge assigned pursuant to Section 404 who  
39 determines that coordination is appropriate shall order the actions  
40 coordinated, report that fact to the Chairperson of the Judicial



1 Council, and the Chairperson of the Judicial Council shall either  
2 assign a judge to hear and determine the actions in the site or sites  
3 the assigned judge finds appropriate or authorize the presiding  
4 judge of a court to assign the matter to judicial officers of the court  
5 in the same manner as assignments are made in other civil cases.

6 SEC. 59. Section 404.9 of the Code of Civil Procedure is  
7 amended to read:

8 404.9. Any duties of the presiding judge specified in this  
9 chapter may be delegated by the presiding judge to another judge  
10 of the court.

11 SEC. 60. Section 422.30 of the Code of Civil Procedure is  
12 amended to read:

13 422.30. (a) Every pleading shall contain a caption setting  
14 forth:

15 (1) The name of the court and county in which the action is  
16 brought.

17 (2) The title of the action.

18 (b) In a limited civil case, the caption shall state that the case  
19 is a limited civil case, and the clerk shall classify the case  
20 accordingly.

21 SEC. 61. Section 575 of the Code of Civil Procedure is  
22 amended to read:

23 575. The Judicial Council may promulgate rules governing  
24 pretrial conferences, and the time, manner and nature thereof, in  
25 civil cases at issue, or in one or more classes thereof, in the superior  
26 courts.

27 SEC. 62. Section 594 of the Code of Civil Procedure is  
28 amended to read:

29 594. (a) In superior courts either party may bring an issue to  
30 trial or to a hearing, and, in the absence of the adverse party, unless  
31 the court, for good cause, otherwise directs, may proceed with the  
32 case and take a dismissal of the action, or a verdict, or judgment,  
33 as the case may require; provided, however, if the issue to be tried  
34 is an issue of fact, proof shall first be made to the satisfaction of  
35 the court that the adverse party has had 15 days' notice of such trial  
36 or five days' notice of the trial in an unlawful detainer action as  
37 specified in subdivision (b). If the adverse party has served notice  
38 of trial upon the party seeking the dismissal, verdict, or judgment  
39 at least five days prior to the trial, the adverse party shall be deemed  
40 to have had notice.



1 (b) The notice to the adverse party required by subdivision (a)  
2 shall be served by mail on all the parties by the clerk of the court  
3 not less than 20 days prior to the date set for trial. In an unlawful  
4 detainer action where notice is served by mail that service shall be  
5 mailed not less than 10 days prior to the date set for trial. If notice  
6 is not served by the clerk as required by this subdivision, it may be  
7 served by mail by any party on the adverse party not less than 15  
8 days prior to the date set for trial, and in an unlawful detainer action  
9 where notice is served by mail that service shall be mailed not less  
10 than 10 days prior to the date set for trial. The time provisions of  
11 Section 1013 shall not serve to extend the notice of trial  
12 requirements under this subdivision for unlawful detainer actions.  
13 If notice is served by the clerk, proof thereof may be made by  
14 introduction into evidence of the clerk's certificate pursuant to  
15 subdivision (3) of Section 1013a or other competent evidence. If  
16 notice is served by a party, proof may be made by introduction into  
17 evidence of an affidavit or certificate pursuant to subdivision (1)  
18 or (2) of Section 1013a or other competent evidence. The  
19 provisions of this subdivision are exclusive.

20 SEC. 63. Section 628 of the Code of Civil Procedure is  
21 amended to read:

22 628. In superior courts upon receipt of a verdict, an entry must  
23 be made in the minutes of the court, specifying the time of trial, the  
24 names of the jurors and witnesses, and setting out the verdict at  
25 length; and where a special verdict is found, either the judgment  
26 rendered thereon, or if the case be reserved for argument or further  
27 consideration, the order thus reserving it.

28 SEC. 64. Section 632 of the Code of Civil Procedure is  
29 amended to read:

30 632. In superior courts, upon the trial of a question of fact by  
31 the court, written findings of fact and conclusions of law shall not  
32 be required. The court shall issue a statement of decision  
33 explaining the factual and legal basis for its decision as to each of  
34 the principal controverted issues at trial upon the request of any  
35 party appearing at the trial. The request must be made within 10  
36 days after the court announces a tentative decision unless the trial  
37 is concluded within one calendar day or in less than eight hours  
38 over more than one day in which event the request must be made  
39 prior to the submission of the matter for decision. The request for  
40 a statement of decision shall specify those controverted issues as



1 to which the party is requesting a statement of decision. After a  
2 party has requested the statement, any party may make proposals  
3 as to the content of the statement of decision.

4 The statement of decision shall be in writing, unless the parties  
5 appearing at trial agree otherwise; however, when the trial is  
6 concluded within one calendar day or in less than 8 hours over  
7 more than one day, the statement of decision may be made orally  
8 on the record in the presence of the parties.

9 SEC. 65. Section 655 of the Code of Civil Procedure is  
10 repealed.

11 SEC. 66. Section 668 of the Code of Civil Procedure is  
12 amended to read:

13 668. Except as provided in Section 668.5, the clerk of the  
14 superior court, must keep, with the records of the court, a book  
15 called the “judgment book,” in which judgments must be entered.

16 SEC. 67. Section 670 of the Code of Civil Procedure is  
17 amended to read:

18 670. In superior courts the following papers, without being  
19 attached together, shall constitute the judgment roll:

20 (a) In case the complaint is not answered by any defendant, the  
21 summons, with the affidavit or proof of service; the complaint; the  
22 request for entry of default with a memorandum indorsed thereon  
23 that the default of the defendant in not answering was entered, and  
24 a copy of the judgment; if defendant has appeared by demurrer,  
25 and the demurrer has been overruled, then notice of the overruling  
26 thereof served on defendant’s attorney, together with proof of the  
27 service; and in case the service so made is by publication, the  
28 affidavit for publication of summons, and the order directing the  
29 publication of summons.

30 (b) In all other cases, the pleadings, all orders striking out any  
31 pleading in whole or in part, a copy of the verdict of the jury, the  
32 statement of decision of the court, or finding of the referee, and a  
33 copy of any order made on demurrer, or relating to a change of  
34 parties, and a copy of the judgment; if there are two or more  
35 defendants in the action, and any one of them has allowed  
36 judgment to pass against him or her by default, the summons, with  
37 proof of its service, on the defendant, and if the service on the  
38 defaulting defendant be by publication, then the affidavit for  
39 publication, and the order directing the publication of the  
40 summons.



1 SEC. 68. Section 701.530 of the Code of Civil Procedure is  
2 amended to read:

3 701.530. (a) Notice of sale of personal property shall be in  
4 writing, shall state the date, time, and place of sale, and shall  
5 describe the property to be sold.

6 (b) Not less than 10 days before a sale of personal property,  
7 notice of sale shall be posted and served on the judgment debtor  
8 by the levying officer. Service shall be made personally or by mail.

9 (c) Posting under this section shall be in three public places in:

10 (1) The city in which the property is to be sold if it is to be sold  
11 in a city.

12 (2) The county in which the property is to be sold if it is not to  
13 be sold in a city.

14 (d) A sale of personal property of an individual may not take  
15 place until the expiration of the time during which the judgment  
16 debtor may make a claim of exemption under subdivision (a) of  
17 Section 703.520.

18 SEC. 69. Section 701.540 of the Code of Civil Procedure is  
19 amended to read:

20 701.540. (a) Notice of sale of an interest in real property shall  
21 be in writing, shall state the date, time, and place of sale, shall  
22 describe the interest to be sold, and shall give a legal description  
23 of the real property and its street address or other common  
24 designation, if any. If the real property has no street address or  
25 other common designation, the notice of sale shall include a  
26 statement that directions to its location may be obtained from the  
27 levying officer upon oral or written request or, in the discretion of  
28 the levying officer, the notice of sale may contain directions to its  
29 location. Directions are sufficient if information as to the location  
30 of the real property is given by reference to the direction and  
31 approximate distance from the nearest crossroads, frontage road,  
32 or access road. If an accurate legal description of the real property  
33 is given, the validity of the notice and sale is not affected by the fact  
34 that the street address or other common designation, or directions  
35 to its location, are erroneous or omitted.

36 (b) Not less than 20 days before the date of sale, notice of sale  
37 of an interest in real property shall be served, mailed, and posted  
38 by the levying officer as provided in subdivisions (c), (d), (e), and  
39 (f).



1 (c) Notice of sale shall be served on the judgment debtor.  
2 Service shall be made personally or by mail.

3 (d) Notice of sale shall be posted in the following places:

4 (1) One public place in the city in which the interest in the real  
5 property is to be sold if it is to be sold in a city or, if not to be sold  
6 in a city, one public place in the county in which the interest in the  
7 real property is to be sold.

8 (2) A conspicuous place on the real property.

9 (e) At the time notice is posted pursuant to paragraph (2) of  
10 subdivision (d), notice of sale shall be served or service shall be  
11 attempted on one occupant of the real property. Service on the  
12 occupant shall be made by leaving the notice with the occupant  
13 personally or, in the occupant's absence, with any person of  
14 suitable age and discretion found upon the real property at the time  
15 service is attempted who is either an employee or agent of the  
16 occupant or a member of the occupant's household. If the levying  
17 officer is unable to serve such an occupant at the time service is  
18 attempted, the levying officer is not required to make any further  
19 attempts to serve an occupant.

20 (f) If the property described in the notice of sale consists of  
21 more than one distinct lot, parcel, or governmental subdivision and  
22 any of the lots, parcels, or governmental subdivisions lies with  
23 relation to any of the others so as to form one or more continuous,  
24 unbroken tracts, only one service pursuant to subdivision (e) and  
25 posting pursuant to paragraph (2) of subdivision (d) need be made  
26 as to each continuous, unbroken tract.

27 (g) Notice of sale shall be published pursuant to Section 6063  
28 of the Government Code, with the first publication at least 20 days  
29 prior to the time of sale, in a newspaper of general circulation  
30 published in the city in which the real property or a part thereof is  
31 situated if any part thereof is situated in a city or, if not, in a  
32 newspaper of general circulation published in the judicial district  
33 in which the real property or a part thereof is situated. If no  
34 newspaper of general circulation is published in the city or judicial  
35 district, notice of sale shall be published in a newspaper of general  
36 circulation in the county in which the real property or a part thereof  
37 is situated.

38 (h) Not earlier than 30 days after the date of levy, the judgment  
39 creditor shall determine the names of all persons having liens on  
40 the real property on the date of levy that are of record in the office



1 of the county recorder and shall instruct the levying officer to mail  
2 notice of sale to each such person at the address used by the county  
3 recorder for the return of the instrument creating the person's lien  
4 after recording. The levying officer shall mail notice to each such  
5 person, at the address given in the instructions, not less than 20  
6 days before the date of sale.

7 SEC. 70. Section 904.5 of the Code of Civil Procedure is  
8 amended to read:

9 904.5. Appeals from the small claims division of a superior  
10 court shall be governed by the Small Claims Act (Chapter 5.5  
11 (commencing with Section 116.110) of Title 1 of Part 1).

12 SEC. 71. Section 1052 of the Code of Civil Procedure is  
13 repealed.

14 SEC. 72. Section 1052.5 of the Code of Civil Procedure is  
15 repealed.

16 SEC. 73. Section 1060 of the Code of Civil Procedure is  
17 amended to read:

18 1060. Any person interested under a written instrument,  
19 excluding a will or a trust, or under a contract, or who desires a  
20 declaration of his or her rights or duties with respect to another, or  
21 in respect to, in, over or upon property, or with respect to the  
22 location of the natural channel of a watercourse, may, in cases of  
23 actual controversy relating to the legal rights and duties of the  
24 respective parties, bring an original action or cross-complaint in  
25 the superior court for a declaration of his or her rights and duties  
26 in the premises, including a determination of any question of  
27 construction or validity arising under the instrument or contract.  
28 He or she may ask for a declaration of rights or duties, either alone  
29 or with other relief; and the court may make a binding declaration  
30 of these rights or duties, whether or not further relief is or could  
31 be claimed at the time. The declaration may be either affirmative  
32 or negative in form and effect, and the declaration shall have the  
33 force of a final judgment. The declaration may be had before there  
34 has been any breach of the obligation in respect to which said  
35 declaration is sought.

36 SEC. 74. Section 1068 of the Code of Civil Procedure is  
37 amended to read:

38 1068. (a) A writ of review may be granted by any court when  
39 an inferior tribunal, board, or officer, exercising judicial functions,  
40 has exceeded the jurisdiction of such tribunal, board, or officer,



1 and there is no appeal, nor, in the judgment of the court, any plain,  
2 speedy, and adequate remedy.

3 (b) The appellate division of the superior court may grant a writ  
4 of review directed to the superior court in a limited civil case or in  
5 a misdemeanor or infraction case. Where the appellate division  
6 grants a writ of review directed to the superior court, the superior  
7 court is an inferior tribunal for purposes of this chapter.

8 SEC. 75. Section 1085 of the Code of Civil Procedure is  
9 amended to read:

10 1085. (a) A writ of mandate may be issued by any court to  
11 any inferior tribunal, corporation, board, or person, to compel the  
12 performance of an act which the law specially enjoins, as a duty  
13 resulting from an office, trust, or station, or to compel the  
14 admission of a party to the use and enjoyment of a right or office  
15 to which the party is entitled, and from which the party is  
16 unlawfully precluded by such inferior tribunal, corporation,  
17 board, or person.

18 (b) The appellate division of the superior court may grant a writ  
19 of mandate directed to the superior court in a limited civil case or  
20 in a misdemeanor or infraction case. Where the appellate division  
21 grants a writ of review directed to the superior court, the superior  
22 court is an inferior tribunal for purposes of this chapter.

23 SEC. 76. Section 1103 of the Code of Civil Procedure is  
24 amended to read:

25 1103. (a) A writ of prohibition may be issued by any court to  
26 an inferior tribunal or to a corporation, board, or person, in all  
27 cases where there is not a plain, speedy, and adequate remedy in  
28 the ordinary course of law. It is issued upon the verified petition  
29 of the person beneficially interested.

30 (b) The appellate division of the superior court may grant a writ  
31 of prohibition directed to the superior court in a limited civil case  
32 or in a misdemeanor or infraction case. Where the appellate  
33 division grants a writ of review directed to the superior court, the  
34 superior court is an inferior tribunal for purposes of this chapter.

35 SEC. 77. Section 1132 of the Code of Civil Procedure is  
36 amended to read:

37 1132. (a) A judgment by confession may be entered without  
38 action either for money due or to become due, or to secure any  
39 person against contingent liability on behalf of the defendant, or



1 both, in the manner prescribed by this chapter. Such judgment may  
2 be entered in any superior court.

3 (b) A judgment by confession shall be entered only if an  
4 attorney independently representing the defendant signs a  
5 certificate that the attorney has examined the proposed judgment  
6 and has advised the defendant with respect to the waiver of rights  
7 and defenses under the confession of judgment procedure and has  
8 advised the defendant to utilize the confession of judgment  
9 procedure. The certificate shall be filed with the filing of the  
10 statement required by Section 1133.

11 SEC. 78. Section 1141.11 of the Code of Civil Procedure is  
12 amended to read:

13 1141.11. (a) In each superior court with 18 or more judges,  
14 all at-issue civil actions pending on or filed after the operative date  
15 of this chapter, other than a limited civil case, shall be submitted  
16 to arbitration, by the presiding judge or the judge designated,  
17 under this chapter if the amount in controversy in the opinion of  
18 the court will not exceed fifty thousand dollars (\$50,000) for each  
19 plaintiff, which decision shall not be appealable.

20 (b) In each superior court with fewer than 18 judges, the court  
21 may provide by local rule, when it determines that it is in the best  
22 interests of justice, that all at-issue civil actions pending on or filed  
23 after the operative date of this chapter, shall be submitted to  
24 arbitration by the presiding judge or the judge designated under  
25 this chapter if the amount in controversy in the opinion of the court  
26 will not exceed fifty thousand dollars (\$50,000) for each plaintiff,  
27 which decision shall not be appealable.

28 (c) Each superior court may provide by local rule, when it is  
29 determined to be in the best interests of justice, that all at-issue  
30 limited civil cases pending on or filed after the operative date of  
31 this chapter, shall be submitted to arbitration by the presiding  
32 judge or the judge designated under this chapter. This section does  
33 not apply to any action in small claims court, or to any action  
34 maintained pursuant to Section 1781 of the Civil Code or Section  
35 1161 of this code.

36 (d) In each court that has adopted judicial arbitration pursuant  
37 to subdivision (c), all limited civil cases pending on or after July  
38 1, 1990, that involve a claim for money damages against a single  
39 defendant as a result of a motor vehicle collision, except those  
40 heard in the small claims division, shall be submitted to arbitration



1 within 120 days of the filing of the defendant’s answer to the  
2 complaint (except as may be extended by the court for good cause)  
3 before an arbitrator selected by the court, subject to  
4 disqualification for cause as specified in Sections 170.1 and 170.6.

5 The court may provide by local rule for the voluntary or  
6 mandatory use of case questionnaires, established under Section  
7 93, in any proceeding subject to these provisions. Where local  
8 rules provide for the use of case questionnaires, the questionnaires  
9 shall be exchanged by the parties upon the defendant’s answer and  
10 completed and returned within 60 days.

11 For the purposes of this subdivision, the term “single  
12 defendant” means (1) an individual defendant, whether a person  
13 or an entity, (2) two or more persons covered by the same insurance  
14 policy applicable to the motor vehicle collision, or (3) two or more  
15 persons residing in the same household when no insurance policy  
16 exists that is applicable to the motor vehicle collision. The naming  
17 of one or more cross-defendants, not a plaintiff, shall constitute a  
18 multiple-defendant case not subject to the provisions of this  
19 subdivision.

20 (e) No local rule of a superior court providing for judicial  
21 arbitration may dispense with the conference required pursuant to  
22 Section 1141.16.

23 SEC. 79. Section 1141.12 of the Code of Civil Procedure is  
24 amended to read:

25 1141.12. (a) In each superior court in which arbitration is  
26 required pursuant to subdivision (a) of Section 1141.11, or  
27 pursuant to a local rule adopted under subdivision (b) of Section  
28 1141.11, upon stipulation of the parties, any at-issue civil actions  
29 shall be submitted to arbitration regardless of the amount in  
30 controversy.

31 (b) In all other superior courts, the Judicial Council shall  
32 provide by rule for a uniform system of arbitration of the following  
33 causes:

34 (i) Any cause upon stipulation of the parties.

35 (ii) Upon filing of an election by the plaintiff, any cause in  
36 which the plaintiff agrees that the arbitration award shall not  
37 exceed the amount in controversy as specified in Section 1141.11.

38 (c) Any election by a plaintiff shall be filed no sooner than the  
39 filing of the at-issue memorandum, and no later than 90 days  
40 before trial, or at a later time if permitted by the court.



1 SEC. 80. Section 1141.29 of the Code of Civil Procedure is  
2 repealed.

3 SEC. 81. Section 1208.5 of the Code of Civil Procedure is  
4 amended to read:

5 1208.5. Any person having a lien upon any animal or animals  
6 under the provisions of Section 597a or 597f of the Penal Code  
7 may satisfy such lien as follows: If such lien is not discharged and  
8 satisfied, by the person responsible, within three days after the  
9 obligation becomes due, then the person holding such lien may  
10 resort to the proper court to satisfy the claim; or may, three days  
11 after the charges against the property become due, sell the  
12 property, or an undivided fraction thereof as may become  
13 necessary, to defray the amount due and costs of sale, by giving  
14 three days' notice of the sale by advertising in some newspaper  
15 published in the county, or city and county, in which the lien has  
16 attached to the property; or, if there is no paper published in the  
17 county, then by posting notices of the sale in three of the most  
18 public places in the town or county for three days previous to the  
19 sale. The notices shall contain an accurate description of the  
20 property to be sold, together with the terms of sale, which must be  
21 for cash, payable on the consummation of the sale. The proceeds  
22 of the sale shall be applied to the discharge of the lien and the costs  
23 of sale; the remainder, if any, shall be paid over to the owner, if  
24 known, and if not known shall be paid into the treasury of the  
25 humane society of the county, or city and county, wherein the sale  
26 takes place; if no humane society exists in the county, then the  
27 remainder shall be paid into the county treasury.

28 SEC. 82. Section 1281.5 of the Code of Civil Procedure is  
29 amended to read:

30 1281.5. (a) Any person who proceeds to record and enforce  
31 a claim of lien by commencement of an action pursuant to Title 15  
32 (commencing with Section 3082) of Part 4 of Division 3 of the  
33 Civil Code, shall not thereby waive any right of arbitration which  
34 that person may have pursuant to a written agreement to arbitrate,  
35 if, in filing an action to enforce the claim of lien, the claimant at  
36 the same time presents to the court an application that the action  
37 be stayed pending the arbitration of any issue, question, or dispute  
38 which is claimed to be arbitrable under the agreement and which  
39 is relevant to the action to enforce the claim of lien.



1 (b) The failure of a defendant to file a petition pursuant to  
2 Section 1281.2 at or before the time he or she answers the  
3 complaint filed pursuant to subdivision (a) shall constitute a  
4 waiver of that party's right to compel arbitration.

5 SEC. 83. Section 1420 of the Code of Civil Procedure is  
6 amended to read:

7 1420. At any time after two years after the death of any  
8 decedent who leaves property to which the state is entitled by  
9 reason of it having escheated to the state, the Attorney General  
10 shall commence a proceeding on behalf of the state in the Superior  
11 Court for the County of Sacramento to have it adjudged that the  
12 state is so entitled. Such action shall be commenced by filing a  
13 petition, which shall be treated as the information elsewhere  
14 referred to in this title.

15 There shall be set forth in such petition a description of the  
16 property, the name of the person last possessed thereof, the name  
17 of the person, if any, claiming such property, or portion thereof,  
18 and the facts and circumstances by virtue of which it is claimed the  
19 property has escheated.

20 Upon the filing of such petition, the court must make an order  
21 requiring all persons interested in the estate to appear and show  
22 cause, if any they have, within 60 days from the date of the order,  
23 why such estate should not vest in the state. Such order must be  
24 published at least once a week for four consecutive weeks in a  
25 newspaper published in said County of Sacramento, the last  
26 publication to be at least 10 days prior to the date set for the  
27 hearing. Upon the completion of the publication of such order, the  
28 court shall have full and complete jurisdiction over the estate, the  
29 property, and the person of everyone having or claiming any  
30 interest in the said property, and shall have full and complete  
31 jurisdiction to hear and determine the issues therein, and render the  
32 appropriate judgment thereon.

33 If proceedings for the administration of such estate have been  
34 instituted, a copy of such order must be filed with the papers in  
35 such estate. If proceedings for the administration of any estate of  
36 any such decedent have been instituted and none of the persons  
37 entitled to succeed thereto have appeared and made claim to such  
38 property or any portion thereof, before the decree of final  
39 distribution therein is made, or before the commencement of such  
40 proceeding by the Attorney General, or if the court shall find that



1 such persons as have appeared are not entitled to the property of  
2 such estate, or any portion thereof, the court shall, upon final  
3 settlement of the proceedings for the administration of such estate,  
4 after the payment of all debts and expenses of administration,  
5 distribute all moneys and other property remaining to the State of  
6 California.

7 In any proceeding brought by the Attorney General under this  
8 chapter, any two or more parties and any two or more causes of  
9 action may be joined in the same proceedings and in the same  
10 petition without being separately stated; and it shall be sufficient  
11 to allege in the petition that the decedent left no heirs to take the  
12 estate and the failure of heirs to appear and set up their claims in  
13 any such proceeding, or in any proceedings for the administration  
14 of such estate, shall be sufficient proof upon which to base the  
15 judgment in any such proceeding or such decree of distribution.

16 Where proceedings for the administration of any estate have not  
17 been commenced within six months from the death of any  
18 decedent the Attorney General may direct the public administrator  
19 to commence the same forthwith.

20 SEC. 84. Section 1607 of the Code of Civil Procedure is  
21 amended to read:

22 1607. When a report is received from the Comptroller  
23 General or other proper officer of the United States, the Controller  
24 shall prepare and forward a copy thereof to the clerk of the superior  
25 court of each county within this state and the said clerk shall post  
26 such copy at the courthouse for a period of 60 days. Any person  
27 asserting an interest in property mentioned in the report may elect  
28 to claim against the United States under the laws of the United  
29 States, in which event and within 90 days following the date of  
30 initial posting by the clerk such person shall notify the Controller  
31 of the asserted interest and intention to so claim. The Controller  
32 shall omit such property from any claim by the state until such time  
33 as the asserted interest may be finally determined against the  
34 claimant. Such interest shall not thereafter be asserted against the  
35 state.

36 SEC. 85. Section 1609 of the Code of Civil Procedure is  
37 amended to read:

38 1609. Within 120 days following the date of initial posting by  
39 the clerk of the superior court, the Attorney General shall  
40 commence a proceeding by filing a petition to determine the state's



1 right to custody of all property mentioned in such report and  
2 unclaimed within the time and in the manner provided by Section  
3 1607. The proceeding shall be commenced and heard in the  
4 superior court in the County of Sacramento and venue shall not be  
5 affected by the provisions of Section 401, Code of Civil Procedure.

6 The petition shall name as respondents all persons known to  
7 have been interested and “all persons unknown claiming any title  
8 or interest in or to the property described or referred to in the  
9 petition.” If the records of the United States fail to disclose with  
10 reasonable certainty the identity or number of owners or claimants  
11 of specific funds or other personal property, or the extent of their  
12 interests therein, such persons may be designated and described as  
13 a class, to wit, as “all unknown owners or claimants to the funds  
14 or property mentioned in or affected by \_\_\_\_\_,” and, as the case  
15 may be, the petition shall identify and set forth the court actions  
16 or proceedings to the credit of which such funds or other property  
17 are held, or the accounts or other identifying references under  
18 which they are carried upon the records of the United States. The  
19 petition shall describe or refer to the property, and may include one  
20 or more items, as the Attorney General may be advised, without  
21 prejudice to his right to commence subsequent proceedings  
22 relating to other items not included. The petition shall also state the  
23 name of the owner and his last address as known or as presumed  
24 under this chapter, and shall set forth the facts and circumstances  
25 by virtue of which it is claimed that such funds or property are  
26 subject to custody by the state. Any number of respondents may  
27 be joined whether they reside in the same or different counties, and  
28 any number of causes of action may be joined and need not be  
29 separately stated.

30 SEC. 86. Section 1710.20 of the Code of Civil Procedure is  
31 amended to read:

32 1710.20. (a) An application for entry of a judgment based on  
33 a sister state judgment shall be filed in a superior court.

34 (b) Subject to the power of the court to transfer proceedings  
35 under this chapter pursuant to Title 4 (commencing with Section  
36 392) of Part 2, the proper county for the filing of an application is  
37 any of the following:

- 38 (1) The county in which any judgment debtor resides.
- 39 (2) If no judgment debtor is a resident, any county in this state.



1 (c) A case in which the sister state judgment amounts to  
2 twenty-five thousand dollars (\$25,000) or less is a limited civil  
3 case.

4 SEC. 87. Section 1775.1 of the Code of Civil Procedure is  
5 amended to read:

6 1775.1. (a) As used in this title, “mediation” means a  
7 process in which a neutral person or persons facilitate  
8 communication between the disputants to assist them in reaching  
9 a mutually acceptable agreement.

10 (b) Unless otherwise specified in this title or ordered by the  
11 court, any act to be performed by a party may also be performed  
12 by his or her counsel of record.

13 SEC. 88. Section 2015.3 of the Code of Civil Procedure is  
14 amended to read:

15 2015.3. The certificate of a sheriff, marshal, or the clerk of the  
16 superior court, has the same force and effect as his or her affidavit.

17 SEC. 89. Section 420 of the Corporations Code is amended to  
18 read:

19 420. Neither a domestic nor foreign corporation nor its  
20 transfer agent or registrar is liable:

21 (a) For transferring or causing to be transferred on the books of  
22 the corporation to the surviving joint tenant or tenants any share  
23 or shares or other securities issued to two or more persons in joint  
24 tenancy, whether or not the transfer is made with actual or  
25 constructive knowledge of the existence of any understanding,  
26 agreement, condition or evidence that the shares or securities were  
27 held other than in joint tenancy or of a breach of trust by any joint  
28 tenant.

29 (b) To a minor or incompetent person in whose name shares or  
30 other securities are of record on its books or to any transferee of  
31 or transferor to either for transferring the shares or other securities  
32 on its books at the instance of or to the minor or incompetent or for  
33 the recognition of or dealing with the minor or incompetent as a  
34 shareholder or security holder, whether or not the corporation,  
35 transfer agent or registrar had notice, actual or constructive, of the  
36 nonage or incompetency, unless a guardian or conservator of the  
37 property of the minor or incompetent has been appointed and the  
38 corporation, transfer agent or registrar has received written notice  
39 thereof.



1 (c) To any married person or to any transferee of such person  
2 for transferring shares or other securities on its books at the  
3 instance of the person in whose name they are registered, without  
4 the signature of such person's spouse and regardless of whether the  
5 registration indicates that the shares or other securities are  
6 community property, in the same manner as if such person were  
7 unmarried.

8 (d) For transferring or causing to be transferred on the books of  
9 the corporation shares or other securities pursuant to a judgment  
10 or order of a court which has been set aside, modified or reversed  
11 unless, prior to the registration of the transfer on the books of the  
12 corporation, written notice is served upon the corporation or its  
13 transfer agent in the manner provided by law for the service of a  
14 summons in a civil action, stating that an appeal or other further  
15 court proceeding has been or is to be taken from or with regard to  
16 such judgment or order. After the service of such notice neither the  
17 corporation nor its transfer agent has any duty to register the  
18 requested transfer until the corporation or its transfer agent has  
19 received a certificate of the clerk of the court in which the  
20 judgment or order was entered or made, showing that the judgment  
21 or order has become final.

22 (e) The Commercial Code shall not affect the limitations of  
23 liability set forth in this section. Section 1100 of the Family Code  
24 shall be subject to the provisions of this section and shall not be  
25 construed to prevent transfers, or result in liability to the  
26 corporation, transfer agent or registrar permitting or effecting  
27 transfers, which comply with this section.

28 SEC. 90. Section 69763.1 of the Education Code is amended  
29 to read:

30 69763.1. (a) If a borrower defaults on a guaranteed student  
31 loan and the lender's default claim has been paid, the Student Aid  
32 Commission shall fulfill the collection efforts required by federal  
33 law, which includes initiating a civil suit against the borrower for  
34 repayment of the loan.

35 (b) After the period specified in federal law for commencing  
36 action, the amount of the promissory note, plus interest and costs,  
37 may be collected by the filing of a certificate requesting judgment  
38 pursuant to subdivision (c) or by other appropriate civil action.

39 (c) If the loan principal, interest, and predefault and collection  
40 costs are not paid when due, and there is evidence that the borrower



1 does not intend to pay under the terms of the promissory note or  
2 promissory notes, the commission may file in the office of the  
3 Clerk of the Superior Court of Sacramento County, or any other  
4 county, a certificate specifying the amount of the loan principal,  
5 interest, and predefault and collection costs due, the name and last  
6 known address of the individual liable for the amount due, the fact  
7 that the commission has complied with all applicable state and  
8 federal laws in the computation of the amount due, and a request  
9 that judgment be entered against the individual in the amount of  
10 the loan principal, interest, and predefault and collection costs  
11 specified in the certificate.

12 (d) Prior to the filing of the certificate, the commission shall,  
13 by mail, notify the individual of the amount that is due and of the  
14 opportunity for a hearing. If a hearing is requested, 10 days' notice  
15 shall be given of the time and place of the hearing, which shall be  
16 held in Sacramento County or, if properly requested, the county of  
17 residence of the person requesting the hearing. The hearing shall  
18 be conducted by a referee who shall submit findings and  
19 recommendations to the director of the commission, or an  
20 authorized representative, who shall decide the matter. The  
21 decision shall be effective upon notice to the interested parties. The  
22 director of the commission, or the authorized representative, may  
23 rescind the decision and reconsider the matter for good cause  
24 shown at any time within three years after the date the disputed  
25 loan first became due, or within one year from the hearing,  
26 whichever is later. If no hearing is requested within 15 days after  
27 mailing the notice required by this subdivision, the certificate  
28 required by subdivision (b) may be filed.

29 SEC. 91. Section 69763.2 of the Education Code is amended  
30 to read:

31 69763.2. (a) The clerk, immediately upon the filing of the  
32 certificate specified in Section 69763.1, shall enter a judgment for  
33 the people of the State of California against the individual in the  
34 amount of the loan principal, interest, and predefault and  
35 collection costs listed on the certificate. The clerk may file the  
36 judgment in the book entitled "California Student Aid  
37 Commission Judgments."

38 (b) Execution shall issue upon the judgment specified in  
39 subdivision (a) upon request of the Student Aid Commission in the



1 same manner as execution may issue upon other judgments as  
2 prescribed in the Code of Civil Procedure.

3 (c) At least 10 days before executing any writ to collect, the  
4 commission shall send notice of the intent to execute upon a writ  
5 to the borrower and to any cosigners, by certified mail, to the most  
6 recent addresses maintained in the files of the commission. Any  
7 person receiving the notice of the intent to execute upon a writ may  
8 request a hearing to contest the existence or the amount of the writ.  
9 At the request of the individual, the commission shall conduct a  
10 hearing pursuant to Section 69763.1, at which it shall be  
11 determined whether the loan principal, interest, and predefault and  
12 collection costs in the amount claimed by the commission are due  
13 and whether the individual named on the certificate is liable for the  
14 amount. If no hearing is requested, the execution shall be  
15 commenced for the garnishment of wages, the attachment of  
16 property, or other legal collection action.

17 SEC. 92. Section 13.5 of the Elections Code is amended to  
18 read:

19 13.5. (a) (1) Notwithstanding subdivision (a) of Section 13,  
20 no person shall be considered a legally qualified candidate for any  
21 of the offices set forth in subdivision (b) unless that person has  
22 filed a declaration of candidacy, nomination papers, or statement  
23 of write-in candidacy, accompanied by documentation, including,  
24 but not necessarily limited to, certificates, declarations under  
25 penalty of perjury, diplomas, or official correspondence, sufficient  
26 to establish, in the determination of the official with whom the  
27 declaration or statement is filed, that the person meets each  
28 qualification established for service in that office by the provision  
29 referenced in subdivision (b).

30 (2) The provision of “documentation,” for purposes of  
31 compliance with the requirements of paragraph (1), may include  
32 the submission of either an original, as defined in Section 255 of  
33 the Evidence Code, or a duplicate, as defined in Section 260 of the  
34 Evidence Code.

35 (b) This section shall be applicable to the following offices and  
36 qualifications therefor:

37 (1) For the office of county auditor, the qualifications set forth  
38 in Sections 26945 and 26946 of the Government Code.

39 (2) For the office of county district attorney, the qualifications  
40 set forth in Sections 24001 and 24002 of the Government Code.



1 (3) For the office of county sheriff, the qualifications set forth  
2 in Section 24004.3 of the Government Code.

3 (4) For the office of county superintendent of schools, the  
4 qualifications set forth in Sections 1205 to 1208, inclusive, of the  
5 Education Code.

6 (5) For the office of judge of the superior court, the  
7 qualifications set forth in Section 15 of Article VI of the California  
8 Constitution.

9 (6) For the office of county treasurer, county tax collector, or  
10 county treasurer-tax collector, the qualifications set forth in  
11 Section 27000.7 of the Government Code, provided that the board  
12 of supervisors has adopted the provisions of that section pursuant  
13 to Section 27000.6 of the Government Code.

14 SEC. 93. Section 325 of the Elections Code is repealed.

15 SEC. 94. Section 327 of the Elections Code is amended to  
16 read:

17 327. “Judicial officer” means any Justice of the Supreme  
18 Court, justice of a court of appeal, or judge of the superior court.

19 SEC. 95. Section 2212 of the Elections Code is amended to  
20 read:

21 2212. The clerk of the superior court of each county, on the  
22 basis of the records of the court, shall furnish to the chief elections  
23 official of the county, not less frequently than the first day of April  
24 and the first day of September of each year, a statement showing  
25 the names, addresses, and dates of birth of all persons who have  
26 been convicted of felonies since the clerk’s last report. The  
27 elections official shall, during the first week of April and the first  
28 week of September in each year, cancel the affidavits of  
29 registration of those persons who are currently imprisoned or on  
30 parole for the conviction of a felony. The clerk shall certify the  
31 statement under the seal of the court.

32 SEC. 96. Section 8203 of the Elections Code is amended to  
33 read:

34 8203. In any county in which only the incumbent has filed  
35 nomination papers for the office of superior court judge, his or her  
36 name shall not appear on the ballot unless there is filed with the  
37 elections official, within 10 days after the final date for filing  
38 nomination papers for the office, a petition indicating that a  
39 write-in campaign will be conducted for the office and signed by  
40 100 registered voters qualified to vote with respect to the office.



1 If a petition indicating that a write-in campaign will be  
2 conducted for the office at the general election, signed by 100  
3 registered voters qualified to vote with respect to the office, is filed  
4 with the elections official not less than 83 days before the general  
5 election, the name of the incumbent shall be placed on the general  
6 election ballot if it has not appeared on the direct primary election  
7 ballot.

8 If, in conformity with this section, the name of the incumbent  
9 does not appear either on the primary ballot or general election  
10 ballot, the elections official, on the day of the general election,  
11 shall declare the incumbent reelected. Certificates of election  
12 specified in Section 15401 or 15504 shall not be issued to a person  
13 reelected pursuant to this section before the day of the general  
14 election.

15 SEC. 97. Section 11221 of the Elections Code is amended to  
16 read:

17 11221. The number of qualified signatures required in order  
18 to qualify a recall for the ballot shall be as follows:

19 (a) In the case of an officer of a city, county, school district,  
20 community college district, county board of education, or resident  
21 voting district, the number of signatures shall be equal in number  
22 to not less than the following percent of the registered voters in the  
23 electoral jurisdiction:

- 24 (1) Thirty percent if the registration is less than 1,000.
- 25 (2) Twenty-five percent if the registration is less than 10,000  
26 but at least 1,000.
- 27 (3) Twenty percent if the registration is less than 50,000 but at  
28 least 10,000.
- 29 (4) Fifteen percent if the registration is less than 100,000 but at  
30 least 50,000.
- 31 (5) Ten percent if the registration is 100,000 or above.

32 (b) For purposes of this section, the number of registered voters  
33 shall be calculated as of the time of the last report of registration  
34 by the county elections official to the Secretary of State pursuant  
35 to Section 2187, and prior to the finding by the elections official  
36 or Secretary of State that no alterations are required in the form of  
37 the recall petition pursuant to Section 11042.

38 (c) (1) In the case of a state officer, including judges of courts  
39 of appeal and trial courts, the number of signatures shall be as  
40 provided for in subdivision (b) of Section 14 of Article II of the



1 California Constitution. In the case of a judge of a superior court,  
2 which office has never appeared on the ballot since its creation, or  
3 did not appear on the ballot at its last election pursuant to Section  
4 8203, the number of signatures shall be as provided in subdivision  
5 (b) of Section 14 of Article II of the California Constitution, except  
6 that the percentage shall be based on the number of votes cast  
7 within the judicial jurisdiction for the countywide office which  
8 had the least number of votes in the most recent general election  
9 in the county in which the judge holds his or her office.

10 (2) For purposes of this subdivision, “countywide office”  
11 means an elective office wholly within the county which is voted  
12 on throughout the county.

13 (d) In the case of a landowner voting district, signatures of  
14 voters owning at least 10 percent of the assessed value of land  
15 within the electoral jurisdiction of the officer sought to be recalled.

16 SEC. 98. Section 13107 of the Elections Code is amended to  
17 read:

18 13107. (a) With the exception of candidates for Justice of the  
19 State Supreme Court or court of appeal, immediately under the  
20 name of each candidate, and not separated from the name by any  
21 line, may appear at the option of the candidate only one of the  
22 following designations:

23 (1) Words designating the elective city, county, district, state,  
24 or federal office which the candidate holds at the time of filing the  
25 nomination documents to which he or she was elected by vote of  
26 the people, or to which he or she was appointed, in the case of a  
27 superior court judge.

28 (2) The word “incumbent” if the candidate is a candidate for  
29 the same office which he or she holds at the time of filing the  
30 nomination papers, and was elected to that office by a vote of the  
31 people, or, in the case of a superior court judge, was appointed to  
32 that office.

33 (3) No more than three words designating either the current  
34 principal professions, vocations, or occupations of the candidate,  
35 or the principal professions, vocations, or occupations of the  
36 candidate during the calendar year immediately preceding the  
37 filing of nomination documents. For purposes of this section, all  
38 California geographical names shall be considered to be one word.  
39 Hyphenated words that appear in any generally available standard  
40 reference dictionary, published in the United States at any time



1 within the 10 calendar years immediately preceding the election  
2 for which the words are counted, shall be considered as one word.  
3 Each part of all other hyphenated words shall be counted as a  
4 separate word.

5 (4) The phrase “appointed incumbent” if the candidate holds  
6 an office other than a judicial office by virtue of appointment, and  
7 the candidate is a candidate for election to the same office, or, if  
8 the candidate is a candidate for election to the same office or to  
9 some other office, the word “appointed” and the title of the office.  
10 In either instance, the candidate may not use the unmodified word  
11 “incumbent” or any words designating the office unmodified by  
12 the word “appointed.” However, the phrase “appointed  
13 incumbent” shall not be required of a candidate who seeks  
14 reelection to an office which he or she holds and to which he or she  
15 was appointed, as a nominated candidate, in lieu of an election,  
16 pursuant to Sections 5326 and 5328 of the Education Code or  
17 Section 7228, 7423, 7673, 10229, or 10515 of this code.

18 (b) Neither the Secretary of State nor any other election official  
19 shall accept a designation of which any of the following would be  
20 true:

21 (1) It would mislead the voter.

22 (2) It would suggest an evaluation of a candidate, such as  
23 outstanding, leading, expert, virtuous, or eminent.

24 (3) It abbreviates the word “retired” or places it following any  
25 word or words which it modifies.

26 (4) It uses a word or prefix, such as “former” or “ex-,” which  
27 means a prior status. The only exception is the use of the word  
28 “retired.”

29 (5) It uses the name of any political party, whether or not it has  
30 qualified for the ballot.

31 (6) It uses a word or words referring to a racial, religious, or  
32 ethnic group.

33 (7) It refers to any activity prohibited by law.

34 (c) If, upon checking the nomination documents, the election  
35 official finds the designation to be in violation of any of the  
36 restrictions set forth in this section, the election official shall notify  
37 the candidate by registered or certified mail return receipt  
38 requested, addressed to the mailing address appearing on the  
39 candidate’s nomination documents.



1 (1) The candidate shall, within three days from the date of  
2 receipt of the notice, appear before the election officer or, in the  
3 case of the Secretary of State, notify the Secretary of State by  
4 telephone, and provide an alternate designation.

5 (2) In the event the candidate fails to provide an alternate  
6 designation, no designation shall appear after the candidate's  
7 name.

8 (d) No designation given by a candidate shall be changed by the  
9 candidate after the final date for filing nomination documents,  
10 except as specifically requested by the elections official as  
11 specified in subdivision (c) or as provided in subdivision (e).

12 (e) The designation shall remain the same for all purposes of  
13 both primary and general elections, unless the candidate, at least  
14 98 days prior to the general election, requests in writing a different  
15 designation which the candidate is entitled to use at the time of the  
16 request.

17 (f) In all cases, words so used shall be printed in 8-point roman  
18 uppercase and lowercase type except that, if the designation  
19 selected is so long that it would conflict with the space  
20 requirements of Sections 13207 and 13211, the elections official  
21 shall use a type size for the designation for each candidate for that  
22 office sufficiently smaller to meet these requirements.

23 (g) Whenever a foreign language translation of a candidate's  
24 designation is required under the Voting Rights Act of 1965 (42  
25 U.S.C.A. Sec. 1971), as amended, to appear on the ballot in  
26 addition to the English language version, it shall be as short as  
27 possible, as consistent as is practicable with this section, and shall  
28 employ abbreviations and initials wherever possible in order to  
29 avoid undue length.

30 SEC. 99. Section 13109 of the Elections Code is amended to  
31 read:

32 13109. The order of precedence of offices on the ballot shall  
33 be as listed below for those offices and measures that apply to the  
34 election for which this ballot is provided. Beginning in the column  
35 to the left:

36 (a) Under the heading, PRESIDENT AND VICE  
37 PRESIDENT:

38 Nominees of the qualified political parties and independent  
39 nominees for President and Vice President.



- 1 (b) Under the heading, PRESIDENT OF THE UNITED  
2 STATES:
- 3 (1) Names of the presidential candidates to whom the delegates  
4 are pledged.
- 5 (2) Names of the chairpersons of unpledged delegations.
- 6 (c) Under the heading, STATE:
- 7 (1) Governor.
- 8 (2) Lieutenant Governor.
- 9 (3) Secretary of State.
- 10 (4) Controller.
- 11 (5) Treasurer.
- 12 (6) Attorney General.
- 13 (7) Insurance Commissioner.
- 14 (8) Member, State Board of Equalization.
- 15 (d) Under the heading, UNITED STATES SENATOR:  
16 Candidates or nominees to the United States Senate.
- 17 (e) Under the heading, UNITED STATES  
18 REPRESENTATIVE:  
19 Candidates or nominees to the House of Representatives of the  
20 United States.
- 21 (f) Under the heading, STATE SENATOR:  
22 Candidates or nominees to the State Senate.
- 23 (g) Under the heading, MEMBER OF THE STATE  
24 ASSEMBLY:  
25 Candidates or nominees to the Assembly.
- 26 (h) Under the heading, COUNTY COMMITTEE:  
27 Members of the County Central Committee.
- 28 (i) Under the heading, JUDICIAL:
- 29 (1) Chief Justice of California.
- 30 (2) Associate Justice of the Supreme Court.
- 31 (3) Presiding Justice, Court of Appeal.
- 32 (4) Associate Justice, Court of Appeal.
- 33 (5) Judge of the Superior Court.
- 34 (6) Marshal.
- 35 (j) Under the heading, SCHOOL:
- 36 (1) Superintendent of Public Instruction.
- 37 (2) County Superintendent of Schools.
- 38 (3) County Board of Education Members.
- 39 (4) College District Governing Board Members.
- 40 (5) Unified District Governing Board Members.

- 1 (6) High School District Governing Board Members.
- 2 (7) Elementary District Governing Board Members.
- 3 (k) Under the heading, COUNTY:
- 4 (1) County Supervisor.
- 5 (2) Other offices in alphabetical order by the title of the office.
- 6 (l) Under the heading, CITY:
- 7 (1) Mayor.
- 8 (2) Member, City Council.
- 9 (3) Other offices in alphabetical order by the title of the office.
- 10 (m) Under the heading, DISTRICT:
- 11 Directors or trustees for each district in alphabetical order
- 12 according to the name of the district.
- 13 (n) Under the heading, MEASURES SUBMITTED TO THE
- 14 VOTERS and the appropriate heading from subdivisions (a)
- 15 through (m), above, ballot measures in the order, state through
- 16 district shown above, and within each jurisdiction, in the order
- 17 prescribed by the official certifying them for the ballot.
- 18 (o) In order to allow for the most efficient use of space on the
- 19 ballot in counties that use a voting system, as defined in Section
- 20 362, the county elections official may vary the order of
- 21 subdivisions (j), (k), (l), (m), and (n) as well as the order of offices
- 22 within these subdivisions. However, the office of Superintendent
- 23 of Public Instruction shall always precede any school, county, or
- 24 city office, and state measures shall always precede local
- 25 measures.
- 26 SEC. 100. Section 13111 of the Elections Code is amended to
- 27 read:
- 28 13111. Candidates for each office shall be printed on the ballot
- 29 in accordance with the following rules:
- 30 (a) The names of presidential candidates to whom candidates
- 31 for delegate to the national convention are pledged, and the names
- 32 of chairpersons of groups of candidates for delegate expressing no
- 33 preference, shall be arranged on the primary election ballot by the
- 34 Secretary of State by the names of the candidates in accordance
- 35 with the randomized alphabet as provided for in Section 13112 in
- 36 the case of the ballots for the First Assembly District. Thereafter,
- 37 for each succeeding Assembly district, the name appearing first in
- 38 the last preceding Assembly district shall be placed last, the order
- 39 of the other names remaining unchanged.



1 (b) The names of the pairs of candidates for President and Vice  
2 President shall be arranged on the general election ballot by the  
3 Secretary of State by the names of the candidates for President in  
4 accordance with the randomized alphabet as provided for in  
5 Section 13112 in the case of the ballots for the First Assembly  
6 District. Thereafter, for each succeeding Assembly district, the  
7 pair appearing first in the last preceding Assembly district shall be  
8 placed last, the order of the other pairs remaining unchanged.

9 (c) In the case of all other offices, the candidates for which are  
10 to be voted on throughout the state, the Secretary of State shall  
11 arrange the names of the candidates for the office in accordance  
12 with the randomized alphabet as provided for in Section 13112 for  
13 the First Assembly District. Thereafter, for each succeeding  
14 Assembly district, the name appearing first in the last preceding  
15 Assembly district shall be placed last, the order of the other names  
16 remaining unchanged.

17 (d) If the office is that of Representative in Congress or member  
18 of the State Board of Equalization, the Secretary of State shall  
19 arrange the names of candidates for the office in accordance with  
20 the randomized alphabet as provided for in Section 13112 for that  
21 Assembly district that has the lowest number of all the Assembly  
22 districts in which candidates are to be voted on. Thereafter, for  
23 each succeeding Assembly district in which the candidates are to  
24 be voted on, the names appearing first in the last preceding  
25 Assembly district shall be placed last, the order of the other names  
26 remaining unchanged.

27 (e) If the office is that of State Senator or Member of the  
28 Assembly, the county elections official shall arrange the names of  
29 the candidates for the office in accordance with the randomized  
30 alphabet as provided for in Section 13112, unless the district  
31 encompasses more than one county, in which case the arrangement  
32 shall be made pursuant to subdivision (i).

33 (f) If the office is to be voted upon wholly within, but not  
34 throughout, one county, as in the case of municipal, district, county  
35 supervisor, and county central committee offices, the official  
36 responsible for conducting the election shall determine the order  
37 of names in accordance with the randomized alphabet as provided  
38 for in Section 13112.

39 (g) If the office is to be voted on throughout a single county, and  
40 there are not more than four Assembly districts wholly or partly



1 in the county, the county elections official shall determine the  
2 order of names in accordance with the randomized alphabet as  
3 provided for in Section 13112 for the first supervisorial district.  
4 Thereafter, for each succeeding supervisorial district, the name  
5 appearing first for each office in the last preceding supervisorial  
6 district shall be placed last, the order of the other names remaining  
7 unchanged.

8 (h) If there are five or more Assembly districts wholly or partly  
9 in the county, an identical procedure shall be followed, except that  
10 rotation shall be by Assembly district, commencing with the  
11 Assembly district which has the lowest number.

12 (i) Except as provided in subdivision (d) of Section 13112, if  
13 the office is that of State Senator or Member of the Assembly, and  
14 the district includes more than one county, the county elections  
15 official in each county shall conduct a drawing of the letters of the  
16 alphabet, pursuant to the same procedures specified in Section  
17 13112. The results of the drawing shall be known as a county  
18 randomized ballot and shall be used only to arrange the names of  
19 the candidates when the district includes more than one county.

20 (j) If the office is that of Justice of the California Supreme  
21 Court or a court of appeal, the appropriate elections officials shall  
22 arrange the names of the candidates for the office in accordance  
23 with the randomized alphabet as provided for in Section 13112.  
24 However, the names of the judicial candidates shall not be rotated  
25 among the applicable districts.

26 SEC. 101. Section 300 of the Evidence Code is amended to  
27 read:

28 300. Except as otherwise provided by statute, this code  
29 applies in every action before the Supreme Court or a court of  
30 appeal or superior court, including proceedings in such actions  
31 conducted by a referee, court commissioner, or similar officer, but  
32 does not apply in grand jury proceedings.

33 SEC. 102. Section 452.5 of the Evidence Code is amended to  
34 read:

35 452.5. (a) The official acts and records specified in  
36 subdivisions (c) and (d) of Section 452 include any  
37 computer-generated official court records, as specified by the  
38 Judicial Council which relate to criminal convictions, when the  
39 record is certified by a clerk of the superior court pursuant to



1 Section 69844.5 of the Government Code at the time of computer  
2 entry.

3 (b) An official record of conviction certified in accordance  
4 with subdivision (a) of Section 1530 is admissible pursuant to  
5 Section 1280 to prove the commission, attempted commission, or  
6 solicitation of a criminal offense, prior conviction, service of a  
7 prison term, or other act, condition, or event recorded by the  
8 record.

9 SEC. 103. Section 1061 of the Evidence Code is amended to  
10 read:

11 1061. (a) For purposes of this section, and Sections 1062 and  
12 1063:

13 (1) “Trade secret” means “trade secret,” as defined in  
14 subdivision (d) of Section 3426.1 of the Civil Code, or paragraph  
15 (9) of subdivision (a) of Section 499c of the Penal Code.

16 (2) “Article” means “article,” as defined in paragraph (2) of  
17 subdivision (a) of Section 499c of the Penal Code.

18 (b) In addition to Section 1062, the following procedure shall  
19 apply whenever the owner of a trade secret wishes to assert his or  
20 her trade secret privilege, as provided in Section 1060, during a  
21 criminal proceeding:

22 (1) The owner of the trade secret shall file a motion for a  
23 protective order, or the people may file the motion on the owner’s  
24 behalf and with the owner’s permission. The motion shall include  
25 an affidavit based upon personal knowledge listing the affiant’s  
26 qualifications to give an opinion concerning the trade secret at  
27 issue, identifying, without revealing, the alleged trade secret and  
28 articles which disclose the secret, and presenting evidence that the  
29 secret qualifies as a trade secret under either subdivision (d) of  
30 Section 3426.1 of the Civil Code or paragraph (9) of subdivision  
31 (a) of Section 499c of the Penal Code. The motion and affidavit  
32 shall be served on all parties in the proceeding.

33 (2) Any party in the proceeding may oppose the request for the  
34 protective order by submitting affidavits based upon the affiant’s  
35 personal knowledge. The affidavits shall be filed under seal, but  
36 shall be provided to the owner of the trade secret and to all parties  
37 in the proceeding. Neither the owner of the trade secret nor any  
38 party in the proceeding may disclose the affidavit to persons other  
39 than to counsel of record without prior court approval.



1 (3) The movant shall, by a preponderance of the evidence,  
2 show that the issuance of a protective order is proper. The court  
3 may rule on the request without holding an evidentiary hearing.  
4 However, in its discretion, the court may choose to hold an in  
5 camera evidentiary hearing concerning disputed articles with only  
6 the owner of the trade secret, the people's representative, the  
7 defendant, and defendant's counsel present. If the court holds such  
8 a hearing, the parties' right to examine witnesses shall not be used  
9 to obtain discovery, but shall be directed solely toward the question  
10 of whether the alleged trade secret qualifies for protection.

11 (4) If the court finds that a trade secret may be disclosed during  
12 any criminal proceeding unless a protective order is issued and that  
13 the issuance of a protective order would not conceal a fraud or  
14 work an injustice, the court shall issue a protective order limiting  
15 the use and dissemination of the trade secret, including, but not  
16 limited to, articles disclosing that secret. The protective order may,  
17 in the court's discretion, include the following provisions:

18 (A) That the trade secret may be disseminated only to counsel  
19 for the parties, including their associate attorneys, paralegals, and  
20 investigators, and to law enforcement officials or clerical officials.

21 (B) That the defendant may view the secret only in the presence  
22 of his or her counsel, or if not in the presence of his or her counsel,  
23 at counsel's offices.

24 (C) That any party seeking to show the trade secret, or articles  
25 containing the trade secret, to any person not designated by the  
26 protective order shall first obtain court approval to do so:

27 (i) The court may require that the person receiving the trade  
28 secret do so only in the presence of counsel for the party requesting  
29 approval.

30 (ii) The court may require the person receiving the trade secret  
31 to sign a copy of the protective order and to agree to be bound by  
32 its terms. The order may include a provision recognizing the owner  
33 of the trade secret to be a third-party beneficiary of that agreement.

34 (iii) The court may require a party seeking disclosure to an  
35 expert to provide that expert's name, employment history, and any  
36 other relevant information to the court for examination. The court  
37 shall accept that information under seal, and the information shall  
38 not be disclosed by any court except upon termination of the action  
39 and upon a showing of good cause to believe the secret has been  
40 disseminated by a court-approved expert. The court shall evaluate



1 the expert and determine whether the expert poses a discernible  
2 risk of disclosure. The court shall withhold approval if the expert's  
3 economic interests place the expert in a competitive position with  
4 the victim, unless no other experts are available. The court may  
5 interview the expert in camera in aid of its ruling. If the court  
6 rejects the expert, it shall state its reasons for doing so on the record  
7 and a transcript of those reasons shall be prepared and sealed.

8 (D) That no articles disclosing the trade secret shall be filed or  
9 otherwise made a part of the court record available to the public  
10 without approval of the court and prior notice to the owner of the  
11 secret. The owner of the secret may give either party permission  
12 to accept the notice on the owner's behalf.

13 (E) Other orders as the court deems necessary to protect the  
14 integrity of the trade secret.

15 (c) A ruling granting or denying a motion for a protective order  
16 filed pursuant to subdivision (b) shall not be construed as a  
17 determination that the alleged trade secret is or is not a trade secret  
18 as defined by subdivision (d) of Section 3426.1 of the Civil Code  
19 or paragraph (9) of subdivision (a) of Section 499c of the Penal  
20 Code. Such a ruling shall not have any effect on any civil litigation.

21 (d) This section shall have prospective effect only and shall not  
22 operate to invalidate previously entered protective orders.

23 SEC. 104. Section 240.5 of the Family Code is repealed.

24 SEC. 105. Section 4252 of the Family Code is amended to  
25 read:

26 4252. (a) The superior court shall appoint one or more  
27 subordinate judicial officers as child support commissioners to  
28 perform the duties specified in Section 4251. The child support  
29 commissioners' first priority always shall be to hear Title IV-D  
30 child support cases. The child support commissioners shall  
31 specialize in hearing child support cases, and their primary  
32 responsibility shall be to hear Title IV-D child support cases.  
33 Notwithstanding Section 71622 of the Government Code, the  
34 number of child support commissioner positions allotted to each  
35 court shall be determined by the Judicial Council in accordance  
36 with caseload standards developed pursuant to paragraph (3) of  
37 subdivision (b), subject to appropriations in the annual Budget  
38 Act.

39 (b) The Judicial Council shall do all of the following:



1 (1) Establish minimum qualifications for child support  
2 commissioners.

3 (2) Establish minimum educational and training requirements  
4 for child support commissioners and other court personnel that are  
5 assigned to Title IV-D child support cases. Training programs shall  
6 include both federal and state laws concerning child support and  
7 related issues.

8 (3) Establish caseload, case processing, and staffing standards  
9 for child support commissioners on or before April 1, 1997, which  
10 shall set forth the maximum number of cases that each child  
11 support commissioner can process. These standards shall be  
12 reviewed and, if appropriate, revised by the Judicial Council every  
13 two years.

14 (4) Adopt uniform rules of court and forms for use in Title IV-D  
15 child support cases.

16 (5) Offer technical assistance to courts regarding issues relating  
17 to implementation and operation of the child support  
18 commissioner system, including assistance related to funding,  
19 staffing, and the sharing of resources between courts.

20 (6) Establish procedures for the distribution of funding to the  
21 courts for child support commissioners, family law facilitators  
22 pursuant to Division 14 (commencing with Section 10000), and  
23 related allowable costs.

24 (7) Adopt rules that define the exceptional circumstances in  
25 which judges may hear Title IV-D child support matters as  
26 provided in subdivision (a) of Section 4251.

27 (8) Undertake other actions as appropriate to ensure the  
28 successful implementation and operation of child support  
29 commissioners in the counties.

30 (c) As used in this article, "Title IV-D" means Title IV-D of the  
31 federal Social Security Act (42 U.S.C. Sec. 651 et seq.).

32 SEC. 106. Section 6390 of the Family Code is repealed.

33 SEC. 107. Section 7122 of the Family Code is amended to  
34 read:

35 7122. (a) The court shall sustain the petition if it finds that the  
36 minor is a person described by Section 7120 and that emancipation  
37 would not be contrary to the minor's best interest.

38 (b) If the petition is sustained, the court shall forthwith issue a  
39 declaration of emancipation, which shall be filed by the clerk of  
40 the court.



1 (c) A declaration is conclusive evidence that the minor is  
2 emancipated.

3 SEC. 108. Section 7134 of the Family Code is amended to  
4 read:

5 7134. If the petition is sustained, the court shall forthwith  
6 issue an order voiding or rescinding the declaration of  
7 emancipation, which shall be filed by the clerk of the court.

8 SEC. 109. Section 8613 of the Family Code is amended to  
9 read:

10 8613. (a) If the prospective adoptive parent is commissioned  
11 or enlisted in the military service, or auxiliary thereof, of the  
12 United States, or of any of its allies, or is engaged in service on  
13 behalf of any governmental entity of the United States, or in the  
14 American Red Cross, or in any other recognized charitable or  
15 religious organization, so that it is impossible or impracticable,  
16 because of the prospective adoptive parent's absence from this  
17 state, or otherwise, to make an appearance in person, and the  
18 circumstances are established by satisfactory evidence, the  
19 appearance may be made for the prospective adoptive parent by  
20 counsel, commissioned and empowered in writing for that  
21 purpose. The power of attorney may be incorporated in the  
22 adoption petition.

23 (b) Where the prospective adoptive parent is permitted to  
24 appear by counsel, the agreement may be executed and  
25 acknowledged by the counsel, or may be executed by the absent  
26 party before a notary public, or any other person authorized to take  
27 acknowledgments including the persons authorized by Sections  
28 1183 and 1183.5 of the Civil Code.

29 (c) Where the prospective adoptive parent is permitted to  
30 appear by counsel, or otherwise, the court may, in its discretion,  
31 cause an examination of the prospective adoptive parent, other  
32 interested person, or witness to be made upon deposition, as it  
33 deems necessary. The deposition shall be taken upon commission,  
34 as prescribed by the Code of Civil Procedure, and the expense  
35 thereof shall be borne by the petitioner.

36 (d) The petition, relinquishment or consent, agreement, order,  
37 report to the court from any investigating agency, and any power  
38 of attorney and deposition shall be filed in the office of the clerk  
39 of the court.

1 (e) The provisions of this section permitting an appearance  
2 through counsel are equally applicable to the spouse of a  
3 prospective adoptive parent who resides with the prospective  
4 adoptive parent outside this state.

5 (f) Where, pursuant to this section, neither prospective  
6 adoptive parent need appear before the court, the child proposed  
7 to be adopted need not appear. If the law otherwise requires that  
8 the child execute any document during the course of the hearing,  
9 the child may do so through counsel.

10 (g) Where none of the parties appears, the court may not make  
11 an order of adoption until after a report has been filed with the  
12 court pursuant to Section 8715, 8807, 8914, or 9001.

13 SEC. 110. Section 8614 of the Family Code is amended to  
14 read:

15 8614. Upon the request of the adoptive parents or the adopted  
16 child, a clerk of the superior court may issue a certificate of  
17 adoption that states the date and place of adoption, the birthday of  
18 the child, the names of the adoptive parents, and the name the child  
19 has taken. Unless the child has been adopted by a stepparent or by  
20 a relative, as defined in subdivision (c) of Section 8714.7, the  
21 certificate shall not state the name of the birth parents of the child.

22 SEC. 111. Section 8702 of the Family Code is amended to  
23 read:

24 8702. (a) The department shall adopt a statement to be  
25 presented to the birth parents at the time a relinquishment is signed  
26 and to prospective adoptive parents at the time of the home study.  
27 The statement shall, in a clear and concise manner and in words  
28 calculated to ensure the confidence of the birth parents in the  
29 integrity of the adoption process, communicate to the birth parents  
30 of a child who is the subject of an adoption petition all of the  
31 following facts:

32 (1) It is in the child's best interest that the birth parent keep the  
33 department or licensed adoption agency to whom the child was  
34 relinquished for adoption informed of any health problems that the  
35 parent develops that could affect the child.

36 (2) It is extremely important that the birth parent keep an  
37 address current with the department or licensed adoption agency  
38 to whom the child was relinquished for adoption in order to permit  
39 a response to inquiries concerning medical or social history.



1 (3) Section 9203 of the Family Code authorizes a person who  
2 has been adopted and who attains the age of 21 years to request the  
3 department or the licensed adoption agency to disclose the name  
4 and address of the adoptee’s birth parents. Consequently, it is of the  
5 utmost importance that the birth parent indicate whether to allow  
6 this disclosure by checking the appropriate box provided on the  
7 form.

8 (4) The birth parent may change the decision whether to permit  
9 disclosure of the birth parent’s name and address, at any time, by  
10 sending a notarized letter to that effect, by certified mail, return  
11 receipt requested, to the department or to the licensed adoption  
12 agency that joined in the adoption petition.

13 (5) The relinquishment will be filed in the office of the clerk of  
14 the court in which the adoption takes place. The file is not open to  
15 inspection by any persons other than the parties to the adoption  
16 proceeding, their attorneys, and the department, except upon order  
17 of a judge of the superior court.

18 (b) The department shall adopt a form to be signed by the birth  
19 parents at the time the relinquishment is signed, which shall  
20 provide as follows:

21  
22 “Section 9203 of the Family Code authorizes a person who has  
23 been adopted and who attains the age of 21 years to make a request  
24 to the State Department of Social Services, or the licensed  
25 adoption agency that joined in the adoption petition, for the name  
26 and address of the adoptee’s birth parents. Indicate by checking  
27 one of the boxes below whether or not you wish your name and  
28 address to be disclosed:

- 29  YES  
30  NO  
31  UNCERTAIN AT THIS TIME; WILL NOTIFY  
32 AGENCY AT LATER DATE.”  
33

34 SEC. 112. Section 8714.5 of the Family Code is amended to  
35 read:

36 8714.5. (a) The Legislature finds and declares the following:

37 (1) It is the intent of the Legislature to expedite legal  
38 permanency for children who cannot return to their parents and to  
39 remove barriers to adoption by relatives of children who are



1 already in the dependency system or who are at risk of entering the  
2 dependency system.

3 (2) This goal will be achieved by empowering families,  
4 including extended families, to care for their own children safely  
5 and permanently whenever possible, by preserving existing family  
6 relationships, thereby causing the least amount of disruption to the  
7 child and the family, and by recognizing the importance of sibling  
8 and half-sibling relationships.

9 (b) A relative desiring to adopt a child may for that purpose file  
10 a petition in the county in which the petitioner resides. Where a  
11 child has been adjudged to be a dependent of the juvenile court  
12 pursuant to Section 300 of the Welfare and Institutions Code, and  
13 thereafter has been freed for adoption by the juvenile court, the  
14 petition may be filed either in the county where the petitioner  
15 resides or in the county where the child was freed for adoption.

16 (c) Upon the filing of a petition for adoption by a relative, the  
17 clerk of the court shall immediately notify the State Department  
18 of Social Services in Sacramento in writing of the pendency of the  
19 proceeding and of any subsequent action taken.

20 (d) If the adopting relative has entered into a postadoption  
21 contact agreement with the birth parent as set forth in Section  
22 8714.7, the agreement, signed by the participating parties, shall be  
23 attached to and filed with the petition for adoption under  
24 subdivision (b).

25 (e) The caption of the adoption petition shall contain the name  
26 of the relative petitioner. The petition shall state the child's name,  
27 sex, and date of birth.

28 (f) If the child is the subject of a guardianship petition, the  
29 adoption petition shall so state and shall include the caption and  
30 docket number or have attached a copy of the letters of the  
31 guardianship or temporary guardianship. The petitioner shall  
32 notify the court of any petition for adoption. The guardianship  
33 proceeding shall be consolidated with the adoption proceeding.

34 (g) The order of adoption shall contain the child's adopted  
35 name and, if requested by the adopting relative, or if requested by  
36 the child who is 12 years of age or older, the name the child had  
37 before adoption.

38 (h) For purposes of this section, "relative" means an adult who  
39 is related to the child or the child's half-sibling by blood or affinity,  
40 including all relatives whose status is preceded by the words



1 “step,” “great,” “great-great,” or “grand,” or the spouse of any  
2 of these persons, even if the marriage was terminated by death or  
3 dissolution.

4 SEC. 113. Section 8818 of the Family Code is amended to  
5 read:

6 8818. (a) The department shall adopt a statement to be  
7 presented to the birth parents at the time the consent to adoption  
8 is signed and to prospective adoptive parents at the time of the  
9 home study. The statement shall, in a clear and concise manner and  
10 in words calculated to ensure the confidence of the birth parents  
11 in the integrity of the adoption process, communicate to the birth  
12 parent of a child who is the subject of an adoption petition all of  
13 the following facts:

14 (1) It is in the child’s best interest that the birth parents keep the  
15 department informed of any health problems that the parent  
16 develops that could affect the child.

17 (2) It is extremely important that the birth parent keep an  
18 address current with the department in order to permit a response  
19 to inquiries concerning medical or social history.

20 (3) Section 9203 of the Family Code authorizes a person who  
21 has been adopted and who attains the age of 21 years to request the  
22 department to disclose the name and address of the adoptee’s birth  
23 parents. Consequently, it is of the utmost importance that the birth  
24 parent indicate whether to allow this disclosure by checking the  
25 appropriate box provided on the form.

26 (4) The birth parent may change the decision whether to permit  
27 disclosure of the birth parent’s name and address, at any time, by  
28 sending a notarized letter to that effect, by certified mail, return  
29 receipt requested, to the department.

30 (5) The consent will be filed in the office of the clerk of the  
31 court in which the adoption takes place. The file is not open to  
32 inspection by any persons other than the parties to the adoption  
33 proceeding, their attorneys, and the department, except upon order  
34 of a judge of the superior court.

35 (b) The department shall adopt a form to be signed by the birth  
36 parents at the time the consent to adoption is signed, which shall  
37 provide as follows:

38  
39 “Section 9203 of the Family Code authorizes a person who has  
40 been adopted and who attains the age of 21 years to make a request



1 to the State Department of Social Services, or the licensed  
2 adoption agency that joined in the adoption petition, for the name  
3 and address of the adoptee’s birth parents. Indicate by checking  
4 one of the boxes below whether or not you wish your name and  
5 address to be disclosed:

- 6  YES
- 7  NO
- 8  UNCERTAIN AT THIS TIME; WILL NOTIFY
- 9 AGENCY AT LATER DATE.”

10

11 SEC. 114. Section 9200 of the Family Code is amended to  
12 read:

13 9200. (a) The petition, relinquishment or consent,  
14 agreement, order, report to the court from any investigating  
15 agency, and any power of attorney and deposition filed in the office  
16 of the clerk of the court pursuant to this part is not open to  
17 inspection by any person other than the parties to the proceeding  
18 and their attorneys and the department, except upon the written  
19 authority of the judge of the superior court. A judge of the superior  
20 court may not authorize anyone to inspect the petition,  
21 relinquishment or consent, agreement, order, report to the court  
22 from any investigating agency, or power of attorney or deposition  
23 or any portion of any of these documents, except in exceptional  
24 circumstances and for good cause approaching the necessitous.  
25 The petitioner may be required to pay the expenses for preparing  
26 the copies of the documents to be inspected.

27 (b) Upon written request of any party to the proceeding and  
28 upon the order of any judge of the superior court, the clerk of the  
29 court shall not provide any documents referred to in this section for  
30 inspection or copying to any other person, unless the name of the  
31 child’s birth parents or any information tending to identify the  
32 child’s birth parents is deleted from the documents or copies  
33 thereof.

34 (c) Upon the request of the adoptive parents or the child, a clerk  
35 of the court may issue a certificate of adoption that states the date  
36 and place of adoption, the child’s birth date, the names of the  
37 adoptive parents, and the name the child has taken. Unless the child  
38 has been adopted by a stepparent, the certificate shall not state the  
39 name of the child’s birth parents.



1 SEC. 115. Section 17521 of the Family Code is amended to  
2 read:

3 17521. The order to show cause or notice of motion described  
4 in subdivision (j) of Section 17520 shall be filed and heard in the  
5 superior court.

6 SEC. 116. Section 210 of the Fish and Game Code is amended  
7 to read:

8 210. (a) The commission shall provide copies of the  
9 regulations added, amended, or repealed pursuant to subdivision  
10 (e) of Section 206, subdivision (e) of Section 207, and subdivision  
11 (d) of Section 208 to each county clerk, each district attorney, and  
12 each judge of the superior court in the state.

13 (b) The commission and the department may do anything that  
14 is deemed necessary and proper to publicize and distribute  
15 regulations so that persons likely to be affected will be informed  
16 of them. The failure of the commission to provide any notice of its  
17 regulations, other than by filing them in accordance with Section  
18 215, shall not impair the validity of the regulations.

19 (c) The department or the license agent may give a copy of the  
20 current applicable published regulations to each person issued a  
21 license at the time the license is issued.

22 (d) Notwithstanding any other provision of law, the  
23 commission and the department may contract with private entities  
24 to print regulations and other regulatory and public information.  
25 Printing contracts authorized by this subdivision and for which no  
26 state funds are expended are not subject to Chapter 2 (commencing  
27 with Section 10290) of Part 2 of Division 2 of the Public Contract  
28 Code, except for Article 2 (commencing with Section 10295) of  
29 Chapter 2.

30 SEC. 117. Section 30801 of the Food and Agricultural Code  
31 is amended to read:

32 30801. (a) A board of supervisors may provide for the  
33 issuance of serially numbered metallic dog licenses pursuant to  
34 this section. The dog licenses shall be:

35 (1) Stamped with the name of the county and the year of issue.

36 (2) Unless the board of supervisors designates the animal  
37 control department to issue the licenses, issued by the county clerk  
38 directly or through judges of the superior court, to owners of dogs,  
39 that make application.



1 (b) The licenses shall be issued for a period of not to exceed two  
2 years.

3 (c) In addition to the authority provided in subdivisions (a) and  
4 (b), a license may be issued, as provided by this section, by a board  
5 of supervisors for a period not to exceed three years for dogs that  
6 have attained the age of 12 months, or older, and who have been  
7 vaccinated against rabies. The person to whom the license is to be  
8 issued pursuant to this subdivision may choose a license period as  
9 established by the board of supervisors of up to one, two, or three  
10 years. However, when issuing a license pursuant to this  
11 subdivision, the license period shall not extend beyond the  
12 remaining period of validity for the current rabies vaccination.

13 SEC. 118. Section 31503 of the Food and Agricultural Code  
14 is amended to read:

15 31503. If any person sustains any loss or damage to any  
16 livestock or poultry which is caused by a dog, or if any livestock  
17 of any person is necessarily destroyed because of having been  
18 bitten by a dog, the person may file a complaint in the superior  
19 court of the county within which the damage occurred. A  
20 proceeding under this section is a limited civil case.

21 SEC. 119. Section 31621 of the Food and Agricultural Code  
22 is amended to read:

23 31621. If an animal control officer or a law enforcement  
24 officer has investigated and determined that there exists probable  
25 cause to believe that a dog is potentially dangerous or vicious, the  
26 chief officer of the public pound or animal control department or  
27 his or her immediate supervisor or the head of the local law  
28 enforcement agency, or his or her designee, shall petition the  
29 superior court of the county wherein the dog is owned or kept for  
30 a hearing for the purpose of determining whether or not the dog in  
31 question should be declared potentially dangerous or vicious. A  
32 proceeding under this section is a limited civil case. A city or  
33 county may establish an administrative hearing procedure to hear  
34 and dispose of petitions filed pursuant to this chapter. Whenever  
35 possible, any complaint received from a member of the public  
36 which serves as the evidentiary basis for the animal control officer  
37 or law enforcement officer to find probable cause shall be sworn  
38 to and verified by the complainant and shall be attached to the  
39 petition. The chief officer of the public pound or animal control  
40 department or head of the local law enforcement agency shall



1 notify the owner or keeper of the dog that a hearing will be held  
2 by the superior court or the hearing entity, as the case may be, at  
3 which time he or she may present evidence as to why the dog  
4 should not be declared potentially dangerous or vicious. The  
5 owner or keeper of the dog shall be served with notice of the  
6 hearing and a copy of the petition, either personally or by  
7 first-class mail with return receipt requested. The hearing shall be  
8 held promptly within no less than five working days nor more than  
9 10 working days after service of notice upon the owner or keeper  
10 of the dog. The hearing shall be open to the public. The court may  
11 admit into evidence all relevant evidence, including incident  
12 reports and the affidavits of witnesses, limit the scope of discovery,  
13 and may shorten the time to produce records or witnesses. A jury  
14 shall not be available. The court may find, upon a preponderance  
15 of the evidence, that the dog is potentially dangerous or vicious and  
16 make other orders authorized by this chapter.

17 SEC. 120. Section 31622 of the Food and Agricultural Code  
18 is amended to read:

19 31622. (a) After the hearing conducted pursuant to Section  
20 31621, the owner or keeper of the dog shall be notified in writing  
21 of the determination and orders issued, either personally or by  
22 first-class mail postage prepaid by the court or hearing entity. If a  
23 determination is made that the dog is potentially dangerous or  
24 vicious, the owner or keeper shall comply with Article 3  
25 (commencing with Section 31641) in accordance with a time  
26 schedule established by the chief officer of the public pound or  
27 animal control department or the head of the local law enforcement  
28 agency, but in no case more than 30 days after the date of the  
29 determination or 35 days if notice of the determination is mailed  
30 to the owner or keeper of the dog. If the petitioner or the owner or  
31 keeper of the dog contests the determination, he or she may, within  
32 five days of the receipt of the notice of determination, appeal the  
33 decision of the court or hearing entity of original jurisdiction. The  
34 fee for filing an appeal shall be twenty dollars (\$20), payable to the  
35 clerk of the court. If the original hearing held pursuant to Section  
36 31621 was before a hearing entity other than a court of the  
37 jurisdiction, appeal shall be to the superior court. If the original  
38 hearing was held in the superior court, appeal shall be to the  
39 superior court before a judge other than the judge who originally  
40 heard the petition. The petitioner or the owner or keeper of the dog



1 shall serve personally or by first-class mail, postage prepaid,  
2 notice of the appeal upon the other party.

3 (b) The court hearing the appeal shall conduct a hearing de  
4 novo, without a jury, and make its own determination as to  
5 potential danger and viciousness and make other orders authorized  
6 by this chapter, based upon the evidence presented. The hearing  
7 shall be conducted in the same manner and within the time periods  
8 set forth in Section 31621 and subdivision (a). The court may  
9 admit all relevant evidence, including incident reports and the  
10 affidavits of witnesses, limit the scope of discovery, and may  
11 shorten the time to produce records or witnesses. The issue shall  
12 be decided upon the preponderance of the evidence. If the court  
13 rules the dog to be potentially dangerous or vicious, the court may  
14 establish a time schedule to ensure compliance with this chapter,  
15 but in no case more than 30 days subsequent to the date of the  
16 court's determination or 35 days if the service of the judgment is  
17 by first-class mail.

18 SEC. 121. Section 945.3 of the Government Code is amended  
19 to read:

20 945.3. No person charged by indictment, information,  
21 complaint, or other accusatory pleading charging a criminal  
22 offense may bring a civil action for money or damages against a  
23 peace officer or the public entity employing a peace officer based  
24 upon conduct of the peace officer relating to the offense for which  
25 the accused is charged, including an act or omission in  
26 investigating or reporting the offense or arresting or detaining the  
27 accused, while the charges against the accused are pending before  
28 a superior court.

29 Any applicable statute of limitations for filing and prosecuting  
30 these actions shall be tolled during the period that the charges are  
31 pending before a superior court.

32 For the purposes of this section, charges pending before a  
33 superior court do not include appeals or criminal proceedings  
34 diverted pursuant to Chapter 2.5 (commencing with Section  
35 1000), Chapter 2.6 (commencing with Section 1000.6), Chapter  
36 2.7 (commencing with Section 1001), Chapter 2.8 (commencing  
37 with Section 1001.20), or Chapter 2.9 (commencing with Section  
38 1001.50) of Title 6 of Part 2 of the Penal Code.

39 Nothing in this section shall prohibit the filing of a claim with  
40 the board of a public entity, and this section shall not extend the



1 time within which a claim is required to be presented pursuant to  
2 Section 911.2.

3 SEC. 122. Section 1770 of the Government Code is amended  
4 to read:

5 1770. An office becomes vacant on the happening of any of  
6 the following events before the expiration of the term:

7 (a) The death of the incumbent.

8 (b) An adjudication pursuant to a quo warranto proceeding  
9 declaring that the incumbent is physically or mentally  
10 incapacitated due to disease, illness, or accident and that there is  
11 reasonable cause to believe that the incumbent will not be able to  
12 perform the duties of his or her office for the remainder of his or  
13 her term. This subdivision shall not apply to offices created by the  
14 California Constitution nor to federal or state legislators.

15 (c) His or her resignation.

16 (d) His or her removal from office.

17 (e) His or her ceasing to be an inhabitant of the state, or if the  
18 office be local and one for which local residence is required by law,  
19 of the district, county, or city for which the officer was chosen or  
20 appointed, or within which the duties of his or her office are  
21 required to be discharged.

22 (f) His or her absence from the state without the permission  
23 required by law beyond the period allowed by law.

24 (g) His or her ceasing to discharge the duties of his or her office  
25 for the period of three consecutive months, except when prevented  
26 by sickness, or when absent from the state with the permission  
27 required by law.

28 (h) His or her conviction of a felony or of any offense involving  
29 a violation of his or her official duties. An officer shall be deemed  
30 to have been convicted under this subdivision when trial court  
31 judgment is entered. For the purposes of this subdivision, “trial  
32 court judgment” means a judgment by the trial court either  
33 sentencing the officer or otherwise upholding and implementing  
34 the plea, verdict, or finding.

35 (i) His or her refusal or neglect to file his or her required oath  
36 or bond within the time prescribed.

37 (j) The decision of a competent tribunal declaring void his or  
38 her election or appointment.



1 (k) The making of an order vacating his or her office or  
2 declaring the office vacant when the officer fails to furnish an  
3 additional or supplemental bond.

4 (l) His or her commitment to a hospital or sanitarium by a court  
5 of competent jurisdiction as a drug addict, dipsomaniac, inebriate,  
6 or stimulant addict; but in that event the office shall not be deemed  
7 vacant until the order of commitment has become final.

8 SEC. 123. Section 3501.5 of the Government Code is  
9 amended to read:

10 3501.5. As used in this chapter, “public agency” does not  
11 mean a superior court.

12 SEC. 124. Section 6103.5 of the Government Code is  
13 amended to read:

14 6103.5. (a) Whenever a judgment is recovered by a public  
15 agency named in Section 6103, either as plaintiff or petitioner or  
16 as defendant or respondent, in any action or proceeding to begin,  
17 or to defend, which under the provisions of Section 6103 no fee for  
18 any official service rendered by the clerk of the court, including,  
19 but not limited to, the services of filing, certifying, and preparing  
20 transcripts, nor fee for service of process or notices by a sheriff or  
21 marshal has been paid, other than in a condemnation proceeding,  
22 quiet title action, action for the forfeiture of a fish net or nets or  
23 action for the forfeiture of an automobile or automobiles, the clerk  
24 entering the judgment shall include as a part of the judgment the  
25 amount of the filing fee, and the amount of the fee for the service  
26 of process or notices which would have been paid but for Section  
27 6103, designating it as such. The clerk entering the judgment shall  
28 include as part of the judgment the amount of the fees for certifying  
29 and preparing transcripts if the court has, in its discretion, ordered  
30 those fees to be paid.

31 (b) When an amount equal to the clerk’s fees and the fees for  
32 service of process and notices is collected upon a judgment  
33 pursuant to subdivision (a), those amounts shall be due and  
34 payable to the clerk and the serving officer respectively. The clerk  
35 shall ascertain from the serving officer’s return the amount of fees  
36 he or she would have charged had it not been for the provisions of  
37 Section 6103. Remittances of the amounts so due shall be made  
38 within 45 days by the fiscal officer of the plaintiff or petitioner or  
39 respondent or defendant in the action or proceeding unless those  
40 fees have been collected by the levying officer and remitted to the



1 court. No interest shall be computed or charged on the amount of  
2 the fee. If the judgment pursuant to subdivision (a) consists only  
3 of the amount of the filing fee, it shall be at the public agency's  
4 discretion whether to seek collection. If the public agency  
5 determines not to seek collection of the filing fee, it shall notify the  
6 clerk and no further action as provided for in this section may be  
7 brought against the public agency.

8 (c) If the remittance is not received within 45 days of the filing  
9 of a partial satisfaction of judgment in an amount at least equal to  
10 the fees due to the clerk or a satisfaction of judgment has been filed,  
11 notwithstanding any other provision of law and except as provided  
12 in subdivision (b), the court may issue a writ of execution for  
13 recovery from the public agency of those fees plus the fees for  
14 issuance and execution of the writ plus a fee for administering this  
15 section.

16 (d) The superior court shall set a fee, not to exceed the actual  
17 costs of administering this section, up to a maximum of  
18 twenty-five dollars (\$25), which shall be added to the writ of  
19 execution.

20 SEC. 125. Section 6520 of the Government Code is amended  
21 to read:

22 6520. (a) Notwithstanding any other provision of law, the  
23 Board of Supervisors of San Diego County and the City Council  
24 of the City of San Diego may create by joint powers agreement,  
25 the San Diego Courthouse, Jail, and Related Facilities  
26 Development Agency, hereinafter referred to as "the agency,"  
27 which shall have all the powers and duties of a redevelopment  
28 agency pursuant to Part 1 (commencing with Section 33000) of  
29 Division 24 of the Health and Safety Code as well as all the powers  
30 of a joint powers agency pursuant to this chapter, with respect to  
31 the acquisition, construction, improvement, financing, and  
32 operation of a combined courthouse-criminal justice facility,  
33 including a parking garage, and other related improvements,  
34 hereinafter referred to as "the facility."

35 (b) The agency shall be governed by a board of directors  
36 composed of one city council member and one citizen designated  
37 by the San Diego City Council; one supervisor and one citizen  
38 designated by the San Diego County Board of Supervisors; two  
39 citizens appointed by the presiding judge of the superior court  
40 effective during his or her term of presidency; the Sheriff of San



1 Diego County; the president or designee of the San Diego County  
2 Bar Association; and one citizen designated by the District  
3 Attorney of San Diego County; all of whom shall serve at the  
4 pleasure of the appointing power and without further  
5 compensation.

6 (c) The City of San Diego and the County of San Diego shall  
7 each have the power of nonconcurrence over any action taken by  
8 the board of directors, provided that a motion for reconsideration  
9 is made by a member of the board of directors immediately  
10 following the vote of the board of directors approving such action,  
11 and further provided that the city council or the board of  
12 supervisors votes to nullify such action, by a majority vote of its  
13 membership, within 30 days.

14 (d) The county may transfer to the agency county funds in  
15 either a Courthouse Temporary Construction Fund or a County  
16 Criminal Justice Facility Temporary Construction Fund, or both,  
17 to be expended for purposes of the facility.

18 (e) In addition to those funds, (1) the agency's governing body  
19 may allot up to 15 percent of the fines and forfeitures received by  
20 the City of San Diego pursuant to Section 1463 of the Penal Code  
21 from the service area of the downtown courts, as defined by the  
22 agency, for expenditure by the agency for the purposes specified  
23 in subdivision (a); (2) the City of San Diego and the County of San  
24 Diego may allot to the agency any state or federal funds received  
25 for purposes of the facility; and (3) the agency may expend any  
26 rent, parking fees, or taxes received on leasehold interests in the  
27 facility, for the purposes specified in subdivision (a).

28 SEC. 126. Section 6701 of the Government Code is amended  
29 to read:

30 6701. If January 1st, February 12th, March 31st, July 4th,  
31 September 9th, November 11th, or December 25th falls upon a  
32 Sunday, the Monday following is a holiday. If November 11th falls  
33 upon a Saturday, the preceding Friday is a holiday.

34 If any holiday designated in Section 6700 falls on a Saturday,  
35 the board of supervisors of any county may by ordinance or  
36 resolution provide that an alternate day shall be a holiday for the  
37 employees of the county, except those employees of the county  
38 working as court attachés.

39 SEC. 127. Section 6704 of the Government Code is amended  
40 to read:



1 6704. The legislative body of any city or district may, by  
2 ordinance or resolution, provide that every Saturday is a holiday  
3 as respects the transaction of business in the public offices of such  
4 cities or districts except that provision shall be made for the  
5 continuance of essential public services such as police and fire  
6 protection.

7 SEC. 128. Section 12989 of the Government Code is  
8 amended to read:

9 12989. (a) If an accusation is issued under Section 12981, a  
10 complainant, a respondent, or an aggrieved person on whose  
11 behalf a complaint is filed may elect, in lieu of an administrative  
12 proceeding under Section 12981, to have the claims asserted in the  
13 charge adjudicated in a civil action under this part.

14 (b) An election under this section may be made within 20 days  
15 after the service of the accusation, and not later than 20 days after  
16 service of the complaint to the respondent. A notice of election  
17 shall be filed with the department, and the department shall serve  
18 a copy of the notice to the director, the respondent, and the  
19 aggrieved person on whose behalf the complaint is filed. The  
20 notice shall be filed and served on all parties to the complaint in  
21 accordance with the procedures established by Section 12962.

22 (c) If either party serves a notice of election upon the  
23 department, as prescribed, the department shall, within 30 days  
24 after service of the notice of the election, dismiss the accusation.  
25 The department shall itself, or at its election through the Attorney  
26 General, within 30 days of receipt of the notice of election, file a  
27 civil action with the proper superior court in its name or on behalf  
28 of the aggrieved person as a real party in interest. In bringing a civil  
29 or administrative action, or pursuing subsequent appeals of those  
30 actions, the department or the Attorney General shall, in its  
31 representation of an aggrieved person's interests, comply with the  
32 Rules of Professional Conduct of the State Bar of California. The  
33 action may be filed in any county in the state in which the unlawful  
34 practice is alleged to have been committed, in the county in which  
35 the records relevant to that practice are maintained and  
36 administered, or in the county in which the aggrieved person  
37 would have resided in the housing accommodation. If the  
38 respondent is not found within that county, the action may be filed  
39 in the county of the respondent's residence or principal office.



1 (d) Any person aggrieved with respect to the issues to be  
2 determined in a civil action filed under this part may intervene as  
3 of right in that civil action.

4 (e) If an election is not made pursuant to this section, the  
5 director shall maintain an administrative proceeding based on the  
6 charges in the complaint in accordance with the procedures set  
7 forth in Section 12981.

8 (f) The director or his or her designated representative shall be  
9 available for consultation concerning any legal issues raised by the  
10 Attorney General that relate to evidentiary or tactical matters  
11 relevant to any civil action brought under this part.

12 SEC. 129. Section 15422 of the Government Code is  
13 amended to read:

14 15422. Where a county public defender has refused, or is  
15 otherwise reasonably unable to represent a person because of  
16 conflict of interest or other reason, the State Public Defender is  
17 authorized to represent such person, pursuant to a contract with the  
18 county which provides for reimbursement of costs, where the  
19 person is not financially able to employ counsel and is charged  
20 with the commission of any contempt or offense triable in the  
21 superior court at all stages of any proceedings relating to such  
22 charge, including restrictions on liberty resulting from such  
23 charge. Except in cases of representation under subdivision (d) of  
24 Section 15421, the State Public Defender may decline to represent  
25 such person by filing a letter with the appropriate court citing  
26 Section 15420 of this chapter.

27 SEC. 130. Section 16265.2 of the Government Code is  
28 amended to read:

29 16265.2. As used in this chapter:

30 (a) “County” means a county and a city and county.

31 (b) “County costs of eligible programs” means the amount of  
32 money other than federal and state funds, as reported by the State  
33 Department of Social Services to the Department of Finance or as  
34 derived from the Controller’s “Annual Report of Financial  
35 Transactions Concerning Counties of California,” that each  
36 county spends for each of the following:

37 (1) The Aid to Families with Dependent Children for Family  
38 Group and Unemployed Parents programs plus county  
39 administrative costs for each program minus the county’s share of  
40 child support collections for each program, as described in



1 Sections 10100, 10101, and 11250 of, and subdivisions (a) and (b)  
2 of Section 15200 of, the Welfare and Institutions Code.

3 (2) The county share of the cost of service provided for the  
4 In-Home Supportive Services Program, as described in Sections  
5 10100, 10101, and 12306 of the Welfare and Institutions Code.

6 (3) The community mental health program, as described in  
7 Section 5705 of the Welfare and Institutions Code.

8 (4) The county share of the Food Stamp Program, as described  
9 in Section 18906.5 of the Welfare and Institutions Code.

10 (c) “County costs of justice programs” means the amount of  
11 money other than federal and state funds, as reported in the  
12 Controller’s “Annual Report of Financial Transactions  
13 Concerning Counties of California,” that each county spends for  
14 each of the following:

15 (1) Superior courts.

16 (2) District attorney.

17 (3) Public defender.

18 (4) Probation.

19 (5) Correctional facilities.

20 “County costs of justice programs” does not include any costs  
21 eligible for reimbursement to the county pursuant to Chapter 3  
22 (commencing with Section 15200) of Part 6 of Division 3.

23 (d) “General purpose revenues” means revenues received by  
24 a county whose purpose is not restricted by state law to a particular  
25 purpose or program, as reported in the Controller’s “Annual  
26 Report of Financial Transactions Concerning Counties of  
27 California.” “General purpose revenues” are limited to all of the  
28 following:

29 (1) Property tax revenues, exclusive of those revenues  
30 dedicated to repay voter approved indebtedness, received pursuant  
31 to Part 0.5 (commencing with Section 50) of Division 1 of the  
32 Revenue and Taxation Code, or received pursuant to Section  
33 33401 of the Health and Safety Code.

34 (2) Sales tax revenues received pursuant to Part 1  
35 (commencing the Section 6001) of Division 2 of the Revenue and  
36 Taxation Code.

37 (3) Any other taxes levied by a county.

38 (4) Fines and forfeitures.

39 (5) Licenses, permits, and franchises.

40 (6) Revenue derived from the use of money and property.



1 (7) Vehicle license fees received pursuant to Section 11005 of  
2 the Revenue and Taxation Code.

3 (8) Trailer coach fees received pursuant to Section 11003.3 of  
4 the Revenue and Taxation Code.

5 (9) Revenues from cigarette taxes received pursuant to Part 13  
6 (commencing with Section 30001) of Division 2 of the Revenue  
7 and Taxation Code.

8 (10) Revenue received as open-space subventions pursuant to  
9 Chapter 3 (commencing with Section 16140) of Part 1.

10 (11) Revenue received as homeowners' property tax  
11 exemption subventions pursuant to Chapter 2 (commencing with  
12 Section 16120) of Part 1.

13 (12) General revenue sharing funds received from the federal  
14 government.

15 "General purpose revenues" does not include revenues  
16 received by a county pursuant to Chapter 3 (commencing with  
17 Section 15200) of Part 6 of Division 3.

18 SEC. 131. Section 20437 of the Government Code is  
19 amended to read:

20 20437. "County peace officer" shall also include the  
21 constable and each regularly employed deputy constable, marshal  
22 and each regularly employed deputy marshal who serves the  
23 superior court and he or she shall receive credit for service as a  
24 peace officer for any time he or she served as constable or deputy  
25 constable of a township or justice court or marshal or deputy  
26 marshal of a municipal court in the same county.

27 The provisions of this section shall not apply to the employees  
28 of any contracting agency nor to any such agency unless and until  
29 the contracting agency elects to be subject to the provisions of this  
30 section by amendment to its contract with the board, made as  
31 provided in Section 20474 or by express provision in its contract  
32 with the board.

33 SEC. 132. Section 20440 of the Government Code is  
34 amended to read:

35 20440. "County peace officer" shall also include employees  
36 of the sheriff employed to attend sessions of the superior or former  
37 municipal courts and preserve order in the courtrooms, to guard  
38 and maintain the security of prisoners during court appearances,  
39 or to summon jurors and take responsibility for them while they  
40 are deliberating or absent from the courtroom. It shall not include



1 persons employed as clerks, typists, teachers, instructors or  
2 psychologists.

3 This section shall not apply to any contracting agency nor to the  
4 employees of a contracting agency until the agency elects to be  
5 subject to this section by amendment to its contract with the board,  
6 made as provided in Section 20474 or by express provision in its  
7 contract with the board.

8 SEC. 133. Section 23220 of the Government Code is  
9 amended to read:

10 23220. On and after the effective date of the boundary change,  
11 the superior court in each affected county shall retain jurisdiction  
12 in all cases pending in a session of that court.

13 SEC. 134. Section 23296 of the Government Code is  
14 repealed.

15 SEC. 135. Section 23396 of the Government Code is  
16 amended to read:

17 23396. The Trial Court Employment Protection and  
18 Governance Act (Chapter 7 (commencing with Section 71600) of  
19 Title 8) applies to the superior court and superior court employees  
20 in a proposed county, except that preference in appointment shall  
21 be given to those persons serving a session of the superior court  
22 located within the boundaries of the proposed county immediately  
23 prior to its creation.

24 SEC. 136. Section 23398 of the Government Code is  
25 repealed.

26 SEC. 137. Section 23579 of the Government Code is  
27 repealed.

28 SEC. 138. Section 25100.5 of the Government Code is  
29 amended to read:

30 25100.5. The board of supervisors of any county may provide  
31 by ordinance that the clerk of the board of supervisors may be  
32 appointed by the board in the same manner as other county officers  
33 are appointed. In such counties, the county clerk is not ex officio  
34 clerk of the board of supervisors.

35 The clerk of the board of supervisors shall perform those duties  
36 prescribed by law for the county clerk as ex officio clerk of the  
37 board of supervisors or for the clerk of the board of supervisors and  
38 such additional duties as the board of supervisors shall prescribe  
39 by ordinance. Such person may perform all the duties vested in the  
40 county clerk other than those vested in the county clerk as registrar



1 of voters and may take acknowledgments and administer and  
2 certify oaths in the performance of such person’s official duties.

3 SEC. 140. Section 26608.3 of the Government Code is  
4 amended to read:

5 26608.3. (a) In Shasta County, the board of supervisors by  
6 ordinance or resolution may transfer from the sheriff to the  
7 marshal of the Shasta County Superior Court the duty to serve all  
8 writs, notices and other process issued by any state court, or other  
9 competent authority.

10 (b) After adoption of the ordinance or resolution pursuant to  
11 subdivision (a), and notwithstanding any other provision of law,  
12 in Shasta County the marshal shall have the duty to serve all writs,  
13 notices, and other process issued by any state court or other  
14 competent authority, and the sheriff shall be relieved of any  
15 obligation imposed by Section 26608 and any liability imposed by  
16 Section 26663 or 26664.

17 (c) Nothing in this section shall be construed as limiting the  
18 responsibility or authority of a private person or registered process  
19 server from serving process and notices in the manner prescribed  
20 by law, nor shall it limit the authority of the sheriff or any other  
21 peace officer to serve warrants of arrest or other process  
22 specifically directed by a court to the sheriff or any other peace  
23 officer.

24 SEC. 141. Section 26608.4 of the Government Code is  
25 repealed.

26 SEC. 142. Section 26608.5 of the Government Code is  
27 repealed.

28 SEC. 143. Section 26625 of the Government Code is  
29 amended to read:

30 26625. This article shall be known and may be cited as the  
31 Contra Costa County Court Services Consolidation Act of 1988.

32 SEC. 144. Section 26625.1 of the Government Code is  
33 repealed.

34 SEC. 145. Section 26625.2 of the Government Code is  
35 amended to read:

36 26625.2. There is a court security bureau within the Contra  
37 Costa County Sheriff’s Department to serve the superior court.  
38 The relationship between the sheriff’s department and the court  
39 security bureau shall be similar to that which exists between the



1 Sheriff's Department of Contra Costa County and certain cities in  
2 the county that contract for police services.

3 SEC. 146. Section 26625.3 of the Government Code is  
4 amended to read:

5 26625.3. There is a Court Security Oversight Committee  
6 consisting of five superior court judges appointed by the presiding  
7 judge. The duties of the committee shall be those prescribed by this  
8 article, and include, but are not limited to, the following:

9 (a) To approve all transfers out of and into the court security  
10 bureau.

11 (b) To approve staffing levels and the recommended budget  
12 prior to submission to the Judicial Council.

13 (c) To approve security measures and plans prepared by the  
14 sheriff, through the court security bureau commander.

15 (d) Notwithstanding any other provisions of law, the sheriff  
16 shall provide bailiffing, court security, and prisoner holding in the  
17 Superior Court of Contra Costa County.

18 SEC. 147. Section 26625.4 of the Government Code is  
19 amended to read:

20 26625.4. (a) The sheriff shall be the appointing authority for  
21 all court security bureau positions and employees.

22 (b) The selection, appointment, and removal of management  
23 heads of the court security bureau shall be made by a majority vote  
24 of the superior court judges of Contra Costa County from a list of  
25 qualified lieutenants submitted by the sheriff.

26 SEC. 148. Section 26625.10 of the Government Code is  
27 repealed.

28 SEC. 149. Section 26625.11 of the Government Code is  
29 repealed.

30 SEC. 150. Section 26625.12 of the Government Code is  
31 repealed.

32 SEC. 151. Section 26625.13 of the Government Code is  
33 repealed.

34 SEC. 152. Section 26625.14 of the Government Code is  
35 repealed.

36 SEC. 153. Section 26625.15 of the Government Code is  
37 repealed.

38 SEC. 154. Article 1.5 (commencing with Section 26630) of  
39 Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code  
40 is repealed.



1 SEC. 155. Section 26638.2 of the Government Code is  
2 amended to read:

3 26638.2. Notwithstanding any other provision of law, the  
4 Board of Supervisors of the County of Sacramento may, by  
5 ordinance, abolish the office of marshal of the municipal court and  
6 consolidate the services and personnel of the Sacramento County  
7 Marshal's Department into the Sacramento County Sheriff's  
8 Department.

9 Upon the effective date of such a consolidation ordinance,  
10 Sections 74194 and 74195 shall cease to be operative, and Sections  
11 26638.3 to 26638.11, inclusive, shall become operative and shall  
12 continue in full force and effect during the period of consolidation.

13 SEC. 156. Section 26638.4 of the Government Code is  
14 amended to read:

15 26638.4. Notwithstanding the provisions of Sections 26603,  
16 26608, and 26665, or any other provision of law, the sheriff shall  
17 provide to the superior court within the County of Sacramento all  
18 of the following:

19 (a) Notice and process services, including the service of  
20 summons, subpoenas, warrants, and other civil and criminal  
21 process.

22 (b) Court security services, including prisoner transportation  
23 services, prisoner escort services, bailiff services, courthouse and  
24 other court security services, and the execution of court orders and  
25 bench warrants requiring the immediate presence in court of a  
26 defendant or witness.

27 SEC. 157. Section 26638.5 of the Government Code is  
28 amended to read:

29 26638.5. The sheriff shall provide, within the limits of the  
30 resources at his or her disposal, notice and process and court  
31 security services to the superior court of at least as high a quality  
32 as were provided preceding the abolition and consolidation. The  
33 sheriff shall designate a position assigned to the administration of  
34 notice and process service as a court liaison officer whose duty it  
35 shall be to advise and confer with the court respecting the quality  
36 of notice and process services.

37 SEC. 158. Section 26638.6 of the Government Code is  
38 amended to read:

39 26638.6. There is hereby created as a separate unit within the  
40 sheriff's department a court security services unit, the functions of



1 which shall be to provide to the superior court within Sacramento  
2 County prisoner transportation services, prisoner escort services,  
3 court control, courthouse and other court building security, bailiff  
4 services, and the execution of court orders and bench warrants  
5 requiring the immediate presence in court of a defendant or  
6 witness. All sheriff's personnel responsible for the delivery of  
7 these services shall be assigned to the court security services unit.  
8 The sheriff shall provide all security services to the court through  
9 that unit.

10 SEC. 159. Section 26638.7 of the Government Code is  
11 amended to read:

12 26638.7. The court security services unit shall be headed by  
13 a chief deputy who reports directly to the sheriff through the  
14 undersheriff, and whose administrative offices are situated at such  
15 location as the presiding judge of the superior court may direct.

16 The chief deputy shall be exempt from civil service, and shall  
17 not be a member of the county's classified service. The chief  
18 deputy shall be appointed by the sheriff from among Sacramento  
19 County employees who are assigned to the sheriff's department,  
20 and who are qualified peace officers. The person appointed chief  
21 deputy shall serve in that office at the individual pleasures of the  
22 sheriff and judges of the superior court. The chief deputy shall be  
23 subject to release from that office at the will of either the sheriff,  
24 or the judges of the superior court, as reflected by a majority vote  
25 of the judges. A person released from the office of chief deputy  
26 shall be returned to the highest salaried county class which that  
27 person occupied preceding his or her appointment to the office of  
28 chief deputy. The chief deputy, during the period he or she  
29 occupies that office, shall be subject to suspension or dismissal  
30 from county employment at the sole discretion of the sheriff,  
31 subject to those county standards, procedures, and limitations as  
32 are applicable to county employees within the classified service.

33 Notwithstanding the provisions of the preceding paragraph, the  
34 first occupant of the office of chief deputy shall be the person who  
35 occupied the office of Sacramento County Marshal immediately  
36 preceding the effective date of the abolition of that office and  
37 consolidation. The first occupant shall be subject to release from  
38 that office and suspension or dismissal from county employment  
39 in accordance with the same terms, conditions, and procedures as  
40 are prescribed above. In the event the first occupant of the office



1 of chief deputy is released from that office, he or she shall be  
2 assigned, at the discretion of the sheriff, to any existing vacancy  
3 in the classes of sheriff's captain, sheriff's lieutenant, sheriff's  
4 sergeant or deputy sheriff, at a salary equal to that which he or she  
5 was receiving immediately preceding the effective date of release  
6 from the chief deputy office. Upon assignment to such a class, the  
7 first occupant shall immediately acquire permanent civil service  
8 status, and shall thereafter be subject to discipline or other adverse  
9 employment action subject to the same regulations and procedures  
10 as are applicable to other classified personnel occupying the same  
11 class.

12 The office of chief deputy, court security services, is created as  
13 one whose principal function is to serve the superior court, and is  
14 assigned solely for organizational purposes to the sheriff's  
15 department in order to promote the efficient utilization of  
16 personnel resources and preserve unity of command in the delivery  
17 of peace officer services. The chief deputy is an employee of  
18 Sacramento County for all purposes.

19 SEC. 160. Section 26638.8 of the Government Code is  
20 amended to read:

21 26638.8. The sheriff, through the chief deputy, court security  
22 services, shall prepare and present for approval by the superior  
23 court, as expressed by a majority vote of the judges, written  
24 policies prescribing procedures and methods for the adequate and  
25 prompt delivery of court security services. The policies shall  
26 contain such elements as the court may prescribe, including, but  
27 not limited to:

28 (a) The transportation of prisoners in a manner which assures  
29 timely production at court hearings, within the limits of personnel  
30 resources at the disposal of the chief deputy, court security  
31 services.

32 (b) The approval by individual superior court judges of the  
33 identity of bailiffs assigned on a regular or continuing basis to the  
34 courtrooms of those judges.

35 (c) The organizational plan for the court security services unit  
36 in relation to the allocation of staffing levels to various functions  
37 of the court security services unit, within the limits of personnel  
38 resources at the disposal of the chief deputy, court security  
39 services, including the regular assignment of one bailiff to each  
40 permanent sitting judge, commissioner and referee.



1 (d) The filling with reasonable dispatch of positions which  
2 become vacant due to employment termination, leave or  
3 incapacity; and, in the event of vacancies caused by the long-term  
4 incapacity of a sworn officer, that the sheriff make his or her best  
5 effort to assign the vacant position elsewhere within the  
6 department in a manner which makes available another sworn  
7 officer for court duties.

8 (e) With the foregoing exceptions, the reservation of discretion  
9 to the chief deputy, court security services, to assign, direct, and  
10 control the personnel of his or her unit.

11 Amendments of the policies shall be subject to advance  
12 approval by the court in the same manner as the court approves the  
13 original policies.

14 SEC. 161. Section 26638.9 of the Government Code is  
15 amended to read:

16 26638.9. The superior court shall bring any complaints  
17 regarding the sheriff's performance under this article and any  
18 written policies adopted pursuant hereto to the attention of the  
19 sheriff, and shall cooperate with the sheriff to resolve them. The  
20 court shall also actively participate and cooperate in the  
21 preparation and presentation of all budget requests for the court  
22 security services unit. The budget for the unit shall be prescribed  
23 from year to year by the board of supervisors through adoption of  
24 the annual budget. During any budget year, the staffing for the unit  
25 may be adjusted within budgeted resources and personnel  
26 classifications only with the approval of the court under policies  
27 adopted pursuant to subdivisions (c) and (d) of Section 26638.8.

28 The sheriff shall not transfer or otherwise divert from the court  
29 security services unit personnel or other resources allocated to that  
30 unit by the annual final budget approved by the board of  
31 supervisors, except on a temporary basis in the event of a sudden  
32 and unforeseen emergency requiring the immediate commitment  
33 of significant resources in relation to other functions performed by  
34 the sheriff.

35 That organization plan for the court security services unit and  
36 the level of staffing and hours of staffing services prescribed  
37 therein set forth in that document entitled "Sacramento County  
38 Court Security Services Unit, Organization Plan," dated June 1,  
39 1985, on file with the clerk of the Board of Supervisors of the  
40 County of Sacramento, shall, at minimum, be maintained during



1 the 1985–86 fiscal year from and after the effective date of the  
2 abolition and consolidation authorized by this article; and the  
3 levels of staffing and hours of staffing services shall be subject to  
4 modification, increase, or decrease by the board of supervisors in  
5 future fiscal years.

6 SEC. 162. Section 26638.10 of the Government Code is  
7 amended to read:

8 26638.10. In the event that the superior court concludes by  
9 majority vote of its members that the sheriff has substantially  
10 failed to comply with any term of this article or written policies  
11 adopted hereunder, the court may request that the board of  
12 supervisors form and fund an independent review team to review  
13 the sheriff’s compliance with this article or policies and report  
14 thereon. The board shall form and fund such review. The review  
15 team shall be selected by four persons who are the presiding judge  
16 of the court, county executive, sheriff, and a disinterested member  
17 of the public selected by the board.

18 (a) The sheriff shall take all necessary reasonable steps to  
19 remedy any violation of this article or policies adopted hereunder  
20 found by the review team. The failure of the sheriff to take such  
21 steps and violations of this article or policies adopted hereunder  
22 shall be reviewable in an action brought by the court requesting  
23 formation of the team under Section 1085 of the Code of Civil  
24 Procedure.

25 (b) Any findings by the review team relating to understaffing,  
26 insufficient or inadequate facilities, insufficient or inadequate  
27 equipment or appliances, or any other matter requiring as a remedy  
28 the appropriation or expenditure of public funds by the board of  
29 supervisors shall be advisory only, and shall not be enforceable by  
30 mandate or any other judicial proceeding against the county or  
31 board of supervisors.

32 The provisions of this section shall not be deemed to constitute  
33 an exclusive remedy, an administrative remedy which must be  
34 exhausted or to otherwise bar any other remedy which may be  
35 available to the court under this article or any other laws for a  
36 violation of the provisions of this article or written policies  
37 adopted hereunder.

38 SEC. 163. Section 26638.11 of the Government Code is  
39 amended to read:



1 26638.11. Neither this article nor any provision hereof,  
2 including Section 26638.10, shall be deemed in any manner to  
3 limit or otherwise impair the legal power vested by other laws in  
4 the superior court within Sacramento County to secure proper  
5 provision of court-related services.

6 SEC. 164. Section 26638.12 is added to the Government  
7 Code, to read:

8 26638.12. (a) This article shall remain in effect only until  
9 January 1, 2018, and as of that date is repealed unless a later  
10 enacted statute, which is enacted before January 1, 2018, deletes  
11 or extends that date.

12 (b) The repeal of this article does not affect any right or benefit  
13 to which a person was entitled on the date of repeal.

14 SEC. 165. Section 26639 of the Government Code is  
15 repealed.

16 SEC. 166. Section 26639 is added to the Government Code,  
17 to read:

18 26639. This article applies to the abolition of the marshal's  
19 office and the consolidation of court-related services within the  
20 sheriff's office in Los Angeles County.

21 SEC. 167. Section 26639.1 of the Government Code is  
22 repealed.

23 SEC. 168. Section 26639.2 of the Government Code is  
24 amended to read:

25 26639.2. The courtroom assignment of bailiffs in the Los  
26 Angeles County Superior Court after consolidation pursuant to  
27 this article shall be determined by the presiding judge and the  
28 bailiff's management representative; or their designees. Any new  
29 bailiff assignments shall be made only after consultation with the  
30 affected judge or commissioner in whose courtroom a new  
31 assignment is planned, the bailiff's management representative,  
32 and with the bargaining unit of the bailiff employee, if the  
33 employee is represented.

34 It is the intent of the Legislature, in enacting this section, to  
35 ensure that courtroom assignments are made in a manner which  
36 best assures that the interests of the affected judge or commissioner  
37 and bailiff are protected.

38 SEC. 169. Section 26639.3 of the Government Code is  
39 amended to read:



1 26639.3. (a) All county service or service by employees of  
2 the marshal’s office on the effective date of the consolidation under  
3 this article shall be counted toward seniority in the sheriff’s office,  
4 and all time spent in the same, equivalent, or higher classification  
5 shall be counted toward classification seniority.

6 (b) No employee of the marshal’s office or the sheriff’s office  
7 on the effective date of the consolidation under this article shall  
8 lose peace officer status, be demoted, or otherwise adversely  
9 affected as a result of the consolidation.

10 SEC. 170. Section 26639.7 is added to the Government Code,  
11 to read:

12 26639.7. (a) This article shall remain in effect only until  
13 January 1, 2018, and as of that date is repealed unless a later  
14 enacted statute, which is enacted before January 1, 2018, deletes  
15 or extends that date.

16 (b) The repeal of this article does not affect any right or benefit  
17 to which a person was entitled on the date of repeal.

18 SEC. 171. Section 26665 of the Government Code is  
19 amended to read:

20 26665. All writs, notices, or other process issued by superior  
21 courts in civil actions or proceedings may be served by any duly  
22 qualified and acting marshal or sheriff of any county in the state,  
23 subject to the Code of Civil Procedure.

24 SEC. 172. Section 26667 of the Government Code is  
25 repealed.

26 SEC. 173. Section 26668 of the Government Code is  
27 repealed.

28 SEC. 174. Section 26671.1 of the Government Code is  
29 amended to read:

30 26671.1. Notwithstanding any other provision of law, the  
31 Board of Supervisors of Santa Barbara County may, by ordinance,  
32 abolish the office of Marshal of Santa Barbara County and the  
33 Santa Barbara County Marshal’s Office and consolidate the  
34 services and personnel of the Santa Barbara County Marshal into  
35 the Santa Barbara County Sheriff’s Department.

36 Upon the effective date of that consolidation ordinance, there  
37 shall be established within the Santa Barbara County Sheriff’s  
38 Department a unit designated as the court services division. The  
39 Sheriff of Santa Barbara County shall be responsible for the



1 management and operation of that unit, in accordance with this  
2 article.

3 SEC. 175. Section 26671.4 of the Government Code is  
4 amended to read:

5 26671.4. Notwithstanding any other provision of law, upon  
6 consolidation the sheriff shall provide to the superior court within  
7 Santa Barbara County the following services:

8 (a) Court security services, including prisoner transportation  
9 services, prisoner escort services, bailiff services, courthouse and  
10 other security services, and the execution of court orders and bench  
11 warrants requiring the immediate presence in court of a defendant  
12 or witness.

13 (b) Notice and process services, including service of summons,  
14 subpoenas, warrants, and other civil and criminal process.

15 SEC. 176. Section 26671.5 of the Government Code is  
16 amended to read:

17 26671.5. (a) The sheriff shall provide, within the limits of the  
18 resources at his or her disposal, those services enumerated in  
19 Section 26671.4, to the superior court of at least as high a quality  
20 as were provided preceding the abolition and consolidation. In no  
21 event shall the resources committed to those services be less than  
22 necessary for the proper functioning of the Santa Barbara County  
23 Superior Court.

24 (b) Upon the effective date of consolidation, the regular  
25 assignment of bailiffs to individual courtrooms shall be made by  
26 the commander of the court services division with the concurrence  
27 of the individual judicial officer in whose courtroom the  
28 assignment is to be made.

29 SEC. 177. Section 26671.6 of the Government Code is  
30 amended to read:

31 26671.6. (a) Effective upon consolidation, there shall be  
32 created a Court Services Oversight Committee consisting of the  
33 presiding judge of the superior court and one judge to be selected  
34 by the sheriff.

35 (b) Members of the Court Services Oversight Committee shall  
36 serve for a term of two years, or as otherwise designated by the  
37 appointing authorities.

38 (c) The duties of the Court Services Oversight Committee shall  
39 be those prescribed by this article.

1 SEC. 178. Section 26671.8 of the Government Code is  
2 amended to read:

3 26671.8. Nothing in this article shall be deemed in any  
4 manner to limit or otherwise impair the legal power vested by other  
5 laws in the superior court within Santa Barbara County to secure  
6 proper provision of court-related services.

7 SEC. 179. Section 26672 is added to the Government Code,  
8 to read:

9 26672. (a) This article shall remain in effect only until  
10 January 1, 2018, and as of that date is repealed unless a later  
11 enacted statute, which is enacted before January 1, 2018, deletes  
12 or extends that date.

13 (b) The repeal of this article does not affect any right or benefit  
14 to which a person was entitled on the date of repeal.

15 SEC. 180. Section 26800 of the Government Code is  
16 repealed.

17 SEC. 181. Section 26827.1 of the Government Code is  
18 amended to read:

19 26827.1. In Los Angeles County, whenever the court directs  
20 that an order or decree in a probate proceeding be prepared by the  
21 clerk, the fee for preparing such order or decree shall be the amount  
22 necessary to defray the costs of preparation, as determined by the  
23 clerk of the court on an annual basis, but shall not exceed fifty  
24 dollars (\$50). The fee so paid shall be an expense of  
25 administration.

26 SEC. 182. Section 26835.1 of the Government Code is  
27 amended to read:

28 26835.1. (a) The clerk of the court shall collect a fee of six  
29 dollars (\$6) per signature for any document that is required to be  
30 authenticated pursuant to court order.

31 (b) Each document authenticated by the clerk of the court shall  
32 contain the following statement:

33 “\_\_\_\_\_, Clerk of the Superior Court, in and for the County of \_\_\_\_\_,  
34 State of California. Signed pursuant to court order dated \_\_\_\_ in  
35 the matter of \_\_\_\_\_ petitioner v. \_\_\_\_\_, respondent, Case No. \_\_\_\_\_.”

36 (c) Notwithstanding Section 68085, two dollars (\$2) of the fee  
37 authorized by subdivision (a) shall be deposited in the county  
38 general fund for use as county general fund revenue.

39 SEC. 183. Section 26856 of the Government Code is  
40 amended to read:



1 26856. The fees fixed by this article are in full for all services  
2 rendered by the clerk of the court in any civil action or special  
3 proceeding.

4 SEC. 184. Section 27081 of the Government Code is  
5 amended to read:

6 27081. The clerk of the court may deposit in the county  
7 treasury any money deposited as jury fees or as a portion of the  
8 naturalization fees required by law to be paid to the United States.  
9 The treasurer shall accept and keep separate accounts of such  
10 deposits. The money may be withdrawn at any time by the clerk  
11 of the court on the clerk's written order. For the safekeeping of the  
12 money the treasurer is liable on the treasurer's official bond.

13 SEC. 185. Section 27464 of the Government Code is  
14 amended to read:

15 27464. Whenever the death of any person shall have been  
16 referred to the coroner for investigation, there shall be delivered  
17 to the coroner any note, letter or other document apparently written  
18 by the deceased which may tend to indicate an intention by the  
19 writer to take the writer's life, including directions for disposition  
20 of property or disposal of remains. A facsimile copy thereof shall  
21 be placed in the coroner's records, and, if an inquest be held, a true  
22 copy shall be read into the record and transcribed into the notes of  
23 the official stenographer. Upon completion of legal proceedings  
24 arising from such death, the original instrument shall be delivered  
25 by the coroner to the addressee or to the legal representative of the  
26 estate of the decedent; provided, however, that if the instrument  
27 purports to be testamentary in nature, it shall be filed with the clerk  
28 of the court as provided by law.

29 SEC. 186. Section 27706 of the Government Code is  
30 amended to read:

31 27706. The public defender shall perform the following  
32 duties:

33 (a) Upon request of the defendant or upon order of the court,  
34 the public defender shall defend, without expense to the defendant,  
35 except as provided by Section 987.8 of the Penal Code, any person  
36 who is not financially able to employ counsel and who is charged  
37 with the commission of any contempt or offense triable in the  
38 superior courts at all stages of the proceedings, including the  
39 preliminary examination. The public defender shall, upon request,  
40 give counsel and advice to such person about any charge against



1 the person upon which the public defender is conducting the  
2 defense, and shall prosecute all appeals to a higher court or courts  
3 of any person who has been convicted, where, in the opinion of the  
4 public defender, the appeal will or might reasonably be expected  
5 to result in the reversal or modification of the judgment of  
6 conviction.

7 (b) Upon request, the public defender shall prosecute actions  
8 for the collection of wages and other demands of any person who  
9 is not financially able to employ counsel, where the sum involved  
10 does not exceed one hundred dollars (\$100), and where, in the  
11 judgment of the public defender, the claim urged is valid and  
12 enforceable in the courts.

13 (c) Upon request, the public defender shall defend any person  
14 who is not financially able to employ counsel in any civil litigation  
15 in which, in the judgment of the public defender, the person is  
16 being persecuted or unjustly harassed.

17 (d) Upon request, or upon order of the court, the public  
18 defender shall represent any person who is not financially able to  
19 employ counsel in proceedings under Division 4 (commencing  
20 with Section 1400) of the Probate Code and Part 1 (commencing  
21 with Section 5000) of Division 5 of the Welfare and Institutions  
22 Code.

23 (e) Upon order of the court, the public defender shall represent  
24 any person who is entitled to be represented by counsel but is not  
25 financially able to employ counsel in proceedings under Chapter  
26 2 (commencing with Section 500) of Part 1 of Division 2 of the  
27 Welfare and Institutions Code.

28 (f) Upon order of the court the public defender shall represent  
29 any person who is required to have counsel pursuant to Section  
30 686.1 of the Penal Code.

31 (g) Upon the order of the court or upon the request of the person  
32 involved, the public defender may represent any person who is not  
33 financially able to employ counsel in a proceeding of any nature  
34 relating to the nature or conditions of detention, of other  
35 restrictions prior to adjudication, of treatment, or of punishment  
36 resulting from criminal or juvenile proceedings.

37 SEC. 187. Section 29610 of the Government Code is  
38 amended to read:

39 29610. The expenses of any elected county officer incurred  
40 while traveling to and from and while attending the annual



1 convention of his or her respective association, are county charges  
2 which do not require prior approval of the board of supervisors.  
3 The board of supervisors may require prior approval by the board  
4 of supervisors for any other officer or employee to incur those  
5 expenses as county charges.

6 SEC. 188. Section 31520 of the Government Code is  
7 amended to read:

8 31520. Except as otherwise delegated to the board of  
9 investment and except for the statutory duties of the county  
10 treasurer, the management of the retirement system is vested in the  
11 board of retirement, consisting of five members, one of whom  
12 shall be the county treasurer. The second and third members of the  
13 board shall be active members of the association elected by it  
14 within 30 days after the retirement system becomes operative in a  
15 manner determined by the board of supervisors. The fourth and  
16 fifth members shall be qualified electors of the county who are not  
17 connected with county government in any capacity, except one  
18 may be a supervisor and one may be a retired member, and shall  
19 be chosen by the board of supervisors. The first persons chosen as  
20 the second and fourth members shall serve for two years from the  
21 date the system becomes operative and the third and fifth members  
22 shall serve for a term of three years from that date. Thereafter the  
23 terms of office of the four elected members are three years.

24 As used in this section “active member” means a member in the  
25 active service of a county, district, or superior court and a “retired  
26 member” means a member, including a member under former  
27 Section 31555, retired for service or disability.

28 SEC. 189. Section 31555 of the Government Code is  
29 repealed.

30 SEC. 190. Section 31662.6 of the Government Code is  
31 amended to read:

32 31662.6. Two years after a retirement system established by  
33 this chapter becomes operative, a safety member except an elective  
34 officer, the sheriff and undersheriff, and the marshal appointed to  
35 serve the superior court within the county, shall be retired as of the  
36 first day of the calendar month next succeeding that in which he  
37 or she attains age 60.

38 This section shall not be operative in any county until such time  
39 as the board of supervisors shall, by resolution adopted by a  
40 majority vote, make this section applicable in the county.



1 SEC. 191. Section 31663 of the Government Code is  
2 amended to read:

3 31663. After January 1, 1954, or two years after a retirement  
4 system established by this chapter becomes operative, whichever  
5 is later, a sheriff who is a safety member and not elective, and an  
6 undersheriff, who is a safety member shall be retired as of the first  
7 day of the calendar month next succeeding that in which he or she  
8 attains age 70.

9 The marshal appointed to serve the superior court within the  
10 county who is a safety member shall be retired as of the first day  
11 of the calendar month next succeeding that in which he or she  
12 attains age 65.

13 In San Bernardino County, a sheriff's inspector, a chief  
14 inspector in a sheriff's office, or a chief deputy in a sheriff's office,  
15 who is a safety member and whose primary duties are  
16 administrative, shall be retired as of the first day of the calendar  
17 month next succeeding that in which the person attains age 70.

18 This section shall not be operative in any county until such time  
19 as the board of supervisors shall, by resolution adopted by a  
20 majority vote, make this section applicable in the county.

21 SEC. 192. Section 41803.5 of the Government Code is  
22 amended to read:

23 41803.5. (a) With the consent of the district attorney of the  
24 county, the city attorney of any general law city or chartered city  
25 within the county may prosecute any misdemeanor committed  
26 within the city arising out of violation of state law. This section  
27 shall not be deemed to affect any of the provisions of Section  
28 72193.

29 (b) In any case in which the district attorney is granted any  
30 powers or access to information with regard to the prosecution of  
31 misdemeanors, this grant of powers or access to information shall  
32 be deemed to apply to any other officer charged with the duty of  
33 prosecuting misdemeanor charges in the state, as authorized by  
34 law.

35 SEC. 193. Section 50920 of the Government Code is  
36 amended to read:

37 50920. As used in this article, the term "peace officer" means  
38 a sheriff, undersheriff, deputy sheriff, marshal, or deputy marshal  
39 of a county or city and county, or a marshal or police officer of a  
40 city or town, employed and compensated as such, whether the



1 members are volunteer, partly paid, or fully paid, except those  
2 whose principal duties are clerical, such as stenographers,  
3 telephone operators, and other workers not engaged in law  
4 enforcement operations, or the protection or preservation of life or  
5 property, and not under suspension or otherwise lacking in good  
6 standing.

7 SEC. 194. Section 53069.4 of the Government Code is  
8 amended to read:

9 53069.4. (a) (1) The legislative body of a local agency, as  
10 the term “local agency” is defined in Section 54951, may by  
11 ordinance make any violation of any ordinance enacted by the  
12 local agency subject to an administrative fine or penalty. The local  
13 agency shall set forth by ordinance the administrative procedures  
14 that shall govern the imposition, enforcement, collection, and  
15 administrative review by the local agency of those administrative  
16 fines or penalties. Where the violation would otherwise be an  
17 infraction, the administrative fine or penalty shall not exceed the  
18 maximum fine or penalty amounts for infractions set forth in  
19 subdivision (b) of Section 25132 and subdivision (b) of Section  
20 36900.

21 (2) The administrative procedures set forth by ordinance  
22 adopted by the local agency pursuant to paragraph (1) shall  
23 provide for a reasonable period of time, as specified in the  
24 ordinance, for a person responsible for a continuing violation to  
25 correct or otherwise remedy the violation prior to the imposition  
26 of administrative fines or penalties, when the violation pertains to  
27 building, plumbing, electrical, or other similar structural or zoning  
28 issues, that do not create an immediate danger to health or safety.

29 (b) (1) Notwithstanding the provisions of Section 1094.5 or  
30 1094.6 of the Code of Civil Procedure, within 20 days after service  
31 of the final administrative order or decision of the local agency is  
32 made pursuant to an ordinance enacted in accordance with this  
33 section regarding the imposition, enforcement or collection of the  
34 administrative fines or penalties, a person contesting that final  
35 administrative order or decision may seek review by filing an  
36 appeal to be heard by the superior court, where the same shall be  
37 heard de novo, except that the contents of the local agency’s file  
38 in the case shall be received in evidence. A proceeding under this  
39 subdivision is a limited civil case. A copy of the document or  
40 instrument of the local agency providing notice of the violation



1 and imposition of the administrative fine or penalty shall be  
2 admitted into evidence as prima facie evidence of the facts stated  
3 therein. A copy of the notice of appeal shall be served in person or  
4 by first-class mail upon the local agency by the contestant.

5 (2) The fee for filing the notice of appeal shall be twenty-five  
6 dollars (\$25). The court shall request that the local agency's file on  
7 the case be forwarded to the court, to be received within 15 days  
8 of the request. The court shall retain the twenty-five dollar (\$25)  
9 fee regardless of the outcome of the appeal. If the court finds in  
10 favor of the contestant, the amount of the fee shall be reimbursed  
11 to the contestant by the local agency. Any deposit of the fine or  
12 penalty shall be refunded by the local agency in accordance with  
13 the judgment of the court.

14 (3) The conduct of the appeal under this section is a subordinate  
15 judicial duty that may be performed by traffic trial commissioners  
16 and other subordinate judicial officials at the direction of the  
17 presiding judge of the court.

18 (c) If no notice of appeal of the local agency's final  
19 administrative order or decision is filed within the period set forth  
20 in this section, the order or decision shall be deemed confirmed.

21 (d) If the fine or penalty has not been deposited and the decision  
22 of the court is against the contestant, the local agency may proceed  
23 to collect the penalty pursuant to the procedures set forth in its  
24 ordinance.

25 SEC. 195. Section 53075.6 of the Government Code is  
26 amended to read:

27 53075.6. Whenever a peace officer or public officer or  
28 employee, when authorized by ordinance and as defined in Section  
29 836.5 of the Penal Code, arrests any person for operating as a  
30 taxicab without a valid taxicab certificate, license, or permit  
31 required by any ordinance, and the offense occurred at a public  
32 airport, within 100 feet of a public airport, or within two miles of  
33 the international border between the United States and Mexico, the  
34 officer or employee may impound and retain possession of any  
35 vehicle used in a violation of the ordinance.

36 If the vehicle is seized from a person who is not the owner of the  
37 vehicle, the impounding authority shall immediately give notice  
38 to the owner by first-class mail.

39 The vehicle shall immediately be returned to the owner without  
40 cost to the owner if the infraction or violation is not prosecuted or



1 is dismissed, the owner is found not guilty of the offense, or it is  
2 determined that the vehicle was used in violation of the ordinance  
3 without the knowledge and consent of the owner. Otherwise, the  
4 vehicle shall be returned to the owner upon payment of any fine  
5 ordered by the court. After the expiration of six weeks from the  
6 final disposition of the criminal case, the impounding authority  
7 may deal with the vehicle as lost or abandoned property under  
8 Section 1411 of the Penal Code.

9 At any time, a person may make a motion in superior court for  
10 the immediate return of a vehicle on the ground that there was no  
11 probable cause to seize it or that there is some other good cause,  
12 as determined by the court, for the return of the vehicle. A  
13 proceeding under this paragraph is a limited civil case.

14 No officer or employee, however, shall impound any vehicle  
15 owned or operated by a nonprofit organization exempt from  
16 taxation pursuant to Section 501(c)(3) of the Internal Revenue  
17 Code which serves youth or senior citizens and provides  
18 transportation incidental to its programs or services.

19 SEC. 196. Section 53075.61 of the Government Code is  
20 amended to read:

21 53075.61. A transportation inspector, authorized by a local  
22 government to cite any person for operating as a taxicab without  
23 a valid taxicab certificate, license, or permit required by any  
24 ordinance, may impound and retain possession of any vehicle used  
25 in a violation of the ordinance.

26 If the vehicle is seized from a person who is not the owner of the  
27 vehicle, the impounding authority shall immediately give notice  
28 to the owner by first-class mail.

29 The vehicle shall immediately be returned to the owner without  
30 cost to the owner if the infraction or violation is not prosecuted or  
31 is dismissed, the owner is found not guilty of the offense, or it is  
32 determined that the vehicle was used in violation of the ordinance  
33 without the knowledge and consent of the owner. Otherwise, the  
34 vehicle shall be returned to the owner upon payment of any fine  
35 ordered by the court. After the expiration of six weeks from the  
36 final disposition of the criminal case, the impounding authority  
37 may deal with the vehicle as lost or abandoned property under  
38 Section 1411 of the Penal Code.

39 At any time, a person may make a motion in superior court for  
40 the immediate return of a vehicle on the ground that there was no



1 probable cause to seize it or that there is some other good cause,  
2 as determined by the court, for the return of the vehicle. A  
3 proceeding under this paragraph is a limited civil case.

4 No officer or employee, however, shall impound any vehicle  
5 owned or operated by a nonprofit organization exempt from  
6 taxation pursuant to Section 501(c)(3) of the Internal Revenue  
7 Code which serves youth or senior citizens and provides  
8 transportation incidental to its programs or services.

9 SEC. 198. Section 61601.1 of the Government Code is  
10 amended to read:

11 61601.1. (a) “Abatement,” for the purposes of this section,  
12 includes the removal and prevention of graffiti, antigraffiti  
13 education, and restitution to any property owner for any injury or  
14 damage caused by the removal of graffiti from the property.

15 (b) A district that is authorized to abate graffiti may:

16 (1) Remove or contract for the removal of graffiti from any  
17 public or private property within its boundaries.

18 (2) Indemnify or compensate any property owner for any  
19 injury or damage caused by the removal of graffiti from property.

20 (3) Undertake a civil action to abate graffiti as a nuisance  
21 pursuant to Section 731 of the Code of Civil Procedure.

22 (4) Use the services of persons ordered to perform those  
23 services by a superior or juvenile court.

24 (5) Use the phrase “Graffiti Abatement District” in the name  
25 of the district.

26 (6) Operate specifically designated telephone “hot lines” for  
27 the purpose of receiving reports of unlawful application of graffiti  
28 on public or private property.

29 (7) Operate a program of financial reward, not to exceed one  
30 thousand dollars (\$1,000), for information leading to the arrest and  
31 conviction of any person who unlawfully applies graffiti to any  
32 public or private property.

33 SEC. 199. Section 68071 of the Government Code is  
34 amended to read:

35 68071. No rule adopted by a superior court shall take effect  
36 until January 1 or July 1, whichever comes first, following the 30th  
37 day after it has been filed with the Judicial Council and the clerk  
38 of the court, and made immediately available for public  
39 examination. The Judicial Council may establish, by rule, a  
40 procedure for exceptions to these effective dates.



1 SEC. 200. Section 68072 of the Government Code is  
2 amended to read:

3 68072. Rules adopted by the Judicial Council, the Supreme  
4 Court, or a court of appeal shall take effect on a date to be fixed in  
5 the order of adoption. If no effective date is fixed, those rules shall  
6 take effect 60 days after their adoption. Rules adopted by a  
7 superior court shall take effect as provided in Section 68071.

8 SEC. 201. Section 68073 of the Government Code is  
9 amended to read:

10 68073. (a) Commencing July 1, 1997, and each year  
11 thereafter, no county or city and county shall be responsible to  
12 provide funding for “court operations” as defined in Section  
13 77003 and Rule 810 of the California Rules of Court as it read on  
14 July 1, 1996.

15 (b) Commencing as of July 1, 1996, and each year thereafter,  
16 each county or city and county shall be responsible for providing  
17 necessary and suitable facilities for judicial and court support  
18 positions created prior to July 1, 1996. In determining whether  
19 facilities are necessary and suitable, the reasonable needs of the  
20 court and the fiscal condition of the county or city and county shall  
21 be taken into consideration.

22 (c) If a county or city and county fails to provide necessary and  
23 suitable facilities as described in subdivision (b), the court shall  
24 give notice of a specific deficiency. If the county or city and county  
25 then fails to provide necessary and suitable facilities pursuant to  
26 this section, the court may direct the appropriate officers of the  
27 county or city and county to provide the necessary and suitable  
28 facilities. The expenses incurred, certified by the judges to be  
29 correct, are a charge against the county or city and county treasury  
30 and shall be paid out of the general fund.

31 (d) Prior to the construction of new court facilities or the  
32 alteration, remodeling, or relocation of existing court facilities, a  
33 county or city and county shall solicit the review and comment of  
34 the judges of the court affected regarding the adequacy and  
35 standard of design, and that review and comment shall not be  
36 disregarded without reasonable grounds.

37 (e) For purposes of this section, “facilities” means: (1) rooms  
38 for holding superior court, (2) the chambers of the judges of the  
39 court, (3) rooms for the attendants of the court, and (4) sufficient



1 heat, ventilation, air-conditioning, light, and fixtures for those  
2 rooms and chambers.

3 (f) This section shall not be construed as authorizing a county,  
4 a city and county, a court, or the state to supply to the official  
5 reporters of the courts stenography, stenotype, or other shorthand  
6 machines; nor as authorizing the supply to the official reporters of  
7 the courts, for use in the preparation of transcripts, of typewriters,  
8 transcribing equipment, supplies, or other personal property.

9 SEC. 202. Section 68074.1 of the Government Code is  
10 amended to read:

11 68074.1. The seal of any superior court may be affixed by a  
12 seal press or stamp which will print or emboss a seal which will  
13 reproduce legibly under photographic methods.

14 SEC. 203. Section 68077 of the Government Code is  
15 repealed.

16 SEC. 204. Section 68082 of the Government Code is  
17 amended to read:

18 68082. Except as otherwise provided by law, during the  
19 officer's continuance in office, a court commissioner, judge, or  
20 court executive or administrative officer shall not practice law in  
21 any court of this state or act as attorney, agent, or solicitor in the  
22 prosecution of any claim or application for lands, pensions, patent  
23 rights, or other proceedings before any department of the state or  
24 general government or courts of the United States. As used in this  
25 section, the practice of law includes being in partnership or sharing  
26 fees, commissions, or expenses in the practice of law with any  
27 person acting as an attorney in this state.

28 SEC. 205. Section 68083 of the Government Code is  
29 repealed.

30 SEC. 206. Section 68090.7 of the Government Code is  
31 amended to read:

32 68090.7. In any county that has established a fee pursuant to  
33 Sections 26863 and 72054, the fee shall only apply to the  
34 following filings in each civil action or proceeding:

35 (a) The first paper and papers transmitted from another court,  
36 as specified in Sections 26820.4 and 72055.

37 (b) The first paper on behalf of an adverse party, as specified  
38 in Sections 26826 and 72056.

39 (c) A petition or other paper in a probate, guardianship, or  
40 conservatorship matter as specified by Section 26827.

1 The fee shall not apply to adoptions, appeals to the appellate  
2 division of the superior court, or motions.

3 Except as otherwise specified by law, all fees collected under  
4 this section shall be deposited into the trial court operations fund  
5 of the county established pursuant to Section 77009, and an  
6 amount equal thereto shall be used exclusively to pay the costs of  
7 automating the court clerk and trial court recordkeeping system or  
8 converting the trial court document system to micrographics, or  
9 both.

10 SEC. 207. Section 68093 of the Government Code is  
11 amended to read:

12 68093. Except as otherwise provided by law, witness' fees for  
13 each day's actual attendance, when legally required to attend a  
14 civil action or proceeding in the superior courts, are thirty-five  
15 dollars (\$35) a day and mileage actually traveled, both ways,  
16 twenty cents (\$0.20) a mile.

17 SEC. 208. Section 68096 of the Government Code is  
18 repealed.

19 SEC. 209. Section 68105 of the Government Code is  
20 amended to read:

21 68105. Notwithstanding any other provision of law to the  
22 contrary, the Supreme Court, any court of appeal, or any superior  
23 court may appoint as an official phonographic reporter or as an  
24 official phonographic reporter pro tempore a person who has  
25 declared the intention to become a citizen and who is a certified  
26 shorthand reporter.

27 "A person who has declared the intention to become a citizen,"  
28 as used in this section, means a person who has either (1) filed the  
29 declaration of intention to become a citizen of the United States,  
30 or petition for naturalization, or comparable document prescribed  
31 by federal law or (2) filed an affidavit with the court, in the form  
32 prescribed by the court, that the person will, at the first opportunity  
33 at which the applicable federal law permits, file such a declaration  
34 of intention to become a citizen of the United States, petition for  
35 naturalization, or comparable document. If the court determines  
36 that an individual who has filed under alternative (2) of the  
37 preceding sentence, has, without good cause, failed at the first  
38 opportunity provided under federal law to file one of the specified  
39 documents prescribed by federal law, it shall forthwith revoke the  
40 appointment.



1 SEC. 210. Section 68108 of the Government Code is  
2 amended to read:

3 68108. (a) To the extent that a Memorandum of  
4 Understanding for trial court employees designates certain days as  
5 unpaid furlough days for employees assigned to regular positions  
6 in the superior court, the court shall not be in session on those days  
7 except as ordered by the presiding judge upon a finding by the  
8 presiding judge of a judicial emergency as defined in Chapter 1.1  
9 (commencing with Section 68115). On these furlough days,  
10 although the clerk's office shall not be open to the public, each  
11 court shall permit documents to be filed at a drop box pursuant to  
12 subdivision (b), and an appropriate judicial officer shall be  
13 available to conduct arraignments and examinations as required  
14 pursuant to Section 825 of the Penal Code, and to sign any  
15 necessary documents on an emergency basis.

16 (b) A drop box shall provide for an automated, official time and  
17 date stamping mechanism or other means of determining the actual  
18 date on which a document was deposited in the drop box.

19 SEC. 211. Section 68115 of the Government Code is amended  
20 to read:

21 68115. When war, insurrection, pestilence, or other public  
22 calamity, or the danger thereof, or the destruction of or danger to  
23 the building appointed for holding the court, renders it necessary,  
24 or when a large influx of criminal cases resulting from a large  
25 number of arrests within a short period of time threatens the  
26 orderly operation of a superior court, the presiding judge may  
27 request and the Chair of the Judicial Council may, notwithstanding  
28 any other provision of law, by order authorize the court to do one  
29 or more of the following:

30 (a) Hold sessions anywhere within the county.

31 (b) Transfer civil cases pending trial in the court to a superior  
32 court in an adjacent county. No such transfer shall be made  
33 pursuant to this subdivision except with the consent of all parties  
34 to the case or upon a showing by a party that extreme or undue  
35 hardship would result unless the case is transferred for trial. Any  
36 civil case so transferred shall be integrated into the existing  
37 caseload of the court to which it is transferred pursuant to rules to  
38 be provided by the Judicial Council.

39 (c) Within the affected county during a state of emergency  
40 resulting from a natural or human-made disaster proclaimed by the



1 President of the United States or by the Governor pursuant to  
2 Section 8625 of the Government Code, extend the time period  
3 provided in Section 825 of the Penal Code within which a  
4 defendant charged with a felony offense shall be taken before a  
5 magistrate from 48 hours to not more than seven days, with the  
6 number of days to be designated by the Chair of the Judicial  
7 Council. This authorization shall be effective for 30 days unless it  
8 is extended by a new request and a new order.

9 (d) Extend the time period provided in Section 859b of the  
10 Penal Code for the holding of a preliminary examination from 10  
11 court days to not more than 15 days.

12 (e) Extend the time period provided in Section 1382 of the  
13 Penal Code within which the trial must be held by not more than  
14 30 days, but the trial of a defendant in custody whose time is so  
15 extended shall be given precedence over all other cases.

16 (f) Within the affected area of a county during a state of  
17 emergency resulting from a natural or human-made disaster  
18 proclaimed by the President of the United States or by the  
19 Governor pursuant to Section 8625 of the Government Code,  
20 extend the time period provided in Sections 632 and 637 of the  
21 Welfare and Institutions Code within which a minor shall be given  
22 a detention hearing, with the number of days to be designated by  
23 the Chair of the Judicial Council. The extension of time shall be  
24 for the shortest period of time necessary under the circumstances  
25 of the emergency, but in no event shall the time period within  
26 which a detention hearing must be given be extended to more than  
27 seven days. This authorization shall be effective for 30 days unless  
28 it is extended by a new request and a new order. This subdivision  
29 shall apply only where the minor has been charged with a felony.

30 (g) Within the affected county during a state of emergency  
31 resulting from a natural or human-made disaster proclaimed by the  
32 President of the United States or by the Governor pursuant to  
33 Section 8625 of the Government Code, extend the time period  
34 provided in Section 657 of the Welfare and Institutions Code  
35 within which an adjudication on a juvenile court petition shall be  
36 held by not more than 15 days, with the number of days to be  
37 designated by the Chair of the Judicial Council. This authorization  
38 shall be effective for 30 days unless it is extended by a new request  
39 and a new order. This subdivision shall apply only where the minor  
40 has been charged with a felony.



1 SEC. 212. Section 68152 of the Government Code is  
2 amended to read:

3 68152. The trial court clerk may destroy court records under  
4 Section 68153 after notice of destruction and if there is no request  
5 and order for transfer of the records, except the comprehensive  
6 historical and sample superior court records preserved for research  
7 under the California Rules of Court, when the following times  
8 have expired after final disposition of the case in the categories  
9 listed:

- 10 (a) Adoption: retain permanently.  
11 (b) Change of name: retain permanently.  
12 (c) Other civil actions and proceedings, as follows:  
13 (1) Except as otherwise specified: 10 years.  
14 (2) Where a party appears by a guardian ad litem: 10 years after  
15 termination of the court's jurisdiction.  
16 (3) Domestic violence: same period as duration of the  
17 restraining or other orders and any renewals, then retain the  
18 restraining or other orders as a judgment; 60 days after expiration  
19 of the temporary protective or temporary restraining order.  
20 (4) Eminent domain: retain permanently.  
21 (5) Family law, except as otherwise specified: 30 years.  
22 (6) Harassment: same period as duration of the injunction and  
23 any renewals, then retain the injunction as a judgment; 60 days  
24 after expiration of the temporary restraining order.  
25 (7) Mental health (Lanterman Developmental Disabilities  
26 Services Act and Lanterman-Petris-Short Act): 30 years.  
27 (8) Paternity: retain permanently.  
28 (9) Petition, except as otherwise specified: 10 years.  
29 (10) Real property other than unlawful detainer: retain  
30 permanently if the action affects title or an interest in real property.  
31 (11) Small claims: 10 years.  
32 (12) Unlawful detainer: one year if judgment is for possession  
33 of the premises; 10 years if judgment is for money.  
34 (d) Notwithstanding subdivision (c), any civil or small claims  
35 case in the trial court:  
36 (1) Involuntarily dismissed by the court for delay in  
37 prosecution or failure to comply with state or local rules: one year.  
38 (2) Voluntarily dismissed by a party without entry of judgment:  
39 one year.



1 Notation of the dismissal shall be made on the civil index of  
2 cases or on a separate dismissal index.

3 (e) Criminal.

4 (1) Capital felony (murder with special circumstances where  
5 the prosecution seeks the death penalty): retain permanently. If the  
6 charge is disposed of by acquittal or a sentence less than death, the  
7 case shall be reclassified.

8 (2) Felony, except as otherwise specified: 75 years.

9 (3) Felony, except capital felony, with court records from the  
10 initial complaint through the preliminary hearing or plea and for  
11 which the case file does not include final sentencing or other final  
12 disposition of the case because the case was bound over to the  
13 superior court: five years.

14 (4) Misdemeanor, except as otherwise specified: five years.

15 (5) Misdemeanor alleging a violation of the Vehicle Code,  
16 except as otherwise specified: three years.

17 (6) Misdemeanor alleging a violation of Section 23103, 23152,  
18 or 23153 of the Vehicle Code: seven years.

19 (7) Misdemeanor alleging a violation of Section 14601,  
20 14601.1, 20002, 23104, or 23109 of the Vehicle Code: five years.

21 (8) Misdemeanor alleging a marijuana violation under  
22 subdivision (b), (c), (d), or (e) of Section 11357 of the Health and  
23 Safety Code, or subdivision (b) of Section 11360 of the Health and  
24 Safety Code in accordance with the procedure set forth in Section  
25 11361.5 of the Health and Safety Code: records shall be destroyed  
26 two years from the date of conviction or from the date of arrest if  
27 no conviction.

28 (9) Misdemeanor, infraction, or civil action alleging a violation  
29 of the regulation and licensing of dogs under Sections 30951 to  
30 30956, inclusive, of the Food and Agricultural Code or violation  
31 of any other local ordinance: three years.

32 (10) Infraction, except as otherwise specified: three years.

33 (11) Parking infractions, including alleged violations under the  
34 stopping, standing, and parking provisions set forth in Chapter 9  
35 (commencing with Section 22500) of Division 11 of the Vehicle  
36 Code: two years.

37 (f) Habeas corpus: same period as period for retention of the  
38 records in the underlying case category.

39 (g) Juvenile.



1 (1) Dependent (Section 300 of the Welfare and Institutions  
2 Code): upon reaching age 28 or on written request shall be released  
3 to the juvenile five years after jurisdiction over the person has  
4 terminated under subdivision (a) of Section 826 of the Welfare and  
5 Institutions Code. Sealed records shall be destroyed upon court  
6 order five years after the records have been sealed pursuant to  
7 subdivision (c) of Section 389 of the Welfare and Institutions  
8 Code.

9 (2) Ward (Section 601 of the Welfare and Institutions Code):  
10 upon reaching age 21 or on written request shall be released to the  
11 juvenile five years after jurisdiction over the person has terminated  
12 under subdivision (a) of Section 826 of the Welfare and  
13 Institutions Code. Sealed records shall be destroyed upon court  
14 order five years after the records have been sealed under  
15 subdivision (d) of Section 781 of the Welfare and Institutions  
16 Code.

17 (3) Ward (Section 602 of the Welfare and Institutions Code):  
18 upon reaching age 38 under subdivision (a) of Section 826 of the  
19 Welfare and Institutions Code. Sealed records shall be destroyed  
20 upon court order when the subject of the record reaches the age of  
21 38 under subdivision (d) of Section 781 of the Welfare and  
22 Institutions Code.

23 (4) Traffic and some nontraffic misdemeanors and infractions  
24 (Section 601 of the Welfare and Institutions Code): upon reaching  
25 age 21 or five years after jurisdiction over the person has  
26 terminated under subdivision (c) of Section 826 of the Welfare and  
27 Institutions Code. May be microfilmed or photocopied.

28 (5) Marijuana misdemeanor under subdivision (e) of Section  
29 11357 of the Health and Safety Code in accordance with  
30 procedures specified in subdivision (a) of Section 11361.5 of the  
31 Health and Safety Code: upon reaching age 18 the records shall be  
32 destroyed.

33 (h) Probate.

34 (1) Conservatorship: 10 years after decree of termination.

35 (2) Guardianship: 10 years after the age of 18.

36 (3) Probate, including probated wills, except as otherwise  
37 specified: retain permanently.

38 (i) Court records of the appellate division of the superior court:  
39 five years.

40 (j) Other records.



- 1 (1) Applications in forma pauperis: any time after the  
2 disposition of the underlying case.
- 3 (2) Arrest warrant: same period as period for retention of the  
4 records in the underlying case category.
- 5 (3) Bench warrant: same period as period for retention of the  
6 records in the underlying case category.
- 7 (4) Bond: three years after exoneration and release.
- 8 (5) Coroner's inquest report: same period as period for  
9 retention of the records in the underlying case category; if no case,  
10 then permanent.
- 11 (6) Court orders not associated with an underlying case, such  
12 as orders for destruction of court records for telephone taps, or to  
13 destroy drugs, and other miscellaneous court orders: three years.
- 14 (7) Court reporter notes: 10 years after the notes have been  
15 taken in criminal and juvenile proceedings and five years after the  
16 notes have been taken in all other proceedings, except notes  
17 reporting proceedings in capital felony cases (murder with special  
18 circumstances where the prosecution seeks the death penalty and  
19 the sentence is death), including notes reporting the preliminary  
20 hearing, which shall be retained permanently, unless the Supreme  
21 Court on request of the court clerk authorizes the destruction.
- 22 (8) Electronic recordings made as the official record of the oral  
23 proceedings under the California Rules of Court: any time after  
24 final disposition of the case in infraction and misdemeanor  
25 proceedings, 10 years in all other criminal proceedings, and five  
26 years in all other proceedings.
- 27 (9) Electronic recordings not made as the official record of the  
28 oral proceedings under the California Rules of Court: any time  
29 either before or after final disposition of the case.
- 30 (10) Index, except as otherwise specified: retain permanently.
- 31 (11) Index for cases alleging traffic violations: same period as  
32 period for retention of the records in the underlying case category.
- 33 (12) Judgments within the jurisdiction of the superior court  
34 other than in a limited civil case, misdemeanor case, or infraction  
35 case: retain permanently.
- 36 (13) Judgments in misdemeanor cases, infraction cases, and  
37 limited civil cases: same period as period for retention of the  
38 records in the underlying case category.
- 39 (14) Minutes: same period as period for retention of the records  
40 in the underlying case category.



1 (15) Naturalization index: retain permanently.

2 (16) Ninety-day evaluation (under Section 1203.03 of the  
3 Penal Code): same period as period for retention of the records in  
4 the underlying case category, or period for completion or  
5 termination of probation, whichever is longer.

6 (17) Register of actions or docket: same period as period for  
7 retention of the records in the underlying case category, but in no  
8 event less than 10 years for civil and small claims cases.

9 (18) Search warrant: 10 years, except search warrants issued in  
10 connection with a capital felony case defined in paragraph (7),  
11 which shall be retained permanently.

12 (k) Retention of any of the court records under this section shall  
13 be extended as follows:

14 (1) By order of the court on its own motion, or on application  
15 of a party or any interested member of the public for good cause  
16 shown and on such terms as are just. No fee shall be charged for  
17 making the application.

18 (2) Upon application and order for renewal of the judgment to  
19 the extended time for enforcing the judgment.

20 SEC. 213. Section 68202 of the Government Code is  
21 amended to read:

22 68202. Effective January 1, 1985, the annual salary of each of  
23 the following judges is the amount indicated opposite the name of  
24 the office:

25 Judge of the superior court, seventy-two thousand seven  
26 hundred sixty-three dollars (\$72,763).

27 SEC. 214. Section 68206.2 of the Government Code is  
28 amended to read:

29 68206.2. (a) On and after January 1, 1990, the state shall  
30 reimburse each small county which is not an option county under  
31 the Brown-Presley Trial Court Funding Act (Chapter 12  
32 (commencing with Section 77000) of this title), for the cost of  
33 salary and per diem for any substitute judge assigned to replace a  
34 judge disqualified from acting as a judge while there is pending a  
35 recommendation to the Supreme Court by the Commission on  
36 Judicial Performance for removal or retirement of the judge  
37 pursuant to subdivision (a) of Section 18 of Article VI of the  
38 California Constitution, beginning with the salary and per diem for  
39 the seventh month following the disqualification.



1 (b) For purposes of this section, a “small county” is one which  
2 has a total of nine or fewer superior court judges.

3 SEC. 214.5. Section 68502.5 of the Government Code is  
4 amended to read:

5 68502.5. (a) The Judicial Council may, as part of its trial  
6 court budget process, seek input from groups and individuals as it  
7 deems appropriate including, but not limited to, advisory  
8 committees and the Administrative Director of the Courts. The  
9 trial court budget process may include, but is not limited to, the  
10 following:

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

12 (2) The review of the trial courts’ budget requests and evaluate  
13 them against performance criteria established by the Judicial  
14 Council by which a court’s performance, level of coordination,  
15 and efficiency can be measured.

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

21 (4) The annual approval of a schedule for the allocation of  
22 moneys to individual courts and an overall trial court budget for  
23 forwarding to the Governor for inclusion in the Governor’s  
24 proposed State Budget. The schedule shall be based on the  
25 performance criteria established pursuant to paragraph (2), on a  
26 minimum standard established by the Judicial Council for the  
27 operation and staffing of all trial court operations, and on any other  
28 factors as determined by the Judicial Council. This minimum  
29 standard shall be modeled on court operations using all reasonable  
30 and available measures to increase court efficiency. The schedule  
31 of allocations shall assure that all trial courts receive funding for  
32 the minimum operating and staffing standards before funding  
33 operating and staffing requests above the minimum standards, and  
34 shall include incentives and rewards for any trial court’s  
35 implementation of efficiencies and cost saving measures.

36 (5) The reallocation of funds during the course of the fiscal year  
37 to ensure equal access to the trial courts by the public, to improve  
38 trial court operations, and to meet trial court emergencies. Neither  
39 the state nor the counties shall have any obligation to replace



1 moneys appropriated for trial courts and reallocated pursuant to  
2 this paragraph.

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

6 (7) Upon approval of the trial courts' budget by the Legislature,  
7 the preparation during the course of the fiscal year of allocation  
8 schedules for payments to the trial courts, consistent with Section  
9 68085, which shall be submitted to the Controller's office at least  
10 15 days before the due date of any allocation.

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

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

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

21 (11) Provisions set forth in rules adopted pursuant to Section  
22 77206 of the Government Code.

23 (b) Courts and counties shall establish procedures to allow for  
24 the sharing of information as it relates to approved budget  
25 proposals and expenditures that impact the respective court and  
26 county budgets. The procedures shall include, upon the request of  
27 a court or county, that a respective court or county shall provide  
28 the requesting court or county a copy of its approved budget and,  
29 to the extent possible, approved program expenditure component  
30 information and a description of budget changes that are  
31 anticipated to have an impact on the requesting court or county.  
32 The Judicial Council shall provide to the Legislature on December  
33 31, 2001, and yearly thereafter, budget expenditure data at the  
34 program component level for each court.

35 (c) The Judicial Council shall retain the ultimate responsibility  
36 to adopt a budget and allocate funding for the trial courts and  
37 perform the other activities listed in subdivision (a) that best assure  
38 their ability to carry out their functions, promote implementation  
39 of statewide policies, and promote the immediate implementation



1 of efficiencies and cost saving measures in court operations, in  
2 order to guarantee equal access to the courts.

3 SEC. 215. Section 68520 of the Government Code is  
4 repealed.

5 SEC. 216. Section 68540 of the Government Code is  
6 repealed.

7 SEC. 217. Section 68542 of the Government Code is  
8 repealed.

9 SEC. 218. Section 68542.5 of the Government Code is  
10 repealed.

11 SEC. 219. Section 68546 of the Government Code is  
12 repealed.

13 SEC. 220. Section 68562 of the Government Code is  
14 amended to read:

15 68562. (a) The Judicial Council shall designate the  
16 languages for which certification programs shall be established  
17 under subdivision (b). The language designations shall be based on  
18 (1) the courts' needs as determined by the language and interpreter  
19 use and need studies under Section 68563, (2) the language needs  
20 of non-English-speaking persons in the courts, and (3) other  
21 information the Judicial Council deems relevant.

22 (b) By July 1, 1996, the Judicial Council shall approve one or  
23 more entities to certify Spanish language interpreters and  
24 interpreters for as many other languages designated under  
25 subdivision (a) as practicable by that date. The Judicial Council  
26 may give provisional approval to an entity to examine interpreters  
27 and establish a list of recommended court interpreters pending  
28 final approval of one or more certification entities. Certification  
29 entities may include educational institutions, testing  
30 organizations, joint powers agencies, or public agencies.

31 The Judicial Council shall adopt and publish guidelines,  
32 standards, and procedures to determine which certification entities  
33 will be approved to test and certify interpreters.

34 (c) The Judicial Council shall develop and implement  
35 procedures to administer the list of recommended court  
36 interpreters previously established by the State Personnel Board  
37 and the list established by an entity provisionally approved under  
38 subdivision (b).

39 The Judicial Council shall develop procedures and standards for  
40 certifying without reexamination interpreters on the list of



1 recommended court interpreters (1) previously established by the  
2 State Personnel Board, or (2) established by an entity provisionally  
3 approved under subdivision (b). Certification of these interpreters  
4 shall be based on criteria determined by the Judicial Council, such  
5 as recent interpreting experience, performance in court or at  
6 administrative hearings, training, and continuing education.

7 (d) The Judicial Council shall adopt standards and  
8 requirements for interpreter proficiency, continuing education,  
9 certification renewal, and discipline. The Judicial Council shall  
10 adopt standards of professional conduct for court interpreters.

11 (e) The Judicial Council shall adopt programs for interpreter  
12 recruiting, training, and continuing education and evaluation to  
13 ensure that an adequate number of interpreters is available and that  
14 they interpret competently.

15 (f) The Judicial Council shall establish guidelines for fees or  
16 shall set and charge fees for applications to take the court  
17 interpreter examinations, for renewal of certifications, for  
18 certification of interpreters on the list of recommended court  
19 interpreters, for maintaining interpreters on the recommended list  
20 until January 1, 1996, and for other functions and services  
21 provided under this article. All fees and other revenues received  
22 by the Judicial Council under this article shall be transferred  
23 promptly to the Controller, and shall be placed in the Court  
24 Interpreters' Fund, which is hereby created, the moneys in which  
25 shall be available to carry out the purposes of this article upon  
26 appropriation by the Legislature.

27 (g) Each superior court may adopt local rules to impose  
28 additional requirements, standards, examinations, and programs  
29 as necessary for equity or to recognize local conditions.

30 SEC. 221. Section 68611 of the Government Code is  
31 repealed.

32 SEC. 222. Section 68618.5 of the Government Code is  
33 repealed.

34 SEC. 223. Section 68620 of the Government Code is  
35 amended to read:

36 68620. (a) Each superior court shall establish a delay  
37 reduction program for limited civil cases in consultation with the  
38 local bar that is consistent with the provisions of this article. In its  
39 discretion, the Judicial Council may assist in the development of,  
40 or may develop and adopt, any or all procedures, standards, or



1 policies for a delay reduction program for limited civil cases in  
2 superior courts on a statewide basis which are consistent with the  
3 provisions of the Trial Court Delay Reduction Act.

4 (b) Actions and proceedings subject to the provisions of  
5 Chapter 5.5 (commencing with Section 116.110) of Title 1 of Part  
6 1 of the Code of Civil Procedure or provisions of Chapter 4  
7 (commencing with Section 1159) of Title 3 of Part 3 of the Code  
8 of Civil Procedure shall not be assigned to or governed by the  
9 provisions of any delay reduction program established pursuant to  
10 the section.

11 (c) It is the intent of the Legislature that the civil discovery in  
12 actions and proceedings subject to a program established pursuant  
13 to Article 2 (commencing with Section 90) of Chapter 5 of Title  
14 1 of Part 1 of the Code of Civil Procedure shall be governed by the  
15 times and procedures specified in that article. Civil discovery in  
16 these actions and proceedings shall not be affected by the  
17 provisions of any delay reduction program adopted pursuant to  
18 this section.

19 SEC. 224. Section 69508.5 of the Government Code is  
20 amended to read:

21 69508.5. (a) In courts with two judges a presiding judge shall  
22 be selected by the judges each calendar year and the selection  
23 should be on the basis of administrative qualifications and interest.

24 (b) If a selection cannot be agreed upon, then the office of  
25 presiding judge shall be rotated each calendar year between the  
26 two judges, commencing with the senior judge. If the judges are  
27 of equal seniority, the first presiding judge shall be selected by lot.

28 (c) Notwithstanding subdivisions (a) and (b), the Judicial  
29 Council may provide by rule of court for the qualifications of the  
30 presiding judge.

31 (d) In a court with one judge, whether as the result of a vacancy  
32 in a judgeship or otherwise, a reference in a statute to the presiding  
33 judge means the sole judge of the court.

34 SEC. 225. Section 69510 of the Government Code is  
35 amended to read:

36 69510. A majority of the judges of a superior court may order  
37 sessions of the court to be held at any place where there is a court  
38 facility. The order shall be filed with the clerk of the court and  
39 published as the judges may prescribe.



1 SEC. 226. Section 69510.5 of the Government Code is  
2 amended to read:

3 69510.5. Notwithstanding any other provision of law, a  
4 majority of the judges of the Orange County Superior Court may,  
5 upon a finding that no suitable additional facilities exist in the  
6 county seat or other locations where the court regularly holds  
7 sessions, order sessions of the court to be held at any location  
8 within the county.

9 SEC. 227. Section 69510.6 of the Government Code is  
10 amended to read:

11 69510.6. Notwithstanding any other provision of law, a  
12 majority of the judges of the San Mateo County Superior Court  
13 may, upon a finding that no suitable additional facilities exist in the  
14 county seat or other locations where the court holds sessions, order  
15 sessions of the court to be held at Crestmoor High School in San  
16 Bruno, California.

17 SEC. 228. Section 69580 of the Government Code is  
18 amended to read:

19 69580. In the County of Alameda there are 69 judges of the  
20 superior court.

21 SEC. 229. Section 69580.3 is added to the Government Code,  
22 to read:

23 69580.3. In the County of Alpine there are two judges of the  
24 superior court.

25 SEC. 230. Section 69580.7 is added to the Government Code,  
26 to read:

27 69580.7. In the County of Amador there are two judges of the  
28 superior court.

29 SEC. 231. Section 69581 of the Government Code is  
30 amended to read:

31 69581. In the County of Butte there are 10 judges of the  
32 superior court.

33 SEC. 232. Section 69581.3 is added to the Government Code,  
34 to read:

35 69581.3. In the County of Calaveras there are two judges of  
36 the superior court.

37 SEC. 233. Section 69581.7 is added to the Government Code,  
38 to read:

39 69581.7. In the County of Colusa there are two judges of the  
40 superior court.



1 SEC. 234. Section 69582 of the Government Code is  
2 amended to read:

3 69582. In the County of Contra Costa there are 33 judges of  
4 the superior court.

5 SEC. 235. Section 69582.3 is added to the Government Code,  
6 to read:

7 69582.3. In the County of Del Norte there are two judges of  
8 the superior court.

9 SEC. 236. Section 69582.5 of the Government Code is  
10 amended to read:

11 69582.5. In the County of El Dorado there are six judges of  
12 the superior court.

13 SEC. 237. Section 69583 of the Government Code is  
14 amended to read:

15 69583. In the County of Fresno there are 36 judges of the  
16 superior court.

17 SEC. 238. Section 69583.5 is added to the Government Code,  
18 to read:

19 69583.5. In the County of Glenn there are two judges of the  
20 superior court.

21 SEC. 239. Section 69584 of the Government Code is  
22 amended to read:

23 69584. In the County of Humboldt there are seven judges of  
24 the superior court.

25 SEC. 240. Section 69584.5 of the Government Code is  
26 amended to read:

27 69584.5. In the County of Imperial there are nine judges of the  
28 superior court.

29 SEC. 241. Section 69584.7 is added to the Government Code,  
30 to read:

31 69584.7. In the County of Inyo there are two judges of the  
32 superior court.

33 SEC. 242. Section 69585 of the Government Code is  
34 amended to read:

35 69585. In the County of Kern there are 33 judges of the  
36 superior court.

37 SEC. 243. Section 69585.5 of the Government Code is  
38 amended to read:

39 69585.5. In the County of Kings there are seven judges of the  
40 superior court.



1 SEC. 244. Section 69585.7 of the Government Code is  
2 amended to read:  
3 69585.7. In the County of Lake there are four judges of the  
4 superior court.  
5 SEC. 245. Section 69585.9 is added to the Government Code,  
6 to read:  
7 69585.9. In the County of Lassen there are two judges of the  
8 superior court.  
9 SEC. 246. Section 69586 of the Government Code is  
10 amended to read:  
11 69586. In the County of Los Angeles there are 429 judges of  
12 the superior court.  
13 SEC. 247. Section 69587 of the Government Code is  
14 amended to read:  
15 69587. In the County of Madera there are seven judges.  
16 SEC. 248. Section 69588 of the Government Code is  
17 amended to read:  
18 69588. In the County of Marin there are 10 judges.  
19 SEC. 249. Section 69588.3 is added to the Government Code,  
20 to read:  
21 69588.3. In the County of Mariposa there are two judges of  
22 the superior court.  
23 SEC. 250. Section 69588.7 is added to the Government Code,  
24 to read:  
25 69588.7. In the County of Mendocino there are eight judges  
26 of the superior court.  
27 SEC. 251. Section 69589 of the Government Code is  
28 amended to read:  
29 69589. In the County of Merced there are six judges of the  
30 superior court.  
31 SEC. 252. Section 69589.3 is added to the Government Code,  
32 to read:  
33 69589.3. In the County of Modoc there are two judges of the  
34 superior court.  
35 SEC. 253. Section 69589.7 is added to the Government Code,  
36 to read:  
37 69589.7. In the County of Mono there are two judges of the  
38 superior court.  
39 SEC. 254. Section 69590 of the Government Code is  
40 amended to read:



1 69590. In the County of Monterey there are 18 judges of the  
2 superior court.  
3 SEC. 255. Section 69590.5 of the Government Code is  
4 amended to read:  
5 69590.5. In the County of Napa there are six judges of the  
6 superior court.  
7 SEC. 256. Section 69590.7 of the Government Code is  
8 amended to read:  
9 69590.7. In the County of Nevada there are six judges of the  
10 superior court.  
11 SEC. 257. Section 69591 of the Government Code is  
12 amended to read:  
13 69591. In the County of Orange there are 109 judges of the  
14 superior court.  
15 SEC. 258. Section 69591.3 is added to the Government Code,  
16 to read:  
17 69591.3. In the County of Placer there are nine judges of the  
18 superior court.  
19 SEC. 259. Section 69591.7 is added to the Government Code,  
20 to read:  
21 69591.7. In the County of Plumas there are two judges of the  
22 superior court.  
23 SEC. 260. Section 69592 of the Government Code is  
24 amended to read:  
25 69592. In the County of Riverside there are 49 judges of the  
26 superior court.  
27 SEC. 261. Section 69593 of the Government Code is  
28 amended to read:  
29 69593. In the County of Sacramento there are 52 judges of the  
30 superior court.  
31 SEC. 262. Section 69593.5 is added to the Government Code,  
32 to read:  
33 69593.5. In the County of San Benito there are two judges of  
34 the superior court.  
35 SEC. 263. Section 69594 of the Government Code is  
36 amended to read:  
37 69594. In the County of San Bernardino there are 63 judges  
38 of the superior court.  
39 SEC. 264. Section 69595 of the Government Code is  
40 amended to read:



1 69595. In the County of San Diego there are 128 judges of the  
2 superior court.

3 SEC. 265. Section 69595.5 of the Government Code is  
4 amended to read:

5 69595.5. Notwithstanding the provisions of Article 5  
6 (commencing with Section 69740) of Chapter 5 of Title 8, in the  
7 County of San Diego, one or more judges of the superior court  
8 shall hold concurrent daily sessions in the City of Vista, two or  
9 more judges of the superior court shall hold concurrent daily  
10 sessions in the City of El Cajon, and one judge of the superior court  
11 shall hold concurrent daily sessions within the former South Bay  
12 Municipal Court District.

13 SEC. 266. Section 69596 of the Government Code is  
14 amended to read:

15 69596. In the City and County of San Francisco there are 50  
16 judges of the superior court.

17 SEC. 267. Section 69598 of the Government Code is  
18 amended to read:

19 69598. In the County of San Joaquin there are 26 judges of the  
20 superior court.

21 SEC. 268. Section 69598.5 is added to the Government Code,  
22 to read:

23 69598.5. In the County of San Luis Obispo there are 11 judges  
24 of the superior court.

25 SEC. 269. Section 69599 of the Government Code is  
26 amended to read:

27 69599. In San Mateo County there are 26 judges of the  
28 superior court.

29 SEC. 270. Section 69599.5 of the Government Code is  
30 amended to read:

31 69599.5. In the County of Santa Barbara there are 19 judges  
32 of the superior court.

33 SEC. 271. Section 69600 of the Government Code is  
34 amended to read:

35 69600. In the County of Santa Clara there are 79 judges of the  
36 superior court.

37 SEC. 272. Section 69600.5 is added to the Government Code,  
38 to read:

39 69600.5. In the County of Santa Cruz there are 10 judges of  
40 the superior court.



1 SEC. 273. Section 69601 of the Government Code is  
2 amended to read:

3 69601. In the County of Shasta there are nine judges of the  
4 superior court.

5 SEC. 274. Section 69601.3 is added to the Government Code,  
6 to read:

7 69601.3. In the County of Sierra there are two judges of the  
8 superior court.

9 SEC. 275. Section 69601.7 is added to the Government Code,  
10 to read:

11 69601.7. In the County of Siskiyou there are four judges of the  
12 superior court.

13 SEC. 276. Section 69602 of the Government Code is  
14 amended to read:

15 69602. In the County of Solano there are 16 judges of the  
16 superior court.

17 SEC. 277. Section 69603 of the Government Code is  
18 amended to read:

19 69603. In the County of Sonoma there are 16 judges of the  
20 superior court.

21 SEC. 278. Section 69604 of the Government Code is  
22 amended to read:

23 69604. In the County of Stanislaus there are 17 judges of the  
24 superior court.

25 SEC. 279. Section 69604.3 is added to the Government Code,  
26 to read:

27 69604.3. In the County of Sutter there are five judges of the  
28 superior court.

29 SEC. 280. Section 69604.5 is added to the Government Code,  
30 to read:

31 69604.5. In the County of Tehama there are four judges of the  
32 superior court.

33 SEC. 281. Section 69604.7 is added to the Government Code,  
34 to read:

35 69604.7. In the County of Trinity there are two judges of the  
36 superior court.

37 SEC. 282. Section 69605 of the Government Code is  
38 amended to read:

39 69605. In the County of Tulare there are 16 judges of the  
40 superior court.



1 SEC. 283. Section 69605.5 of the Government Code is  
2 amended to read:  
3 69605.5. In the County of Tuolumne there are four judges of  
4 the superior court.  
5 SEC. 284. Section 69606 of the Government Code is  
6 amended to read:  
7 69606. In the County of Ventura there are 28 judges of the  
8 superior court.  
9 SEC. 285. Section 69607 of the Government Code is  
10 repealed.  
11 SEC. 286. Section 69608 of the Government Code is  
12 repealed.  
13 SEC. 287. Section 69609 of the Government Code is  
14 repealed.  
15 SEC. 288. Section 69610 of the Government Code is  
16 amended to read:  
17 69610. In the County of Yolo there are nine judges of the  
18 superior court.  
19 SEC. 289. Section 69611 of the Government Code is  
20 amended to read:  
21 69611. In the County of Yuba there are five judges of the  
22 superior court.  
23 SEC. 290. Section 69613 of the Government Code is  
24 repealed.  
25 SEC. 291. Section 69614 of the Government Code is  
26 repealed.  
27 SEC. 292. Section 69615 of the Government Code is  
28 repealed.  
29 SEC. 293. Section 69648 of the Government Code is  
30 repealed.  
31 SEC. 294. Section 69649 of the Government Code is  
32 amended to read:  
33 69649. When a majority of the judges of the superior court  
34 deem it necessary or advisable, by order filed with the clerk of the  
35 court and published as they may prescribe, they may direct that a  
36 session of the court be held at least once a week at any designated  
37 place in a district, not less than 30 miles distant from the nearest  
38 regular location of the sessions of the superior court in that district,  
39 measured by air line. The majority of the judges may limit the type  
40 of judicial proceedings which may be heard by the court at such



1 place to probate, guardianship, conservatorship, and domestic  
2 relations matters, including, but not limited to, orders to show  
3 cause proceedings in domestic relations matters.

4 SEC. 295. Section 69741 of the Government Code is  
5 amended to read:

6 69741. Except as otherwise provided by Section 68115, each  
7 superior court shall hold its sessions:

8 (a) At the location or locations in each superior court district  
9 specified by ordinance adopted pursuant to Article 4 (commencing  
10 at Section 69640) of this chapter.

11 (b) In every county in which such an ordinance is not in effect,  
12 at the county seat and at such other locations, if any, as provided  
13 in this article.

14 The superior court shall hold regular sessions commencing on  
15 the first Mondays of January, April, July, and October, and special  
16 sessions at such other times as may be prescribed by the judges of  
17 the court, except that in the City and County of San Francisco the  
18 presiding judge shall prescribe the times of holding such special  
19 sessions.

20 SEC. 296. Section 69743 of the Government Code is  
21 amended to read:

22 69743. By an order filed with the clerk of the court and  
23 published as a majority of the judges of the superior court of the  
24 county prescribe, such a majority, when it deems it necessary or  
25 convenient, may provide for and direct the holding of additional  
26 sessions in each of the cities described in Section 69742.

27 SEC. 297. Section 69744 of the Government Code is  
28 amended to read:

29 69744. When the judges of the superior court of a county  
30 deem it necessary or advisable, by order filed with the clerk of the  
31 court and published as they prescribe, they may direct that the  
32 court be held or continued:

33 (a) At any place in the county, not less than 120 miles distant  
34 from the county seat.

35 (b) At any other city in the county with a population of not less  
36 than 7,000, in which the city hall is not less than 55 miles from the  
37 site of the county courthouse.

38 (c) At any other city in the county with a population of not less  
39 than 2,200 in which the city hall is not less than 60 miles from the  
40 site of the county courthouse.



1 SEC. 298. Section 69744.5 of the Government Code is  
2 amended to read:

3 69744.5. When a majority of the judges of the superior court  
4 deem it necessary or advisable, by order filed with the clerk of the  
5 court and published as the judges prescribe, the judges may direct  
6 that the court be held at least once a week at any designated place  
7 in the county, not less than 45 miles distant from the county seat,  
8 measured by air line. The place designated shall be within a former  
9 judicial district composed wholly of unincorporated territory, with  
10 a population of more than 40,000 as determined pursuant to  
11 Section 71043. A majority of the judges may limit the type of  
12 judicial proceedings which may be heard by the court at such place  
13 to probate matters and matters relating to domestic relations.

14 SEC. 299. Section 69750 of the Government Code is  
15 repealed.

16 SEC. 300. Section 69753 of the Government Code is  
17 repealed.

18 SEC. 301. Section 69801 of the Government Code is  
19 repealed.

20 SEC. 302. Section 69840 is added to the Government Code,  
21 to read:

22 69840. (a) The clerk of the court shall exercise or perform, in  
23 addition to the powers, duties, and responsibilities provided by  
24 statute, any powers, duties, and responsibilities required or  
25 permitted to be exercised by the county clerk in connection with  
26 judicial actions, proceedings, and records. The county clerk is  
27 relieved of any obligation imposed by law on the county clerk with  
28 respect to these powers, duties, and responsibilities.

29 (b) A deputy court clerk is subject to the provisions of Article  
30 7 (commencing with Section 1190) of Chapter 1 of Division 4 of  
31 Title 1.

32 SEC. 303. Section 69890 of the Government Code is  
33 repealed.

34 SEC. 304. Section 69891.1 of the Government Code is  
35 repealed.

36 SEC. 305. Section 69891.5 of the Government Code is  
37 repealed.

38 SEC. 306. Section 69892 of the Government Code is  
39 repealed.



- 1 SEC. 307. Section 69892.1 of the Government Code is  
2 repealed.
- 3 SEC. 308. Section 69893.5 of the Government Code is  
4 repealed.
- 5 SEC. 309. Section 69894 of the Government Code is  
6 repealed.
- 7 SEC. 310. Section 69894.1 of the Government Code is  
8 repealed.
- 9 SEC. 311. Section 69895 of the Government Code is  
10 repealed.
- 11 SEC. 312. Section 69896 of the Government Code is  
12 repealed.
- 13 SEC. 313. Section 69897 of the Government Code is  
14 repealed.
- 15 SEC. 314. Section 69898 of the Government Code is  
16 repealed.
- 17 SEC. 315. Section 69899.5 of the Government Code is  
18 repealed.
- 19 SEC. 316. Section 69900 of the Government Code is  
20 repealed.
- 21 SEC. 317. Section 69901 of the Government Code is  
22 repealed.
- 23 SEC. 318. Section 69903.3 of the Government Code is  
24 repealed.
- 25 SEC. 319. Section 69904 of the Government Code is  
26 repealed.
- 27 SEC. 320. Section 69906 of the Government Code is  
28 repealed.
- 29 SEC. 321. Section 69908 of the Government Code is  
30 repealed.
- 31 SEC. 322. Section 69911 of the Government Code is  
32 repealed.
- 33 SEC. 323. Section 69912 of the Government Code is  
34 repealed.
- 35 SEC. 324. Section 69915 of the Government Code is  
36 repealed.
- 37 ~~SEC. 325. Section 69916 is added to the Government Code,~~  
38 ~~to read:~~
- 39 ~~69916. There shall be one marshal of the Merced County~~  
40 ~~Superior Court. When a vacancy occurs in the office, a majority~~



1 ~~of the superior court judges shall appoint the marshal and the~~  
2 ~~marshal shall serve at their pleasure.~~

3 SEC. 326. Section 69917 is added to the Government Code,  
4 to read:

5 69917. A subordinate judicial officer may not engage in the  
6 private practice of law except to the extent permitted by Judicial  
7 Council rules. As used in this section, “subordinate judicial  
8 officer” means an officer appointed by the court to perform  
9 subordinate judicial duties as authorized by Section 22 of Article  
10 VI of the California Constitution.

11 SEC. 327. Section 69941 of the Government Code is  
12 amended to read:

13 69941. A superior court may appoint as many competent  
14 phonographic reporters, to be known as official reporters of such  
15 court, and such official reporters pro tempore, as are deemed  
16 necessary for the performance of the duties and the exercise of the  
17 powers conferred by law upon the court and its members.

18 SEC. 328. Section 69942 of the Government Code is  
19 amended to read:

20 69942. No person shall be appointed to the position of official  
21 reporter of any court unless the person has first obtained a license  
22 to practice as a certified shorthand reporter from the Court  
23 Reporters Board of California.

24 SEC. 329. Section 69944 of the Government Code is  
25 amended to read:

26 69944. Until an official reporter of any court or official  
27 reporter pro tempore has fully completed and filed all  
28 transcriptions of the reporter’s notes in any case on appeal which  
29 the reporter is required by law to transcribe, the reporter is not  
30 competent to act as official reporter in any court. Violation of  
31 subdivision (e) of Section 8025 of the Business and Professions  
32 Code shall also render an official reporter or official reporter pro  
33 tempore incompetent to act as official reporter in any court.

34 SEC. 330. Section 69945 of the Government Code is  
35 repealed.

36 SEC. 332. Section 69955 of the Government Code is  
37 amended to read:

38 69955. (a) As used in this section, “reporting notes” are the  
39 reporting notes of all court reporters employed to report in the  
40 courts of California, who may be known as official reporters and



1 official reporters pro tempore. Reporting notes are official records  
2 of the court. Reporting notes shall be kept by the reporter taking  
3 the notes in a place designated by the court, or, upon order of the  
4 court, delivered to the clerk of the court.

5 (b) The reporting notes may be kept in any form of  
6 communication or representation including paper, electronic, or  
7 magnetic media or other technology capable of reproducing for  
8 transcription the testimony of the proceedings according to  
9 standards or guidelines for the preservation and reproduction of  
10 the medium adopted by the American National Standards Institute  
11 or the Association for Information and Image Management.  
12 Reporting notes shall be stored in an environment free from  
13 excessive moisture, temperature variation, and electromagnetic  
14 fields if stored on a medium other than paper.

15 (c) The reporting notes shall be labeled with the date recorded,  
16 the department number of the court, and the name of the court  
17 reporter. The reporting notes shall be indexed for convenient  
18 retrieval and access. Instructions for access to data stored on a  
19 medium other than paper shall be documented.

20 (d) If the reporting notes are kept in any form other than paper,  
21 one duplicate backup copy of the notes shall be stored in a manner  
22 and place that reasonably assures its preservation.

23 (e) Reporting notes produced under subdivision (b) may be  
24 destroyed upon the order of the court after 10 years from the taking  
25 of the notes in criminal proceedings and after five years from the  
26 taking of the notes in all other proceedings, unless the notes report  
27 proceedings in capital felony cases including the preliminary  
28 hearing. No reporting notes in a capital felony case proceeding  
29 shall be destroyed until such time as the Supreme Court on request  
30 by the court clerk authorizes the destruction.

31 (f) A periodic review of the media on which the reporting notes  
32 are stored shall be conducted to assure that a storage medium is not  
33 obsolete and that current technology is capable of accessing and  
34 reproducing the records for the required retention period.

35 (g) If the reporting notes of an official reporter or official  
36 reporter pro tempore have not been delivered to the clerk of the  
37 court, the notes shall be delivered by the reporter to the clerk of the  
38 court upon the reporter's retirement, resignation, dismissal,  
39 termination of appointment, or in the case of any other absence for  
40 a period of more than 30 days or longer as designated by the court.



1 Upon the order of the court, the notes shall be returned to the  
2 reporter upon the reporter's return from such absence. In the event  
3 of the reporter's death, the notes shall be delivered to the clerk of  
4 the court by the reporter's personal representative.

5 (h) If reporting notes delivered to the clerk of the court are to  
6 be transcribed, the court reporter who took the notes shall be given  
7 the first opportunity to make the transcription, unless the reporter  
8 cannot be located, refuses to transcribe the notes, or is found to be  
9 incompetent to transcribe the notes.

10 (i) A court reporter shall be reimbursed for the actual cost of the  
11 medium on which the reporting notes are kept, whether on paper,  
12 diskette, or other media in compliance with this section.

13 SEC. 333. Section 69957 of the Government Code is  
14 repealed.

15 SEC. 334. Section 69958 of the Government Code is  
16 repealed.

17 SEC. 335. Section 69959 of the Government Code is  
18 repealed.

19 SEC. 336. Article 13 (commencing with Section 70140) of  
20 Chapter 5 of Title 8 of the Government Code is repealed.

21 SEC. 337. Article 13 (commencing with Section 70141.11) is  
22 added to Chapter 5 of Title 8 of the Government Code, to read:

23

24 Article 13. Court Commissioners

25

26 70141.11. Notwithstanding Section 269 of the Code of Civil  
27 Procedure, any court reporting functions for the commissioner in  
28 Contra Costa County may be by electronic or mechanical means  
29 and devices.

30 SEC. 338. Section 70214.5 of the Government Code is  
31 repealed.

32 SEC. 339. Section 70214.6 of the Government Code is  
33 repealed.

34 SEC. 340. Section 70219 is added to the Government Code,  
35 to read:

36 70219. On submission by the California Law Revision  
37 Commission of its report to the Governor and the Legislature  
38 pursuant to Resolution Chapter 102 of the Statutes of 1997  
39 recommending statutory changes that may be necessitated by court  
40 unification, the Judicial Council and the California Law Revision



1 Commission shall study and make recommendations to the  
2 Governor and the Legislature on the issues identified in the report  
3 as appropriate for future study, including consideration of the  
4 experience in counties in which the courts have unified. Each  
5 agency shall assume primary or joint responsibility for the studies  
6 and recommendations as outlined in the report, and each agency  
7 shall consult with the other in the studies and recommendations.  
8 This section does not limit any authority of the Judicial Council or  
9 the California Law Revision Commission to conduct studies and  
10 make recommendations authorized or directed by law.

11 SEC. 341. Article 1 (commencing with Section 71001) of  
12 Chapter 6 of Title 8 of the Government Code is repealed.

13 SEC. 342. Article 1 (commencing with Section 71002) is  
14 added to Chapter 6 of Title 8 of the Government Code, to read:

15

16 Article 1. General Provisions

17

18 71002. The board of supervisors shall provide suitable  
19 quarters for the municipal courts, including heating, lighting, and  
20 janitorial services, and shall supply them with furniture, books,  
21 and supplies necessary for carrying out their duties, including  
22 supplies and equipment for the preparation and maintenance of  
23 duplicate records of the court or a division of the court when  
24 sessions are held at more than one place.

25 SEC. 343. Article 2 (commencing with Section 71040) of  
26 Chapter 6 of Title 8 of the Government Code is repealed.

27 SEC. 344. Article 2 (commencing with Section 71042.5) is  
28 added to Chapter 6 of Title 8 of the Government Code, to read:

29

30 Article 2. Preservation of Judicial Districts

31

32 71042.5. Notwithstanding any other provision of law, where  
33 judicial districts in a county have been consolidated, or where the  
34 municipal and superior courts in a county have unified, the  
35 territory embraced within the respective prior component judicial  
36 districts shall be separate judicial districts for the purpose of  
37 publication within a judicial district.

38 71042.6. For the purpose of establishing boundaries under  
39 Section 71042.5, a map approved by the county surveyor shall be  
40 kept on file with the county recorder showing the boundaries of all



1 consolidated or unified districts and component districts as of the  
2 date of consolidation or unification. The map shall be conclusively  
3 presumed to be accurate and may be used in evidence in any  
4 proceeding involving application of Section 71042.5.

5 71043. The determination of whether a judicial district or  
6 former judicial district has a population above or below 40,000  
7 shall be made on the latest occurring of the following bases:

8 (a) As shown by the last preceding federal census of the district  
9 or of the aggregate cities and other political subdivisions situated  
10 within the district, whichever is greater.

11 (b) As shown by a subsequent census taken pursuant to Section  
12 26203.

13 (c) As may have been found to be the fact in any proceeding for  
14 declaratory relief brought in a court having jurisdiction.

15 SEC. 345. Article 3 (commencing with Section 71080) of  
16 Chapter 6 of Title 8 of the Government Code is repealed.

17 SEC. 346. Article 3 (commencing with Section 71094) is  
18 added to Chapter 6 of Title 8 of the Government Code, to read:

19

20 Article 3. Court Superseded by Municipal Court

21

22 71094. Continuous employment in a court superseded by a  
23 municipal court, or in a court previously superseded by such  
24 superseded court, of the officers and attachés of the superseded  
25 court who succeeded to positions in a municipal court pursuant to  
26 the Municipal and Justice Court Act of 1949, or the provisions of  
27 law succeeding that act, shall be considered prior service within  
28 the definition of that term in any retirement or pension system that  
29 includes former municipal court officers and attachés.

30 SEC. 347. Article 4 (commencing with Section 71140) of  
31 Chapter 6 of Title 8 of the Government Code is repealed.

32 SEC. 348. Article 4 (commencing with Section 71141) is  
33 added to Chapter 6 of Title 8 of the Government Code, to read:

34

35 Article 4. Election and Term of Office of Municipal Court  
36 Judge

37

38 71141. Judges of the municipal court shall be elected at the  
39 general state election next preceding the expiration of the term for  
40 which the incumbent has been elected.



1 71143. The provisions of the Elections Code relating to the  
2 nomination and election of judicial officers apply to the judges of  
3 municipal courts.

4 71144. No judge shall be deemed to have qualified before the  
5 date fixed for the commencement of the judge's term of office.

6 71145. The term of office of judges of municipal courts is six  
7 years from and including the first Monday of January after the  
8 January 1st next succeeding their election. Judges shall hold office  
9 until their successors are elected and qualify, but the office shall  
10 be deemed to be vacant upon the expiration of the fixed term for  
11 the purpose of selecting a successor.

12 71145.1. Notwithstanding any provision to the contrary, the  
13 term of any judge who was elected as one of the first judges of a  
14 municipal court with two judges established under the Municipal  
15 Court Act of 1925, and who automatically succeeded to the office  
16 of judge of the municipal court which superseded such municipal  
17 court to which such judge was elected, shall be six years from the  
18 date upon which the judges' term of office commenced unless such  
19 term expires in a year when no general state election is held, in  
20 which case, the judge shall continue to hold office until a successor  
21 is elected at the general state election next succeeding the  
22 expiration of the judge's term, and until such successor qualifies.

23 71146. This article shall remain in effect only until January 1,  
24 2008, and as of that date is repealed, unless a later enacted statute,  
25 which is enacted before January 1, 2008, deletes or extends that  
26 date.

27 SEC. 349. Article 5 (commencing with Section 71180) of  
28 Chapter 6 of Title 8 of the Government Code is repealed.

29 SEC. 350. Article 5 (commencing with Section 71180) is  
30 added to Chapter 6 of Title 8 of the Government Code, to read:

31

32

Article 5. Filling of Vacancies

33

34 71180. (a) Any vacancy in the office of judge of a municipal  
35 court shall be filled by appointment by the Governor, but no  
36 vacancy shall be deemed to exist in any office before the time fixed  
37 in Sections 71080, 71082, and 71083 for the selection of the judges  
38 of that court and the time fixed by law for their qualification. The  
39 appointee shall hold office for the remainder of the unexpired term



1 of his or her predecessor and until his or her successor is elected  
2 and qualifies.

3 If the office to which any person so appointed was not  
4 previously occupied, he or she shall hold office until his or her  
5 successor is elected at the general state election next succeeding  
6 the occurrence of the vacancy and qualifies. No successor to the  
7 appointee shall be elected at any election held within 10 months  
8 of the date of the occurrence of the vacancy.

9 (b) If a vacancy in the office of judge of a municipal court  
10 occurs between the last day candidacy declaration papers may be  
11 filed and the June direct primary election and that vacancy occurs  
12 because of the appointment of the incumbent judge to another  
13 office by the Governor, or because the incumbent has resigned,  
14 retired, died, or been removed from office in accordance with  
15 subdivision (b) or (c) of Section 18 of Article VI of the California  
16 Constitution, and if one or more qualified persons other than the  
17 incumbent have filed candidacy declaration papers for the office,  
18 no vacancy shall be deemed to exist for purposes of subdivision  
19 (a), and the election for the office of judge shall be postponed until  
20 the next November statewide election.

21 If the Governor appoints the incumbent judge to another office  
22 within 68 days of the June direct primary election, and, as a result,  
23 the elections officer does not have sufficient time to remove the  
24 candidates' names from the ballot, the June direct primary election  
25 for the office shall not be deemed to have been held. At the next  
26 November statewide election, the candidate who receives the most  
27 votes shall be elected.

28 In order for a person's name to appear on the ballot at the next  
29 November statewide election the person shall file nomination  
30 documents in accordance with Article 2 (commencing with  
31 Section 8020) of Chapter 1 of Part 1 of Division 8 of the Elections  
32 Code. No previously filed documents shall satisfy this  
33 subdivision. Qualified persons who did not file nomination  
34 documents for the June direct primary election, as well as qualified  
35 persons who filed nomination documents for the June direct  
36 primary election, shall be permitted to file nomination documents  
37 for the November statewide election.

38 Persons who had previously paid the filing fee at the time of  
39 filing nomination documents for the June direct primary election



1 shall not be required to pay a filing fee for the November statewide  
2 election.

3 71181. This article shall remain in effect only until January 1,  
4 2008, and as of that date is repealed, unless a later enacted statute,  
5 which is enacted before January 1, 2008, deletes or extends that  
6 date.

7 SEC. 351. Article 6 (commencing with Section 71220) of  
8 Chapter 6 of Title 8 of the Government Code is repealed.

9 SEC. 352. Article 7 (commencing with Section 71260) of  
10 Chapter 6 of Title 8 of the Government Code is repealed.

11 SEC. 353. Article 7 (commencing with Section 71265) is  
12 added to Chapter 6 of Title 8 of the Government Code, to read:

13  
14 Article 7. Marshal

15  
16 71265. All provisions of Sections 26600 to 26604, inclusive,  
17 26607 to 26608.1, inclusive, 26609, 26611, 26660 to 26664,  
18 inclusive, and 26680 of the Government Code, and Sections 262,  
19 262.1, 262.2, 262.3, 262.4, and 262.5 of the Code of Civil  
20 Procedure, apply to marshals and govern their powers, duties and  
21 liabilities.

22 71266. Marshals shall charge and collect for their services the  
23 fees, expenses, and mileage allowed by law to sheriffs. They shall  
24 pay those fees into the county treasury on or before the fifth day  
25 of each month, except where those fees, expenses, and mileage or  
26 a percentage of them are allowed those officers.

27 71267. The board of supervisors may establish a revolving  
28 fund for the use of the marshal who serves the superior court within  
29 the county and is a county officer, pursuant to Sections 29320 to  
30 29331, inclusive. The fund may only be used for services or  
31 materials that are a legal charge against the county.

32 SEC. 354. Section 71305 of the Government Code is  
33 amended to read:

34 71305. The retirement annuity or pension provided by this  
35 article shall be granted to the marshal and constable only if in the  
36 county where the superior court is located there is provided a  
37 retirement annuity or pension for county and township peace  
38 officers who perform duties of the same character as those  
39 performed by the marshal and constable.

1 SEC. 355. Section 71380 of the Government Code is  
2 amended to read:

3 71380. The Controller shall establish, supervise, and as  
4 necessary revise a uniform accounting system, including a system  
5 of audit, to the end that all fines, penalties, forfeitures, and fees  
6 assessed by courts, and their collection and appropriate  
7 disbursement, shall be properly and uniformly accounted for. The  
8 accounting system shall apply to superior courts, together with  
9 probation offices, central collection bureaus and any other  
10 agencies having a role in this process.

11 SEC. 356. Section 71382 of the Government Code is  
12 amended to read:

13 71382. Every judge of a superior court, or the clerk of any  
14 such court, who willfully fails to keep accounts pursuant to the  
15 system or to account for the money paid into and disbursed by the  
16 court pursuant to the system established by the Controller pursuant  
17 to this article is guilty of a misdemeanor.

18 SEC. 357. Section 71384 of the Government Code is  
19 amended to read:

20 71384. The system established pursuant to this article may  
21 provide for the deposit of all money collected by superior courts  
22 in the county treasury, for disbursement from it, and for the audit  
23 of such accounts by the county auditor.

24 SEC. 358. Section 71601 of the Government Code is  
25 amended to read:

26 71601. For purposes of this chapter, the following definitions  
27 shall apply:

28 (a) "Appointment" means the offer to and acceptance by a  
29 person of a position in the trial court in accordance with this  
30 chapter and the trial court's personnel policies, procedures, and  
31 plans.

32 (b) "Employee organization" means any organization that  
33 includes trial court employees and has as one of its primary  
34 purposes representing those employees in their relations with the  
35 trial court.

36 (c) "Hiring" means appointment as defined in subdivision (a).

37 (d) "Mediation" means effort by an impartial third party to  
38 assist in reconciling a dispute regarding wages, hours, and other  
39 terms and conditions of employment between representatives of  
40 the trial court and the recognized employee organization or



1 recognized employee organizations through interpretation,  
2 suggestion, and advice.

3 (e) “Meet and confer in good faith” means that a trial court or  
4 representatives as it may designate, and representatives of  
5 recognized employee organizations, shall have the mutual  
6 obligation personally to meet and confer promptly upon request by  
7 either party and continue for a reasonable period of time in order  
8 to exchange freely information, opinions, and proposals, and to  
9 endeavor to reach agreement on matters within the scope of  
10 representation. The process should include adequate time for the  
11 resolution of impasses where specific procedures for resolution  
12 are contained in this chapter or in a local rule, or when the  
13 procedures are utilized by mutual consent.

14 (f) “Personnel rules,” “personnel policies, procedures, and  
15 plans,” and “rules and regulations” mean policies, procedures,  
16 plans, rules, or regulations adopted by a trial court or its designee  
17 pertaining to conditions of employment of trial court employees,  
18 subject to meet and confer in good faith.

19 (g) “Promotion” means promotion within the trial court as  
20 defined in the trial court’s personnel policies, procedures, and  
21 plans, subject to meet and confer in good faith.

22 (h) “Recognized employee organization” means an employee  
23 organization that has been formally acknowledged to represent  
24 trial court employees by the county under Sections 3500 to 3510,  
25 inclusive, prior to the implementation date of this chapter, or by the  
26 trial court under Rules 2201 to 2210, inclusive, of the California  
27 Rules of Court, as those rules read on April 23, 1997, Sections  
28 70210 to 70219, inclusive, or Article 3 (commencing with Section  
29 71630) of this chapter.

30 (i) “Subordinate judicial officer” means an officer appointed  
31 to perform subordinate judicial duties as authorized by Section 22  
32 of Article VI of the California Constitution, including, but not  
33 limited to, a court commissioner, probate commissioner, child  
34 support commissioner, referee, traffic trial commissioner, traffic  
35 referee, traffic hearing officer, juvenile court referee, juvenile  
36 hearing officer, and temporary judge.

37 (j) “Transfer” means transfer within the trial court as defined  
38 in the trial court’s personnel policies, procedures, and plans,  
39 subject to meet and confer in good faith.

40 (k) “Trial court” means a superior court.



1 (l) “Trial court employee” means a person who is both of the  
2 following:

3 (1) Paid from the trial court’s budget, regardless of the funding  
4 source. For the purpose of this paragraph, “trial court’s budget”  
5 means funds from which the presiding judge of a trial court, or his  
6 or her designee, has authority to control, authorize, and direct  
7 expenditures, including, but not limited to, local revenues, all  
8 grant funds, and trial court operations funds.

9 (2) Subject to the trial court’s right to control the manner and  
10 means of his or her work because of the trial court’s authority to  
11 hire, supervise, discipline, and terminate employment. For  
12 purposes of this paragraph only, the “trial court” includes the  
13 judges of a trial court or their appointees who are vested with or  
14 delegated the authority to hire, supervise, discipline, and  
15 terminate.

16 (m) A person is a “trial court employee” if and only if both  
17 paragraphs (1) and (2) of subdivision (l) are true irrespective of job  
18 classification or whether the functions performed by that person  
19 are identified in Rule 810 of the California Rules of Court. The  
20 phrase “trial court employee” includes those subordinate judicial  
21 officers who satisfy paragraphs (1) and (2) of subdivision (l). The  
22 phrase “trial court employee” does not include temporary  
23 employees hired through agencies, jurors, individuals hired by the  
24 trial court pursuant to an independent contractor agreement,  
25 individuals for whom the county or trial court reports income to  
26 the Internal Revenue Service on a Form 1099 and does not  
27 withhold employment taxes, sheriffs, and judges whether elected  
28 or appointed.

29 SEC. 359. Section 71620 of the Government Code is  
30 amended to read:

31 71620. (a) Each trial court may establish such job  
32 classifications and may appoint such trial court officers, deputies,  
33 assistants, and employees as are deemed necessary for the  
34 performance of the duties and the exercise of the powers conferred  
35 by law upon the trial court and its members.

36 (b) Each trial court may appoint an executive or administrative  
37 officer who shall hold office at the pleasure of the trial court and  
38 shall exercise such administrative powers and perform such other  
39 duties as may be required by the trial court. The executive or  
40 administrative officer has the authority of a clerk of the trial court.



1 The trial court shall fix the qualifications of the executive or  
2 administrative officer and may delegate to him or her any  
3 administrative powers and duties required to be exercised by the  
4 trial court.

5 SEC. 360. Section 71674 of the Government Code is  
6 amended to read:

7 71674. The California Law Revision Commission shall  
8 determine whether any provisions of law are obsolete as a result  
9 of the enactment of this chapter, the enactment of the  
10 Lockyer-Isenberg Trial Court Funding Act of 1997 (Chapter 850  
11 of the Statutes of 1997), or the implementation of trial court  
12 unification, and shall recommend to the Legislature any  
13 amendments to remove those obsolete provisions. The  
14 commission shall report its recommendations to the Legislature,  
15 including any proposed statutory changes.

16 SEC. 361. Article 1 (commencing with Section 72000) of  
17 Chapter 8 of Title 8 of the Government Code is repealed.

18 SEC. 362. Article 1 (commencing with Section 72004) is  
19 added to Chapter 8 of Title 8 of the Government Code, to read:

20

21

Article 1. General Provisions

22

23 72004. Sections 24350 to 24356, inclusive, and Sections 29350  
24 and 29351 apply to officers of superior courts and to the  
25 disposition of fees collected by those officers.

26 SEC. 363. Section 72053.5 of the Government Code is  
27 repealed.

28 SEC. 364. Section 72110 of the Government Code is  
29 amended to read:

30 72110. (a) Notwithstanding any other provision of law, the  
31 Board of Supervisors of Riverside County may find, after holding  
32 a public hearing on the issue, that cost savings can be realized by  
33 consolidation of court-related services provided by the sheriff and  
34 both offices of the marshal within that county. If that finding is  
35 made, there shall be conducted among all of the judges of the  
36 superior and municipal courts of that county an election to  
37 determine the agency, either the sheriff or both offices of the  
38 marshal, under which court-related services shall be consolidated.  
39 The outcome shall be determined by a simple majority of votes  
40 cast. The registrar of voters shall administer that election and



1 tabulate the results thereof. The results of that election shall be  
2 reported within 15 days following the election period by the  
3 registrar of voters to the board of supervisors and to the judges of  
4 the superior and municipal courts of that county. The board of  
5 supervisors shall immediately commence and, within a reasonable  
6 time not to exceed 90 days, implement the determination made by  
7 a majority of the votes cast by the judges of the superior and  
8 municipal courts of the county in that election. If an election is not  
9 conducted within 90 days of notification of the board of  
10 supervisors' finding, or if the results of the election are evenly  
11 divided, the board of supervisors of that county shall determine  
12 under which agency, either the sheriff or both offices of the  
13 marshal, court-related services shall be consolidated, and shall  
14 proceed to implement that consolidation as if on the basis of a  
15 majority of the votes cast by the judges of the superior and  
16 municipal courts of that county.

17 (b) Notwithstanding any other provision of law, the marshals  
18 and all personnel of the marshals' offices or personnel of the  
19 sheriff's office affected by a consolidation of court-related  
20 services under this section shall become employees of that  
21 consolidated office at their existing or equivalent classifications,  
22 salaries, and benefits, and except as may be necessary for the  
23 operation of the agency under which court-related services are  
24 consolidated, shall not be involuntarily transferred during a period  
25 of six years following the consolidation out of that consolidated  
26 court-related services office. The elective offices of marshal for  
27 the County of Riverside shall be abolished upon a determination  
28 pursuant to the procedures required by this section that  
29 consolidated court-related services shall be provided by the  
30 sheriff.

31 (c) Permanent employees of the marshals' offices or sheriff's  
32 office on the effective date of a consolidation under this section  
33 shall be deemed qualified, and no other qualifications shall be  
34 required for employment or retention. Probationary employees of  
35 the sheriff's office or the marshals' offices on the effective date of  
36 a consolidation under this section shall retain their probationary  
37 status and rights, and shall not be deemed to have transferred so as  
38 to require serving a new probationary period. Transferring  
39 personnel may be required to take a promotional examination to  
40 promote to a higher classification but shall not be required to retest



1 for his or her existing classification as a prerequisite to testing for  
2 a higher classification. A transferring deputy marshal requesting  
3 a transfer to another division in the sheriff's office shall not be  
4 required to take a written test as a prerequisite to making a lateral  
5 transfer.

6 (d) All county service or service by employees of the sheriff's  
7 office or the marshals' offices on the effective date of a  
8 consolidation under this section shall be counted toward seniority  
9 in that court-related services office, and all time spent in the same,  
10 equivalent, or higher classification shall be counted toward  
11 classification seniority.

12 (e) No employee of the sheriff's office or the marshals' offices  
13 on the effective date of a consolidation under this section shall lose  
14 peace officer status, or be demoted or otherwise adversely affected  
15 by a consolidation of court services.

16 (f) This section shall remain in effect only until January 1,  
17 2018, and as of that date is repealed unless a later enacted statute,  
18 which is enacted before January 1, 2018, deletes or extends that  
19 date. The repeal of this section does not affect any right or benefit  
20 to which a person was entitled on the date of repeal.

21 SEC. 365. Section 72111 of the Government Code is  
22 repealed.

23 SEC. 366. Section 72113 of the Government Code is  
24 repealed.

25 SEC. 367. Section 72114.1 of the Government Code is  
26 repealed.

27 SEC. 368. Section 72114.2 of the Government Code, as added  
28 by Chapter 335 of the Statutes of 1999, is repealed.

29 SEC. 369. Section 72114.2 of the Government Code, as  
30 amended by Chapter 135 of the Statutes of 2000, is amended to  
31 read:

32 72114.2. (a) Notwithstanding any other provision of law, on  
33 or after January 1, 2000, the San Diego County Marshal's Office  
34 shall be abolished, and there shall be a bureau in the San Diego  
35 County Sheriff's Department under which court security services  
36 and the service of civil and criminal process are consolidated.

37 This bureau's primary function shall be to provide the  
38 management with direction, supervision, and personnel for  
39 court-related services that include court security, the service of  
40 civil and criminal process, public safety protection, judicial



1 protection, standards of performance, and other matters incidental  
2 to the performance of those services.

3 The sheriff shall be appointing authority for all bureau  
4 personnel. The person selected by the sheriff to oversee the  
5 operation of court-related services, as described in this section,  
6 shall report directly to the sheriff.

7 Notwithstanding Section 77212, the operational service level  
8 for court security services shall be in accordance with agreements  
9 between the court and the County of San Diego, which shall not  
10 provide a lesser operational service level than may be required by  
11 statute.

12 The operational service level for the service of civil and criminal  
13 process and for administrative services shall be in accordance with  
14 agreements between the court and the County of San Diego, which  
15 shall not provide a lesser operational service level than may be  
16 required by statute.

17 To ensure that the costs assessed to the court for bureau services  
18 are in full conformance with the rules of court and statutes  
19 concerning trial court funding, the bureau shall be maintained as  
20 a separate organizational unit for budgeting and cost accounting  
21 purposes.

22 On a semiannual basis or more often as required by law, the  
23 sheriff shall provide the court with an accounting of costs for the  
24 bureau, in sufficient detail to allow for an assessment of budget  
25 performance, separately, for each function of the bureau. The  
26 county auditor and controller shall provide to the court copies of  
27 each audit report conducted on the bureau. The court is authorized  
28 to conduct, and the sheriff shall cooperate in, independent  
29 financial audits of the bureau, either by court staff or by  
30 independent auditors.

31 (b) Notwithstanding any other provision of law, concomitant  
32 with the abolition of the marshal's office all personnel of the  
33 marshal's office shall become employees of the sheriff's  
34 department at their existing or equivalent classification, salaries,  
35 and benefits.

36 The marshal and the assistant marshal, or their equivalents, may  
37 become employees of the sheriff's department.

38 (c) Permanent employees of the marshal's office on the  
39 effective date of transfer of services from the marshal to the sheriff  
40 pursuant to this section shall be deemed to be qualified, and no



1 other qualifications shall be required for employment or retention.  
2 Promotions for all personnel from the marshal's office shall be  
3 made pursuant to standards set by the sheriff. Probationary  
4 employees in the marshal's office on the effective date of the  
5 abolition shall not be required to serve a new probationary period.  
6 All probationary time served as an employee of the marshal shall  
7 be credited toward probationary time required as an employee of  
8 the sheriff's department.

9 (d) All county service and all service with the marshal's office  
10 by employees of the marshal's office on the effective date of the  
11 abolition of the marshal's office shall be counted toward seniority  
12 in the sheriff's department. All time spent in the same, equivalent,  
13 or higher classification shall be counted toward classification  
14 seniority.

15 (e) As a result of the abolition of the marshal's office, no  
16 employee of the marshal's office who becomes an employee of the  
17 sheriff's department pursuant to this section shall lose peace  
18 officer status or be reduced in rank or salary.

19 (f) Prior to the abolition of the marshal's office, the court and  
20 the County of San Diego shall enter into a contractual agreement  
21 regarding the provision of court security services to be provided  
22 by the sheriff. Thereafter, from time to time, the court and the  
23 County of San Diego may enter into agreements regarding the  
24 provision of court security services to be provided by the sheriff.

25 (g) After abolition of the marshal's office, a two-member  
26 committee comprised of a representative of the presiding judge of  
27 the superior court and a representative of the sheriff shall make  
28 recommendations to the sheriff regarding courtroom assignments  
29 of bailiffs. Bailiff assignments and the release from those  
30 assignments shall be made only after consultation with, and  
31 concurrence of, the affected judge or judicial officer. The  
32 presiding judge may provide the concurrence required by this  
33 section. This subdivision shall not apply to actions instituted by the  
34 sheriff for fitness for duty reasons or discipline that is subject to  
35 review by the San Diego County Civil Service Commission.

36 (h) For a period of five years following the abolition of the  
37 marshal's office, personnel of the marshal's office who become  
38 employees of the sheriff's department shall not be transferred from  
39 the bureau in the sheriff's department under which court-related  
40 services and the service of civil and criminal process are



1 consolidated, unless the transfer is voluntary or is the result of  
2 fitness for duty reasons or discipline that is subject to review by the  
3 San Diego County Civil Service Commission.

4 (i) Personnel of the marshal's office who become employees of  
5 the sheriff's department shall be entitled to request an assignment  
6 to another bureau or division within the sheriff's department, and  
7 that request shall be reviewed the same as any other request from  
8 within the department.

9 (j) This section shall become operative in the County of San  
10 Diego when the board of supervisors adopts a resolution declaring  
11 this section operative. The implementation of this section shall be  
12 subject to approval and adoption by the board of supervisors of  
13 necessary actions, appropriations, and ordinances consistent with  
14 the charter of the County of San Diego and other statutory  
15 authority.

16 (k) This section shall remain in effect only until January 1,  
17 2005, and as of that date is repealed unless a later enacted statute,  
18 which is enacted before January 1, 2005, deletes or extends that  
19 date. The repeal of this section does not affect any right or benefit  
20 to which a person was entitled on the date of repeal.

21 SEC. 370. Section 72115 of the Government Code is  
22 amended to read:

23 72115. (a) This section applies to the abolition of the  
24 marshal's office and the transfer of court-related services provided  
25 by the marshal within the county to the sheriff's department.

26 (b) The courtroom assignment of bailiffs after abolition of the  
27 marshal's office and the consolidation pursuant to this section shall  
28 be determined by a two-member committee comprised of the  
29 presiding judge of the superior court and the sheriff, or their  
30 designees. Any new bailiff assignments shall be made only after  
31 consultation with the affected judge or commissioner in whose  
32 courtroom a new assignment is planned.

33 It is the intent of the Legislature, in enacting this subdivision,  
34 to ensure that courtroom assignments are made in a manner which  
35 best assures that the interests of the affected judge or commissioner  
36 and bailiff are protected.

37 (c) Notwithstanding any other provision of law, the marshal  
38 and all personnel of the marshal's office affected by the abolition  
39 of the marshal's office in San Bernardino County shall become  
40 employees of the sheriff's department at their existing or



1 equivalent classification, salaries, and benefits, and, except as may  
2 be necessary for the operation of the agency under which  
3 court-related services and the service of civil and criminal process  
4 are consolidated, they shall not be involuntarily transferred out of  
5 the consolidated office for a period of five years following the  
6 consolidation.

7 (d) Personnel of the abolished marshal's office shall be entitled  
8 to request an assignment to another division within the sheriff's  
9 department, and that request shall be reviewed in the same manner  
10 as any other request from within the department. Persons who  
11 accept a voluntary transfer from the court services/civil division  
12 shall waive their rights pursuant to subdivision (c).

13 (e) Permanent employees of the marshal's office on the  
14 effective date of the abolition of the marshal's office pursuant to  
15 this section shall be deemed to be qualified, and no other  
16 qualifications shall be required for employment or retention.  
17 Probationary employees of the marshal's office on the effective  
18 date of a consolidation pursuant to this section shall retain their  
19 probationary status and rights, and shall not be deemed to have  
20 transferred so as to require serving a new probationary period.

21 (f) All county service or service by employees of the marshal's  
22 office on the effective date of a consolidation pursuant to this  
23 section shall be counted toward seniority in the consolidated  
24 office, and all time spent in the same, equivalent, or higher  
25 classification shall be counted toward classification seniority.

26 (g) No employee of the marshal's office on the effective date  
27 of a consolidation pursuant to this section shall lose peace officer  
28 status, or otherwise be adversely affected as a result of the  
29 abolition and merger of personnel into the sheriff's department.

30 (h) This section shall remain in effect only until January 1,  
31 2018, and as of that date is repealed unless a later enacted statute,  
32 which is enacted before January 1, 2018, deletes or extends that  
33 date. The repeal of this section does not affect any right or benefit  
34 to which a person was entitled on the date of repeal.

35 SEC. 371. Section 72116 of the Government Code is  
36 amended to read:

37 72116. (a) This section applies to the consolidation of  
38 court-related services within the marshal's office in Shasta  
39 County.



1 (b) Except as provided in subdivision (f), all personnel of the  
2 marshal's office or personnel of the sheriff's office affected by a  
3 consolidation of court-related services under this section shall  
4 become employees of that consolidated office at their existing or  
5 equivalent classifications, salaries, and benefits, and except as  
6 may be necessary for the operation of the agency under which  
7 court-related services are consolidated, shall not be involuntarily  
8 transferred out of the consolidated court-related services office for  
9 a period of four years following the consolidation.

10 (c) Permanent employees of the marshal's office or sheriff's  
11 office on the effective date of consolidation under this section shall  
12 be deemed qualified, and no other qualifications shall be required  
13 for employment or retention. Probationary employees of the  
14 marshal's office or the sheriff's office on the effective date of a  
15 consolidation under this section shall retain their probationary  
16 status and rights, and shall not be deemed to have transferred so as  
17 to require serving a new probationary period.

18 (d) All county service or service by employees of the marshal's  
19 office or the sheriff's office on the effective date of a consolidation  
20 under this section shall be counted toward seniority in that  
21 court-related services office, and all time spent in the same,  
22 equivalent, or higher classification shall be counted toward  
23 classification seniority.

24 (e) No employee of the marshal's office or the sheriff's office  
25 on the effective date of a consolidation under this section shall lose  
26 peace officer status, or be demoted or otherwise adversely affected  
27 by a consolidation of court-related services.

28 (f) All sheriff's bailiffs affected by the consolidation shall be  
29 given the option of becoming employees of the marshal's office or  
30 of remaining with the sheriff's office. If a staffing shortage is  
31 created by the exercise of this option by these bailiffs, the marshal  
32 may accept qualified applicants from the sheriff's office under the  
33 provisions of subdivisions (b), (c), (d), and (e).

34 SEC. 372. Section 72150 of the Government Code is  
35 repealed.

36 SEC. 373. Section 72151 of the Government Code is  
37 repealed.

38 SEC. 374. Section 72190 of the Government Code is  
39 amended to read:



1 72190. Within the jurisdiction of the court and under the  
2 direction of the judges, commissioners shall exercise all the  
3 powers and perform all of the duties prescribed by law. At the  
4 direction of the judges, commissioners may have the same  
5 jurisdiction and exercise the same powers and duties as the judges  
6 of the court with respect to any infraction or small claims action.  
7 They shall be ex officio deputy clerks. A commissioner who has  
8 been duly appointed and has thereafter been retired from service,  
9 may be assigned by the presiding judge to serve as a court  
10 commissioner of the court for any periods of time as he or she is  
11 needed for the prompt and efficient discharge of the business of  
12 that court. While serving, he or she shall be paid the full  
13 compensation of a court commissioner, payable as follows: he or  
14 she shall continue to receive his or her retirement allowance, and  
15 in addition the court shall pay him or her the amount equal to the  
16 difference between the retirement allowance and full  
17 compensation. That employment shall not operate to reinstate him  
18 or her as a member of the retirement system or to terminate or  
19 suspend his or her retirement rights or allowance, and no  
20 deductions shall be made from his or her compensation as  
21 contributions to the retirement system.

22 SEC. 375. Section 72190.1 of the Government Code is  
23 amended to read:

24 72190.1. A commissioner may conduct arraignment  
25 proceedings on a complaint if directed to perform those duties by  
26 the presiding judge of the court, including the issuance and signing  
27 of bench warrants.

28 SEC. 376. Section 72190.2 of the Government Code is  
29 amended to read:

30 72190.2. If directed to perform such duties by the presiding  
31 judge, a commissioner may issue and sign a bench warrant for the  
32 arrest of a defendant who fails to appear in court when required to  
33 appear by law or who fails to perform any act required by court  
34 order.

35 SEC. 377. Section 72190.5 of the Government Code is  
36 repealed.

37 SEC. 378. Section 72191 of the Government Code is  
38 repealed.

39 SEC. 379. Section 72192 of the Government Code is  
40 repealed.



1 SEC. 380. Section 72194 of the Government Code is  
2 repealed.

3 SEC. 381. Section 72194.5 of the Government Code is  
4 amended and renumbered to read:

5 69957. Whenever an official reporter or an official reporter  
6 pro tempore is unavailable to report an action or proceeding in a  
7 court, subject to the availability of approved equipment and  
8 equipment monitors, the court may order that, in a limited civil  
9 case, or a misdemeanor or infraction case, the action or proceeding  
10 be electronically recorded, including all the testimony, the  
11 objections made, the ruling of the court, the exceptions taken, all  
12 arraignments, pleas, and sentences of defendants in criminal cases,  
13 the arguments of the attorneys to the jury, and all statements and  
14 remarks made and oral instructions given by the judge. A  
15 transcript derived from an electronic recording may be utilized  
16 whenever a transcript of court proceedings is required. The  
17 electronic recording device and appurtenant equipment shall be of  
18 a type approved by the Judicial Council for courtroom use.

19 SEC. 382. Section 72195 of the Government Code is  
20 repealed.

21 SEC. 383. Section 72196 of the Government Code is  
22 repealed.

23 SEC. 384. Section 72198 of the Government Code is  
24 repealed.

25 SEC. 385. Section 72199 of the Government Code is  
26 repealed.

27 SEC. 386. Article 6 (commencing with Section 72230) of  
28 Chapter 8 of Title 8 of the Government Code is repealed.

29 SEC. 387. Article 7 (commencing with Section 72270) of  
30 Chapter 8 of Title 8 of the Government Code is repealed.

31 SEC. 388. Section 72301 of the Government Code is  
32 amended to read:

33 72301. The clerk of the superior court or one or more deputy  
34 clerks, the sheriff or one or more deputy sheriffs, or one or more  
35 city police officers shall be in attendance at all hours of the day and  
36 night, including Sundays and holidays, and may fix and accept bail  
37 pursuant to procedures established by the court for the appearance  
38 before the court of any defendant charged in the court or whenever  
39 a defendant has been arrested and booked within the county for  
40 having committed a misdemeanor. The amount of bail shall be



1 pursuant to a schedule of bail in such cases previously fixed and  
2 approved by the judges of the court at their annual meeting. If a  
3 warrant has been issued for the arrest of the defendant, the bail  
4 shall be in the amount fixed in the warrant. The bail shall be cash,  
5 negotiable United States Treasury bonds, or a surety bond  
6 executed by a certified, admitted surety insurer as provided in the  
7 Insurance Code.

8 SEC. 389. Section 72400 of the Government Code is  
9 repealed.

10 SEC. 390. Section 72403 of the Government Code is  
11 amended to read:

12 72403. The traffic referee shall have the power of a deputy  
13 clerk of the court, and shall perform such other duties as may be  
14 assigned by the court.

15 SEC. 391. Section 72404 of the Government Code is  
16 repealed.

17 SEC. 392. Section 72405 of the Government Code is  
18 repealed.

19 SEC. 393. Section 72406 of the Government Code is  
20 repealed.

21 SEC. 394. Section 72407 of the Government Code is  
22 amended to read:

23 72407. Notwithstanding any other provision of law, a traffic  
24 referee in any county with a population of 3,000,000 or more who  
25 has been duly appointed and has thereafter been retired for service,  
26 may be assigned by the presiding judge of a court to serve as a  
27 traffic referee of the court for such periods as needed for the  
28 prompt and efficient discharge of the business of that court. While  
29 so serving, the traffic referee shall be paid the full compensation  
30 of a traffic referee, payable as follows: The traffic referee shall  
31 continue to receive a retirement allowance, and in addition the  
32 amount equal to the difference between such retirement allowance  
33 and such full compensation. Such employment shall not operate to  
34 reinstate the traffic referee as a member of the retirement system  
35 or to terminate or suspend the traffic referee's retirement rights or  
36 allowance, and no deductions shall be made from the traffic  
37 referee's compensation as contributions to the retirement system.

38 SEC. 395. Section 72408 of the Government Code is  
39 repealed.



1 SEC. 396. Article 10 (commencing with Section 72450) of  
2 Chapter 8 of Title 8 of the Government Code is repealed.

3 SEC. 397. Chapter 9 (commencing with Section 72600) of  
4 Title 8 of the Government Code is repealed.

5 SEC. 398. Chapter 9 (commencing with Section 72708) is  
6 added to Title 8 of the Government Code, to read:

7  
8  
9

CHAPTER 9. LOS ANGELES COUNTY

10 72708. This chapter applies to proceedings in the Los Angeles  
11 County Superior Court that would have been within the  
12 jurisdiction of the former Municipal Court of the Los Angeles  
13 Judicial District as of January 21, 2000.

14 72709. The salaries and benefits of official reporters shall be  
15 paid from the Reporters' Salary Fund.

16 72710. On order of the court, the per diem fees and benefits  
17 of official reporters pro tempore shall be paid from the Reporter's  
18 Salary Fund.

19 72711. (a) Fees for reporting services payable by law by the  
20 parties to proceedings in the court to official reporters or official  
21 reporters pro tempore shall be paid to the clerk of the court, who  
22 shall deposit them in the Reporters' Salary Fund.

23 (b) Fees for transcription of testimony and proceedings in the  
24 court shall be paid by the parties to official reporters and official  
25 reporters pro tempore as otherwise provided by law, and in all  
26 cases where by law the court may direct the payment of  
27 transcription fees out of the Trial Court Operations Fund, the fee  
28 on order of the court shall be paid from the Reporters' Salary Fund,  
29 except fees for transcription of testimony and proceedings in  
30 felony cases, which shall be paid from the Trial Court Operations  
31 Fund.

32 72711.5. The reporting and transcription fees payable  
33 pursuant to Section 72711 shall also be payable in the same sums  
34 and in the same manner by the parties to proceedings in the court  
35 for electronically recording an action or proceeding pursuant to  
36 Section 69957 or for transcriptions of testimony and proceedings  
37 in the court stenographically recorded. The fees shall be paid to the  
38 clerk of the court, who shall deposit them in the Reporters' Salary  
39 Fund. In any case where by law the court may direct the payment  
40 of a transcription fee out of the Trial Court Operations Fund, on



1 order of the court the fee for transcription of testimony and  
2 proceedings in the court electronically recorded shall be paid from  
3 the Reporters' Salary Fund, except fees for transcription of  
4 testimony and proceedings in felony cases, which shall be paid  
5 from the Trial Court Operations Fund.

6 72712. There shall be set aside from the revenue of the court  
7 a revolving fund in the amount of seven hundred fifty thousand  
8 dollars (\$750,000). The fund shall be known as the Reporters'  
9 Salary Fund.

10 At the time of each monthly distribution of the revenue of the  
11 court to the cities within the former Los Angeles Judicial District  
12 and to the county within which the district was established, the  
13 clerk of the court shall deduct proportionately from their  
14 respective total shares such sum as will, when added to the sum  
15 then remaining in the fund, equal seven hundred fifty thousand  
16 dollars (\$750,000) and deposit it in the fund. Such sum shall  
17 include the cost incurred pursuant to Section 69957 from  
18 electronic recording devices, appurtenant equipment, supplies,  
19 recordings, and transcriptions produced from electronic recording  
20 of testimony and proceedings in the court.

21 Deductions from the county's share of the revenue shall be made  
22 from that portion of it distributable to the general fund of the  
23 county, and deductions from each city's share shall be made from  
24 that portion of it distributable to the general fund of each city.

25 For the purposes of this section the "revenue" of the court  
26 includes all fines, forfeitures, and fees accruing to the cities or the  
27 county, except law library fees.

28 72713. (a) If at any time the Reporters' Salary Fund is  
29 insufficient, on order of the court the amount of the deficiency  
30 shall be paid from the Trial Court Operations Fund.

31 (b) The county treasurer shall be the depository, and the county  
32 auditor the disbursing agent, for the Reporters' Salary Fund.

33 SEC. 399. Chapter 9.1 (commencing with Section 73075) of  
34 Title 8 of the Government Code is repealed.

35 SEC. 400. Chapter 9.2 (commencing with Section 73100) of  
36 Title 8 of the Government Code is repealed.

37 SEC. 401. Section 73300 of the Government Code is  
38 repealed.

39 SEC. 402. Section 73301 of the Government Code is  
40 amended to read:



1 73301. Persons who succeeded to positions in the municipal  
2 court upon its establishment shall receive credit for continuous  
3 prior service in superseded courts and in the sheriff's department  
4 or constabulary of the county, and, in addition to the minimum  
5 rate, such persons shall receive the annual increments  
6 commensurate with such years of prior service up to the maximum  
7 rate set. This section applies to municipal courts provided for in  
8 former Articles 3, 7, 12, 13, 15, 18, 22, 23, 29, 31, and 32 of this  
9 chapter.

10 SEC. 403. Article 1.5 (commencing with Section 73330) of  
11 Chapter 10 of Title 8 of the Government Code is repealed.

12 SEC. 404. Article 2 (commencing with Section 73340) of  
13 Chapter 10 of Title 8 of the Government Code is repealed.

14 SEC. 405. Article 3 (commencing with Section 73390) of  
15 Chapter 10 of Title 8 of the Government Code is repealed.

16 SEC. 406. Article 3 (commencing with Section 73390) is  
17 added to Chapter 10 of Title 8 of the Government Code, to read:

18

19

Article 3. Kings County

20

21 73390. This article applies to the municipal court for the  
22 County of Kings. The court referred to in this article shall be the  
23 successor of the court to be established by the consolidation of the  
24 Corcoran, Hanford, and Lemoore Judicial Districts by the Board  
25 of Supervisors of the County of Kings, and it shall be known as the  
26 Kings County Municipal Court.

27 73396. Facilities for the court shall be maintained in the Cities  
28 of Hanford, Corcoran, Lemoore, and (if incorporated pursuant to  
29 Section 73391.5) Avenal, and in such other locations within the  
30 County of Kings as are designated by the board of supervisors. The  
31 court shall hold sessions at each facility as business requires. At the  
32 direction of the court, arraignment of criminal defendants who are  
33 in custody at the Kings County Jail facility shall be held in the court  
34 facility located in Hanford.

35 SEC. 407. Article 3.1 (commencing with Section 73400) of  
36 Chapter 10 of Title 8 of the Government Code is repealed.

37 SEC. 408. Article 4 (commencing with Section 73430) of  
38 Chapter 10 of Title 8 of the Government Code is repealed.

39 SEC. 409. Article 5 (commencing with Section 73480) of  
40 Chapter 10 of Title 8 of the Government Code is repealed.



1 SEC. 410. Article 6 (commencing with Section 73520) of  
2 Chapter 10 of Title 8 of the Government Code is repealed.

3 SEC. 411. Article 7 (commencing with Section 73560) of  
4 Chapter 10 of Title 8 of the Government Code is repealed.

5 SEC. 412. Article 7 (commencing with Section 73560) is  
6 added to Chapter 10 of Title 8 of the Government Code, to read:

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Article 7. Monterey County

10 73560. This article applies to the Monterey County Municipal  
11 Court District, which encompasses the entire County of Monterey.

12 73561. Facilities for the court shall be maintained in the Cities  
13 of Salinas and Monterey and at court facilities provided elsewhere  
14 in accordance with law. The court shall determine the nature and  
15 frequency of sessions held at court locations.

16 SEC. 413. Article 7.5 (commencing with Section 73580) of  
17 Chapter 10 of Title 8 of the Government Code is repealed.

18 SEC. 414. Article 8 (commencing with Section 73600) of  
19 Chapter 10 of Title 8 of the Government Code is repealed.

20 SEC. 415. Article 9 (commencing with Section 73640) of  
21 Chapter 10 of Title 8 of the Government Code is repealed.

22 SEC. 416. Article 9 (commencing with Section 73640) is  
23 added to Chapter 10 of Title 8 of the Government Code, to read:

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Article 9. El Cajon Judicial District

27 73640. This article applies to the municipal court established  
28 in a district embracing the Judicial District of El Cajon.

29 73642. (a) In addition to any other compensation and  
30 benefits, each judge of the municipal court shall receive the same  
31 life insurance, accidental death and dismemberment insurance,  
32 comprehensive annual physical examinations, executive flexible  
33 benefits plan (except that if deferred compensation is selected, no  
34 adjustment based on retirement tier shall apply), and dental and  
35 vision insurance as provided by the County of San Diego for the  
36 classification of chief administrative officer. Changes in these  
37 benefits shall be effective on the same date as those for the  
38 classification of chief administrative officer.

39 (b) Subject to approval by the board of supervisors, each judge  
40 of the municipal court shall receive one or more of the following



1 benefits: the same long-term disability insurance as provided by  
2 the County of San Diego for the classification of chief  
3 administrative officer or retiree health benefits whereby each  
4 judge of the municipal court serving on or after October 1, 1987,  
5 who retires from the municipal court on or after January 1, 1989,  
6 shall receive the same amount of insurance premium for retiree  
7 health benefits under the Public Employees' Medical and Hospital  
8 Care Act (Part 5 (commencing with Section 22751) of Title 2) that  
9 the state provides to retired superior court judges under that act.

10 73648. The municipal court shall hold sessions at such  
11 location, or locations, within the El Cajon Judicial District as the  
12 Board of Supervisors of the County of San Diego may designate.

13 SEC. 417. Article 9.5 (commencing with Section 73660) of  
14 Chapter 10 of Title 8 of the Government Code is repealed.

15 SEC. 418. Article 9.5 (commencing with Section 73660) is  
16 added to Chapter 10 of Title 8 of the Government Code, to read:

17

18 Article 9.5. Humboldt County

19

20 73660. There is in the County of Humboldt a single municipal  
21 court district known as the Humboldt County Municipal Court  
22 District.

23 73661. In order that the citizens of the county may have  
24 convenient access to the court, the location of permanent court  
25 facilities and locations where sessions of the court may be held  
26 other than in the county seat shall be as determined by the board  
27 of supervisors.

28 73665. (a) Effective January 1, 1999, the Sheriff of  
29 Humboldt County shall assume the duties and responsibilities of  
30 the Humboldt County Marshal and the office of the marshal shall  
31 be consolidated with the office of sheriff. Upon the effective date  
32 of the consolidation there shall be established within the Humboldt  
33 County Sheriff's Department a unit designated as the Court  
34 Security Services Division. The Sheriff of Humboldt County shall  
35 be responsible for the management and operation of this division,  
36 in accordance with this article.

37 (b) Neither this article nor any provision hereof, shall be  
38 deemed in any manner to limit or otherwise impair the power  
39 vested by all other laws in the Superior Court of Humboldt County  
40 to secure proper provision of court-related services.



1 (c) This section shall remain in effect only until January 1,  
2 2018, and as of that date is repealed unless a later enacted statute,  
3 which is enacted before January 1, 2018, deletes or extends that  
4 date. The repeal of this section does not affect any right or benefit  
5 to which a person was entitled on the date of repeal.

6 73666. (a) Permanent employees of the marshal's office on  
7 the effective date of consolidation under this article shall be  
8 deemed qualified, and no other qualifications shall be required for  
9 employment or retention. Probationary employees of the  
10 marshal's office on the effective date of a consolidation under this  
11 article shall retain their probationary status and rights, and shall  
12 not be deemed to have transferred so as to require serving a new  
13 probationary period.

14 (b) County service of employees of the marshal's office on the  
15 effective date of the consolidation under this article shall be  
16 counted toward seniority in the consolidated office, and all time  
17 spent in the same, equivalent, or higher classification shall be  
18 counted toward classification seniority.

19 (c) No provision of this section shall be deemed to restrict the  
20 authority of the sheriff to discipline any employee in accordance  
21 with county personnel policies, and memoranda of understanding,  
22 or rules, regulations, and procedures otherwise applicable, and  
23 except as otherwise expressly provided in this section, the  
24 discretion of the sheriff to assign, promote, direct, and control  
25 employees formerly assigned to the marshal's office shall not be  
26 deemed in any manner restricted by virtue of the abolition or  
27 consolidation.

28 (d) This section shall remain in effect only until January 1,  
29 2018, and as of that date is repealed unless a later enacted statute,  
30 which is enacted before January 1, 2018, deletes or extends that  
31 date. The repeal of this section does not affect any right or benefit  
32 to which a person was entitled on the date of repeal.

33 SEC. 419. Article 9.7 (commencing with Section 73671) of  
34 Chapter 10 of Title 8 of the Government Code is repealed.

35 SEC. 420. Article 10 (commencing with Section 73680) of  
36 Chapter 10 of Title 8 of the Government Code is repealed.

37 SEC. 421. Article 10.5 (commencing with Section 73698) of  
38 Chapter 10 of Title 8 of the Government Code is repealed.

39 SEC. 422. Article 10.5 (commencing with Section 73698) is  
40 added to Chapter 10 of Title 8 of the Government Code, to read:



Article 10.5. Fresno County

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73698. This article applies to the Central Valley Municipal Court District of Fresno County. The court referred to in this article shall become operative upon the consolidation of the Coalinga, Firebaugh, Fowler-Caruthers, Kerman, Kingsburg-Riverdale, Parlier-Selma, Reedley-Dunlap, and Sanger Judicial Districts by the Board of Supervisors of the County of Fresno.

73698.6. Facilities for the court shall be maintained in the Cities of Coalinga, Firebaugh, Fowler, Kerman, Kingsburg, Parlier, Selma, Reedley, and Sanger, and the communities of Caruthers and Riverdale; and in such other locations within the County of Fresno as are designated by the board of supervisors. The court shall hold sessions at each facility as business requires. At the direction of the court, arraignment of criminal defendants who are in custody at the Fresno County Detention Facility shall be held at the court facility located at the Fresno County Detention Facility.

SEC. 423. Article 11 (commencing with Section 73701) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 424. Article 11.5 (commencing with Section 73730) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 425. Article 11.5 (commencing with Section 73730) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 11.5. Imperial County

73730. There is hereby created a municipal court district which embraces the entire County of Imperial. This article applies to the municipal court established within the district, which shall be known as the Imperial County Municipal Court.

73732. Facilities for the court shall be maintained, at or near the county seat and at court facilities provided elsewhere as determined by ordinance adopted by the board of supervisors. The court shall determine the nature and frequency of sessions held at additional court locations designated by the board of supervisors.

SEC. 426. Article 11.6 (commencing with Section 73750) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 427. Article 11.6 (commencing with Section 73750) is added to Chapter 10 of Title 8 of the Government Code, to read:



Article 11.6. Madera County

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73750. There is in the County of Madera, on and after the effective date of this section, a single municipal court district known as the Madera County Municipal Court District.

73756. Facilities for the district shall be maintained at the court facilities provided within each division. The presiding judge shall determine the nature and frequency of sessions held at the court facilities within each division.

73757. (a) In Madera County the majority of the judges of the superior court have voted to consolidate court services and security functions in the office of the Sheriff of Madera County.

(b) The sheriff’s functions shall include, but not be limited to, providing all bailiff functions for the unified superior court in Madera County, and all other duties imposed by law upon deputy sheriffs and peace officers generally.

(c) The sheriff shall be responsible for the service of all writs, notices, and other processes issued by any court or other competent authority. Nothing in this section shall be construed as limiting the responsibility or authority of a private person or registered process server from serving process or notices in the manner prescribed by law, nor shall it limit the authority of the sheriff or any other peace officer to serve warrants of arrest or other process specifically directed by any court to the sheriff or any other peace officer.

(d) Each elected marshal holding office in Madera County as of January 1, 2000, shall become an employee of the Madera County Sheriff’s Department in the position of sheriff’s bailiff, as of that date and each elective position of Marshal of the Madera County Municipal Court District is abolished as of that date. Each marshal transferring to the sheriff’s department pursuant to this section shall be compensated at not less than the EL-10 step of Salary Range 43 (table B). No transferring marshal shall lose peace officer status or be demoted or otherwise be adversely affected by the consolidation of court-related services accomplished by this section. Each transferring marshal employed in the position of sheriff’s bailiff shall be deemed duly qualified for that position and no other qualifications shall be required for that employment or retention in that position. Any transferring marshal wishing to transfer to another position shall meet the qualifications of a peace officer as required by subdivision (a) of Section 832 of the Penal



1 Code and any other requirements of the Madera County civil  
2 service system. For purposes of establishing seniority within the  
3 class of sheriff's bailiff, each transferring marshal shall be credited  
4 with the marshal's total years of services to Madera County as a  
5 constable and marshal.

6 (e) This section shall remain in effect only until January 1,  
7 2018, and as of that date is repealed unless a later enacted statute,  
8 which is enacted before January 1, 2018, deletes or extends that  
9 date. The repeal of this section does not affect any right or benefit  
10 to which a person was entitled on the date of repeal.

11 73758. The Sheriff of Madera County shall be responsible for  
12 the transportation of prisoners held in the county's adult  
13 correctional facility to and from necessary court appearances,  
14 medical and dental trips, and transfers to or from local, state, or  
15 federal correctional facilities. To meet this responsibility, the  
16 Sheriff of Madera County shall contract with the county  
17 department of corrections, pursuant to Section 831.6 of the Penal  
18 Code, to provide these transportation services by qualified  
19 personnel of the county department of corrections.

20 SEC. 428. Article 12 (commencing with Section 73770) of  
21 Chapter 10 of Title 8 of the Government Code is repealed.

22 SEC. 429. Article 12 (commencing with Section 73770) is  
23 added to Chapter 10 of Title 8 of the Government Code, to read:

24

25 Article 12. Marin County

26

27 73770. This article applies to the judicial district of the Marin  
28 County Municipal Court.

29 73771. A branch court shall be maintained at an appropriate  
30 location in the former Western Judicial District.

31 SEC. 430. Article 12.2 (commencing with Section 73783.1)  
32 of Chapter 10 of Title 8 of the Government Code is repealed.

33 SEC. 431. Article 12.2 (commencing with Section 73783.1)  
34 is added to Chapter 10 of Title 8 of the Government Code, to read:

35

36 Article 12.2. Mariposa County

37

38 73783.1. This article applies to the municipal court  
39 established in a judicial district embracing the County of  
40 Mariposa.



1 73783.3. Facilities for the court shall be maintained at the  
2 county seat and at court facilities provided elsewhere as  
3 determined by ordinance adopted by the board of supervisors. The  
4 court shall determine the nature and frequency of sessions held at  
5 additional court locations designated by the board of supervisors.  
6 Jurors shall be drawn from the entire county.

7 SEC. 432. Article 12.3 (commencing with Section 73784) of  
8 Chapter 10 of Title 8 of the Government Code is repealed.

9 SEC. 433. Article 12.3 (commencing with Section 73784) is  
10 added to Chapter 10 of Title 8 of the Government Code, to read:

11  
12 Article 12.3. Mendocino County

13  
14 73784. This article applies to and establishes the Mendocino  
15 County Municipal Court District, which shall embrace the entire  
16 County of Mendocino, and shall supersede the Anderson, Arena,  
17 Long Valley, Round Valley, and Ten Mile Judicial Districts and the  
18 Mount San Hedrin Municipal Court District.

19 73784.10. The location of permanent court facilities and  
20 locations where sessions of the court may be held other than in the  
21 county seat shall be as determined by the board of supervisors.

22 SEC. 434. Article 12.5 (commencing with Section 73790) of  
23 Chapter 10 of Title 8 of the Government Code is repealed.

24 SEC. 435. Article 12.5 (commencing with Section 73790) is  
25 added to Chapter 10 of Title 8 of the Government Code, to read:

26  
27 Article 12.5. Merced County

28  
29 73790. There is hereby created a municipal court district  
30 which embraces the entire County of Merced. This article applies  
31 to the municipal court established within the district, which shall  
32 be known as the Merced County Municipal Court.

33 73792. Facilities for the court shall be maintained at or near  
34 the county seat and at court facilities provided elsewhere as  
35 determined by ordinance adopted by the board of supervisors. The  
36 court shall determine the nature and frequency of sessions held at  
37 additional court locations designated by the board of supervisors.

38 73796. *There shall be one marshal of the Merced County*  
39 *Municipal Court. The marshal shall receive a salary on range*  
40 *68.5.*

1     *When a vacancy occurs in the office, a majority of the superior*  
2 *and municipal court judges shall appoint the marshal and the*  
3 *marshal shall serve at their pleasure.*

4     SEC. 436. Article 13 (commencing with Section 73820) of  
5 Chapter 10 of Title 8 of the Government Code is repealed.

6     SEC. 437. Article 14 (commencing with Section 73870) of  
7 Chapter 10 of Title 8 of the Government Code is repealed.

8     SEC. 438. Article 16 (commencing with Section 73950) of  
9 Chapter 10 of Title 8 of the Government Code is repealed.

10     SEC. 439. Article 16 (commencing with Section 73950) is  
11 added to Chapter 10 of Title 8 of the Government Code, to read:

12

13             Article 16. North County Judicial District

14

15     73950. This article applies to the Municipal Court of the  
16 North County Judicial District.

17     73952. (a) In addition to any other compensation and  
18 benefits, each judge of the municipal court shall receive the same  
19 life insurance, accidental death and dismemberment insurance,  
20 comprehensive annual physical examinations, executive flexible  
21 benefits plan (except that if deferred compensation is selected, no  
22 adjustment based on retirement tier shall apply), and dental and  
23 vision insurance as provided by the County of San Diego for the  
24 classification of chief administrative officer. Changes in these  
25 benefits shall be effective on the same date as for those for the  
26 classification of chief administrative officer.

27     (b) Subject to approval by the board of supervisors, each judge  
28 of the municipal court shall receive one or more of the following  
29 benefits: the same long-term disability insurance as provided by  
30 the County of San Diego for the classification of chief  
31 administrative officer or retiree health benefits whereby each  
32 judge of the municipal court serving on or after October 1, 1987,  
33 who retires from the municipal court on or after January 1, 1989,  
34 shall receive the same amount of insurance premium for retiree  
35 health benefits under the Public Employees' Medical and Hospital  
36 Care Act (Part 5 (commencing with Section 22751) of Title 2) that  
37 the state provides to retired superior court judges under that act.

38     73956. The headquarters of the municipal court and the clerk  
39 and marshal of the North County Judicial District shall be located  
40 within the City of Vista or such other place as shall be designated



1 by the Board of Supervisors of the County of San Diego. The  
2 municipal court shall hold sessions at its headquarters and at a  
3 department at a location within the City of Escondido and at such  
4 other location or locations within the North County Judicial  
5 District as shall be designated by the board of supervisors. The  
6 clerk and marshal of the North County Judicial District shall  
7 maintain branch offices at a location within the City of Escondido  
8 as shall be designated by the board of supervisors. The Escondido  
9 branch office shall maintain the same office hours as the  
10 headquarters offices and shall provide facilities for complete  
11 municipal court services, including the filing of original  
12 complaints and other documents and the posting of bail, and the  
13 board of supervisors shall provide facilities within the City of  
14 Escondido for the complete transaction of business of the court  
15 including the holding of jury trials.

16 SEC. 440. Article 17.1 (commencing with Section 74010) of  
17 Chapter 10 of Title 8 of the Government Code is repealed.

18 SEC. 441. Article 18 (commencing with Section 74020) of  
19 Chapter 10 of Title 8 of the Government Code is repealed.

20 SEC. 442. Article 20 (commencing with Section 74130) of  
21 Chapter 10 of Title 8 of the Government Code is repealed.

22 SEC. 443. Article 20 (commencing with Section 74130) is  
23 added to Chapter 10 of Title 8 of the Government Code, to read:

24

25 Article 20. Riverside County

26

27 74130. This article applies to the municipal courts established  
28 in Riverside County.

29 74145. (a) In addition to any other compensation and  
30 benefits, each judge of the municipal court shall receive the county  
31 flexible benefits plan.

32 (b) Subject to approval by the board of supervisors, each judge  
33 of the municipal court shall receive the same long-term disability  
34 insurance as provided by the County of Riverside for other elected  
35 county officials.

36 SEC. 444. Article 21.5 (commencing with Section 74190) of  
37 Chapter 10 of Title 8 of the Government Code is repealed.

38 SEC. 445. Article 21.6 (commencing with Section 74205) of  
39 Chapter 10 of Title 8 of the Government Code is repealed.



1 SEC. 446. Article 25 (commencing with Section 74340) of  
2 Chapter 10 of Title 8 of the Government Code is repealed.

3 SEC. 447. Article 25 (commencing with Section 74340) is  
4 added to Chapter 10 of Title 8 of the Government Code, to read:

5

6 Article 25. San Diego Judicial District

7

8 74340. This article applies to the municipal court established  
9 in a district embracing that portion of the City of San Diego not  
10 included within the South Bay Municipal Court District.

11 74342. (a) In addition to any other compensation and  
12 benefits, each judge of the municipal court shall receive the same  
13 life insurance, accidental death and dismemberment insurance,  
14 comprehensive annual physical examinations, executive flexible  
15 benefits plan (except that if deferred compensation is selected, no  
16 adjustment based on retirement tier shall apply), and dental and  
17 vision insurance as provided by the County of San Diego for the  
18 classification of chief administrative officer. Changes in these  
19 benefits shall be effective on the same date as for those for the  
20 classification of chief administrative officer.

21 (b) Subject to approval by the board of supervisors, each judge  
22 of the municipal court shall receive one or more of the following  
23 benefits: the same long-term disability insurance as provided by  
24 the County of San Diego for the classification of chief  
25 administrative officer or retiree health benefits whereby each  
26 judge of the municipal court serving on or after October 1, 1987,  
27 who retires from the municipal court on or after January 1, 1989,  
28 shall receive the same amount of insurance premium for retiree  
29 health benefits under the Public Employees' Medical and Hospital  
30 Care Act (Part 5 (commencing with Section 22751) of Title 2) that  
31 the state provides to retired superior court judges under that act.

32 SEC. 448. Article 25.1 (commencing with Section 74355) of  
33 Chapter 10 of Title 8 of the Government Code is repealed.

34 SEC. 449. Article 26 (commencing with Section 74500) of  
35 Chapter 10 of Title 8 of the Government Code is repealed.

36 SEC. 450. Article 27 (commencing with Section 74600) of  
37 Chapter 10 of Title 8 of the Government Code is repealed.

38 SEC. 451. Article 27 (commencing with Section 74602) is  
39 added to Chapter 10 of Title 8 of the Government Code, to read:

40



1 Article 27. San Luis Obispo County

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3 74602. Facilities for the San Luis Obispo County Superior  
4 Court shall be maintained in the City of San Luis Obispo, and may  
5 be maintained at any other location within the county. The court  
6 may hold sessions at each facility, as business requires. At the  
7 direction of the presiding judge, any subordinate judicial officer  
8 may perform his or her duties at any court location. At the direction  
9 of the court, arraignment of criminal defendants who are in  
10 custody at the San Luis Obispo County Jail facility shall be held  
11 at that facility.

12 SEC. 452. Article 28 (commencing with Section 74640) of  
13 Chapter 10 of Title 8 of the Government Code is repealed.

14 SEC. 453. Article 28 (commencing with Section 74640) is  
15 added to Chapter 10 of Title 8 of the Government Code, to read:

16  
17 Article 28. Santa Barbara County

18  
19 74640. There are in the County of Santa Barbara two  
20 municipal court districts, known as the Santa Barbara Municipal  
21 Court and the North Santa Barbara County Municipal Court.

22 74640.2. In order that the citizens residing in each division of  
23 the North Santa Barbara County Municipal Court may have  
24 convenient access to the court, sufficient court facilities, including  
25 staff and other necessary personnel, shall be maintained in each  
26 division at the following sites or as otherwise designated by the  
27 board of supervisors:

28 (a) In the Santa Maria Division, in the City of Santa Maria.

29 (b) In the Lompoc Division, in the City of Lompoc.

30 (c) In the Solvang Division, in the City of Solvang.

31 SEC. 454. Article 28.5 (commencing with Section 74660) of  
32 Chapter 10 of Title 8 of the Government Code is repealed.

33 SEC. 455. Article 29 (commencing with Section 74690) of  
34 Chapter 10 of Title 8 of the Government Code is repealed.

35 SEC. 456. Article 29.5 (commencing with Section 74700) of  
36 Chapter 10 of Title 8 of the Government Code is repealed.

37 SEC. 457. Article 29.6 (commencing with Section 74720) of  
38 Chapter 10 of Title 8 of the Government Code is repealed.

39 SEC. 458. Article 29.6 (commencing with Section 74720) is  
40 added to Chapter 10 of Title 8 of the Government Code, to read:

Article 29.6. Siskiyou County

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74720. The Siskiyou County Municipal Court District shall supersede the Western, Southeastern, and Dorris/Tulelake Judicial Districts and shall embrace the entire County of Siskiyou.

74724. The court shall maintain facilities at Yreka, Dorris, Weed, and other locations determined by the court. The court shall determine the nature and frequency of sessions to be held at additional court locations.

SEC. 459. Article 30 (commencing with Section 74740) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 460. Article 30 (commencing with Section 74740) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 30. South Bay Judicial District

74740. Notwithstanding Section 71040, there shall be a municipal court in a judicial district, embracing the Cities of Chula Vista, Coronado, Imperial Beach, National City, that portion of the City of San Diego lying southerly of the City of Chula Vista and the portion of the City of San Diego lying within San Diego Bay south of a westerly continuation of the northern boundary of National City to the point of intersection with the eastern boundary of the City of Coronado, and such other contiguous area as the board of supervisors may direct, designated the South Bay Judicial District.

This article applies to the municipal court established pursuant to this section.

74742. (a) In addition to any other compensation and benefits, each judge of the municipal court shall receive the same life insurance, accidental death and dismemberment insurance, comprehensive annual physical examinations, executive flexible benefits plan (except that if deferred compensation is selected, no adjustment based on retirement tier shall apply), and dental and vision insurance as provided by the County of San Diego for the classification of chief administrative officer. Changes in such benefits shall be effective on the same date as for those for the classification of chief administrative officer.

(b) Subject to approval by the board of supervisors, each judge of the municipal court shall receive one or more of the following



1 benefits: the same long-term disability insurance as provided by  
2 the County of San Diego for the classification of chief  
3 administrative officer or retiree health benefits whereby each  
4 judge of the municipal court serving on or after October 1, 1987,  
5 who retires from the municipal court on or after January 1, 1989,  
6 shall receive the same amount of insurance premium for retiree  
7 health benefits under the Public Employees' Medical and Hospital  
8 Care Act (Part 5 (commencing with Section 22751) of Title 2) that  
9 the state provides to retired superior court judges under that act.

10 74748. The municipal court shall hold sessions in the City of  
11 Chula Vista and at such other places as the board of supervisors,  
12 by ordinance, may designate.

13 SEC. 461. Article 30.1 (commencing with Section 74760) of  
14 Chapter 10 of Title 8 of the Government Code is repealed.

15 SEC. 462. Article 30.1 (commencing with Section 74760) is  
16 added to Chapter 10 of Title 8 of the Government Code, to read:

17

18 Article 30.1. Glenn County

19

20 74760. The Glenn County Municipal Court District shall  
21 supersede the Glenn County Judicial District and shall embrace the  
22 entire County of Glenn.

23 74764. The court shall maintain facilities at Willows and  
24 other locations determined by the court. The court shall determine  
25 the nature and frequency of sessions to be held at additional court  
26 locations.

27 SEC. 463. Article 31 (commencing with Section 74780) of  
28 Chapter 10 of Title 8 of the Government Code is repealed.

29 SEC. 464. Article 31 (commencing with Section 74784) is  
30 added to Chapter 10 of Title 8 of the Government Code, to read:

31

32 Article 31. Stanislaus County

33

34 74784. (a) All sworn personnel of the former Stanislaus  
35 County marshal's office who are assigned to court services on the  
36 date of the elimination of the marshal's office shall become  
37 members of the sheriff's Court Services Bureau, with those  
38 permanent employees holding the rank of deputy marshal  
39 becoming deputy sheriff coroners.



1 (b) Sworn personnel may be transferred to another position in  
2 the sheriff’s office at the same or equivalent classification, but  
3 shall not be involuntarily transferred out of the Court Services  
4 Bureau.

5 74785. (a) This article shall remain in effect only until  
6 January 1, 2018, and as of that date is repealed unless a later  
7 enacted statute, which is enacted before January 1, 2018, deletes  
8 or extends that date.

9 (b) The repeal of this article does not affect any right or benefit  
10 to which a person was entitled on the date of repeal.

11 SEC. 465. Article 32 (commencing with Section 74800) of  
12 Chapter 10 of Title 8 of the Government Code is repealed.

13 SEC. 466. Section 74820.1 of the Government Code is  
14 repealed.

15 SEC. 467. Section 74820.1 is added to the Government Code,  
16 to read:

17 74820.1. This article applies to the abolition of the marshal’s  
18 office and the consolidation of court security functions and service  
19 of process and notice functions in the sheriff’s office.

20 SEC. 468. Section 74820.2 of the Government Code is  
21 amended to read:

22 74820.2. There is a court services division within the San  
23 Joaquin County Sheriff’s Department to provide security within  
24 the superior court.

25 SEC. 469. Section 74820.3 of the Government Code is  
26 amended to read:

27 74820.3. (a) The sheriff shall be the appointing authority for  
28 all court services division positions and employees.

29 (b) Selection, appointment, and removal of chiefs of the court  
30 services division shall be made by a majority vote of the incumbent  
31 superior court judges and commissioners from a list of qualified  
32 candidates submitted by a committee comprised of the sheriff and  
33 an incumbent judge of the superior court.

34 SEC. 470. Section 74820.4 of the Government Code is  
35 repealed.

36 SEC. 471. Section 74820.5 of the Government Code is  
37 repealed.

38 SEC. 472. Section 74820.6 of the Government Code is  
39 repealed.



1 SEC. 473. Section 74820.7 of the Government Code is  
2 repealed.

3 SEC. 474. Section 74820.8 of the Government Code is  
4 repealed.

5 SEC. 475. Section 74820.9 of the Government Code is  
6 repealed.

7 SEC. 476. Section 74820.10 of the Government Code is  
8 repealed.

9 SEC. 477. Section 74820.11 of the Government Code is  
10 repealed.

11 SEC. 478. Section 74820.12 of the Government Code is  
12 repealed.

13 SEC. 479. Section 74820.13 of the Government Code is  
14 repealed.

15 SEC. 480. Section 74820.14 of the Government Code is  
16 repealed.

17 SEC. 481. Article 32.5 (commencing with Section 74830) of  
18 Chapter 10 of Title 8 of the Government Code is repealed.

19 SEC. 482. Article 33 (commencing with Section 74840) of  
20 Chapter 10 of Title 8 of the Government Code is repealed.

21 SEC. 483. Article 34 (commencing with Section 74860) of  
22 Chapter 10 of Title 8 of the Government Code is repealed.

23 SEC. 484. Article 35 (commencing with Section 74900) of  
24 Chapter 10 of Title 8 of the Government Code is repealed.

25 SEC. 485. Article 35.5 (commencing with Section 74915) of  
26 Chapter 10 of Title 8 of the Government Code is repealed.

27 SEC. 486. Article 35.5 (commencing with Section 74915) is  
28 added to Chapter 10 of Title 8 of the Government Code, to read:

29

30

Article 35.5. Yuba County

31

32 74915. This article applies to the municipal court established  
33 in a judicial district embracing the County of Yuba. This court shall  
34 be known as the Yuba County Municipal Court.

35 74916. (a) Facilities for the court shall be maintained at the  
36 county seat and at court facilities provided elsewhere as  
37 determined by ordinance adopted by the board of supervisors. The  
38 court shall determine the nature and frequency of sessions held at  
39 additional court locations designated by the board of supervisors.

40 (b) Jurors shall be drawn from the entire county.



1 SEC. 487. Article 36 (commencing with Section 74920) of  
2 Chapter 10 of Title 8 of the Government Code is repealed.

3 SEC. 488. Article 36 (commencing with Section 74920) is  
4 added to Chapter 10 of Title 8 of the Government Code, to read:

5

6

Article 36. Tulare County

7

8 74920. There is in the County of Tulare a single municipal  
9 court district known as the Tulare County Municipal Court  
10 District.

11 74920.5. On the order of the board of supervisors, sessions of  
12 the Tulare-Pixley Division shall be held within the territory  
13 embraced by the Pixley Judicial District as it existed on December  
14 31, 1974.

15 74920.6. On order of the board of supervisors, sessions and  
16 services of the Central Division shall be held in the City of  
17 Woodlake, the City of Lindsay, and the City of Exeter.

18 SEC. 489. Article 37 (commencing with Section 74934) of  
19 Chapter 10 of Title 8 of the Government Code is repealed.

20 SEC. 490. Article 37 (commencing with Section 74934) is  
21 added to Chapter 10 of Title 8 of the Government Code, to read:

22

23

Article 37. Butte County

24

25 74934. This article applies only to municipal courts  
26 established in the following judicial districts in Butte County:

27 (a) A district embracing the Cities of Chico and Paradise,  
28 designated as the North Butte County Judicial District  
29 headquartered in the City of Chico.

30 (b) A district embracing the Cities of Oroville, Biggs, and  
31 Gridley, designated as the South Butte County Judicial District  
32 which is hereby created and shall be headquartered in the City of  
33 Oroville.

34 74935.5. There shall be maintained in both the City of Gridley  
35 and the Town of Paradise branch court facilities, including staff  
36 and other necessary personnel, so that the citizens of those  
37 communities may utilize such facilities as needed for small claims,  
38 infractions (traffic), civil matters, and misdemeanors.

39 SEC. 491. Article 38 (commencing with Section 74948) of  
40 Chapter 10 of Title 8 of the Government Code is repealed.



1 SEC. 492. Article 38 (commencing with Section 74948) is  
2 added to Chapter 10 of Title 8 of the Government Code, to read:

3  
4 Article 38. Napa County  
5

6 74948. This article applies to the municipal court district  
7 which embraces the entire County of Napa, which court shall be  
8 known as the Municipal Court for the County of Napa.

9 74950. Facilities for the court shall be maintained in the City  
10 of Napa, the City of Saint Helena, the City of Calistoga, and in such  
11 other locations within the County of Napa as are designated by the  
12 board of supervisors pursuant to the provisions of Section 71342.  
13 The court shall hold sessions at each facility as business requires.

14 SEC. 493. Article 39 (commencing with Section 74960) of  
15 Chapter 10 of Title 8 of the Government Code is repealed.

16 SEC. 494. Article 39 (commencing with Section 74960) is  
17 added to Chapter 10 of Title 8 of the Government Code, to read:

18  
19 Article 39. Yolo County  
20

21 74960. This article applies to the municipal court established  
22 within the municipal court district which embraces the entire  
23 territory of the County of Yolo lying within the exterior boundaries  
24 of such county, which court shall be known as the Yolo County  
25 Municipal Court.

26 74962. Facilities for the court shall be maintained at or near  
27 the county seat and at court facilities provided elsewhere as  
28 determined by ordinance adopted by the board of supervisors. The  
29 court shall determine the nature and frequency of sessions held at  
30 additional court locations designated by the board of supervisors.

31 SEC. 495. Article 40 (commencing with Section 74980) of  
32 Chapter 10 of Title 8 of the Government Code is repealed.

33 SEC. 496. Article 40 (commencing with Section 74984) is  
34 added to Chapter 10 of Title 8 of the Government Code, to read:

35  
36 Article 40. Shasta County  
37

38 74984. (a) There shall be one marshal who shall be appointed  
39 by the Shasta County Superior Court.

1 (b) The board of supervisors may transfer certain duties of the  
2 sheriff to the marshal pursuant to Section 26608.3.

3 (c) All fees collected by the marshal's office shall be deposited  
4 with the county treasurer and credited to the general fund.

5 74985. Each employee of the marshal's office who is a county  
6 employee shall be provided the same employment benefits by  
7 Shasta County as the county provides to other county employees  
8 in equivalent categories and salary ranges in the county's merit  
9 personnel system.

10 74988. The marshal and employees of the office of the  
11 marshal who provide court security services, except reserve  
12 deputy marshals, are employees of the Shasta County Superior  
13 Court for all purposes.

14 SEC. 497. Article 41 (commencing with Section 74993) of  
15 Chapter 10 of Title 8 of the Government Code is repealed.

16 SEC. 498. Section 75076.2 of the Government Code is  
17 amended to read:

18 75076.2. A judge who renders part-time service after January  
19 1, 1990, shall receive a reduced retirement allowance. The  
20 reduction shall be based upon the relationship between the actual  
21 service rendered by the judge, including service rendered by  
22 reason of sitting on assignment, and a full-time judge's service  
23 during the period from January 1, 1990, until the date of  
24 retirement. Computations under this section and subdivision (a) of  
25 Section 75076 shall consider the salary payable to the judge of a  
26 municipal or justice court to be equal to 91.3225 percent of the  
27 salary of a superior court judge. For purposes of qualifying for  
28 retirement, part-time service shall be the equivalent of full-time  
29 service.

30 SEC. 499. Section 75095.5 of the Government Code is  
31 repealed.

32 SEC. 500. Section 75103 of the Government Code is  
33 amended to read:

34 75103. Except as provided in Section 75103.3, the auditor of  
35 each county shall deduct 8 percent from the portion paid by a  
36 county of the monthly salary, not including the additional  
37 compensation pursuant to Section 68203.1, of each judge of the  
38 superior court and cause this amount to be paid into the Judges'  
39 Retirement Fund.



1 SEC. 501. Section 75602 of the Government Code is  
2 amended to read:

3 75602. Except as provided in Section 75605, the Controller or  
4 the auditor of each county shall deduct 8 percent from the portion  
5 paid by a county, or the Controller and the auditor, if appropriate,  
6 of the monthly salary, not including the additional compensation  
7 pursuant to Section 68203.1, of each judge of the superior court  
8 and cause this amount to be paid into the Judges' Retirement  
9 System II Fund.

10 SEC. 502. Section 76200 of the Government Code is  
11 amended to read:

12 76200. Alameda County is authorized to establish a  
13 Courthouse Construction Fund pursuant to Section 76100 so long  
14 as the county maintains a courtroom building in the City of  
15 Berkeley. In the event that the courtroom building in the City of  
16 Berkeley is closed, Alameda County may not collect those funds.

17 SEC. 503. Section 76238 of the Government Code is  
18 amended to read:

19 76238. (a) Notwithstanding any other law, for the purpose of  
20 assisting the City and County of San Francisco in the acquisition,  
21 rehabilitation, construction, and financing of courtrooms or of a  
22 courtroom building or buildings containing facilities necessary or  
23 incidental to the operation of the justice system, the Board of  
24 Supervisors of the City and County of San Francisco may require  
25 the amounts collected pursuant to subdivision (d) to be deposited  
26 in the Courthouse Construction Fund established pursuant to  
27 Section 76100. In the City and County of San Francisco, the  
28 moneys of the Courthouse Construction Fund together with any  
29 interest earned thereon shall be payable only for the foregoing  
30 purposes and at the time necessary therefor, and for the purposes  
31 set forth in subdivision (b) and at the time necessary therefor.

32 (b) In conjunction with the acquisition, rehabilitation,  
33 construction, or financing of courtrooms or of a courtroom  
34 building or buildings referred to in subdivision (a), the City and  
35 County of San Francisco may use the moneys of the Courthouse  
36 Construction Fund (1) to rehabilitate existing courtrooms or an  
37 existing courtroom building or buildings for other uses if new  
38 courtrooms or a courtroom building or buildings are acquired,  
39 constructed, or financed or (2) to acquire, rehabilitate, construct,



1 or finance excess courtrooms or an excess courtroom building or  
2 buildings if that excess is anticipated to be needed at a later time.

3 (c) Any excess courtrooms or excess courtroom building or  
4 buildings that are acquired, rehabilitated, constructed, or financed  
5 pursuant to subdivision (b) may be leased or rented for uses other  
6 than the operation of the justice system until such time as the  
7 excess courtrooms or excess courtroom building or buildings are  
8 needed for the operation of the justice system. Any amounts  
9 received as lease or rental payments pursuant to this subdivision  
10 shall be deposited in the Courthouse Construction Fund.

11 (d) In the City and County of San Francisco, a surcharge for the  
12 purpose and for the time set forth in this section may be added to  
13 any filing fee in any civil or probate action in the superior court.  
14 The surcharge shall be in an amount, not to exceed fifty dollars  
15 (\$50), and shall be collected in a manner as set forth in a resolution  
16 adopted by the Board of Supervisors of the City and County of San  
17 Francisco.

18 SEC. 504. Section 76245 of the Government Code is  
19 amended to read:

20 76245. (a) The fund established in Shasta County pursuant to  
21 Section 76100 shall be known as the Statham Courthouse  
22 Construction Fund.

23 (b) The fund established in Shasta County pursuant to Section  
24 76101 shall be known as the Statham Criminal Justice Facilities  
25 Construction Fund.

26 SEC. 505. Section 77003 of the Government Code is  
27 amended to read:

28 77003. (a) As used in this chapter, “court operations” means  
29 all of the following:

30 (1) Salaries, benefits, and public agency retirement  
31 contributions for superior court judges and for subordinate judicial  
32 officers. For purposes of this paragraph, “subordinate judicial  
33 officers” includes all commissioner or referee positions created  
34 prior to July 1, 1997, including positions created in the municipal  
35 court prior to July 1, 1997, which thereafter became positions in  
36 the superior court as a result of unification of the municipal and  
37 superior courts in a county, and including those commissioner  
38 positions created pursuant to former Sections 69904, 70141,  
39 70141.9, 70142.11, 72607, 73794, 74841.5, and 74908; and  
40 includes any staff who provide direct support to commissioners;



1 but does not include commissioners or staff who provide direct  
2 support to the commissioners whose positions were created after  
3 July 1, 1997, unless approved by the Judicial Council, subject to  
4 availability of funding.

5 (2) The salary, benefits, and public agency retirement  
6 contributions for other court staff.

7 (3) Those marshals and sheriffs as the court deems necessary  
8 for court operations.

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

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

14 (6) Collective bargaining under Sections 71630 and 71639.3  
15 with respect to court employees.

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

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

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

29 SEC. 506. Section 77007 of the Government Code is  
30 amended to read:

31 77007. As used in this chapter, “trial court” means a superior  
32 court.

33 SEC. 507. Section 77008 of the Government Code is  
34 amended to read:

35 77008. As used in this chapter, “filing fees” means any and  
36 all fees and charges, liberally construed, collected or collectible for  
37 filing, processing, including service of process, copying,  
38 endorsing, or for any other service related to court operations as  
39 defined in Section 77003.



1 SEC. 508. Section 82011 of the Government Code is  
2 amended to read:

3 82011. “Code reviewing body” means all of the following:

4 (a) The commission, with respect to the conflict-of-interest  
5 code of a state agency other than an agency in the judicial branch  
6 of government, or any local government agency with jurisdiction  
7 in more than one county.

8 (b) The board of supervisors, with respect to the  
9 conflict-of-interest code of any county agency other than the board  
10 of supervisors, or any agency of the judicial branch of government,  
11 and of any local government agency, other than a city agency, with  
12 jurisdiction wholly within the county.

13 (c) The city council, with respect to the conflict-of-interest  
14 code of any city agency other than the city council.

15 (d) The Attorney General, with respect to the  
16 conflict-of-interest code of the commission.

17 (e) The Chief Justice or his or her designee, with respect to the  
18 conflict-of-interest code of the members of the Judicial Council,  
19 Commission on Judicial Performance, and Board of Governors of  
20 the State Bar of California.

21 (f) The Board of Governors of the State Bar of California with  
22 respect to the conflict-of-interest code of the State Bar of  
23 California.

24 (g) The Chief Justice of California, the administrative  
25 presiding judges of the courts of appeal, and the presiding judges  
26 of superior courts, or their designees, with respect to the  
27 conflict-of-interest code of any agency of the judicial branch of  
28 government subject to the immediate administrative supervision  
29 of that court.

30 (h) The Judicial Council of California, with respect to the  
31 conflict-of-interest code of any state agency within the judicial  
32 branch of government not included under subdivisions (e), (f), and  
33 (g).

34 SEC. 509. Section 84215 of the Government Code is  
35 amended to read:

36 84215. All candidates, elected officers, committees, and  
37 proponents of state ballot measures or the qualification of state  
38 ballot measures, except as provided in subdivision (e), shall file  
39 two copies of the campaign statements required by Section 84200  
40 with the clerk of the county in which they are domiciled. A



1 committee is domiciled at the address listed on its campaign  
2 statement unless it is domiciled outside California in which case  
3 its domicile shall be deemed to be Los Angeles County for the  
4 purpose of this section. In addition, campaign statements shall be  
5 filed at the following places:

6 (a) Statewide elected officers and candidates for these offices  
7 other than the Board of Equalization, supreme court justices, their  
8 controlled committees, committees formed or existing primarily  
9 to support or oppose these candidates, elected officers, supreme  
10 court justices, or statewide measures, or the qualification of state  
11 ballot measures, and all state general purpose committees and  
12 filers not specified in subdivisions (b) to (e), inclusive:

13 (1) The original and one copy with the Secretary of State.

14 (2) Two copies with the Registrar-Recorder of Los Angeles  
15 County.

16 (3) Two copies with the Registrar of Voters of the City and  
17 County of San Francisco.

18 (b) Members of the Legislature or Board of Equalization, court  
19 of appeal justices, superior court judges, candidates for those  
20 offices, their controlled committees, and committees formed or  
21 existing primarily to support or oppose these candidates or  
22 officeholders:

23 (1) The original and one copy with the Secretary of State.

24 (2) Two copies with the clerk of the county with the largest  
25 number of registered voters in the districts affected.

26 (c) Elected officers in jurisdictions other than legislative  
27 districts, Board of Equalization districts, or appellate court  
28 districts that contain parts of two or more counties, candidates for  
29 these offices, their controlled committees, and committees formed  
30 or existing primarily to support or oppose candidates or local  
31 measures to be voted upon in one of these jurisdictions shall file  
32 the original and one copy with the clerk of the county with the  
33 largest number of registered voters in the jurisdiction.

34 (d) County elected officers, candidates for these offices, their  
35 controlled committees, committees formed or existing primarily  
36 to support or oppose candidates or local measures to be voted upon  
37 in any number of jurisdictions within one county, other than those  
38 specified in subdivision (e), and county general purpose  
39 committees shall file the original and one copy with the clerk of  
40 the county.



1 (e) City elected officers, candidates for city office, their  
2 controlled committees, committees formed or existing primarily  
3 to support or oppose candidates or local measures to be voted upon  
4 in one city, and city general purpose committees shall file the  
5 original and one copy with the clerk of the city. These elected  
6 officers, candidates, and committees need not file with the clerk of  
7 the county in which they are domiciled.

8 (f) Notwithstanding the above, a committee, candidate, or  
9 elected officer is not required to file more than the original and one  
10 copy, or two copies, of a campaign statement with any one county  
11 or city clerk or with the Secretary of State.

12 (g) If a committee is required to file campaign statements  
13 required by Section 84200 or 84200.5 in places designated in  
14 subdivisions (d) and (e), it shall continue to file these statements  
15 in those places, in addition to any other places required by this title,  
16 until the end of the calendar year.

17 SEC. 510. Section 91013.5 of the Government Code is  
18 amended to read:

19 91013.5. In addition to any other available remedies, the  
20 commission or the filing officer may bring a civil action and obtain  
21 a judgment in superior court for the purpose of collecting any  
22 unpaid monetary penalties, fees, or civil penalties imposed  
23 pursuant to this title. The action may be filed as a small claims,  
24 limited civil, or unlimited civil case, depending on the  
25 jurisdictional amount. The venue for this action shall be in the  
26 county where the monetary penalties, fees, or civil penalties were  
27 imposed by the commission or the filing officer. In order to obtain  
28 a judgment in a proceeding under this section, the commission or  
29 filing officer shall show, following the procedures and rules of  
30 evidence as applied in ordinary civil actions, all of the following:

31 (a) That the monetary penalties, fees, or civil penalties were  
32 imposed following the procedures set forth in this title and  
33 implementing regulations.

34 (b) That the defendant or defendants in the action were  
35 notified, by actual or constructive notice, of the imposition of the  
36 monetary penalties, fees, or civil penalties.

37 (c) That a demand for payment has been made by the  
38 commission or the filing officer and full payment has not been  
39 received.



1 SEC. 511. Section 515 of the Harbors and Navigation Code  
2 is amended to read:

3 515. Before making the order, the judge shall require from the  
4 claimant a bond to the people to be approved by the judge and filed  
5 with the clerk of the court, in a penalty double the value of the  
6 property or proceeds. The bond shall be conditioned upon the  
7 payment of all damages that may be recovered against the claimant  
8 or the claimant's representatives, within three years after its date,  
9 by any person establishing title to the property or proceeds.

10 SEC. 512. Section 1428 of the Health and Safety Code is  
11 amended to read:

12 1428. (a) If the licensee desires to contest a citation or the  
13 proposed assessment of a civil penalty therefor, the licensee shall  
14 use the processes described in subdivisions (b) and (c) for classes  
15 "AA," "A," or "B" citations. As a result of a citation review  
16 conference, a citation or the proposed assessment of a civil penalty  
17 may be affirmed, modified, or dismissed by the director or the  
18 director's designee. If the director's designee affirms, modifies, or  
19 dismisses the citation or proposed assessment of a civil penalty, he  
20 or she shall state with particularity in writing his or her reasons for  
21 that action, and shall immediately transmit a copy thereof to each  
22 party to the original complaint. If the licensee desires to contest a  
23 decision made after the citation review conference, the licensee  
24 shall inform the director in writing within 15 business days after  
25 he or she receives the decision by the director's designee.

26 (b) If a licensee notifies the director that he or she intends to  
27 contest a class "AA" or a class "A" citation, the licensee may first,  
28 within 15 business days after service of the citation, notify the  
29 director in writing of his or her request for a citation review  
30 conference. The licensee shall inform the director in writing,  
31 within 15 business days of the service of the citation or the receipt  
32 of the decision of the director's designee after the citation review  
33 conference, of the licensee's intent to adjudicate the validity of the  
34 citation in the superior court in the county in which the long-term  
35 health care facility is located. In order to perfect a judicial appeal  
36 of a contested citation, a licensee shall file a civil action in the  
37 superior court in the county in which the long-term health care  
38 facility is located. The action shall be filed no later than 90  
39 calendar days after a licensee notifies the director that he or she  
40 intends to contest the citation, or no later than 90 days after the



1 receipt of the decision by the director’s designee after the citation  
2 review conference, and served not later than 90 days after filing.  
3 Notwithstanding any other provision of law, a licensee prosecuting  
4 a judicial appeal shall file and serve an at-issue memorandum  
5 pursuant to Rule 209 of the California Rules of Court within six  
6 months after the state department files its answer in the appeal.  
7 Notwithstanding subdivision (d), the court shall dismiss the appeal  
8 upon motion of the state department if the at-issue memorandum  
9 is not filed by the facility within the period specified. The court  
10 may affirm, modify, or dismiss the citation, the level of the  
11 citation, or the amount of the proposed assessment of the civil  
12 penalty.

13 (c) If a licensee desires to contest a class “B” citation, the  
14 licensee may request, within 15 business days after service of the  
15 citation, a citation review conference, by writing the director or the  
16 director’s designee of the licensee’s intent to appeal the citation  
17 through the citation review conference. If the licensee wishes to  
18 appeal the citation which has been upheld in a citation review  
19 conference, the licensee shall, within 15 working days from the  
20 date the citation review conference decision was rendered, notify  
21 the director or the director’s designee that he or she wishes to  
22 appeal the decision through the procedures set forth in Section  
23 100171 or elects to submit the matter to binding arbitration in  
24 accordance with subdivision (d). The administrative law judge  
25 may affirm, modify, or dismiss the citation or the proposed  
26 assessment of a civil penalty. The licensee may choose to have his  
27 or her appeal heard by the administrative law judge or submit the  
28 matter to binding arbitration without having first appealed the  
29 decision to a citation review conference by notifying the director  
30 in writing within 15 business days of the service of the citation.

31 (d) If a licensee is dissatisfied with the decision of the  
32 administrative law judge, the licensee may, in lieu of seeking  
33 judicial review of the decision as provided in Section 1094.5 of the  
34 Code of Civil Procedure, elect to submit the matter to binding  
35 arbitration by filing, within 60 days of its receipt of the decision,  
36 a request for arbitration with the American Arbitration  
37 Association. The parties shall agree upon an arbitrator designated  
38 from the American Arbitration Association in accordance with the  
39 association’s established rules and procedures. The arbitration  
40 hearing shall be set within 45 days of the election to arbitrate, but



1 in no event less than 28 days from the date of selection of an  
2 arbitrator. The arbitration hearing may be continued up to 15  
3 additional days if necessary at the arbitrator’s discretion. Except  
4 as otherwise specifically provided in this subdivision, the  
5 arbitration hearing shall be conducted in accordance with the  
6 American Arbitration Association’s established rules and  
7 procedures. The arbitrator shall determine whether the licensee  
8 violated the regulation or regulations cited by the department, and  
9 whether the citation meets the criteria established in Sections 1423  
10 and 1424. If the arbitrator determines that the licensee has violated  
11 the regulation or regulations cited by the department, and that the  
12 class of the citation should be upheld, the proposed assessment of  
13 a civil penalty shall be affirmed, subject to the limitations  
14 established in Section 1424. The licensee and the department shall  
15 each bear its respective portion of the cost of arbitration. A  
16 resident, or his or her designated representative, or both, entitled  
17 to participate in the citation review conference pursuant to  
18 subdivision (f), may make an oral or written statement regarding  
19 the citation, at any arbitration hearing to which the matter has been  
20 submitted after the citation review conference.

21 (e) If an appeal is prosecuted under this section, including an  
22 appeal taken in accordance with Section 100171, the state  
23 department shall have the burden of establishing by a  
24 preponderance of the evidence that (1) the alleged violation did  
25 occur, (2) the alleged violation met the criteria for the class of  
26 citation alleged, and (3) the assessed penalty was appropriate. The  
27 state department shall also have the burden of establishing by a  
28 preponderance of the evidence that the assessment of a civil  
29 penalty should be upheld. If a licensee fails to notify the director  
30 in writing that he or she intends to contest the citation, or the  
31 proposed assessment of a civil penalty therefor, or the decision  
32 made by the director’s designee, after a citation review conference,  
33 within the time specified in this section, the decision by the  
34 director’s designee after a citation review conference shall be  
35 deemed a final order of the state department and shall not be  
36 subject to further administrative review, except that the licensee  
37 may seek judicial relief from the time limits specified in this  
38 section. If a licensee appeals a contested citation or the assessment  
39 of a civil penalty, no civil penalty shall be due and payable unless  
40 and until the appeal is terminated in favor of the state department.



1 (f) The director or the director's designee shall establish an  
2 independent unit of trained citation review conference hearing  
3 officers within the state department to conduct citation review  
4 conferences. Citation review conference hearing officers shall be  
5 directly responsible to the deputy director for licensing and  
6 certification, and shall not be concurrently employed as  
7 supervisors, district administrators, or regional administrators  
8 with the licensing and certification division. Specific training shall  
9 be provided to members of this unit on conducting an informal  
10 conference, with emphasis on the regulatory and legal aspects of  
11 long-term health care.

12 Where the state department issues a citation as a result of a  
13 complaint or regular inspection visit, and a resident or residents are  
14 specifically identified in a citation by name as being specifically  
15 affected by the violation, then the following persons may attend  
16 the citation review conference:

- 17 (1) The complainant and his or her designated representative.
- 18 (2) A personal health care provider, designated by the resident.
- 19 (3) A personal attorney.
- 20 (4) Any person representing the Office of the State Long-Term  
21 Care Ombudsman, as referred to in subdivision (d) of Section 9701  
22 of the Welfare and Institutions Code.

23 Where the state department determines that residents in the  
24 facility were threatened by the cited violation but does not name  
25 specific residents, any person representing the Office of the State  
26 Long-Term Care Ombudsman, as referred to in subdivision (d) of  
27 Section 9701 of the Welfare and Institutions Code, and a  
28 representative of the residents or family council at the facility may  
29 participate to represent all residents. In this case, these  
30 representatives shall be the sole participants for the residents in the  
31 conference. The residents or family council shall designate which  
32 representative will participate.

33 The complainant, affected resident, and their designated  
34 representatives shall be notified by the state department of the  
35 conference and their right to participate. The director's designee  
36 shall notify the complainant or his or her designated representative  
37 and the affected resident or his or her designated representative, of  
38 his or her determination based on the citation review conference.



1 (g) In assessing the civil penalty for a violation, all relevant  
2 facts shall be considered, including, but not limited to, all of the  
3 following:

4 (1) The probability and severity of the risk which the violation  
5 presents to the patient's or resident's mental and physical  
6 condition.

7 (2) The patient's or resident's medical condition.

8 (3) The patient's or resident's mental condition and his or her  
9 history of mental disability.

10 (4) The good faith efforts exercised by the facility to prevent  
11 the violation from occurring.

12 (5) The licensee's history of compliance with regulations.

13 (h) Except as otherwise provided in this subdivision, an  
14 assessment of civil penalties for a class "A" or class "B" violation  
15 shall be trebled and collected for a second and subsequent violation  
16 for which a citation of the same class was issued within any  
17 12-month period. Trebling shall occur only if the first citation  
18 issued within the 12-month period was issued in the same class, a  
19 civil penalty was assessed, and a plan of correction was submitted  
20 for the previous same-class violation occurring within the period,  
21 without regard to whether the action to enforce the previous  
22 citation has become final. However, the increment to the civil  
23 penalty required by this subdivision shall not be due and payable  
24 unless and until the previous action has terminated in favor of the  
25 state department.

26 If the class "B" citation is issued for a patient's rights violation,  
27 as defined in subdivision (c) of Section 1424, it shall not be trebled  
28 unless the state department determines the violation has a direct or  
29 immediate relationship to the health, safety, security, or welfare of  
30 long-term health care facility residents.

31 (i) The director shall prescribe procedures for the issuance of  
32 a notice of violation with respect to violations having only a  
33 minimal relationship to safety or health.

34 (j) Actions brought under this chapter shall be set for trial at the  
35 earliest possible date and shall take precedence on the court  
36 calendar over all other cases except matters to which equal or  
37 superior precedence is specifically granted by law. Times for  
38 responsive pleading and for hearing the proceeding shall be set by  
39 the judge of the court with the object of securing a decision as to  
40 subject matters at the earliest possible time.



1 (k) If the citation is dismissed, the state department shall take  
2 action immediately to ensure that the public records reflect in a  
3 prominent manner that the citation was dismissed.

4 (l) Penalties paid on violations under this chapter shall be  
5 applied against the state department's accounts to offset any costs  
6 incurred by the state pursuant to this chapter. Any costs or penalties  
7 assessed pursuant to this chapter shall be paid within 30 days of the  
8 date the decision becomes final. If a facility does not comply with  
9 this requirement, the state department shall withhold any payment  
10 under the Medi-Cal program until the debt is satisfied. No payment  
11 shall be withheld if the state department determines that it would  
12 cause undue hardship to the facility or to patients or residents of  
13 the facility.

14 (m) The amendments made to subdivisions (a) and (c) of this  
15 section by Chapter 84 of the Statutes of 1988, to extend the number  
16 of days allowed for the provision of notification to the director, do  
17 not affect the right, that is also contained in those amendments, to  
18 request judicial relief from these time limits.

19 SEC. 513. Section 1543 of the Health and Safety Code is  
20 amended to read:

21 1543. Notwithstanding any other provision of this chapter, the  
22 district attorney of every county, and city attorneys in those cities  
23 which have city attorneys who have jurisdiction to prosecute  
24 misdemeanors pursuant to Section 72193 of the Government  
25 Code, shall, upon their own initiative or upon application by the  
26 state department or its authorized representative, institute and  
27 conduct the prosecution of any action for violation within his or  
28 her county of any provisions of this chapter.

29 SEC. 514. Section 1568.0823 of the Health and Safety Code  
30 is amended to read:

31 1568.0823. (a) Any person who violates this chapter, or who  
32 willfully or repeatedly violates any rule or regulation adopted  
33 under this chapter, is guilty of a misdemeanor and upon conviction  
34 thereof shall be punished by a fine not to exceed one thousand  
35 dollars (\$1,000), or by imprisonment in the county jail for a period  
36 not to exceed 180 days, or by both fine and imprisonment.

37 (b) Operation of a residential care facility without a license  
38 shall be subject to a summons to appear in court.

39 (c) Notwithstanding any other provision of this chapter, the  
40 district attorney of every county, and the city attorneys in those



1 cities which have city attorneys who have jurisdiction to prosecute  
2 misdemeanors pursuant to Section 72193 of the Government  
3 Code, shall, upon their own initiative or upon application by the  
4 department or its authorized representative, institute and conduct  
5 the prosecution of any action for violation within his or her county  
6 of this chapter.

7 SEC. 515. Section 1569.43 of the Health and Safety Code is  
8 amended to read:

9 1569.43. Notwithstanding any other provisions of this  
10 chapter, the district attorney of every county, and city attorneys in  
11 those cities which have city attorneys which prosecute  
12 misdemeanors pursuant to Section 72193 of the Government  
13 Code, shall, upon their own initiative or upon application by the  
14 state department or its authorized representative, institute and  
15 conduct the prosecution of any action for violation of this chapter  
16 within his or her jurisdiction.

17 SEC. 516. Section 102247 of the Health and Safety Code is  
18 amended to read:

19 102247. (a) There is hereby created in the State Treasury the  
20 Health Statistics Special Fund. The fund shall consist of revenues  
21 including, but not limited to, all of the following:

22 (1) Fees or charges remitted to the State Registrar for record  
23 search or issuance of certificates, permits, registrations, or other  
24 documents pursuant to Chapter 3 (commencing with Section  
25 26801) of Part 3 of Division 2 of Title 3 of the Government Code,  
26 and Chapter 4 (commencing with Section 102525), Chapter 5  
27 (commencing with Section 102625), Chapter 8 (commencing with  
28 Section 103050), and Chapter 15 (commencing with Section  
29 103600), of Part 1, of Division 102.

30 (2) Funds remitted to the State Registrar by the federal Social  
31 Security Administration for participation in the enumeration at  
32 birth program.

33 (3) Funds remitted to the State Registrar by the National Center  
34 for Health Statistics pursuant to the federal Vital Statistics  
35 Cooperative Program.

36 (4) Any other funds collected by the State Registrar, except  
37 Children's Trust Fund fees collected pursuant to Section 18966 of  
38 the Welfare and Institutions Code, fees allocated to the Judicial  
39 Council pursuant to Section 1852 of the Family Code, and fees



1 collected pursuant to Section 103645, all of which shall be  
2 deposited into the General Fund.

3 (b) Moneys in the Health Statistics Special Fund shall be  
4 expended by the State Registrar for the purpose of funding its  
5 existing programs and programs that may become necessary to  
6 carry out its mission, upon appropriation by the Legislature.

7 (c) Health Statistics Special Fund moneys shall be expended  
8 only for the purposes set forth in this section and Section 102249,  
9 and shall not be expended for any other purpose or for any other  
10 state program.

11 (d) It is the intent of the Legislature that the Health Statistics  
12 Special Fund provide for the following:

13 (1) Registration and preservation of vital event records and  
14 dissemination of vital event information to the public.

15 (2) Data analysis of vital statistics for population projections,  
16 health trends and patterns, epidemiologic research, and  
17 development of information to support new health policies.

18 (3) Development of uniform health data systems that are  
19 integrated, accessible, and useful in the collection of information  
20 on health status.

21 SEC. 517. Section 103625 of the Health and Safety Code is  
22 amended to read:

23 103625. (a) A fee of three dollars (\$3) shall be paid by the  
24 applicant for a certified copy of a fetal death or death record.

25 (b) (1) A fee of three dollars (\$3) shall be paid by a public  
26 agency or licensed private adoption agency applicant for a  
27 certified copy of a birth certificate that the agency is required to  
28 obtain in the ordinary course of business. A fee of seven dollars  
29 (\$7) shall be paid by any other applicant for a certified copy of a  
30 birth certificate. Four dollars (\$4) of any seven-dollar (\$7) fee is  
31 exempt from subdivision (e) and shall be paid either to a county  
32 children's trust fund or to the State Children's Trust Fund, in  
33 conformity with Article 5 (commencing with Section 18965) of  
34 Chapter 11 of Part 6 of Division 9 of the Welfare and Institutions  
35 Code.

36 (2) The board of supervisors of any county that has established  
37 a county children's trust fund may increase the fee for a certified  
38 copy of a birth certificate by up to three dollars (\$3) for deposit in  
39 the county children's trust fund in conformity with Article 5



1 (commencing with Section 18965) of Chapter 11 of Part 6 of  
2 Division 9 of the Welfare and Institutions Code.

3 (c) A fee of three dollars (\$3) shall be paid by a public agency  
4 applicant for a certified copy of a marriage record, that has been  
5 filed with the county recorder or county clerk, that the agency is  
6 required to obtain in the ordinary course of business. A fee of six  
7 dollars (\$6) shall be paid by any other applicant for a certified copy  
8 of a marriage record that has been filed with the county recorder  
9 or county clerk. Three dollars (\$3) of any six-dollar (\$6) fee is  
10 exempt from subdivision (e) and shall be transmitted monthly by  
11 each local registrar, county recorder, and county clerk to the state  
12 for deposit into the General Fund as provided by Section 1852 of  
13 the Family Code.

14 (d) A fee of three dollars (\$3) shall be paid by a public agency  
15 applicant for a certified copy of a marriage dissolution record  
16 obtained from the State Registrar that the agency is required to  
17 obtain in the ordinary course of business. A fee of six dollars (\$6)  
18 shall be paid by any other applicant for a certified copy of a  
19 marriage dissolution record obtained from the State Registrar.

20 (e) Each local registrar, county recorder, or county clerk  
21 collecting a fee pursuant to subdivisions (a) to (d), inclusive, shall  
22 transmit 15 percent of the fee for each certified copy to the State  
23 Registrar by the 10th day of the month following the month in  
24 which the fee was received.

25 (f) In addition to the fees prescribed pursuant to subdivisions  
26 (a) to (d), inclusive, all applicants for certified copies of the  
27 records described in those subdivisions shall pay an additional fee  
28 of three dollars (\$3), that shall be collected by the State Registrar,  
29 the local registrar, county recorder, or county clerk, as the case may  
30 be.

31 (g) The local public official charged with the collection of the  
32 additional fee established pursuant to subdivision (f) may create  
33 a local vital and health statistics trust fund. The fees collected by  
34 local public officials pursuant to subdivision (f) shall be  
35 distributed as follows:

36 (1) Forty-five percent of the fee collected pursuant to  
37 subdivision (f) shall be transmitted to the State Registrar.

38 (2) The remainder of the fee collected pursuant to subdivision  
39 (f) shall be deposited into the collecting agency's vital and health  
40 statistics trust fund, except that in any jurisdiction in which a local



1 vital and health statistics fund has not been established, the entire  
2 amount of the fee collected pursuant to subdivision (f) shall be  
3 transmitted to the State Registrar.

4 (3) Moneys transmitted to the State Registrar pursuant to this  
5 subdivision shall be deposited in accordance with Section 102247.

6 (h) Moneys in each local vital and health statistics trust fund  
7 shall be available to the local official charged with the collection  
8 of fees pursuant to subdivision (f) for the applicable jurisdiction  
9 for the purpose of defraying the administrative costs of collecting  
10 and reporting with respect to those fees and for other costs as  
11 follows:

12 (1) Modernization of vital record operations, including  
13 improvement, automation, and technical support of vital record  
14 systems.

15 (2) Improvement in the collection and analysis of  
16 health-related birth and death certificate information, and other  
17 community health data collection and analysis, as appropriate.

18 (i) Funds collected pursuant to subdivision (f) shall not be used  
19 to supplant funding in existence on January 1, 2002, that is  
20 necessary for the daily operation of vital record systems. It is the  
21 intent of the Legislature that funds collected pursuant to  
22 subdivision (f) be used to enhance service to the public, to improve  
23 analytical capabilities of state and local health authorities in  
24 addressing the health needs of newborn children and maternal  
25 health problems, and to analyze the health status of the general  
26 population.

27 (j) Each county shall annually submit a report to the State  
28 Registrar by March 1 containing information on the amount of  
29 revenues collected pursuant to subdivision (f) in the previous  
30 calendar year and on how the revenues were expended and for  
31 what purpose.

32 (k) Each local registrar, county recorder, or county clerk  
33 collecting the fee pursuant to subdivision (f) shall transmit 45  
34 percent of the fee for each certified copy to which subdivision (f)  
35 applies to the State Registrar by the 10th day of the month  
36 following the month in which the fee was received.

37 (l) The additional three dollars (\$3) authorized to be charged to  
38 applicants other than public agency applicants for certified copies  
39 of marriage records by subdivision (c) may be increased pursuant  
40 to Section 114.



1 (m) In providing for the expiration of the surcharge on birth  
2 certificate fees on June 30, 1999, the Legislature intends that  
3 juvenile dependency mediation programs pursue ancillary  
4 funding sources after that date.

5 SEC. 519. Section 11706 of the Insurance Code is amended  
6 to read:

7 11706. Such party may file a certified copy of any such award  
8 in the office of any clerk of a superior court of this state. Upon the  
9 filing of such copy the clerk shall immediately enter a judgment  
10 thereon against the surety.

11 SEC. 520. Section 98 of the Labor Code is amended to read:

12 98. (a) The Labor Commissioner shall have the authority to  
13 investigate employee complaints. The Labor Commissioner may  
14 provide for a hearing in any action to recover wages, penalties, and  
15 other demands for compensation properly before the division or  
16 the Labor Commissioner including orders of the Industrial  
17 Welfare Commission, and shall determine all matters arising under  
18 his or her jurisdiction. It shall be within the jurisdiction of the  
19 Labor Commissioner to accept and determine claims from holders  
20 of payroll checks or payroll drafts returned unpaid because of  
21 insufficient funds, if, after a diligent search, the holder is unable  
22 to return the dishonored check or draft to the payee and recover the  
23 sums paid out. Within 30 days of filing of the complaint, the Labor  
24 Commissioner shall notify the parties as to whether a hearing will  
25 be held, or whether action will be taken in accordance with Section  
26 98.3, or whether no further action will be taken on the complaint.  
27 If the determination is made by the Labor Commissioner to hold  
28 a hearing, the hearing shall be held within 90 days of the date of  
29 that determination. However, the Labor Commissioner may  
30 postpone or grant additional time before setting a hearing if the  
31 Labor Commissioner finds that it would lead to an equitable and  
32 just resolution of the dispute.

33 It is the intent of the Legislature that hearings held pursuant to  
34 this section be conducted in an informal setting preserving the  
35 right of the parties.

36 (b) When a hearing is set, a copy of the complaint, which shall  
37 include the amount of compensation requested, together with a  
38 notice of time and place of the hearing, shall be served on all  
39 parties, personally or by certified mail.



1 (c) Within 10 days after service of the notice and the complaint,  
2 a defendant may file an answer with the Labor Commissioner in  
3 any form as the Labor Commissioner may prescribe, setting forth  
4 the particulars in which the complaint is inaccurate or incomplete  
5 and the facts upon which the defendant intends to rely.

6 (d) No pleading other than the complaint and answer of the  
7 defendant or defendants shall be required. Both shall be in writing  
8 and shall conform to the form and the rules of practice and  
9 procedure adopted by the Labor Commissioner.

10 (e) Evidence on matters not pleaded in the answer shall be  
11 allowed only on terms and conditions the Labor Commissioner  
12 shall impose. In all these cases, the claimant shall be entitled to a  
13 continuance for purposes of review of the new evidence.

14 (f) If the defendant fails to appear or answer within the time  
15 allowed under this chapter, no default shall be taken against him  
16 or her, but the Labor Commissioner shall hear the evidence offered  
17 and shall issue an order, decision, or award in accordance with the  
18 evidence. A defendant failing to appear or answer, or subsequently  
19 contending to be aggrieved in any manner by want of notice of the  
20 pendency of the proceedings, may apply to the Labor  
21 Commissioner for relief in accordance with Section 473 of the  
22 Code of Civil Procedure. The Labor Commissioner may afford  
23 this relief. No right to relief, including the claim that the findings  
24 or award of the Labor Commissioner or judgment entered thereon  
25 are void upon their face, shall accrue to the defendant in any court  
26 unless prior application is made to the Labor Commissioner in  
27 accordance with this chapter.

28 (g) All hearings conducted pursuant to this chapter are  
29 governed by the division and by the rules of practice and procedure  
30 adopted by the Labor Commissioner.

31 (h) Whenever a claim is filed under this chapter against a  
32 person operating or doing business under a fictitious business  
33 name, as defined in Section 17900 of the Business and Professions  
34 Code, which relates to the person's business, the division shall  
35 inquire at the time of the hearing whether the name of the person  
36 is the legal name under which the business or person has been  
37 licensed, registered, incorporated, or otherwise authorized to do  
38 business.

39 The division may amend an order, decision, or award to  
40 conform to the legal name of the business or the person who is the



1 defendant to a wage claim, provided it can be shown that proper  
2 service was made on the defendant or his or her agent, unless a  
3 judgment had been entered on the order, decision, or award  
4 pursuant to subdivision (d) of Section 98.2. The Labor  
5 Commissioner may apply to the clerk of the superior court to  
6 amend a judgment that has been issued pursuant to a final order,  
7 decision, or award to conform to the legal name of the defendant,  
8 provided it can be shown that proper service was made on the  
9 defendant or his or her agent.

10 SEC. 521. Section 98.1 of the Labor Code is amended to read:

11 98.1. (a) Within 15 days after the hearing is concluded, the  
12 Labor Commissioner shall file in the office of the division a copy  
13 of the order, decision, or award. The order, decision, or award shall  
14 include a summary of the hearing and the reasons for the decision.  
15 Upon filing of the order, decision, or award, the Labor  
16 Commissioner shall serve a copy of the decision personally or by  
17 first-class mail on the parties. The notice shall also advise the  
18 parties of their right to appeal the decision or award and further  
19 advise the parties that failure to do so within the period prescribed  
20 by this chapter shall result in the decision or award becoming final  
21 and enforceable as a judgment by the superior court.

22 (b) For the purpose of this section, an award shall include any  
23 sums found owing, damages proved, and any penalties awarded  
24 pursuant to this code.

25 (c) All awards granted pursuant to a hearing under this chapter  
26 shall accrue interest on all due and unpaid wages at the same rate  
27 as prescribed by subdivision (b) of Section 3289 of the Civil Code.  
28 The interest shall accrue until the wages are paid from the date that  
29 the wages were due and payable as provided in Part 1  
30 (commencing with Section 200) of Division 2.

31 SEC. 522. Section 98.2 of the Labor Code is amended to read:

32 98.2. (a) Within 10 days after service of notice of an order,  
33 decision, or award the parties may seek review by filing an appeal  
34 to the superior court, where the appeal shall be heard de novo. A  
35 copy of the appeal request shall be served upon the Labor  
36 Commissioner by the appellant. For purposes of computing the  
37 10-day period after service, Section 1013 of the Code of Civil  
38 Procedure shall be applicable.

39 (b) Whenever an employer files an appeal pursuant to this  
40 section, the employer shall post an undertaking with the reviewing



1 court in the amount of the order, decision, or award. The  
2 undertaking shall consist of an appeal bond issued by a licensed  
3 surety or a cash deposit with the court in the amount of the order,  
4 decision, or award. The employer shall provide written  
5 notification to the other parties and the Labor Commissioner of the  
6 posting of the undertaking. The undertaking shall be on the  
7 condition that, if any judgment is entered in favor of the employee,  
8 the employer shall pay the amount owed pursuant to the judgment,  
9 and if the appeal is withdrawn or dismissed without entry of  
10 judgment, the employer shall pay the amount owed pursuant to the  
11 order, decision, or award of the Labor Commissioner unless the  
12 parties have executed a settlement agreement for payment of some  
13 other amount, in which case the employer shall pay the amount that  
14 the employer is obligated to pay under the terms of the settlement  
15 agreement. If the employer fails to pay the amount owed within 10  
16 days of entry of the judgment, dismissal, or withdrawal of the  
17 appeal, or the execution of a settlement agreement, a portion of the  
18 undertaking equal to the amount owed, or the entire undertaking  
19 if the amount owed exceeds the undertaking, shall be forfeited to  
20 the employee.

21 (c) If the party seeking review by filing an appeal to the  
22 superior court is unsuccessful in the appeal, the court shall  
23 determine the costs and reasonable attorney's fees incurred by the  
24 other parties to the appeal, and assess that amount as a cost upon  
25 the party filing the appeal.

26 (d) If no notice of appeal of the order, decision, or award is filed  
27 within the period set forth in subdivision (a), the order, decision,  
28 or award shall, in the absence of fraud, be deemed the final order.

29 (e) The Labor Commissioner shall file, within 10 days of the  
30 order becoming final pursuant to subdivision (d), a certified copy  
31 of the final order with the clerk of the superior court of the  
32 appropriate county unless a settlement has been reached by the  
33 parties and approved by the Labor Commissioner. Judgment shall  
34 be entered immediately by the court clerk in conformity therewith.  
35 The judgment so entered shall have the same force and effect as,  
36 and shall be subject to all of the provisions of law relating to, a  
37 judgment in a civil action, and may be enforced in the same manner  
38 as any other judgment of the court in which it is entered.  
39 Enforcement of the judgment shall receive court priority.



1 (f) In order to ensure that judgments are satisfied, the Labor  
2 Commissioner may serve upon the judgment debtor, personally or  
3 by first-class mail at the last known address of the judgment debtor  
4 listed with the division, a form similar to, and requiring the  
5 reporting of the same information as, the form approved or  
6 adopted by the Judicial Council for purposes of subdivision (a) of  
7 Section 116.830 of the Code of Civil Procedure to assist in  
8 identifying the nature and location of any assets of the judgment  
9 debtor.

10 The judgment debtor shall complete the form and cause it to be  
11 delivered to the division at the address listed on the form within 35  
12 days after the form has been served on the judgment debtor, unless  
13 the judgment has been satisfied. In case of willful failure by the  
14 judgment debtor to comply with this subdivision, the division or  
15 the judgment creditor may request the court to apply the sanctions  
16 provided in Section 708.170 of the Code of Civil Procedure.

17 (g) Notwithstanding subdivision (e), the Labor Commissioner  
18 may stay execution of any judgment entered upon an order,  
19 decision, or award that has become final upon good cause  
20 appearing therefor and may impose the terms and conditions of the  
21 stay of execution. A certified copy of the stay of execution shall  
22 be filed with the clerk entering the judgment.

23 (h) When a judgment is satisfied in fact, otherwise than by  
24 execution, the Labor Commissioner may, upon the motion of  
25 either party or on its own motion, order entry of satisfaction of  
26 judgment. The clerk of the court shall enter a satisfaction of  
27 judgment upon the filing of a certified copy of the order.

28 (i) The Labor Commissioner shall make every reasonable  
29 effort to ensure that judgments are satisfied, including taking all  
30 appropriate legal action and requiring the employer to deposit a  
31 bond as provided in Section 240.

32 (j) The judgment creditor, or the Labor Commissioner as  
33 assignee of the judgment creditor, shall be entitled to court costs  
34 and reasonable attorney fees for enforcing the judgment that is  
35 rendered pursuant to this section.

36 SEC. 523. Section 1181 of the Labor Code is amended to read:  
37 1181. Upon the fixing of the time and place for the holding of  
38 a hearing for the purpose of considering and acting upon the  
39 proposed regulations or any matters referred to in Sections 1176  
40 to 1180, inclusive, the commission shall:



1 (a) Give public notice thereof by advertisement in at least one  
2 newspaper published in each of the cities of Los Angeles, Oakland,  
3 Sacramento, San Jose, Fresno, Eureka, San Diego, Long Beach,  
4 Alameda, Berkeley, Stockton, San Bernardino, and San Francisco.

5 (b) Mail a copy of the notice and the proposed regulations to the  
6 clerk of the superior court of each county in the state to be posted  
7 at the courthouse; to each association of employers or employees  
8 which, in the opinion of the commission, would be affected by the  
9 hearing; and to any person or organization within this state filing  
10 with the commission a written request for notice of such hearing.  
11 Failure to mail such notice shall not invalidate any order of the  
12 commission issued after such hearing.

13 The notice shall also state the time and place fixed for the  
14 hearing, which shall not be less than 30 days from the date of  
15 publication and mailing of such notices.

16 SEC. 524. Section 1701.10 of the Labor Code is amended to  
17 read:

18 1701.10. (a) Prior to engaging in the business or acting in the  
19 capacity of an advance-fee talent service, a person shall file with  
20 the Labor Commissioner a bond in the amount of ten thousand  
21 dollars (\$10,000) or a deposit in lieu of the bond pursuant to  
22 Section 995.710 of the Code of Civil Procedure. The bond shall be  
23 executed by a corporate surety qualified to do business in this state  
24 and conditioned upon compliance with this chapter. The total  
25 aggregate liability on the bond shall be limited to ten thousand  
26 dollars (\$10,000). The bond may be terminated pursuant to  
27 Section 995.440 of, or Article 13 (commencing with Section  
28 996.310) of Chapter 2 of Title 14 of Part 2 of, the Code of Civil  
29 Procedure.

30 (b) The bond required by this section shall be in favor of, and  
31 payable to, the people of the State of California and shall be for the  
32 benefit of any person damaged by any fraud, misstatement,  
33 misrepresentation, unlawful act or omission, or failure to provide  
34 the services of the advance-fee talent service while acting within  
35 the scope of that employment or agency.

36 (c) The Labor Commissioner shall charge and collect a filing  
37 fee to cover the cost of filing the bond or deposit.

38 (d) The Labor Commissioner shall enforce the provisions of  
39 this chapter that govern the filing and maintenance of bonds and  
40 deposits.



1 (e) (1) Whenever a deposit is made in lieu of the bond  
2 otherwise required by this section, the person asserting the claim  
3 against the deposit shall establish the claim by furnishing evidence  
4 to the Labor Commissioner of a money judgment entered by a  
5 court, together with evidence that the claimant is a person  
6 described in subdivision (b).

7 (2) When a claimant has established the claim with the Labor  
8 Commissioner, the Labor Commissioner shall review and approve  
9 the claim and enter the date of the approval thereon. The claim  
10 shall be designated an approved claim.

11 (3) When the first claim against a particular deposit has been  
12 approved, it shall not be paid until the expiration of a period of 240  
13 days after the date of its approval by the Labor Commissioner.  
14 Subsequent claims that are approved by the Labor Commissioner  
15 within the same 240-day period shall similarly not be paid until the  
16 expiration of that 240-day period. Upon the expiration of the  
17 240-day period, the Labor Commissioner shall pay all approved  
18 claims from that 240-day period in full unless the deposit is  
19 insufficient, in which case every approved claim shall be paid a pro  
20 rata share of the deposit.

21 (4) Whenever the Labor Commissioner approves the first claim  
22 against a particular deposit after the expiration of a 240-day  
23 period, the date of approval of that claim shall begin a new 240-day  
24 period to which paragraph (3) applies with respect to any amount  
25 remaining in the deposit.

26 (5) After a deposit is exhausted, no further claims shall be paid  
27 by the Labor Commissioner. Claimants who have had claims paid  
28 in full or in part pursuant to paragraph (3) or (4) shall not be  
29 required to return funds received from the deposit for the benefit  
30 of other claimants.

31 (6) Whenever a deposit has been made in lieu of a bond, the  
32 amount of the deposit shall not be subject to attachment,  
33 garnishment, or execution with respect to an action or judgment  
34 against the assignor of the deposit, other than as to an amount as  
35 no longer needed or required for the purposes of this chapter and  
36 that would otherwise be returned to the assignor of the deposit by  
37 the Labor Commissioner.

38 (7) The Labor Commissioner shall return a deposit two years  
39 from the date it receives written notification from the assignor of  
40 the deposit that the assignor has ceased to engage in the business



1 or act in the capacity of an advance-fee talent service or has filed  
2 a bond pursuant to subdivision (a), provided that there are no  
3 outstanding claims against the deposit. The written notice shall  
4 include all of the following:

5 (A) The name, address, and telephone number of the assignor.

6 (B) The name, address, and telephone number of the bank at  
7 which the deposit is located.

8 (C) The account number of the deposit.

9 (D) A statement that the assignor is ceasing to engage in the  
10 business or act in the capacity of an advance-fee talent service or  
11 has filed a bond with the Labor Commissioner. The Labor  
12 Commissioner shall forward an acknowledgement of receipt of the  
13 written notice to the assignor at the address indicated therein,  
14 specifying the date of receipt of the written notice and the  
15 anticipated date of release of the deposit, provided there are then  
16 no outstanding claims against the deposit.

17 (8) A superior court may order the return of the deposit prior  
18 to the expiration of two years upon evidence satisfactory to the  
19 court that there are no outstanding claims against the deposit, or  
20 order the Labor Commissioner to retain the deposit for a specified  
21 period beyond the two years to resolve outstanding claims against  
22 the deposit.

23 (9) This subdivision applies to all deposits retained by the  
24 Labor Commissioner. The Labor Commissioner shall notify each  
25 assignor of a deposit it retains and of the applicability of this  
26 section.

27 (10) Compliance with Sections 1700.15 and 1700.16 of this  
28 code or Section 1812.503, 1812.510, or 1812.515 of the Civil  
29 Code shall satisfy the requirements of this section.

30 SEC. 525. Section 2691 of the Labor Code is amended to  
31 read:

32 2691. Within 10 days of receipt of notice of the award, the  
33 party or parties who are required to comply with the terms of the  
34 award shall so comply and file proof of such compliance with the  
35 commissioner or shall file a notice of appeal with the superior  
36 court for the county in which the hearing was held. Upon the filing  
37 of such an appeal, a trial de novo shall be held, provided, however,  
38 that the decision reached by the panel as stated in the award shall  
39 be received as evidence by the trial court.



1 SEC. 526. Section 5600 of the Labor Code is amended to  
2 read:

3 5600. The appeals board may, upon the filing of an  
4 application by or on behalf of an injured employee, the employee's  
5 dependents, or any other party in interest, direct the clerk of the  
6 superior court of any county to issue writs of attachment  
7 authorizing the sheriff to attach the property of the defendant as  
8 security for the payment of any compensation which may be  
9 awarded in any of the following cases:

10 (a) In any case mentioned in Section 415.50 of the Code of  
11 Civil Procedure.

12 (b) Where the employer has failed to secure the payment of  
13 compensation as required by Article 1 (commencing with Section  
14 3700) of Chapter 4 of Part 1.

15 The attachment shall be in an amount fixed by the appeals board,  
16 not exceeding the greatest probable award against the defendant in  
17 the matter.

18 SEC. 527. Section 395.3 of the Military and Veterans Code is  
19 amended to read:

20 395.3. In the event that any public officer or employee has  
21 resigned or resigns his or her office or employment to serve or to  
22 continue to serve in the Armed Forces of the United States or in  
23 the Armed Forces of this state, he or she shall have a right to return  
24 to and reenter the office or employment prior to the time at which  
25 his or her term of office or his or her employment would have  
26 ended if he or she had not resigned, on serving a written notice to  
27 that effect upon the authorized appointing power, or if there is no  
28 authorized appointing power, upon the officer or agency having  
29 power to fill a vacancy in the office or employment, within six  
30 months of the termination of his or her active service with the  
31 Armed Forces; provided, that the right to return and reenter upon  
32 the office or position shall not extend to or be granted to any public  
33 officer or employee, who shall fail to return to and reenter upon his  
34 or her office or position within 12 months after the first date upon  
35 which he or she could terminate or could cause to have terminated  
36 his or her active service with the Armed Forces of the United States  
37 or of the militia of this state.

38 As used in this section, "public officers and employees"  
39 includes all of the following:

40 (a) Members of the Senate and of the Assembly.



1 (b) Justices of the Supreme Court and the courts of appeal,  
2 judges of the superior courts, and all other judicial officers.

3 (c) All other state officers and employees not within Chapter 11  
4 (commencing with Section 19770) of Part 2 of Division 5 of Title  
5 2 of the Government Code, including all officers for whose  
6 selection and term of office provision is made in the Constitution  
7 and laws of this state.

8 (d) All officers and employees of any county, city and county,  
9 city, township, district, political subdivision, authority,  
10 commission, board, or other public agency within this state.

11 The right of reentry into public office or employment provided  
12 for in this section shall include the right to be restored to the civil  
13 service status as the officer or employee would have if he or she  
14 had not so resigned; and no other person shall acquire civil service  
15 status in the same position so as to deprive the officer or employee  
16 of his or her right to restoration as provided for herein.

17 This section shall be retroactively applied to extend the right of  
18 reentry into public office or employment to public officers and  
19 employees who resigned prior to its effective date.

20 This section does not apply to any public officer or employee to  
21 whom the right to reenter public office or employment after  
22 service in the Armed Forces has been granted by any other  
23 provision of law.

24 If any provision of this section, or the application of this section  
25 to any person or circumstance, is held invalid, the remainder of this  
26 section, or the application of this section to persons or  
27 circumstances other than those as to which it is held invalid, shall  
28 not be affected thereby.

29 If the provisions of this section are in conflict with the  
30 provisions of a memorandum of understanding reached pursuant  
31 to Chapter 12 (commencing with Section 3560) of Division 4 of  
32 Title 1 of the Government Code, the memorandum of  
33 understanding shall be controlling without further legislative  
34 action, except that if such provisions of a memorandum of  
35 understanding require the expenditure of funds, the provisions  
36 shall not become effective unless approved by the Legislature in  
37 the annual Budget Act.

38 SEC. 528. Section 28 of the Penal Code is amended to read:

39 28. (a) Evidence of mental disease, mental defect, or mental  
40 disorder shall not be admitted to show or negate the capacity to



1 form any mental state, including, but not limited to, purpose,  
2 intent, knowledge, premeditation, deliberation, or malice  
3 aforethought, with which the accused committed the act. Evidence  
4 of mental disease, mental defect, or mental disorder is admissible  
5 solely on the issue of whether or not the accused actually formed  
6 a required specific intent, premeditated, deliberated, or harbored  
7 malice aforethought, when a specific intent crime is charged.

8 (b) As a matter of public policy there shall be no defense of  
9 diminished capacity, diminished responsibility, or irresistible  
10 impulse in a criminal action or juvenile adjudication hearing.

11 (c) This section shall not be applicable to an insanity hearing  
12 pursuant to Section 1026.

13 (d) Nothing in this section shall limit a court's discretion,  
14 pursuant to the Evidence Code, to exclude psychiatric or  
15 psychological evidence on whether the accused had a mental  
16 disease, mental defect, or mental disorder at the time of the alleged  
17 offense.

18 SEC. 529. Section 808 of the Penal Code is amended to read:

19 808. The following persons are magistrates:

- 20 1. The judges of the Supreme Court.
- 21 2. The judges of the courts of appeal.
- 22 3. The judges of the superior courts.

23 SEC. 530. Section 810 of the Penal Code is amended to read:

24 810. (a) The presiding judge of the superior court in a county  
25 shall, as often as is necessary, designate on a schedule not less than  
26 one judge of the court to be reasonably available on call as a  
27 magistrate for the setting of orders for discharge from actual  
28 custody upon bail, the issuance of search warrants, and for such  
29 other matters as may by the magistrate be deemed appropriate, at  
30 all times when a court is not in session in the county.

31 (b) The officer in charge of a jail, or a person the officer  
32 designates, in which an arrested person is held in custody shall  
33 assist the arrested person or the arrested person's attorney in  
34 contacting the magistrate on call as soon as possible for the  
35 purpose of obtaining release on bail.

36 (c) Any telephone call made pursuant to this section by an  
37 arrested person while in custody or by such person's attorney shall  
38 not count or be considered as a telephone call for purposes of  
39 Section 851.5 of the Penal Code.



1 SEC. 531. Section 830.1 of the Penal Code is amended to  
2 read:

3 830.1. (a) Any sheriff, undersheriff, or deputy sheriff,  
4 employed in that capacity, of a county, any chief of police of a city  
5 or chief, director, or chief executive officer of a consolidated  
6 municipal public safety agency which performs police functions,  
7 any police officer, employed in that capacity and appointed by the  
8 chief of police or chief, director, or chief executive of a public  
9 safety agency, of a city, any chief of police, or police officer of a  
10 district (including police officers of the San Diego Unified Port  
11 District Harbor Police) authorized by statute to maintain a police  
12 department, any marshal or deputy marshal of a superior court or  
13 county, any port warden or special officer of the Harbor  
14 Department of the City of Los Angeles, or any inspector or  
15 investigator employed in that capacity in the office of a district  
16 attorney, is a peace officer. The authority of these peace officers  
17 extends to any place in the state, as follows:

18 (1) As to any public offense committed or which there is  
19 probable cause to believe has been committed within the political  
20 subdivision which employs the peace officer or in which the peace  
21 officer serves.

22 (2) Where the peace officer has the prior consent of the chief  
23 of police or chief, director, or chief executive officer of a  
24 consolidated municipal public safety agency, or person authorized  
25 by him or her to give consent, if the place is within a city or of the  
26 sheriff, or person authorized by him or her to give consent, if the  
27 place is within a county.

28 (3) As to any public offense committed or which there is  
29 probable cause to believe has been committed in the peace  
30 officer's presence, and with respect to which there is immediate  
31 danger to person or property, or of the escape of the perpetrator of  
32 the offense.

33 (b) Special agents and Attorney General investigators of the  
34 Department of Justice are peace officers, and those assistant chiefs,  
35 deputy chiefs, chiefs, deputy directors, and division directors  
36 designated as peace officers by the Attorney General are peace  
37 officers. The authority of these peace officers extends to any place  
38 in the state where a public offense has been committed or where  
39 there is probable cause to believe one has been committed.



1 (c) Any deputy sheriff of the County of Los Angeles, and any  
2 deputy sheriff of the Counties of Riverside and San Diego, who is  
3 employed to perform duties exclusively or initially relating to  
4 custodial assignments with responsibilities for maintaining the  
5 operations of county custodial facilities, including the custody,  
6 care, supervision, security, movement, and transportation of  
7 inmates, is a peace officer whose authority extends to any place in  
8 the state only while engaged in the performance of the duties of his  
9 or her respective employment and for the purpose of carrying out  
10 the primary function of employment relating to his or her custodial  
11 assignments, or when performing other law enforcement duties  
12 directed by his or her employing agency during a local state of  
13 emergency.

14 SEC. 532. Section 851.8 of the Penal Code is amended to  
15 read:

16 851.8. (a) In any case where a person has been arrested and  
17 no accusatory pleading has been filed, the person arrested may  
18 petition the law enforcement agency having jurisdiction over the  
19 offense to destroy its records of the arrest. A copy of such petition  
20 shall be served upon the district attorney of the county having  
21 jurisdiction over the offense. The law enforcement agency having  
22 jurisdiction over the offense, upon a determination that the person  
23 arrested is factually innocent, shall, with the concurrence of the  
24 district attorney, seal its arrest records, and the petition for relief  
25 under this section for three years from the date of the arrest and  
26 thereafter destroy its arrest records and the petition. The law  
27 enforcement agency having jurisdiction over the offense shall  
28 notify the Department of Justice, and any law enforcement agency  
29 which arrested the petitioner or participated in the arrest of the  
30 petitioner for an offense for which the petitioner has been found  
31 factually innocent under this subdivision, of the sealing of the  
32 arrest records and the reason therefor. The Department of Justice  
33 and any law enforcement agency so notified shall forthwith seal  
34 their records of the arrest and the notice of sealing for three years  
35 from the date of the arrest, and thereafter destroy their records of  
36 the arrest and the notice of sealing. The law enforcement agency  
37 having jurisdiction over the offense and the Department of Justice  
38 shall request the destruction of any records of the arrest which they  
39 have given to any local, state, or federal agency or to any other  
40 person or entity. Each such agency, person, or entity within the



1 State of California receiving such a request shall destroy its  
2 records of the arrest and such request, unless otherwise provided  
3 in this section.

4 (b) If, after receipt by both the law enforcement agency and the  
5 district attorney of a petition for relief under subdivision (a), the  
6 law enforcement agency and district attorney do not respond to the  
7 petition by accepting or denying such petition within 60 days after  
8 the running of the relevant statute of limitations or within 60 days  
9 after receipt of the petition in cases where the statute of limitations  
10 has previously lapsed, then the petition shall be deemed to be  
11 denied. In any case where the petition of an arrestee to the law  
12 enforcement agency to have an arrest record destroyed is denied,  
13 petition may be made to the superior court which would have had  
14 territorial jurisdiction over the matter. A copy of such petition shall  
15 be served on the district attorney of the county having jurisdiction  
16 over the offense at least 10 days prior to the hearing thereon. The  
17 district attorney may present evidence to the court at such hearing.  
18 Notwithstanding Section 1538.5 or 1539, any judicial  
19 determination of factual innocence made pursuant to this section  
20 may be heard and determined upon declarations, affidavits, police  
21 reports, or any other evidence submitted by the parties which is  
22 material, relevant and reliable. A finding of factual innocence and  
23 an order for the sealing and destruction of records pursuant to this  
24 section shall not be made unless the court finds that no reasonable  
25 cause exists to believe that the arrestee committed the offense for  
26 which the arrest was made. In any court hearing to determine the  
27 factual innocence of a party, the initial burden of proof shall rest  
28 with the petitioner to show that no reasonable cause exists to  
29 believe that the arrestee committed the offense for which the arrest  
30 was made. If the court finds that this showing of no reasonable  
31 cause has been made by the petitioner, then the burden of proof  
32 shall shift to the respondent to show that a reasonable cause exists  
33 to believe that the petitioner committed the offense for which the  
34 arrest was made. If the court finds the arrestee to be factually  
35 innocent of the charges for which the arrest was made, then the  
36 court shall order the law enforcement agency having jurisdiction  
37 over the offense, the Department of Justice, and any law  
38 enforcement agency which arrested the petitioner or participated  
39 in the arrest of the petitioner for an offense for which the petitioner  
40 has been found factually innocent under this section to seal their



1 records of the arrest and the court order to seal and destroy such  
2 records, for three years from the date of the arrest and thereafter  
3 to destroy their records of the arrest and the court order to seal and  
4 destroy such records. The court shall also order the law  
5 enforcement agency having jurisdiction over the offense and the  
6 Department of Justice to request the destruction of any records of  
7 the arrest which they have given to any local, state, or federal  
8 agency, person or entity. Each state or local agency, person or  
9 entity within the State of California receiving such a request shall  
10 destroy its records of the arrest and the request to destroy such  
11 records, unless otherwise provided in this section. The court shall  
12 give to the petitioner a copy of any court order concerning the  
13 destruction of the arrest records.

14 (c) In any case where a person has been arrested, and an  
15 accusatory pleading has been filed, but where no conviction has  
16 occurred, the defendant may, at any time after dismissal of the  
17 action, petition the court which dismissed the action for a finding  
18 that the defendant is factually innocent of the charges for which the  
19 arrest was made. A copy of such petition shall be served on the  
20 district attorney of the county in which the accusatory pleading  
21 was filed at least 10 days prior to the hearing on the petitioner's  
22 factual innocence. The district attorney may present evidence to  
23 the court at such hearing. Such hearing shall be conducted as  
24 provided in subdivision (b). If the court finds the petitioner to be  
25 factually innocent of the charges for which the arrest was made,  
26 then the court shall grant the relief as provided in subdivision (b).

27 (d) In any case where a person has been arrested and an  
28 accusatory pleading has been filed, but where no conviction has  
29 occurred, the court may, with the concurrence of the district  
30 attorney, grant the relief provided in subdivision (b) at the time of  
31 the dismissal of the accusatory pleading.

32 (e) Whenever any person is acquitted of a charge and it appears  
33 to the judge presiding at the trial wherein such acquittal occurred  
34 that the defendant was factually innocent of such charge, the judge  
35 may grant the relief provided in subdivision (b).

36 (f) In any case where a person who has been arrested is granted  
37 relief pursuant to subdivision (a) or (b), the law enforcement  
38 agency having jurisdiction over the offense or court shall issue a  
39 written declaration to the arrestee stating that it is the  
40 determination of the law enforcement agency having jurisdiction



1 over the offense or court that the arrestee is factually innocent of  
2 the charges for which the person was arrested and that the arrestee  
3 is thereby exonerated. Thereafter, the arrest shall be deemed not  
4 to have occurred and the person may answer accordingly any  
5 question relating to its occurrence.

6 (g) The Department of Justice shall furnish forms to be utilized  
7 by persons applying for the destruction of their arrest records and  
8 for the written declaration that one person was found factually  
9 innocent under subdivisions (a) and (b).

10 (h) Documentation of arrest records destroyed pursuant to  
11 subdivision (a), (b), (c), (d), or (e) which are contained in  
12 investigative police reports shall bear the notation “Exonerated”  
13 whenever reference is made to the arrestee. The arrestee shall be  
14 notified in writing by the law enforcement agency having  
15 jurisdiction over the offense of the sealing and destruction of the  
16 arrest records pursuant to this section.

17 (i) Any finding that an arrestee is factually innocent pursuant  
18 to subdivision (a), (b), (c), (d), or (e) shall not be admissible as  
19 evidence in any action.

20 (j) Destruction of records of arrest pursuant to subdivision (a),  
21 (b), (c), (d), or (e) shall be accomplished by permanent obliteration  
22 of all entries or notations upon such records pertaining to the  
23 arrest, and the record shall be prepared again so that it appears that  
24 the arrest never occurred. However, where (1) the only entries on  
25 the record pertain to the arrest and (2) the record can be destroyed  
26 without necessarily effecting the destruction of other records, then  
27 the document constituting the record shall be physically destroyed.

28 (k) No records shall be destroyed pursuant to subdivision (a),  
29 (b), (c), (d), or (e) if the arrestee or a codefendant has filed a civil  
30 action against the peace officers or law enforcement jurisdiction  
31 which made the arrest or instituted the prosecution and if the  
32 agency which is the custodian of such records has received a  
33 certified copy of the complaint in such civil action, until the civil  
34 action has been resolved. Any records sealed pursuant to this  
35 section by the court in the civil actions, upon a showing of good  
36 cause, may be opened and submitted into evidence. The records  
37 shall be confidential and shall be available for inspection only by  
38 the court, jury, parties, counsel for the parties and any other person  
39 authorized by the court. Immediately following the final  
40 resolution of the civil action, records subject to subdivision (a),



1 (b), (c), (d), or (e) shall be sealed and destroyed pursuant to  
2 subdivision (a), (b), (c), (d), or (e).

3 (l) For arrests occurring on or after January 1, 1981, and for  
4 accusatory pleadings filed on or after January 1, 1981, petitions for  
5 relief under this section may be filed up to two years from the date  
6 of the arrest or filing of the accusatory pleading, whichever is later.  
7 Until January 1, 1983, petitioners can file for relief under this  
8 section for arrests which occurred or accusatory pleadings which  
9 were filed up to five years prior to the effective date of the statute.  
10 Any time restrictions on filing for relief under this section may be  
11 waived upon a showing of good cause by the petitioner and in the  
12 absence of prejudice.

13 (m) Any relief which is available to a petitioner under this  
14 section for an arrest shall also be available for an arrest which has  
15 been deemed to be or described as a detention under Section 849.5  
16 or 851.6.

17 (n) The provisions of this section shall not apply to any offense  
18 which is classified as an infraction.

19 (o) (1) The provisions of this section shall be repealed on the  
20 effective date of a final judgment based on a claim under the  
21 California or United States Constitution holding that evidence  
22 which is relevant, reliable, and material may not be considered for  
23 purposes of a judicial determination of factual innocence under  
24 this section. For purposes of this subdivision, a judgment by the  
25 appellate division of a superior court is a final judgment if it is  
26 published and if it is not reviewed on appeal by a court of appeal.  
27 A judgment of a court of appeal is a final judgment if it is published  
28 and if it is not reviewed by the California Supreme Court.

29 (2) Any such decision referred to in this subdivision shall be  
30 stayed pending appeal.

31 (3) If not otherwise appealed by a party to the action, any such  
32 decision referred to in this subdivision which is a judgment by the  
33 appellate division of the superior court shall be appealed by the  
34 Attorney General.

35 (p) A judgment of the court under subdivision (b), (c), (d), or  
36 (e) is subject to the following appeal path:

37 (1) In a felony case, appeal is to the court of appeal.

38 (2) In a misdemeanor case, or in a case in which no accusatory  
39 pleading was filed, appeal is to the appellate division of the  
40 superior court.



1 SEC. 533. Section 859a of the Penal Code is amended to read:  
2 859a. (a) If the public offense charged is a felony not  
3 punishable with death, the magistrate shall immediately upon the  
4 appearance of counsel for the defendant read the complaint to the  
5 defendant and ask him or her whether he or she pleads guilty or not  
6 guilty to the offense charged therein and to a previous conviction  
7 or convictions of crime if charged. While the charge remains  
8 pending before the magistrate and when the defendant's counsel  
9 is present, the defendant may plead guilty to the offense charged,  
10 or, with the consent of the magistrate and the district attorney or  
11 other counsel for the people, plead nolo contendere to the offense  
12 charged or plead guilty or nolo contendere to any other offense the  
13 commission of which is necessarily included in that with which he  
14 or she is charged, or to an attempt to commit the offense charged  
15 and to the previous conviction or convictions of crime if charged  
16 upon a plea of guilty or nolo contendere. The magistrate may then  
17 fix a reasonable bail as provided by this code, and upon failure to  
18 deposit the bail or surety, shall immediately commit the defendant  
19 to the sheriff. Upon accepting the plea of guilty or nolo contendere  
20 the magistrate shall certify the case, including a copy of all  
21 proceedings therein and any testimony that in his or her discretion  
22 he or she may require to be taken, to the court in which judgment  
23 is to be pronounced at the time specified under subdivision (b), and  
24 thereupon the proceedings shall be had as if the defendant had  
25 pleaded guilty in that court. This subdivision shall not be construed  
26 to authorize the receiving of a plea of guilty or nolo contendere  
27 from any defendant not represented by counsel. If the defendant  
28 subsequently files a written motion to withdraw the plea under  
29 Section 1018, the motion shall be heard and determined by the  
30 court before which the plea was entered.

31 (b) Notwithstanding Section 1191 or 1203, the magistrate  
32 shall, upon the receipt of a plea of guilty or nolo contendere and  
33 upon the performance of the other duties of the magistrate under  
34 this section, immediately appoint a time for pronouncing  
35 judgment in the superior court and refer the case to the probation  
36 officer if eligible for probation, as prescribed in Section 1191.

37 SEC. 534. Section 869 of the Penal Code is amended to read:  
38 869. The testimony of each witness in cases of homicide shall  
39 be reduced to writing, as a deposition, by the magistrate, or under  
40 his or her direction, and in other cases upon the demand of the



1 prosecuting attorney, or the defendant, or his or her counsel. The  
2 magistrate before whom the examination is had may, in his or her  
3 discretion, order the testimony and proceedings to be taken down  
4 in shorthand in all examinations herein mentioned, and for that  
5 purpose he or she may appoint a shorthand reporter. The  
6 deposition or testimony of the witness shall be authenticated in the  
7 following form:

8 (a) It shall state the name of the witness, his or her place of  
9 residence, and his or her business or profession; except that if the  
10 witness is a peace officer, it shall state his or her name, and the  
11 address given in his or her testimony at the hearing.

12 (b) It shall contain the questions put to the witness and his or  
13 her answers thereto, each answer being distinctly read to him or her  
14 as it is taken down, and being corrected or added to until it  
15 conforms to what he or she declares is the truth, except in cases  
16 where the testimony is taken down in shorthand, the answer or  
17 answers of the witness need not be read to him or her.

18 (c) If a question put be objected to on either side and overruled,  
19 or the witness declines answering it, that fact, with the ground on  
20 which the question was overruled or the answer declined, shall be  
21 stated.

22 (d) The deposition shall be signed by the witness, or if he or she  
23 refuses to sign it, his or her reason for refusing shall be stated in  
24 writing, as he or she gives it, except in cases where the deposition  
25 is taken down in shorthand, it need not be signed by the witness.

26 (e) The reporter shall, within 10 days after the close of the  
27 examination, if the defendant be held to answer the charge of a  
28 felony, or in any other case if either the defendant or the  
29 prosecution orders the transcript, transcribe his or her shorthand  
30 notes, making an original and one copy and as many additional  
31 copies thereof as there are defendants (other than fictitious  
32 defendants), regardless of the number of charges or fictitious  
33 defendants included in the same examination, and certify and  
34 deliver the original and all copies to the clerk of the superior court  
35 in the county in which the defendant was examined. The reporter  
36 shall, before receiving any compensation as a reporter, file his or  
37 her affidavit setting forth that the transcript has been delivered  
38 within the time herein provided for. The compensation of the  
39 reporter for any services rendered by him or her as the reporter in  
40 any court of this state shall be reduced one-half if the provisions



1 of this section as to the time of filing said transcript have not been  
2 complied with by him or her.

3 (f) In every case in which a transcript is delivered as provided  
4 in this section, the clerk of the court shall file the original of the  
5 transcript with the papers in the case, and shall deliver a copy of  
6 the transcript to the district attorney immediately upon his or her  
7 receipt thereof and shall deliver a copy of said transcript to each  
8 defendant (other than a fictitious defendant) at least five days  
9 before trial or upon earlier demand by him or her without cost to  
10 him or her; provided, that if any defendant be held to answer to two  
11 or more charges upon the same examination and thereafter the  
12 district attorney shall file separate informations upon said several  
13 charges, the delivery to each such defendant of one copy of the  
14 transcript of the examination shall be a compliance with this  
15 section as to all of those informations.

16 (g) If the transcript is delivered by the reporter within the time  
17 hereinbefore provided for, the reporter shall be entitled to receive  
18 the compensation fixed and allowed by law to reporters in the  
19 superior courts of this state.

20 SEC. 535. Section 870 of the Penal Code is amended to read:

21 870. The magistrate or his or her clerk shall keep the  
22 depositions taken on the information or the examination, until they  
23 are returned to the proper court; and shall not permit them to be  
24 examined or copied by any person except a judge of a court having  
25 jurisdiction of the offense, or authorized to issue writs of habeas  
26 corpus, the Attorney General, district attorney, or other  
27 prosecuting attorney, and the defendant and his or her counsel;  
28 provided however, upon demand by the defendant or his or her  
29 attorney the magistrate shall order a transcript of the depositions  
30 taken on the information, or on the examination, to be immediately  
31 furnished the defendant or his or her attorney, after the  
32 commitment of the defendant as provided by Sections 876 and  
33 877, and the reporter furnishing the depositions, shall receive  
34 compensation in accordance with Section 869.

35 SEC. 536. Section 924.4 of the Penal Code is amended to  
36 read:

37 924.4. Notwithstanding the provisions of Sections 924.1 and  
38 924.2, any grand jury or, if the grand jury is no longer impaneled,  
39 the presiding judge of the superior court, may pass on and provide  
40 the succeeding grand jury with any records, information, or



1 evidence acquired by the grand jury during the course of any  
2 investigation conducted by it during its term of service, except any  
3 information or evidence that relates to a criminal investigation or  
4 that could form part or all of the basis for issuance of an indictment.  
5 Transcripts of testimony reported during any session of the grand  
6 jury shall be made available to the succeeding grand jury upon its  
7 request.

8 SEC. 537. Section 932 of the Penal Code is amended to read:

9 932. After investigating the books and accounts of the various  
10 officials of the county, as provided in the foregoing sections of this  
11 article, the grand jury may order the district attorney of the county  
12 to institute suit to recover any money that, in the judgment of the  
13 grand jury, may from any cause be due the county. The order of the  
14 grand jury, certified by the foreman of the grand jury and filed with  
15 the clerk of the superior court of the county, shall be full authority  
16 for the district attorney to institute and maintain any such suit.

17 SEC. 538. Section 933 of the Penal Code is amended to read:

18 933. (a) Each grand jury shall submit to the presiding judge  
19 of the superior court a final report of its findings and  
20 recommendations that pertain to county government matters  
21 during the fiscal or calendar year. Final reports on any appropriate  
22 subject may be submitted to the presiding judge of the superior  
23 court at any time during the term of service of a grand jury. A final  
24 report may be submitted for comment to responsible officers,  
25 agencies, or departments, including the county board of  
26 supervisors, when applicable, upon finding of the presiding judge  
27 that the report is in compliance with this title. For 45 days after the  
28 end of the term, the foreperson and his or her designees shall, upon  
29 reasonable notice, be available to clarify the recommendations of  
30 the report.

31 (b) One copy of each final report, together with the responses  
32 thereto, found to be in compliance with this title shall be placed on  
33 file with the clerk of the court and remain on file in the office of  
34 the clerk. The clerk shall immediately forward a true copy of the  
35 report and the responses to the State Archivist who shall retain that  
36 report and all responses in perpetuity.

37 (c) No later than 90 days after the grand jury submits a final  
38 report on the operations of any public agency subject to its  
39 reviewing authority, the governing body of the public agency shall  
40 comment to the presiding judge of the superior court on the



1 findings and recommendations pertaining to matters under the  
2 control of the governing body, and every elected county officer or  
3 agency head for which the grand jury has responsibility pursuant  
4 to Section 914.1 shall comment within 60 days to the presiding  
5 judge of the superior court, with an information copy sent to the  
6 board of supervisors, on the findings and recommendations  
7 pertaining to matters under the control of that county officer or  
8 agency head and any agency or agencies which that officer or  
9 agency head supervises or controls. In any city and county, the  
10 mayor shall also comment on the findings and recommendations.  
11 All of these comments and reports shall forthwith be submitted to  
12 the presiding judge of the superior court who impaneled the grand  
13 jury. A copy of all responses to grand jury reports shall be placed  
14 on file with the clerk of the public agency and the office of the  
15 county clerk, or the mayor when applicable, and shall remain on  
16 file in those offices. One copy shall be placed on file with the  
17 applicable grand jury final report by, and in the control of the  
18 currently impaneled grand jury, where it shall be maintained for  
19 a minimum of five years.

20 (d) As used in this section “agency” includes a department.

21 SEC. 539. Section 938.1 of the Penal Code is amended to  
22 read:

23 938.1. (a) If an indictment has been found or accusation  
24 presented against a defendant, such stenographic reporter shall  
25 certify and deliver to the clerk of the superior court in the county  
26 an original transcription of the reporter’s shorthand notes and a  
27 copy thereof and as many additional copies as there are defendants,  
28 other than fictitious defendants, regardless of the number of  
29 charges or fictitious defendants included in the same investigation.  
30 The reporter shall complete the certification and delivery within  
31 10 days after the indictment has been found or the accusation  
32 presented unless the court for good cause makes an order  
33 extending the time. The time shall not be extended more than 20  
34 days. The clerk shall file the original of the transcript, deliver a  
35 copy of the transcript to the district attorney immediately upon  
36 receipt thereof and deliver a copy of such transcript to each such  
37 defendant or the defendant’s attorney. If the copy of the testimony  
38 is not served as provided in this section, the court shall on motion  
39 of the defendant continue the trial to such time as may be necessary  
40 to secure to the defendant receipt of a copy of such testimony 10



1 days before such trial. If several criminal charges are investigated  
2 against a defendant on one investigation and thereafter separate  
3 indictments are returned or accusations presented upon said  
4 several charges, the delivery to such defendant or the defendant's  
5 attorney of one copy of the transcript of such investigation shall be  
6 a compliance with this section as to all of such indictments or  
7 accusations.

8 (b) The transcript shall not be open to the public until 10 days  
9 after its delivery to the defendant or the defendant's attorney.  
10 Thereafter the transcript shall be open to the public unless the court  
11 orders otherwise on its own motion or on motion of a party pending  
12 a determination as to whether all or part of the transcript should be  
13 sealed. If the court determines that there is a reasonable likelihood  
14 that making all or any part of the transcript public may prejudice  
15 a defendant's right to a fair and impartial trial, that part of the  
16 transcript shall be sealed until the defendant's trial has been  
17 completed.

18 SEC. 540. Section 987.2 of the Penal Code is amended to  
19 read:

20 987.2. (a) In any case in which a person, including a person  
21 who is a minor, desires but is unable to employ counsel, and in  
22 which counsel is assigned in the superior court to represent the  
23 person in a criminal trial, proceeding, or appeal, the following  
24 assigned counsel shall receive a reasonable sum for compensation  
25 and for necessary expenses, the amount of which shall be  
26 determined by the court, to be paid out of the general fund of the  
27 county:

28 (1) In a county or city and county in which there is no public  
29 defender.

30 (2) In a county of the first, second, or third class where there is  
31 no contract for criminal defense services between the county and  
32 one or more responsible attorneys.

33 (3) In a case in which the court finds that, because of a conflict  
34 of interest or other reasons, the public defender has properly  
35 refused.

36 (4) In a county of the first, second, or third class where  
37 attorneys contracted by the county are unable to represent the  
38 person accused.

39 (b) The sum provided for in subdivision (a) may be determined  
40 by contract between the court and one or more responsible



1 attorneys after consultation with the board of supervisors as to the  
2 total amount of compensation and expenses to be paid, which shall  
3 be within the amount of funds allocated by the board of supervisors  
4 for the cost of assigned counsel in those cases.

5 (c) In counties that utilize an assigned private counsel system  
6 as either the primary method of public defense or as the method of  
7 appointing counsel in cases where the public defender is  
8 unavailable, the county, the courts, or the local county bar  
9 association working with the courts are encouraged to do all of the  
10 following:

11 (1) Establish panels that shall be open to members of the State  
12 Bar of California.

13 (2) Categorize attorneys for panel placement on the basis of  
14 experience.

15 (3) Refer cases to panel members on a rotational basis within  
16 the level of experience of each panel, except that a judge may  
17 exclude an individual attorney from appointment to an individual  
18 case for good cause.

19 (4) Seek to educate those panel members through an approved  
20 training program.

21 (5) Establish a cost-efficient plan to ensure maximum recovery  
22 of costs pursuant to Section 987.8.

23 (d) In a county of the first, second, or third class, the court shall  
24 first utilize the services of the public defender to provide criminal  
25 defense services for indigent defendants. In the event that the  
26 public defender is unavailable and the county and the courts have  
27 contracted with one or more responsible attorneys or with a panel  
28 of attorneys to provide criminal defense services for indigent  
29 defendants, the court shall utilize the services of the  
30 county-contracted attorneys prior to assigning any other private  
31 counsel. Nothing in this subdivision shall be construed to require  
32 the appointment of counsel in any case in which the counsel has  
33 a conflict of interest. In the interest of justice, a court may depart  
34 from that portion of the procedure requiring appointment of a  
35 county-contracted attorney after making a finding of good cause  
36 and stating the reasons therefor on the record.

37 (e) In a county of the first, second, or third class, the court shall  
38 first utilize the services of the public defender to provide criminal  
39 defense services for indigent defendants. In the event that the  
40 public defender is unavailable and the county has created a second



1 public defender and contracted with one or more responsible  
2 attorneys or with a panel of attorneys to provide criminal defense  
3 services for indigent defendants, and if the quality of  
4 representation provided by the second public defender is  
5 comparable to the quality of representation provided by the public  
6 defender, the court shall next utilize the services of the second  
7 public defender and then the services of the county-contracted  
8 attorneys prior to assigning any other private counsel. Nothing in  
9 this subdivision shall be construed to require the appointment of  
10 counsel in any case in which the counsel has a conflict of interest.  
11 In the interest of justice, a court may depart from that portion of  
12 the procedure requiring appointment of the second public defender  
13 or a county-contracted attorney after making a finding of good  
14 cause and stating the reasons therefor on the record.

15 (f) In any case in which counsel is assigned as provided in  
16 subdivision (a), that counsel appointed by the court and any  
17 court-appointed licensed private investigator shall have the same  
18 rights and privileges to information as the public defender and the  
19 public defender investigator. It is the intent of the Legislature in  
20 enacting this subdivision to equalize any disparity that exists  
21 between the ability of private, court-appointed counsel and  
22 investigators, and public defenders and public defender  
23 investigators, to represent their clients. This subdivision is not  
24 intended to grant to private investigators access to any confidential  
25 Department of Motor Vehicles' information not otherwise  
26 available to them. This subdivision is not intended to extend to  
27 private investigators the right to issue subpoenas.

28 (g) Notwithstanding any other provision of this section, where  
29 an indigent defendant is first charged in one county and establishes  
30 an attorney-client relationship with the public defender, defense  
31 services contract attorney, or private attorney, and where the  
32 defendant is then charged with an offense in a second or  
33 subsequent county, the court in the second or subsequent county  
34 may appoint the same counsel as was appointed in the first county  
35 to represent the defendant when all of the following conditions are  
36 met:

37 (1) The offense charged in the second or subsequent county  
38 would be joinable for trial with the offense charged in the first if  
39 it took place in the same county, or involves evidence which would  
40 be cross-admissible.



1 (2) The court finds that the interests of justice and economy will  
2 be best served by unitary representation.

3 (3) Counsel appointed in the first county consents to the  
4 appointment.

5 (h) The county may recover costs of public defender services  
6 under Chapter 6 (commencing with Section 4750) of Title 5 of Part  
7 3 for any case subject to Section 4750.

8 (i) Counsel shall be appointed to represent, in a misdemeanor  
9 case, a person who desires but is unable to employ counsel, when  
10 it appears that the appointment is necessary to provide an adequate  
11 and effective defense for the defendant. Appointment of counsel  
12 in an infraction case is governed by Section 19.6.

13 (j) As used in this section, “county of the first, second, or third  
14 class” means the county of the first class, county of the second  
15 class, and county of the third class as provided by Sections 28020,  
16 28022, 28023, and 28024 of the Government Code.

17 SEC. 541. Section 1000 of the Penal Code is amended to read:

18 1000. (a) This chapter shall apply whenever a case is before  
19 any court upon an accusatory pleading for a violation of Section  
20 11350, 11357, 11364, 11365, 11377, or 11550 of the Health and  
21 Safety Code, or Section 11358 of the Health and Safety Code if the  
22 marijuana planted, cultivated, harvested, dried, or processed is for  
23 personal use, or Section 11368 of the Health and Safety Code if the  
24 narcotic drug was secured by a fictitious prescription and is for the  
25 personal use of the defendant and was not sold or furnished to  
26 another, or subdivision (d) of Section 653f if the solicitation was  
27 for acts directed to personal use only, or Section 381 or subdivision  
28 (f) of Section 647 of the Penal Code, if for being under the  
29 influence of a controlled substance, or Section 4060 of the  
30 Business and Professions Code, and it appears to the prosecuting  
31 attorney that, except as provided in subdivision (b) of Section  
32 11357 of the Health and Safety Code, all of the following apply to  
33 the defendant:

34 (1) The defendant has no conviction for any offense involving  
35 controlled substances prior to the alleged commission of the  
36 charged offense.

37 (2) The offense charged did not involve a crime of violence or  
38 threatened violence.



1 (3) There is no evidence of a violation relating to narcotics or  
2 restricted dangerous drugs other than a violation of the sections  
3 listed in this subdivision.

4 (4) The defendant's record does not indicate that probation or  
5 parole has ever been revoked without thereafter being completed.

6 (5) The defendant's record does not indicate that he or she has  
7 successfully completed or been terminated from diversion or  
8 deferred entry of judgment pursuant to this chapter within five  
9 years prior to the alleged commission of the charged offense.

10 (6) The defendant has no prior felony conviction within five  
11 years prior to the alleged commission of the charged offense.

12 (b) The prosecuting attorney shall review his or her file to  
13 determine whether or not paragraphs (1) to (6), inclusive, of  
14 subdivision (a) apply to the defendant. Upon the agreement of the  
15 prosecuting attorney, law enforcement, the public defender, and  
16 the presiding judge of the criminal division of the superior court  
17 or a judge designated by the presiding judge, this procedure shall  
18 be completed as soon as possible after the initial filing of the  
19 charges. If the defendant is found eligible, the prosecuting attorney  
20 shall file with the court a declaration in writing or state for the  
21 record the grounds upon which the determination is based, and  
22 shall make this information available to the defendant and his or  
23 her attorney. This procedure is intended to allow the court to set  
24 the hearing for deferred entry of judgment at the arraignment. If  
25 the defendant is found ineligible for deferred entry of judgment,  
26 the prosecuting attorney shall file with the court a declaration in  
27 writing or state for the record the grounds upon which the  
28 determination is based, and shall make this information available  
29 to the defendant and his or her attorney. The sole remedy of a  
30 defendant who is found ineligible for deferred entry of judgment  
31 is a postconviction appeal.

32 (c) All referrals for deferred entry of judgment granted by the  
33 court pursuant to this chapter shall be made only to programs that  
34 have been certified by the county drug program administrator  
35 pursuant to Chapter 1.5 (commencing with Section 1211) of Title  
36 8, or to programs that provide services at no cost to the participant  
37 and have been deemed by the court and the county drug program  
38 administrator to be credible and effective. The defendant may  
39 request to be referred to a program in any county, as long as that  
40 program meets the criteria set forth in this subdivision.



1 (d) Deferred entry of judgment for a violation of Section 11368  
2 of the Health and Safety Code shall not prohibit any administrative  
3 agency from taking disciplinary action against a licensee or from  
4 denying a license. Nothing in this subdivision shall be construed  
5 to expand or restrict the provisions of Section 1000.4.

6 (e) Any defendant who is participating in a program referred to  
7 in this section may be required to undergo analysis of his or her  
8 urine for the purpose of testing for the presence of any drug as part  
9 of the program. However, urine analysis results shall not be  
10 admissible as a basis for any new criminal prosecution or  
11 proceeding.

12 SEC. 542. Section 1000.5 of the Penal Code is amended to  
13 read:

14 1000.5. (a) The presiding judge of the superior court, or a  
15 judge designated by the presiding judge, together with the district  
16 attorney and the public defender, may agree in writing to establish  
17 and conduct a preguilty plea drug court program pursuant to the  
18 provisions of this chapter, wherein criminal proceedings are  
19 suspended without a plea of guilty for designated defendants. The  
20 drug court program shall include a regimen of graduated sanctions  
21 and rewards, individual and group therapy, urine analysis testing  
22 commensurate with treatment needs, close court monitoring and  
23 supervision of progress, educational or vocational counseling as  
24 appropriate, and other requirements as agreed to by the presiding  
25 judge or his or her designee, the district attorney, and the public  
26 defender. If there is no agreement in writing for a preguilty plea  
27 program by the presiding judge or his or her designee, the district  
28 attorney, and the public defender, the program shall be operated as  
29 a deferred entry of judgment program as provided in this chapter.

30 (b) The provisions of Section 1000.3 and Section 1000.4  
31 regarding satisfactory and unsatisfactory performance in a  
32 program shall apply to preguilty plea programs. If the court finds  
33 that (1) the defendant is not performing satisfactorily in the  
34 assigned program, (2) the defendant is not benefiting from  
35 education, treatment, or rehabilitation, (3) the defendant has been  
36 convicted of a crime specified in Section 1000.3, or (4) the  
37 defendant has engaged in criminal conduct rendering him or her  
38 unsuitable for the preguilty plea program, the court shall reinstate  
39 the criminal charge or charges. If the defendant has performed  
40 satisfactorily during the period of the preguilty plea program, at



1 the end of that period, the criminal charge or charges shall be  
2 dismissed and the provisions of Section 1000.4 shall apply.

3 SEC. 544. Section 1050 of the Penal Code is amended to read:

4 1050. (a) The welfare of the people of the State of California  
5 requires that all proceedings in criminal cases shall be set for trial  
6 and heard and determined at the earliest possible time. To this end  
7 the Legislature finds that the criminal courts are becoming  
8 increasingly congested with resulting adverse consequences to the  
9 welfare of the people and the defendant. Excessive continuances  
10 contribute substantially to this congestion and cause substantial  
11 hardship to victims and other witnesses. Continuances also lead to  
12 longer periods of presentence confinement for those defendants in  
13 custody and the concomitant overcrowding and increased  
14 expenses of local jails. It is therefore recognized that the people,  
15 the defendant, and the victims and other witnesses have the right  
16 to an expeditious disposition, and to that end it shall be the duty of  
17 all courts and judicial officers and of all counsel, both for the  
18 prosecution and the defense, to expedite these proceedings to the  
19 greatest degree that is consistent with the ends of justice. In  
20 accordance with this policy, criminal cases shall be given  
21 precedence over, and set for trial and heard without regard to the  
22 pendency of, any civil matters or proceedings. In further  
23 accordance with this policy, death penalty cases in which both the  
24 prosecution and the defense have informed the court that they are  
25 prepared to proceed to trial shall be given precedence over, and set  
26 for trial and heard without regard to the pendency of, other  
27 criminal cases and any civil matters or proceedings, unless the  
28 court finds in the interest of justice that it is not appropriate.

29 (b) To continue any hearing in a criminal proceeding, including  
30 the trial, (1) a written notice shall be filed and served on all parties  
31 to the proceeding at least two court days before the hearing sought  
32 to be continued, together with affidavits or declarations detailing  
33 specific facts showing that a continuance is necessary and (2)  
34 within two court days of learning that he or she has a conflict in the  
35 scheduling of any court hearing, including a trial, an attorney shall  
36 notify the calendar clerk of each court involved, in writing,  
37 indicating which hearing was set first. A party shall not be deemed  
38 to have been served within the meaning of this section until that  
39 party actually has received a copy of the documents to be served,  
40 unless the party, after receiving actual notice of the request for



1 continuance, waives the right to have the documents served in a  
2 timely manner. Regardless of the proponent of the motion, the  
3 prosecuting attorney shall notify the people's witnesses and the  
4 defense attorney shall notify the defense's witnesses of the notice  
5 of motion, the date of the hearing, and the witnesses' right to be  
6 heard by the court.

7 (c) Notwithstanding subdivision (b), a party may make a  
8 motion for a continuance without complying with the  
9 requirements of that subdivision. However, unless the moving  
10 party shows good cause for the failure to comply with those  
11 requirements, the court may impose sanctions as provided in  
12 Section 1050.5.

13 (d) When a party makes a motion for a continuance without  
14 complying with the requirements of subdivision (b), the court shall  
15 hold a hearing on whether there is good cause for the failure to  
16 comply with those requirements. At the conclusion of the hearing  
17 the court shall make a finding whether good cause has been shown  
18 and, if it finds that there is good cause, shall state on the record the  
19 facts proved that justify its finding. A statement of the finding and  
20 a statement of facts proved shall be entered in the minutes. If the  
21 moving party is unable to show good cause for the failure to give  
22 notice, the motion for continuance shall not be granted.

23 (e) Continuances shall be granted only upon a showing of good  
24 cause. Neither the convenience of the parties nor a stipulation of  
25 the parties is in and of itself good cause.

26 (f) At the conclusion of the motion for continuance, the court  
27 shall make a finding whether good cause has been shown and, if  
28 it finds that there is good cause, shall state on the record the facts  
29 proved that justify its finding. A statement of facts proved shall be  
30 entered in the minutes.

31 (g) (1) When deciding whether or not good cause for a  
32 continuance has been shown, the court shall consider the general  
33 convenience and prior commitments of all witnesses, including  
34 peace officers. Both the general convenience and prior  
35 commitments of each witness also shall be considered in selecting  
36 a continuance date if the motion is granted. The facts as to  
37 inconvenience or prior commitments may be offered by the  
38 witness or by a party to the case.

39 (2) For purposes of this section, "good cause" includes, but is  
40 not limited to, those cases involving murder, as defined in



1 subdivision (a) of Section 187, allegations that stalking, as defined  
2 in Section 646.9, a violation of one or more of the sections  
3 specified in subdivision (a) of Section 11165.1 or Section 11165.6,  
4 or domestic violence as defined in Section 13700, or a case being  
5 handled in the Career Criminal Prosecution Program pursuant to  
6 Sections 999b through 999h, has occurred and the prosecuting  
7 attorney assigned to the case has another trial, preliminary hearing,  
8 or motion to suppress in progress in that court or another court. A  
9 continuance under this paragraph shall be limited to a maximum  
10 of 10 additional court days.

11 (3) Only one continuance per case may be granted to the people  
12 under this subdivision for cases involving stalking or cases  
13 handled under the Career Criminal Prosecution Program. Any  
14 continuance granted to the people in a case involving stalking or  
15 handled under the Career Criminal Prosecution Program shall be  
16 for the shortest time possible, not to exceed 10 court days.

17 (h) Upon a showing that the attorney of record at the time of the  
18 defendant's first appearance in the superior court on an indictment  
19 or information is a Member of the Legislature of this state and that  
20 the Legislature is in session or that a legislative interim committee  
21 of which the attorney is a duly appointed member is meeting or is  
22 to meet within the next seven days, the defendant shall be entitled  
23 to a reasonable continuance not to exceed 30 days.

24 (i) A continuance shall be granted only for that period of time  
25 shown to be necessary by the evidence considered at the hearing  
26 on the motion. Whenever any continuance is granted, the court  
27 shall state on the record the facts proved that justify the length of  
28 the continuance, and those facts shall be entered in the minutes.

29 (j) Whenever it shall appear that any court may be required,  
30 because of the condition of its calendar, to dismiss an action  
31 pursuant to Section 1382, the court must immediately notify the  
32 Chair of the Judicial Council.

33 (k) This section shall not apply when the preliminary  
34 examination is set on a date less than 10 court days from the date  
35 of the defendant's arraignment on the complaint, and the  
36 prosecution or the defendant moves to continue the preliminary  
37 examination to a date not more than 10 court days from the date  
38 of the defendant's arraignment on the complaint.

39 SEC. 545. Section 1089 of the Penal Code is amended to read:



1 1089. Whenever, in the opinion of a judge of a superior court  
2 about to try a defendant against whom has been filed any  
3 indictment or information or complaint, the trial is likely to be a  
4 protracted one, the court may cause an entry to that effect to be  
5 made in the minutes of the court, and thereupon, immediately after  
6 the jury is impaneled and sworn, the court may direct the calling  
7 of one or more additional jurors, in its discretion, to be known as  
8 “alternate jurors.”

9 The alternate jurors must be drawn from the same source, and  
10 in the same manner, and have the same qualifications as the jurors  
11 already sworn, and be subject to the same examination and  
12 challenges; provided, that the prosecution and the defendant shall  
13 each be entitled to as many peremptory challenges to the alternate  
14 jurors as there are alternate jurors called. When two or more  
15 defendants are tried jointly each defendant shall be entitled to as  
16 many peremptory challenges to the alternate jurors as there are  
17 alternate jurors called. The prosecution shall be entitled to  
18 additional peremptory challenges equal to the number of all the  
19 additional separate challenges allowed the defendant or  
20 defendants to the alternate jurors.

21 The alternate jurors shall be seated so as to have equal power and  
22 facilities for seeing and hearing the proceedings in the case, and  
23 shall take the same oath as the jurors already selected, and must  
24 attend at all times upon the trial of the cause in company with the  
25 other jurors; and for a failure so to do are liable to be punished for  
26 contempt.

27 They shall obey the orders of and be bound by the admonition  
28 of the court, upon each adjournment of the court; but if the regular  
29 jurors are ordered to be kept in the custody of the sheriff or marshal  
30 during the trial of the cause, the alternate jurors shall also be kept  
31 in confinement with the other jurors; and upon final submission of  
32 the case to the jury the alternate jurors shall be kept in the custody  
33 of the sheriff or marshal and shall not be discharged until the  
34 original jurors are discharged, except as hereinafter provided.

35 If at any time, whether before or after the final submission of the  
36 case to the jury, a juror dies or becomes ill, or upon other good  
37 cause shown to the court is found to be unable to perform his duty,  
38 or if a juror requests a discharge and good cause appears therefor,  
39 the court may order the juror to be discharged and draw the name  
40 of an alternate, who shall then take a place in the jury box, and be



1 subject to the same rules and regulations as though the alternate  
2 juror had been selected as one of the original jurors.

3 SEC. 546. Section 1203.1b of the Penal Code is amended to  
4 read:

5 1203.1b. (a) In any case in which a defendant is convicted of  
6 an offense and is the subject of any preplea or presentence  
7 investigation and report, whether or not probation supervision is  
8 ordered by the court, and in any case in which a defendant is  
9 granted probation or given a conditional sentence, the probation  
10 officer, or his or her authorized representative, taking into account  
11 any amount that the defendant is ordered to pay in fines,  
12 assessments, and restitution, shall make a determination of the  
13 ability of the defendant to pay all or a portion of the reasonable cost  
14 of any probation supervision or a conditional sentence, of  
15 conducting any preplea investigation and preparing any preplea  
16 report pursuant to Section 1203.7, of conducting any presentence  
17 investigation and preparing any presentence report made pursuant  
18 to Section 1203, and of processing a jurisdictional transfer  
19 pursuant to Section 1203.9 or of processing a request for interstate  
20 compact supervision pursuant to Sections 11175 to 11179,  
21 inclusive, whichever applies. The reasonable cost of these services  
22 and of probation supervision or a conditional sentence shall not  
23 exceed the amount determined to be the actual average cost  
24 thereof. A payment schedule for the reimbursement of the costs of  
25 preplea or presentence investigations based on income shall be  
26 developed by the probation department of each county and  
27 approved by the presiding judge of the superior court. The court  
28 shall order the defendant to appear before the probation officer, or  
29 his or her authorized representative, to make an inquiry into the  
30 ability of the defendant to pay all or a portion of these costs. The  
31 probation officer, or his or her authorized representative, shall  
32 determine the amount of payment and the manner in which the  
33 payments shall be made to the county, based upon the defendant's  
34 ability to pay. The probation officer shall inform the defendant that  
35 the defendant is entitled to a hearing, that includes the right to  
36 counsel, in which the court shall make a determination of the  
37 defendant's ability to pay and the payment amount. The defendant  
38 must waive the right to a determination by the court of his or her  
39 ability to pay and the payment amount by a knowing and  
40 intelligent waiver.



1 (b) When the defendant fails to waive the right provided in  
2 subdivision (a) to a determination by the court of his or her ability  
3 to pay and the payment amount, the probation officer shall refer  
4 the matter to the court for the scheduling of a hearing to determine  
5 the amount of payment and the manner in which the payments  
6 shall be made. The court shall order the defendant to pay the  
7 reasonable costs if it determines that the defendant has the ability  
8 to pay those costs based on the report of the probation officer, or  
9 his or her authorized representative. The following shall apply to  
10 a hearing conducted pursuant to this subdivision:

11 (1) At the hearing, the defendant shall be entitled to have, but  
12 shall not be limited to, the opportunity to be heard in person, to  
13 present witnesses and other documentary evidence, and to  
14 confront and cross-examine adverse witnesses, and to disclosure  
15 of the evidence against the defendant, and a written statement of  
16 the findings of the court or the probation officer, or his or her  
17 authorized representative.

18 (2) At the hearing, if the court determines that the defendant has  
19 the ability to pay all or part of the costs, the court shall set the  
20 amount to be reimbursed and order the defendant to pay that sum  
21 to the county in the manner in which the court believes reasonable  
22 and compatible with the defendant's financial ability.

23 (3) At the hearing, in making a determination of whether a  
24 defendant has the ability to pay, the court shall take into account  
25 the amount of any fine imposed upon the defendant and any  
26 amount the defendant has been ordered to pay in restitution.

27 (4) When the court determines that the defendant's ability to  
28 pay is different from the determination of the probation officer, the  
29 court shall state on the record the reason for its order.

30 (c) The court may hold additional hearings during the  
31 probationary or conditional sentence period to review the  
32 defendant's financial ability to pay the amount, and in the manner,  
33 as set by the probation officer, or his or her authorized  
34 representative, or as set by the court pursuant to this section.

35 (d) If practicable, the court shall order or the probation officer  
36 shall set payments pursuant to subdivisions (a) and (b) to be made  
37 on a monthly basis. Execution may be issued on the order issued  
38 pursuant to this section in the same manner as a judgment in a civil  
39 action. The order to pay all or part of the costs shall not be enforced  
40 by contempt.



1 (e) The term “ability to pay” means the overall capability of  
2 the defendant to reimburse the costs, or a portion of the costs, of  
3 conducting the presentence investigation, preparing the preplea or  
4 presentence report, processing a jurisdictional transfer pursuant to  
5 Section 1203.9, processing requests for interstate compact  
6 supervision pursuant to Sections 11175 to 11179, inclusive, and  
7 probation supervision or conditional sentence, and shall include,  
8 but shall not be limited to, the defendant’s:

9 (1) Present financial position.

10 (2) Reasonably discernible future financial position. In no  
11 event shall the court consider a period of more than one year from  
12 the date of the hearing for purposes of determining reasonably  
13 discernible future financial position.

14 (3) Likelihood that the defendant shall be able to obtain  
15 employment within the one-year period from the date of the  
16 hearing.

17 (4) Any other factor or factors that may bear upon the  
18 defendant’s financial capability to reimburse the county for the  
19 costs.

20 (f) At any time during the pendency of the judgment rendered  
21 according to the terms of this section, a defendant against whom  
22 a judgment has been rendered may petition the probation officer  
23 for a review of the defendant’s financial ability to pay or the  
24 rendering court to modify or vacate its previous judgment on the  
25 grounds of a change of circumstances with regard to the  
26 defendant’s ability to pay the judgment. The probation officer and  
27 the court shall advise the defendant of this right at the time of  
28 rendering of the terms of probation or the judgment.

29 (g) All sums paid by a defendant pursuant to this section shall  
30 be allocated for the operating expenses of the county probation  
31 department.

32 (h) The board of supervisors in any county, by resolution, may  
33 establish a fee for the processing of payments made in installments  
34 to the probation department pursuant to this section, not to exceed  
35 the administrative and clerical costs of the collection of those  
36 installment payments as determined by the board of supervisors,  
37 except that the fee shall not exceed fifty dollars (\$50).

38 (i) This section shall be operative in a county upon the adoption  
39 of an ordinance to that effect by the board of supervisors.



1 SEC. 547. Section 1203.1c of the Penal Code is amended to  
2 read:

3 1203.1c. (a) In any case in which a defendant is convicted of  
4 an offense and is ordered to serve a period of confinement in a  
5 county jail, city jail, or other local detention facility as a term of  
6 probation or a conditional sentence, the court may, after a hearing,  
7 make a determination of the ability of the defendant to pay all or  
8 a portion of the reasonable costs of such incarceration, including  
9 incarceration pending disposition of the case. The reasonable cost  
10 of such incarceration shall not exceed the amount determined by  
11 the board of supervisors, with respect to the county jail, and by the  
12 city council, with respect to the city jail, to be the actual average  
13 cost thereof on a per-day basis. The court may, in its discretion,  
14 hold additional hearings during the probationary period. The court  
15 may, in its discretion before such hearing, order the defendant to  
16 file a statement setting forth his or her assets, liability and income,  
17 under penalty of perjury, and may order the defendant to appear  
18 before a county officer designated by the board of supervisors to  
19 make an inquiry into the ability of the defendant to pay all or a  
20 portion of such costs. At the hearing, the defendant shall be entitled  
21 to have the opportunity to be heard in person or to be represented  
22 by counsel, to present witnesses and other evidence, and to  
23 confront and cross-examine adverse witnesses. A defendant  
24 represented by counsel appointed by the court in the criminal  
25 proceedings shall be entitled to such representation at any hearing  
26 held pursuant to this section. If the court determines that the  
27 defendant has the ability to pay all or a part of the costs, the court  
28 may set the amount to be reimbursed and order the defendant to  
29 pay that sum to the county, or to the city with respect to  
30 incarceration in the city jail, in the manner in which the court  
31 believes reasonable and compatible with the defendant's financial  
32 ability. Execution may be issued on the order in the same manner  
33 as on a judgment in a civil action. The order to pay all or part of  
34 the costs shall not be enforced by contempt.

35 If practicable, the court shall order payments to be made on a  
36 monthly basis and the payments shall be made payable to the  
37 county officer designated by the board of supervisors, or to a city  
38 officer designated by the city council with respect to incarceration  
39 in the city jail.



1 A payment schedule for reimbursement of the costs of  
2 incarceration pursuant to this section based upon income shall be  
3 developed by the county officer designated by the board of  
4 supervisors, or by the city council with respect to incarceration in  
5 the city jail, and approved by the presiding judge of the superior  
6 court in the county.

7 (b) “Ability to pay” means the overall capability of the  
8 defendant to reimburse the costs, or a portion of the costs, of  
9 incarceration and includes, but is not limited to, the defendant’s:

10 (1) Present financial obligations, including family support  
11 obligations, and fines, penalties and other obligations to the court.

12 (2) Reasonably discernible future financial position. In no  
13 event shall the court consider a period of more than one year from  
14 the date of the hearing for purposes of determining reasonable  
15 discernible future position.

16 (3) Likelihood that the defendant shall be able to obtain  
17 employment within the one-year period from the date of the  
18 hearing.

19 (4) Any other factor or factors which may bear upon the  
20 defendant’s financial ability to reimburse the county or city for the  
21 costs.

22 (c) All sums paid by a defendant pursuant to this section shall  
23 be deposited in the general fund of the county or city.

24 (d) This section shall be operative in a county upon the  
25 adoption of an ordinance to that effect by the board of supervisors,  
26 and shall be operative in a city upon the adoption of an ordinance  
27 to that effect by the city council. Such ordinance shall include a  
28 designation of the officer responsible for collection of moneys  
29 ordered pursuant to this section and shall include a determination,  
30 to be reviewed annually, of the average per-day costs of  
31 incarceration in the county jail, city jail, or other local detention  
32 facility.

33 SEC. 548. Section 1203.6 of the Penal Code is amended to  
34 read:

35 1203.6. The adult probation officer shall be appointed and  
36 may be removed for good cause in a county with two superior court  
37 judges, by the presiding judge. In the case of a superior court of  
38 more than two judges, a majority of the judges shall make the  
39 appointment, and may effect removal.



1 The salary of the probation officer shall be established by the  
2 board of supervisors.

3 The adult probation officer shall appoint and may remove all  
4 assistants, deputies and other persons employed in the officer's  
5 department, and their compensation shall be established,  
6 according to the merit system or civil service system provisions of  
7 the county. If no merit system or civil service system exists in the  
8 county, the board of supervisors shall provide for appointment,  
9 removal, and compensation of such personnel.

10 This section is applicable in a charter county whose charter  
11 establishes the office of adult probation officer and provides that  
12 the officer shall be appointed in accordance with general law  
13 subject to the merit system provisions of the charter.

14 SEC. 549. Section 1214 of the Penal Code is amended to read:

15 1214. (a) If the judgment is for a fine, including a restitution  
16 fine ordered pursuant to Section 1202.4 or Section 1203.04 as  
17 operative on or before August 2, 1995, or Section 13967 of the  
18 Government Code, as operative on or before September 28, 1994,  
19 with or without imprisonment, the judgment may be enforced in  
20 the manner provided for the enforcement of money judgments  
21 generally. Any portion of a restitution fine that remains unsatisfied  
22 after a defendant is no longer on probation or parole is enforceable  
23 by the State Board of Control pursuant to this section.  
24 Notwithstanding any other provision of law prohibiting  
25 disclosure, the state, as defined in Section 900.6 of the  
26 Government Code, a local public entity, as defined in Section  
27 900.4 of the Government Code, or any other entity, may provide  
28 the State Board of Control any and all information to assist in the  
29 collection of unpaid portions of a restitution fine for terminated  
30 probation or parole cases. For purposes of the preceding sentence,  
31 "state, as defined in Section 900.6 of the Government Code," and  
32 "any other entity" shall not include the Franchise Tax Board.

33 (b) In any case in which a defendant is ordered to pay  
34 restitution, the order to pay restitution (1) is deemed a money  
35 judgment if the defendant was informed of his or her right to have  
36 a judicial determination of the amount and was provided with a  
37 hearing, waived a hearing, or stipulated to the amount of the  
38 restitution ordered, and (2) shall be fully enforceable by a victim  
39 as if the restitution order were a civil judgment, and enforceable  
40 in the same manner as is provided for the enforcement of any other



1 money judgment. Upon the victim's request, the court shall  
2 provide the victim in whose favor the order of restitution is entered  
3 with a certified copy of that order and a copy of the defendant's  
4 disclosure pursuant to paragraph (4) of subdivision (f) of Section  
5 1202.4, affidavit or information pursuant to paragraph (5) of  
6 subdivision (f) of Section 1202.4, or report pursuant to paragraph  
7 (7) of subdivision (f) of Section 1202.4. The court also shall  
8 provide this information to the district attorney upon request in  
9 connection with an investigation or prosecution involving perjury  
10 or the veracity of the information contained within the defendant's  
11 financial disclosure. In addition, upon request, the court shall  
12 provide the State Board of Control with a certified copy of any  
13 order imposing a restitution fine or order and a copy of the  
14 defendant's disclosure pursuant to paragraph (4) of subdivision (f)  
15 of Section 1202.4, affidavit or information pursuant to paragraph  
16 (5) of subdivision (f) of Section 1202.4, or report pursuant to  
17 paragraph (7) of subdivision (f) of Section 1202.4. A victim shall  
18 have access to all resources available under the law to enforce the  
19 restitution order, including, but not limited to, access to the  
20 defendant's financial records, use of wage garnishment and lien  
21 procedures, information regarding the defendant's assets, and the  
22 ability to apply for restitution from any fund established for the  
23 purpose of compensating victims in civil cases. Any portion of a  
24 restitution order that remains unsatisfied after a defendant is no  
25 longer on probation or parole is enforceable by the victim pursuant  
26 to this section. Victims and the State Board of Control shall inform  
27 the court whenever an order to pay restitution is satisfied.

28 (c) Except as provided in subdivision (d), and notwithstanding  
29 the amount in controversy limitation of Section 85 of the Code of  
30 Civil Procedure, a restitution order or restitution fine that was  
31 imposed pursuant to Section 1202.4 in any of the following cases  
32 may be enforced in the same manner as a money judgment in a  
33 limited civil case:

- 34 (1) In a misdemeanor case.
- 35 (2) In a case involving violation of a city or town ordinance.
- 36 (3) In a noncapital criminal case where the court has received  
37 a plea of guilty or nolo contendere.

38 (d) Chapter 3 (commencing with Section 683.010) of Division  
39 1 of Title 9 of Part 2 of the Code of Civil Procedure shall not apply  
40 to a judgment for any fine or restitution ordered pursuant to



1 Section 1202.4 or Section 1203.04 as operative on or before  
2 August 2, 1995, or Section 13967 of the Government Code, as  
3 operative on or before September 28, 1994.

4 (e) (1) This section shall become operative on January 1, 2000,  
5 and shall be applicable to all courts, except when all of the  
6 following apply:

7 (A) A majority of judges of a court apply to the Judicial Council  
8 for an extension.

9 (B) The judicial application described in paragraph (1)  
10 documents the need for time to adjust restitution procedures and  
11 practices, as well as to facilitate judicial education and training in  
12 direct restitution to victims under subdivision (f) of Section  
13 1202.4.

14 (C) The Judicial Council grants the extension upon finding  
15 good cause.

16 (2) Upon the grant of an extension pursuant to the application  
17 of a court under this subdivision, the provisions of former Section  
18 1202.4 shall continue to apply with respect to that court. The  
19 extension may be for any period of time set by the Judicial Council,  
20 but shall not exceed January 1, 2002, in any case.

21 SEC. 550. Section 1237.5 of the Penal Code is amended to  
22 read:

23 1237.5. No appeal shall be taken by the defendant from a  
24 judgment of conviction upon a plea of guilty or nolo contendere,  
25 or a revocation of probation following an admission of violation,  
26 except where both of the following are met:

27 (a) The defendant has filed with the trial court a written  
28 statement, executed under oath or penalty of perjury showing  
29 reasonable constitutional, jurisdictional, or other grounds going to  
30 the legality of the proceedings.

31 (b) The trial court has executed and filed a certificate of  
32 probable cause for such appeal with the clerk of the court.

33 SEC. 551. Section 1240.1 of the Penal Code is amended to  
34 read:

35 1240.1. (a) In any noncapital criminal, juvenile court, or civil  
36 commitment case wherein the defendant would be entitled to the  
37 appointment of counsel on appeal if indigent, it shall be the duty  
38 of the attorney who represented the person at trial to provide  
39 counsel and advice as to whether arguably meritorious grounds  
40 exist for reversal or modification of the judgment on appeal. The



1 attorney shall admonish the defendant that he or she is not able to  
2 provide advice concerning his or her own competency, and that the  
3 State Public Defender or other counsel should be consulted for  
4 advice as to whether an issue regarding the competency of counsel  
5 should be raised on appeal. The trial court may require trial  
6 counsel to certify that he or she has counseled the defendant as to  
7 whether arguably meritorious grounds for appeal exist at the time  
8 a notice of appeal is filed. Nothing in this section shall be construed  
9 to prevent any person having a right to appeal from doing so.

10 (b) It shall be the duty of every attorney representing an  
11 indigent defendant in any criminal, juvenile court, or civil  
12 commitment case to execute and file on his or her client's behalf  
13 a timely notice of appeal when the attorney is of the opinion that  
14 arguably meritorious grounds exist for a reversal or modification  
15 of the judgment or orders to be appealed from, and where, in the  
16 attorney's judgment, it is in the defendant's interest to pursue any  
17 relief that may be available to him or her on appeal; or when  
18 directed to do so by a defendant having a right to appeal.

19 With the notice of appeal the attorney shall file a brief statement  
20 of the points to be raised on appeal and a designation of any  
21 document, paper, pleading, or transcript of oral proceedings  
22 necessary to properly present those points on appeal when the  
23 document, paper, pleading or transcript of oral proceedings would  
24 not be included in the normal record on appeal according to the  
25 applicable provisions of the California Rules of Court. The  
26 executing of the notice of appeal by the defendant's attorney shall  
27 not constitute an undertaking to represent the defendant on appeal  
28 unless the undertaking is expressly stated in the notice of appeal.

29 If the defendant was represented by appointed counsel on the  
30 trial level, or if it appears that the defendant will request the  
31 appointment of counsel on appeal by reason of indigency, the trial  
32 attorney shall also assist the defendant in preparing and submitting  
33 a motion for the appointment of counsel and any supporting  
34 declaration or affidavit as to the defendant's financial condition.  
35 These documents shall be filed with the trial court at the time of  
36 filing a notice of appeal, and shall be transmitted by the clerk of  
37 the trial court to the clerk of the appellate court within three  
38 judicial days of their receipt. The appellate court shall act upon that  
39 motion without unnecessary delay. An attorney's failure to file a  
40 motion for the appointment of counsel with the notice of appeal



1 shall not foreclose the defendant from filing a motion at any time  
2 it becomes known to him or her that the attorney has failed to do  
3 so, or at any time he or she shall become indigent if he or she was  
4 not previously indigent.

5 (c) The State Public Defender shall, at the request of any  
6 attorney representing a prospective indigent appellant or at the  
7 request of the prospective indigent appellant himself or herself,  
8 provide counsel and advice to the prospective indigent appellant  
9 or attorney as to whether arguably meritorious grounds exist on  
10 which the judgment or order to be appealed from would be  
11 reversed or modified on appeal.

12 (d) The failure of a trial attorney to perform any duty prescribed  
13 in this section, assign any particular point or error in the notice of  
14 appeal, or designate any particular thing for inclusion in the record  
15 on appeal shall not foreclose any defendant from filing a notice of  
16 appeal on his or her own behalf or from raising any point or  
17 argument on appeal; nor shall it foreclose the defendant or his or  
18 her counsel on appeal from requesting the augmentation or  
19 correction of the record on appeal in the reviewing court.

20 (e) (1) In order to expedite certification of the entire record on  
21 appeal in all capital cases, the defendant's trial counsel, whether  
22 retained by the defendant or court-appointed, and the prosecutor  
23 shall continue to represent the respective parties. Each counsel's  
24 obligations extend to taking all steps necessary to facilitate the  
25 preparation and timely certification of the record of all trial court  
26 proceedings.

27 (2) The duties imposed on trial counsel in paragraph (1) shall  
28 not foreclose the defendant's appellate counsel from requesting  
29 additions or corrections to the record on appeal in either the trial  
30 court or the Supreme Court in a manner provided by rules of court  
31 adopted by the Judicial Council.

32 SEC. 552. Section 1281a of the Penal Code is amended to  
33 read:

34 1281a. A judge of the superior court within the county,  
35 wherein a cause is pending against any person charged with a  
36 felony, may justify and approve bail in the said cause, and may  
37 execute an order for the release of the defendant which shall  
38 authorize the discharge of the defendant by any officer having said  
39 defendant in custody.

40 SEC. 553. Section 1428 of the Penal Code is amended to read:



1 1428. In misdemeanor and infraction cases, the clerk of the  
2 superior court may keep a docket, instead of minutes pursuant to  
3 Section 69844 of the Government Code and a register of actions  
4 pursuant to Section 69845 or 69845.5 of the Government Code. In  
5 the docket, the clerk shall enter the title of each criminal action or  
6 proceeding and under each title all the orders and proceedings in  
7 such action or proceeding. Wherever by any other section of this  
8 code made applicable to such court an entry of any judgment, order  
9 or other proceeding in the minutes or register of actions is required,  
10 an entry thereof in the docket shall be made and shall be deemed  
11 a sufficient entry in the minutes or register of actions for all  
12 purposes.

13 SEC. 554. Section 1429.5 of the Penal Code is repealed.

14 SEC. 554.1. Section 1462 of the Penal Code is repealed.

15 SEC. 555. Section 1463 of the Penal Code is amended to read:

16 1463. All fines and forfeitures imposed and collected for  
17 crimes shall be distributed in accordance with Section 1463.001.

18 The following definitions shall apply to terms used in this  
19 chapter:

20 (a) “Arrest” means any law enforcement action, including  
21 issuance of a notice to appear or notice of violation, which results  
22 in a criminal charge.

23 (b) “City” includes any city, city and county, district,  
24 including any enterprise special district, community service  
25 district, or community service area engaged in police protection  
26 activities as reported to the Controller for inclusion in the 1989–90  
27 edition of the Financial Transactions Report Concerning Special  
28 Districts under the heading of Police Protection and Public Safety,  
29 authority, or other local agency (other than a county) which  
30 employs persons authorized to make arrests or to issue notices to  
31 appear or notices of violation which may be filed in court.

32 (c) “City arrest” means an arrest by an employee of a city, or  
33 by a California Highway Patrol officer within the limits of a city.

34 (d) “County” means the county in which the arrest took place.

35 (e) “County arrest” means an arrest by a California Highway  
36 Patrol officer outside the limits of a city, or any arrest by a county  
37 officer or by any other state officer.

38 (f) “Court” means the superior court or a juvenile forum  
39 established under Section 257 of the Welfare and Institutions  
40 Code, in which the case arising from the arrest is filed.



1 (g) “Division of moneys” means an allocation of base fine  
2 proceeds between agencies as required by statute including, but  
3 not limited to, Sections 1463.003, 1463.9, 1463.23, 1463.26, and  
4 Sections 13001, 13002, and 13003 of the Fish and Game Code, and  
5 Section 11502 of the Health and Safety Code.

6 (h) “Offense” means any infraction, misdemeanor, or felony,  
7 and any act by a juvenile leading to an order to pay a financial  
8 sanction by reason of the act being defined as an infraction,  
9 misdemeanor, or felony, whether defined in this or any other code,  
10 except any parking offense as defined in subdivision (i).

11 (i) “Parking offense” means any offense charged pursuant to  
12 Article 3 (commencing with Section 40200) of Chapter 1 of  
13 Division 17 of the Vehicle Code, including registration and  
14 equipment offenses included on a notice of parking violation.

15 (j) “Penalty allocation” means the deposit of a specified part  
16 of moneys to offset designated processing costs, as provided by  
17 Section 1463.16 and by Section 68090.8 of the Government Code.

18 (k) “Total parking penalty” means the total sum to be collected  
19 for a parking offense, whether as fine, forfeiture of bail, or  
20 payment of penalty to the Department of Motor Vehicles. It may  
21 include the following components:

22 (1) The base parking penalty as established pursuant to Section  
23 40203.5 of the Vehicle Code.

24 (2) The Department of Motor Vehicles (DMV) fees added upon  
25 the placement of a hold pursuant to Section 40220 of the Vehicle  
26 Code.

27 (3) The surcharges required by Section 76000 of the  
28 Government Code.

29 (4) The notice penalty added to the base parking penalty when  
30 a notice of delinquent parking violations is given.

31 (l) “Total fine or forfeiture” means the total sum to be collected  
32 upon a conviction, or the total amount of bail forfeited or deposited  
33 as cash bail subject to forfeiture. It may include, but is not limited  
34 to, the following components as specified for the particular  
35 offense:

36 (1) The “base fine” upon which the state penalty and  
37 additional county penalty is calculated.

38 (2) The “county penalty” required by Section 76000 of the  
39 Government Code.



1 (3) The “service charge” permitted by Section 853.7 of the  
2 Penal Code and Section 40508.5 of the Vehicle Code.

3 (4) The “special penalty” dedicated for blood alcohol analysis,  
4 alcohol program services, traumatic brain injury research, and  
5 similar purposes.

6 (5) The “state penalty” required by Section 1464.

7 SEC. 556. Section 1524.1 of the Penal Code is amended to  
8 read:

9 1524.1. (a) The primary purpose of the testing and disclosure  
10 provided in this section is to benefit the victim of a crime by  
11 informing the victim whether the defendant is infected with the  
12 HIV virus. It is also the intent of the Legislature in enacting this  
13 section to protect the health of both victims of crime and those  
14 accused of committing a crime. Nothing in this section shall be  
15 construed to authorize mandatory testing or disclosure of test  
16 results for the purpose of a charging decision by a prosecutor, nor,  
17 except as specified in subdivisions (g) and (i), shall this section be  
18 construed to authorize breach of the confidentiality provisions  
19 contained in Chapter 7 (commencing with Section 120975) of Part  
20 4 of Division 105 of the Health and Safety Code.

21 (b) (1) Notwithstanding the provisions of Chapter 7  
22 (commencing with Section 120975) of Part 4 of Division 105 of  
23 the Health and Safety Code, when a defendant has been charged  
24 by complaint, information, or indictment with a crime, or a minor  
25 is the subject of a petition filed in juvenile court alleging the  
26 commission of a crime, the court, at the request of the victim, may  
27 issue a search warrant for the purpose of testing the accused’s  
28 blood with any HIV test, as defined in Section 120775 of the  
29 Health and Safety Code only under the following circumstances:  
30 when the court finds, upon the conclusion of the hearing described  
31 in paragraph (3), or in those cases in which a preliminary hearing  
32 is not required to be held, the court also finds that there is probable  
33 cause to believe that the accused committed the offense, and that  
34 there is probable cause to believe that blood, semen, or any other  
35 body fluid identified by the State Department of Health Services  
36 in appropriate regulations as capable of transmitting the human  
37 immunodeficiency virus has been transferred from the accused to  
38 the victim.

39 (2) Notwithstanding Chapter 7 (commencing with Section  
40 120975) of Part 4 of Division 105 of the Health and Safety Code,



1 when a defendant has been charged by complaint, information, or  
2 indictment with a crime under Section 220, 261, 261.5, 262, 264.1,  
3 286, 288, 288a, 288.5, 289, or 289.5, and is the subject of a police  
4 report alleging the commission of a separate, uncharged offense  
5 that could be charged under Section 220, 261, 261.5, 262, 264.1,  
6 286, 288, 288a, 288.5, 289, or 289.5, or a minor is the subject of  
7 a petition filed in juvenile court alleging the commission of a crime  
8 under Section 220, 261, 261.5, 262, 264.1, 286, 288, 288a, 288.5,  
9 289, or 289.5, and is the subject of a police report alleging the  
10 commission of a separate, uncharged offense that could be charged  
11 under Section 220, 261, 261.5, 262, 264.1, 286, 288, 288a, 288.5,  
12 289, or 289.5, the court, at the request of the victim of the  
13 uncharged offense, may issue a search warrant for the purpose of  
14 testing the accused's blood with any HIV test, as defined in Section  
15 120775 of the Health and Safety Code only under the following  
16 circumstances: when the court finds that there is probable cause to  
17 believe that the accused committed the uncharged offense, and that  
18 there is probable cause to believe that blood, semen, or any other  
19 body fluid identified by the State Department of Health Services  
20 in appropriate regulations as capable of transmitting the human  
21 immunodeficiency virus has been transferred from the accused to  
22 the victim.

23 (3) (A) Prior to the issuance of a search warrant pursuant to  
24 paragraph (1), the court, where applicable and at the conclusion of  
25 the preliminary examination if the defendant is ordered to answer  
26 pursuant to Section 872, shall conduct a hearing at which both the  
27 victim and the defendant have the right to be present. During the  
28 hearing, only affidavits, counter affidavits, and medical reports  
29 regarding the facts that support or rebut the issuance of a search  
30 warrant under paragraph (1) shall be admissible.

31 (B) Prior to the issuance of a search warrant pursuant to  
32 paragraph (2), the court, where applicable, shall conduct a hearing  
33 at which both the victim and the defendant are present. During the  
34 hearing, only affidavits, counter affidavits, and medical reports  
35 regarding the facts that support or rebut the issuance of a search  
36 warrant under paragraph (2) shall be admissible.

37 (4) A request for a probable cause hearing made by a victim  
38 under paragraph (2) shall be made before sentencing in the  
39 superior court, or before disposition on a petition in a juvenile  
40 court, of the criminal charge or charges filed against the defendant.



1 (c) (1) In all cases in which the person has been charged by  
2 complaint, information, or indictment with a crime, or is the  
3 subject of a petition filed in a juvenile court alleging the  
4 commission of a crime, the prosecutor shall advise the victim of  
5 his or her right to make this request. To assist the victim of the  
6 crime to determine whether he or she should make this request, the  
7 prosecutor shall refer the victim to the local health officer for  
8 prerequest counseling to help that person understand the extent to  
9 which the particular circumstances of the crime may or may not  
10 have put the victim at risk of transmission of HIV from the  
11 accused, to ensure that the victim understands both the benefits and  
12 limitations of the current tests for HIV, to help the victim decide  
13 whether he or she wants to request that the accused be tested, and  
14 to help the victim decide whether he or she wants to be tested.

15 (2) The Department of Justice, in cooperation with the  
16 California District Attorneys Association, shall prepare a form to  
17 be used in providing victims with the notice required by paragraph  
18 (1).

19 (d) If the victim decides to request HIV testing of the accused,  
20 the victim shall request the issuance of a search warrant, as  
21 described in subdivision (b).

22 Neither the failure of a prosecutor to refer or advise the victim  
23 as provided in this subdivision, nor the failure or refusal by the  
24 victim to seek or obtain counseling, shall be considered by the  
25 court in ruling on the victim's request.

26 (e) The local health officer shall make provision for  
27 administering all HIV tests ordered pursuant to subdivision (b).

28 (f) Any blood tested pursuant to subdivision (b) shall be  
29 subjected to appropriate confirmatory tests to ensure accuracy of  
30 the first test results, and under no circumstances shall test results  
31 be transmitted to the victim or the accused unless any initially  
32 reactive test result has been confirmed by appropriate  
33 confirmatory tests for positive reactors.

34 (g) The local health officer shall have the responsibility for  
35 disclosing test results to the victim who requested the test and to  
36 the accused who was tested. However, no positive test results shall  
37 be disclosed to the victim or to the accused without also providing  
38 or offering professional counseling appropriate to the  
39 circumstances.



1 (h) The local health officer and victim shall comply with all  
2 laws and policies relating to medical confidentiality subject to the  
3 disclosure authorized by subdivisions (g) and (i). Any individual  
4 who files a false report of sexual assault in order to obtain test  
5 result information pursuant to this section shall, in addition to any  
6 other liability under law, be guilty of a misdemeanor punishable  
7 as provided in subdivision (c) of Section 120980 of the Health and  
8 Safety Code. Any individual as described in the preceding  
9 sentence who discloses test result information obtained pursuant  
10 to this section shall also be guilty of an additional misdemeanor  
11 punishable as provided for in subdivision (c) of Section 120980 of  
12 the Health and Safety Code for each separate disclosure of that  
13 information.

14 (i) Any victim who receives information from the health  
15 officer pursuant to subdivision (g) may disclose the test results as  
16 the victim deems necessary to protect his or her health and safety  
17 or the health and safety of his or her family or sexual partner.

18 (j) Any person transmitting test results or disclosing  
19 information pursuant to this section shall be immune from civil  
20 liability for any actions taken in compliance with this section.

21 (k) The results of any blood tested pursuant to subdivision (b)  
22 shall not be used in any criminal proceeding as evidence of either  
23 guilt or innocence.

24 SEC. 557. Section 1538.5 of the Penal Code is amended to  
25 read:

26 1538.5. (a) (1) A defendant may move for the return of  
27 property or to suppress as evidence any tangible or intangible thing  
28 obtained as a result of a search or seizure on either of the following  
29 grounds:

30 (A) The search or seizure without a warrant was unreasonable.

31 (B) The search or seizure with a warrant was unreasonable  
32 because any of the following apply:

33 (i) The warrant is insufficient on its face.

34 (ii) The property or evidence obtained is not that described in  
35 the warrant.

36 (iii) There was not probable cause for the issuance of the  
37 warrant.

38 (iv) The method of execution of the warrant violated federal or  
39 state constitutional standards.



1 (v) There was any other violation of federal or state  
2 constitutional standards.

3 (2) A motion pursuant to paragraph (1) shall be made in writing  
4 and accompanied by a memorandum of points and authorities and  
5 proof of service. The memorandum shall list the specific items of  
6 property or evidence sought to be returned or suppressed and shall  
7 set forth the factual basis and the legal authorities that demonstrate  
8 why the motion should be granted.

9 (b) When consistent with the procedures set forth in this section  
10 and subject to the provisions of Section 170 to 170.6, inclusive, of  
11 the Code of Civil Procedure, the motion should first be heard by  
12 the magistrate who issued the search warrant if there is a warrant.

13 (c) Whenever a search or seizure motion is made in the superior  
14 court as provided in this section, the judge or magistrate shall  
15 receive evidence on any issue of fact necessary to determine the  
16 motion.

17 (d) If a search or seizure motion is granted pursuant to the  
18 proceedings authorized by this section, the property or evidence  
19 shall not be admissible against the movant at any trial or other  
20 hearing unless further proceedings authorized by this section,  
21 Section 871.5, 1238, or 1466 are utilized by the people.

22 (e) If a search or seizure motion is granted at a trial, the property  
23 shall be returned upon order of the court unless it is otherwise  
24 subject to lawful detention. If the motion is granted at a special  
25 hearing, the property shall be returned upon order of the court only  
26 if, after the conclusion of any further proceedings authorized by  
27 this section, Section 1238 or 1466, the property is not subject to  
28 lawful detention or if the time for initiating the proceedings has  
29 expired, whichever occurs last. If the motion is granted at a  
30 preliminary hearing, the property shall be returned upon order of  
31 court after 10 days unless the property is otherwise subject to  
32 lawful detention or unless, within that time, further proceedings  
33 authorized by this section, Section 871.5 or 1238 are utilized; if  
34 they are utilized, the property shall be returned only if, after the  
35 conclusion of the proceedings, the property is no longer subject to  
36 lawful detention.

37 (f) (1) If the property or evidence relates to a felony offense  
38 initiated by a complaint, the motion shall be made only upon filing  
39 of an information, except that the defendant may make the motion  
40 at the preliminary hearing, but the motion shall be restricted to



1 evidence sought to be introduced by the people at the preliminary  
2 hearing.

3 (2) The motion may be made at the preliminary examination  
4 only if at least five court days before the date set for the preliminary  
5 examination the defendant has filed and personally served on the  
6 people a written motion accompanied by a memorandum of points  
7 and authorities as required by paragraph (2) of subdivision (a). At  
8 the preliminary examination, the magistrate may grant the  
9 defendant a continuance for the purpose of filing the motion and  
10 serving the motion upon the people, at least five court days before  
11 resumption of the examination, upon a showing that the defendant  
12 or his or her attorney of record was not aware of the evidence or  
13 was not aware of the grounds for suppression before the  
14 preliminary examination.

15 (3) Any written response by the people to the motion described  
16 in paragraph (2) shall be filed with the court and personally served  
17 on the defendant or his or her attorney of record at least two court  
18 days prior to the hearing at which the motion is to be made.

19 (g) If the property or evidence relates to a misdemeanor  
20 complaint, the motion shall be made before trial and heard prior  
21 to trial at a special hearing relating to the validity of the search or  
22 seizure. If the property or evidence relates to a misdemeanor filed  
23 together with a felony, the procedure provided for a felony in this  
24 section and Sections 1238 and 1539 shall be applicable.

25 (h) If, prior to the trial of a felony or misdemeanor, opportunity  
26 for this motion did not exist or the defendant was not aware of the  
27 grounds for the motion, the defendant shall have the right to make  
28 this motion during the course of trial.

29 (i) If the property or evidence obtained relates to a felony  
30 offense initiated by complaint and the defendant was held to  
31 answer at the preliminary hearing, or if the property or evidence  
32 relates to a felony offense initiated by indictment, the defendant  
33 shall have the right to renew or make the motion at a special  
34 hearing relating to the validity of the search or seizure which shall  
35 be heard prior to trial and at least 10 court days after notice to the  
36 people, unless the people are willing to waive a portion of this  
37 time. Any written response by the people to the motion shall be  
38 filed with the court and personally served on the defendant or his  
39 or her attorney of record at least two court days prior to the hearing,  
40 unless the defendant is willing to waive a portion of this time. If



1 the offense was initiated by indictment or if the offense was  
2 initiated by complaint and no motion was made at the preliminary  
3 hearing, the defendant shall have the right to fully litigate the  
4 validity of a search or seizure on the basis of the evidence  
5 presented at a special hearing. If the motion was made at the  
6 preliminary hearing, unless otherwise agreed to by all parties,  
7 evidence presented at the special hearing shall be limited to the  
8 transcript of the preliminary hearing and to evidence that could not  
9 reasonably have been presented at the preliminary hearing, except  
10 that the people may recall witnesses who testified at the  
11 preliminary hearing. If the people object to the presentation of  
12 evidence at the special hearing on the grounds that the evidence  
13 could reasonably have been presented at the preliminary hearing,  
14 the defendant shall be entitled to an in camera hearing to determine  
15 that issue. The court shall base its ruling on all evidence presented  
16 at the special hearing and on the transcript of the preliminary  
17 hearing, and the findings of the magistrate shall be binding on the  
18 court as to evidence or property not affected by evidence presented  
19 at the special hearing. After the special hearing is held, any review  
20 thereafter desired by the defendant prior to trial shall be by means  
21 of an extraordinary writ of mandate or prohibition filed within 30  
22 days after the denial of his or her motion at the special hearing.

23 (j) If the property or evidence relates to a felony offense  
24 initiated by complaint and the defendant's motion for the return of  
25 the property or suppression of the evidence at the preliminary  
26 hearing is granted, and if the defendant is not held to answer at the  
27 preliminary hearing, the people may file a new complaint or seek  
28 an indictment after the preliminary hearing, and the ruling at the  
29 prior hearing shall not be binding in any subsequent proceeding,  
30 except as limited by subdivision (p). In the alternative, the people  
31 may move to reinstate the complaint, or those parts of the  
32 complaint for which the defendant was not held to answer,  
33 pursuant to Section 871.5. If the property or evidence relates to a  
34 felony offense initiated by complaint and the defendant's motion  
35 for the return or suppression of the property or evidence at the  
36 preliminary hearing is granted, and if the defendant is held to  
37 answer at the preliminary hearing, the ruling at the preliminary  
38 hearing shall be binding upon the people unless, upon notice to the  
39 defendant and the court in which the preliminary hearing was held  
40 and upon the filing of an information, the people, within 15 days



1 after the preliminary hearing, request a special hearing, in which  
2 case the validity of the search or seizure shall be relitigated de novo  
3 on the basis of the evidence presented at the special hearing, and  
4 the defendant shall be entitled, as a matter of right, to a continuance  
5 of the special hearing for a period of time up to 30 days. The people  
6 may not request relitigation of the motion at a special hearing if the  
7 defendant's motion has been granted twice. If the defendant's  
8 motion is granted at a special hearing, the people, if they have  
9 additional evidence relating to the motion and not presented at the  
10 special hearing, shall have the right to show good cause at the trial  
11 why the evidence was not presented at the special hearing and why  
12 the prior ruling at the special hearing should not be binding, or the  
13 people may seek appellate review as provided in subdivision (o),  
14 unless the court, prior to the time the review is sought, has  
15 dismissed the case pursuant to Section 1385. If the case has been  
16 dismissed pursuant to Section 1385, or if the people dismiss the  
17 case on their own motion after the special hearing, the people may  
18 file a new complaint or seek an indictment after the special  
19 hearing, and the ruling at the special hearing shall not be binding  
20 in any subsequent proceeding, except as limited by subdivision  
21 (p). If the property or evidence seized relates solely to a  
22 misdemeanor complaint, and the defendant made a motion for the  
23 return of property or the suppression of evidence in the superior  
24 court prior to trial, both the people and defendant shall have the  
25 right to appeal any decision of that court relating to that motion to  
26 the appellate division, in accordance with the California Rules of  
27 Court provisions governing appeals to the appellate division in  
28 criminal cases. If the people prosecute review by appeal or writ to  
29 decision, or any review thereof, in a felony or misdemeanor case,  
30 it shall be binding upon them.

31 (k) If the defendant's motion to return property or suppress  
32 evidence is granted and the case is dismissed pursuant to Section  
33 1385, or the people appeal in a misdemeanor case pursuant to  
34 subdivision (j), the defendant shall be released pursuant to Section  
35 1318 if he or she is in custody and not returned to custody unless  
36 the proceedings are resumed in the trial court and he or she is  
37 lawfully ordered by the court to be returned to custody.

38 If the defendant's motion to return property or suppress  
39 evidence is granted and the people file a petition for writ of  
40 mandate or prohibition pursuant to subdivision (o) or a notice of



1 intention to file such a petition, the defendant shall be released  
2 pursuant to Section 1318, unless (1) he or she is charged with a  
3 capital offense in a case where the proof is evident and the  
4 presumption great, or (2) he or she is charged with a noncapital  
5 offense defined in Chapter 1 (commencing with Section 187) of  
6 Title 8 of Part 1, and the court orders that the defendant be  
7 discharged from actual custody upon bail.

8 (l) If the defendant's motion to return property or suppress  
9 evidence is granted, the trial of a criminal case shall be stayed to  
10 a specified date pending the termination in the appellate courts of  
11 this state of the proceedings provided for in this section, Section  
12 871.5, 1238, or 1466 and, except upon stipulation of the parties,  
13 pending the time for the initiation of these proceedings. Upon the  
14 termination of these proceedings, the defendant shall be brought  
15 to trial as provided by Section 1382, and, subject to the provisions  
16 of Section 1382, whenever the people have sought and been denied  
17 appellate review pursuant to subdivision (o), the defendant shall  
18 be entitled to have the action dismissed if he or she is not brought  
19 to trial within 30 days of the date of the order that is the last denial  
20 of the petition. Nothing contained in this subdivision shall prohibit  
21 a court, at the same time as it rules upon the search and seizure  
22 motion, from dismissing a case pursuant to Section 1385 when the  
23 dismissal is upon the court's own motion and is based upon an  
24 order at the special hearing granting the defendant's motion to  
25 return property or suppress evidence. In a misdemeanor case, the  
26 defendant shall be entitled to a continuance of up to 30 days if he  
27 or she intends to file a motion to return property or suppress  
28 evidence and needs this time to prepare for the special hearing on  
29 the motion. In case of an appeal by the defendant in a misdemeanor  
30 case from the denial of the motion, he or she shall be entitled to bail  
31 as a matter of right, and, in the discretion of the trial or appellate  
32 court, may be released on his or her own recognizance pursuant to  
33 Section 1318. In case of an appeal by the defendant in a  
34 misdemeanor case from the denial of the motion, the trial court  
35 may, in its discretion, grant a stay of the trial pending disposition  
36 of the appeal.

37 (m) The proceedings provided for in this section, and Sections  
38 871.5, 995, 1238, and 1466 shall constitute the sole and exclusive  
39 remedies prior to conviction to test the unreasonableness of a  
40 search or seizure where the person making the motion for the



1 return of property or the suppression of evidence is a defendant in  
2 a criminal case and the property or thing has been offered or will  
3 be offered as evidence against him or her. A defendant may seek  
4 further review of the validity of a search or seizure on appeal from  
5 a conviction in a criminal case notwithstanding the fact that the  
6 judgment of conviction is predicated upon a plea of guilty. Review  
7 on appeal may be obtained by the defendant provided that at some  
8 stage of the proceedings prior to conviction he or she has moved  
9 for the return of property or the suppression of the evidence.

10 (n) This section establishes only the procedure for suppression  
11 of evidence and return of property, and does not establish or alter  
12 any substantive ground for suppression of evidence or return of  
13 property. Nothing contained in this section shall prohibit a person  
14 from making a motion, otherwise permitted by law, to return  
15 property, brought on the ground that the property obtained is  
16 protected by the free speech and press provisions of the United  
17 States and California Constitutions. Nothing in this section shall  
18 be construed as altering (1) the law of standing to raise the issue  
19 of an unreasonable search or seizure; (2) the law relating to the  
20 status of the person conducting the search or seizure; (3) the law  
21 relating to the burden of proof regarding the search or seizure; (4)  
22 the law relating to the reasonableness of a search or seizure  
23 regardless of any warrant that may have been utilized; or (5) the  
24 procedure and law relating to a motion made pursuant to Section  
25 871.5 or 995, or the procedures that may be initiated after the  
26 granting or denial of such a motion.

27 (o) Within 30 days after a defendant's motion is granted at a  
28 special hearing in a felony case, the people may file a petition for  
29 writ of mandate or prohibition in the court of appeal, seeking  
30 appellate review of the ruling regarding the search or seizure  
31 motion. If the trial of a criminal case is set for a date that is less than  
32 30 days from the granting of a defendant's motion at a special  
33 hearing in a felony case, the people, if they have not filed such a  
34 petition and wish to preserve their right to file a petition, shall file  
35 in the superior court on or before the trial date or within 10 days  
36 after the special hearing, whichever occurs last, a notice of  
37 intention to file a petition and shall serve a copy of the notice upon  
38 the defendant.

39 (p) If a defendant's motion to return property or suppress  
40 evidence in a felony matter has been granted twice, the people may



1 not file a new complaint or seek an indictment in order to relitigate  
2 the motion or relitigate the matter de novo at a special hearing as  
3 otherwise provided by subdivision (j), unless the people discover  
4 additional evidence relating to the motion that was not reasonably  
5 discoverable at the time of the second suppression hearing.  
6 Relitigation of the motion shall be heard by the same judge who  
7 granted the motion at the first hearing if the judge is available.

8 (q) The amendments to this section enacted in the 1997 portion  
9 of the 1997–98 Regular Session of the Legislature shall apply to  
10 all criminal proceedings conducted on or after January 1, 1998.

11 SEC. 558. Section 3075 of the Penal Code is amended to read:

12 3075. (a) There is in each county a board of parole  
13 commissioners, consisting of each of the following:

14 (1) The sheriff or, in a county with a department of corrections,  
15 the director of that department.

16 (2) The probation officer.

17 (3) A member, not a public official, to be selected from the  
18 public by the presiding judge of the superior court.

19 (b) The public member of the county board of parole  
20 commissioners or his or her alternate shall be entitled to his or her  
21 actual traveling and other necessary expenses incurred in the  
22 discharge of his or her duties. In addition, the public member or his  
23 or her alternate shall be entitled to per diem at any rate that may  
24 be provided by the board of supervisors. The public member or his  
25 or her alternate shall hold office for a term of one year and in no  
26 event for a period exceeding three consecutive years. The term  
27 shall commence on the date of appointment.

28 SEC. 559. Section 3076 of the Penal Code is amended to read:

29 3076. (a) The board may make, establish and enforce rules  
30 and regulations adopted under this article.

31 (b) The board shall act at regularly called meetings at which  
32 two-thirds of the members are present, and shall make and  
33 establish rules and regulations in writing stating the reasons  
34 therefor under which any prisoner who is confined in or committed  
35 to any county jail, work furlough facility, industrial farm, or  
36 industrial road camp, or in any city jail, work furlough facility,  
37 industrial farm, or industrial road camp under a judgment of  
38 imprisonment or as a condition of probation for any criminal  
39 offense, unless the court at the time of committing has ordered that  
40 such prisoner confined as a condition of probation upon conviction



1 of a felony not be granted parole, may be allowed to go upon parole  
2 outside of such jail, work furlough facility, industrial farm, or  
3 industrial road camp, but to remain, while on parole, in the legal  
4 custody and under the control of the board establishing the rules  
5 and regulations for the prisoner's parole, and subject at any time  
6 to be taken back within the enclosure of any such jail, work  
7 furlough facility, industrial farm, or industrial road camp.

8 (c) The board shall provide a complete copy of its written rules  
9 and regulations and reasons therefor and any amendments thereto  
10 to each of the judges of the superior court of the county.

11 The board shall provide to the persons in charge of the county's  
12 correctional facilities a copy of the sections of its written rules and  
13 regulations and any amendments thereto which govern eligibility  
14 for parole, and the name and telephone number of the person or  
15 agency to contact for additional information. Such rules and  
16 regulations governing eligibility either shall be conspicuously  
17 posted and maintained within each county correctional facility so  
18 that all prisoners have access to a copy, or shall be given to each  
19 prisoner.

20 SEC. 560. Section 3085.1 of the Penal Code is amended to  
21 read:

22 3085.1. The presiding judge of the superior court in Contra  
23 Costa County may appoint an alternate for the public member who  
24 shall serve in the absence of the public member.

25 SEC. 561. Section 3607 of the Penal Code is amended to read:

26 3607. After the execution, the warden must make a return  
27 upon the death warrant to the clerk of the court by which the  
28 judgment was rendered, showing the time, mode, and manner in  
29 which it was executed.

30 SEC. 562. Section 4007 of the Penal Code is amended to read:

31 4007. When there is no jail in the county, or when the jail  
32 becomes unfit or unsafe for the confinement of prisoners, the judge  
33 of the superior court may, by a written order filed with the clerk  
34 of the court, designate the jail of a contiguous county for the  
35 confinement of any prisoner of his or her county, and may at any  
36 time modify or vacate the order.

37 When there are reasonable grounds to believe that a prisoner  
38 may be forcibly removed from a county jail, the sheriff may  
39 remove the prisoner to any California state prison for safekeeping  
40 and it is the duty of the warden of the prison to accept and detain



1 the prisoner in his or her custody until his or her removal is ordered  
2 by the superior court of the county from which he or she was  
3 delivered. Immediately upon receiving the prisoner the warden  
4 shall advise the Director of Corrections of that fact in writing.

5 When a county prisoner requires medical treatment  
6 necessitating hospitalization which cannot be provided at the  
7 county jail or county hospital because of lack of adequate  
8 detention facilities, and when the prisoner also presents a serious  
9 custodial problem because of his or her past or present behavior,  
10 the judge of the superior court may, on the request of the county  
11 sheriff and with the consent of the Director of Corrections,  
12 designate by written order the nearest state prison or correctional  
13 facility which would be able to provide the necessary medical  
14 treatment and secure confinement of the prisoner. The written  
15 order of the judge shall be filed with the clerk of the court. The  
16 court shall immediately calendar the matter for a hearing to  
17 determine whether the order shall continue or be rescinded. The  
18 hearing shall be held within 48 hours of the initial order or the next  
19 judicial day, whichever occurs later. The prisoner shall not be  
20 transferred to the state prison or correctional facility prior to the  
21 hearing, except upon a determination by the physician responsible  
22 for the prisoner's health care that a medical emergency exists  
23 which requires the transfer of the prisoner to the state prison or  
24 correctional facility prior to the hearing. The prisoner shall be  
25 entitled to be present at the hearing and to be represented by  
26 counsel. The prisoner may waive his or her right to this hearing in  
27 writing at any time. If the prisoner waives his or her right to the  
28 hearing, the county sheriff shall notify the prisoner's attorney of  
29 the transfer within 48 hours, or the next business day, whichever  
30 is later. The court may modify or vacate the order at any time.

31 The rate of compensation for the prisoner's medical treatment  
32 and confinement within a California state prison or correctional  
33 facility shall be established by the Department of Corrections, and  
34 shall be charged against the county making the request.

35 When there are reasonable grounds to believe that there is a  
36 prisoner in a county jail who is likely to be a threat to other persons  
37 in the facility or who is likely to cause substantial damage to the  
38 facility, the judge of the superior court may, on the request of the  
39 county sheriff and with the consent of the Director of Corrections,  
40 designate by written order the nearest state prison or correctional



1 facility which would be able to secure confinement of the prisoner,  
2 subject to space available. The written order of the judge must be  
3 filed with the clerk of the court. The court shall immediately  
4 calendar the matter for a hearing to determine whether the order  
5 shall continue or be rescinded. The hearing shall be held within 48  
6 hours of the initial order or the next judicial day, whichever occurs  
7 later. The prisoner shall be entitled to be present at the hearing and  
8 to be represented by counsel. The court may modify or vacate that  
9 order at any time. The rate of compensation for the prisoner's  
10 confinement within a California state prison or correctional  
11 facility shall be established by the Department of Corrections and  
12 shall be charged against the county making the request.

13 SEC. 563. Section 4008 of the Penal Code is amended to read:  
14 4008. A copy of the appointment, certified by the clerk of the  
15 court, must be served on the sheriff or keeper of the jail designated,  
16 who must receive into the jail all prisoners authorized to be  
17 confined therein, pursuant to Section 4007, and who is responsible  
18 for the safekeeping of the persons so committed, in the same  
19 manner and to the same extent as if the sheriff or keeper of the jail  
20 were sheriff of the county for whose use the jail is designated, and  
21 with respect to the persons so committed the sheriff or keeper of  
22 the jail is deemed the sheriff of the county from which they were  
23 removed.

24 SEC. 564. Section 4009 of the Penal Code is amended to read:  
25 4009. When a jail is erected in a county for the use of which  
26 the designation was made, or its jail is rendered fit and safe for the  
27 confinement of prisoners, the judge of the superior court of that  
28 county must, by a written revocation, filed with the clerk of the  
29 court, declare that the necessity for the designation has ceased, and  
30 that it is revoked.

31 SEC. 565. Section 4010 of the Penal Code is amended to read:  
32 4010. The clerk of the court must immediately serve a copy  
33 of the revocation upon the sheriff of the county, who must  
34 thereupon remove the prisoners to the jail of the county from  
35 which the removal was had.

36 SEC. 566. Section 4012 of the Penal Code is amended to read:  
37 4012. When a pestilence or contagious disease breaks out in  
38 or near a jail, and the physician thereof certifies that it is liable to  
39 endanger the health of the prisoners, the county judge may, by a  
40 written appointment, designate a safe and convenient place in the



1 county, or the jail in a contiguous county, as the place of their  
2 confinement. The appointment must be filed in the office of the  
3 clerk of the court, and authorize the sheriff to remove the prisoners  
4 to the place or jail designated, and there confine them until they can  
5 be safely returned to the jail from which they were taken.

6 SEC. 567. Section 4024.1 of the Penal Code is amended to  
7 read:

8 4024.1. (a) The sheriff, chief of police, or any other person  
9 responsible for a county or city jail may apply to the presiding  
10 judge of the superior court to receive general authorization for a  
11 period of 30 days to release inmates pursuant to the provisions of  
12 this section.

13 (b) Whenever, after being authorized by a court pursuant to  
14 subdivision (a), the actual inmate count exceeds the actual bed  
15 capacity of a county or city jail, the sheriff, chief of police, or other  
16 person responsible for such county or city jail may accelerate the  
17 release, discharge, or expiration of sentence date of sentenced  
18 inmates up to a maximum of five days.

19 (c) The total number of inmates released pursuant to this  
20 section shall not exceed a number necessary to balance the inmate  
21 count and actual bed capacity.

22 (d) Inmates closest to their normal release, discharge, or  
23 expiration of sentence date shall be given accelerated release  
24 priority.

25 (e) The number of days that release, discharge, or expiration of  
26 sentence is accelerated shall in no case exceed 10 percent of the  
27 particular inmate's original sentence, prior to the application  
28 thereto of any other credits or benefits authorized by law.

29 SEC. 568. Section 4112 of the Penal Code is amended to read:

30 4112. When land has been acquired and such buildings and  
31 structures erected and improvements made as may be immediately  
32 necessary for the carrying out of the purposes of this article or  
33 arrangements have been made for an industrial road camp or  
34 camps, the board of supervisors shall adopt a resolution  
35 proclaiming that an industrial farm or road camp has been  
36 established in the county and designating a day on and after which  
37 persons will be admitted to such farm or camp. Certified copies of  
38 the resolution shall be forwarded by the clerk of the board of  
39 supervisors to each superior court judge in the county.

40 SEC. 569. Section 4301 of the Penal Code is amended to read:



1 4301. There shall be 6, 9, or 12 members of the committee.  
2 One-third shall be appointed by the board of supervisors, one-third  
3 by the sheriff, and one-third by the presiding judge of the superior  
4 court. Of the members appointed by the presiding judge, one shall  
5 be a member of the State Bar.

6 SEC. 570. Section 4303 of the Penal Code is amended to read:

7 4303. Members of the committee shall serve without  
8 compensation, but shall be allowed their reasonable expenses as  
9 approved by the presiding judge of the superior court. The  
10 expenses shall be a charge upon the county in which the court has  
11 jurisdiction, and shall be paid out of the county treasury upon a  
12 written order of the presiding judge of the superior court directing  
13 the county auditor to draw a warrant upon the county treasurer for  
14 the specified amount of such expenses. All orders by the presiding  
15 judge upon the county treasurer shall be filed in duplicate with the  
16 county board of supervisors and sheriff.

17 SEC. 571. Section 4304 of the Penal Code is amended to read:

18 4304. The committee shall file a report within 90 days after  
19 the thirty-first day of December of the calendar year for which  
20 such report is made, copies of which shall be filed with the county  
21 board of supervisors, the presiding judge, the sheriff, the Board of  
22 Corrections, and the Attorney General.

23 SEC. 572. Section 4852.18 of the Penal Code is amended to  
24 read:

25 4852.18. The Board of Prison Terms shall furnish to the clerk  
26 of the superior court of each county a set of sample forms for a  
27 petition for certificate of rehabilitation and pardon, a notice of  
28 filing of petition for certificate of rehabilitation and pardon, and  
29 a certificate of rehabilitation. The clerk of the court shall have a  
30 sufficient number of these forms printed to meet the needs of the  
31 people of the county, and shall make these forms available at no  
32 charge to persons requesting them.

33 SEC. 573. Section 6031.1 of the Penal Code is amended to  
34 read:

35 6031.1. Inspections of local detention facilities shall be made  
36 biennially. Inspections of privately operated work furlough  
37 facilities and programs shall be made biennially unless the work  
38 furlough administrator requests an earlier inspection. Inspections  
39 shall include, but not be limited to, the following:



1 (a) Health and safety inspections conducted pursuant to  
2 Section 101045 of the Health and Safety Code.

3 (b) Fire suppression preplanning inspections by the local fire  
4 department.

5 (c) Security, rehabilitation programs, recreation, treatment of  
6 persons confined in the facilities, and personnel training by the  
7 staff of the Board of Corrections.

8 Reports of each facility's inspection shall be furnished to the  
9 official in charge of the local detention facility or, in the case of a  
10 privately operated facility, the work furlough administrator, the  
11 local governing body, the grand jury, and the presiding judge of the  
12 superior court in the county where the facility is located. These  
13 reports shall set forth the areas wherein the facility has complied  
14 and has failed to comply with the minimum standards established  
15 pursuant to Section 6030.

16 SEC. 574. Section 13151 of the Penal Code is amended to  
17 read:

18 13151. The superior court that disposes of a case for which an  
19 arrest was required to be reported to the Department of Justice  
20 pursuant to Section 13150 or for which fingerprints were taken and  
21 submitted to the Department of Justice by order of the court shall  
22 assure that a disposition report of such case containing the  
23 applicable data elements enumerated in Section 13125, or Section  
24 13151.1 if such disposition is one of dismissal, is furnished to the  
25 Department of Justice within 30 days according to the procedures  
26 and on a format prescribed by the department. The court shall also  
27 furnish a copy of such disposition report to the law enforcement  
28 agency having primary jurisdiction to investigate the offense  
29 alleged in the complaint or accusation. Whenever a court shall  
30 order any action subsequent to the initial disposition of a case, the  
31 court shall similarly report such proceedings to the department.

32 SEC. 575. Section 14154 of the Penal Code is amended to  
33 read:

34 14154. In a county in which the district attorney has  
35 established a community conflict resolution program, the superior  
36 court may, with the consent of the district attorney and the  
37 defendant, refer misdemeanor cases, including those brought by a  
38 city prosecutor, to that program. In determining whether to refer  
39 a case to the community conflict resolution program, the court



1 shall consider, but is not limited to considering, all of the  
2 following:

3 (a) The factors listed in Section 14152.

4 (b) Any other referral criteria established by the district  
5 attorney for the program.

6 The court shall not refer any case to the community conflict  
7 resolution program which was previously referred to that program  
8 by the district attorney.

9 SEC. 576. Section 1513 of the Probate Code is amended to  
10 read:

11 1513. (a) Unless waived by the court, a court investigator,  
12 probation officer, or domestic relations investigator may make an  
13 investigation and file with the court a report and recommendation  
14 concerning each proposed guardianship of the person or  
15 guardianship of the estate. Investigations where the proposed  
16 guardian is a relative shall be made by a court investigator.  
17 Investigations where the proposed guardian is a nonrelative shall  
18 be made by the county agency designated to investigate potential  
19 dependency. The report for the guardianship of the person shall  
20 include, but need not be limited to, an investigation and discussion  
21 of all of the following:

22 (1) A social history of the guardian.

23 (2) A social history of the proposed ward, including, to the  
24 extent feasible, an assessment of any identified developmental,  
25 emotional, psychological, or educational needs of the proposed  
26 ward and the capability of the petitioner to meet those needs.

27 (3) The relationship of the proposed ward to the guardian,  
28 including the duration and character of the relationship, where  
29 applicable, the circumstances whereby physical custody of the  
30 proposed ward was acquired by the guardian, and a statement of  
31 the proposed ward's attitude concerning the proposed  
32 guardianship, unless the statement of the attitude is affected by the  
33 proposed ward's developmental, physical, or emotional condition.

34 (4) The anticipated duration of the guardianship and the plans  
35 of both natural parents and the proposed guardian for the stable and  
36 permanent home for the child. The court may waive this  
37 requirement for cases involving relative guardians.

38 (b) The report shall be read and considered by the court prior  
39 to ruling on the petition for guardianship, and shall be reflected in



1 the minutes of the court. The person preparing the report may be  
2 called and examined by any party to the proceeding.

3 (c) If the investigation finds that any party to the proposed  
4 guardianship alleges the minor’s parent is unfit, as defined by  
5 Section 300 of the Welfare and Institutions Code, the case shall be  
6 referred to the county agency designated to investigate potential  
7 dependencies. Guardianship proceedings shall not be completed  
8 until the investigation required by Sections 328 and 329 of the  
9 Welfare and Institutions Code is completed and a report is  
10 provided to the court in which the guardianship proceeding is  
11 pending.

12 (d) The report authorized by this section is confidential and  
13 shall only be made available to persons who have been served in  
14 the proceedings or their attorneys. The clerk of the court shall  
15 make provisions for the limitation of the report exclusively to  
16 persons entitled to its receipt.

17 (e) For the purpose of writing the report authorized by this  
18 section, the person making the investigation and report shall have  
19 access to the proposed ward’s school records, probation records,  
20 and public and private social services records, and to an oral or  
21 written summary of the proposed ward’s medical records and  
22 psychological records prepared by any physician, psychologist, or  
23 psychiatrist who made or who is maintaining those records. The  
24 physician, psychologist, or psychiatrist shall be available to clarify  
25 information regarding these records pursuant to the investigator’s  
26 responsibility to gather and provide information for the court.

27 (f) This section does not apply to guardianships resulting from  
28 a permanency plan for a dependent child pursuant to Section  
29 366.25 of the Welfare and Institutions Code.

30 (g) For purposes of this section, a “relative” means a person  
31 who is a spouse, parent, stepparent, brother, sister, stepbrother,  
32 stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first  
33 cousin, or any person denoted by the prefix “grand” or “great,”  
34 or the spouse of any of these persons, even after the marriage has  
35 been terminated by death or dissolution.

36 SEC. 577. Section 1821 of the Probate Code is amended to  
37 read:

38 1821. (a) The petition shall request that a conservator be  
39 appointed for the person or estate, or both, shall specify the name,  
40 address, and telephone number of the proposed conservator and



1 the name, address, and telephone number of the proposed  
2 conservatee, and state the reasons why a conservatorship is  
3 necessary. Unless the petitioner is a bank or other entity authorized  
4 to conduct the business of a trust company, the petitioner shall also  
5 file supplemental information as to why the appointment of a  
6 conservator is required. The supplemental information to be  
7 submitted shall include a brief statement of facts addressed to each  
8 of the following categories:

9 (1) The inability of the proposed conservatee to properly  
10 provide for his or her needs for physical health, food, clothing, and  
11 shelter.

12 (2) The location of the proposed conservatee's residence and  
13 the ability of the proposed conservatee to live in the residence  
14 while under conservatorship.

15 (3) Alternatives to conservatorship considered by the  
16 petitioner and reasons why those alternatives are not available.

17 (4) Health or social services provided to the proposed  
18 conservatee during the year preceding the filing of the petition,  
19 when the petitioner has information as to those services.

20 (5) The inability of the proposed conservatee to substantially  
21 manage his or her own financial resources, or to resist fraud or  
22 undue influence.

23 The facts required to address the categories set forth in  
24 paragraphs (1) to (5), inclusive, shall be set forth by the petitioner  
25 when he or she has knowledge of the facts or by the declarations  
26 or affidavits of other persons having knowledge of those facts.

27 Where any of the categories set forth in paragraphs (1) to (5),  
28 inclusive, are not applicable to the proposed conservatorship, the  
29 petitioner shall so indicate and state on the supplemental  
30 information form the reasons therefor.

31 The Judicial Council shall develop a supplemental information  
32 form for the information required pursuant to paragraphs (1) to (5),  
33 inclusive, after consultation with individuals or organizations  
34 approved by the Judicial Council, who represent public  
35 conservators, court investigators, the State Bar, specialists with  
36 experience in performing assessments and coordinating  
37 community-based services, and legal services for the elderly and  
38 disabled.

39 The supplemental information form shall be separate and  
40 distinct from the form for the petition. The supplemental



1 information shall be confidential and shall be made available only  
2 to parties, persons given notice of the petition who have requested  
3 this supplemental information or who have appeared in the  
4 proceedings, their attorneys, and the court. The court shall have  
5 discretion at any other time to release the supplemental  
6 information to other persons if it would serve the interests of the  
7 conservatee. The clerk of the court shall make provision for  
8 limiting disclosure of the supplemental information exclusively to  
9 persons entitled thereto under this section.

10 (b) The petition shall set forth, so far as they are known to the  
11 petitioner, the names and addresses of the spouse or domestic  
12 partner, and of the relatives of the proposed conservatee within the  
13 second degree. If no spouse or domestic partner of the proposed  
14 conservatee or relatives of the proposed conservatee within the  
15 second degree are known to the petitioner, the petition shall set  
16 forth, so far as they are known to the petitioner, the names and  
17 addresses of the following persons who, for the purposes of  
18 Section 1822, shall all be deemed to be relatives:

19 (1) A spouse or domestic partner of a predeceased parent of a  
20 proposed conservatee.

21 (2) The children of a predeceased spouse or domestic partner  
22 of a proposed conservatee.

23 (3) The siblings of the proposed conservatee's parents, if any,  
24 but if none, then the natural and adoptive children of the proposed  
25 conservatee's parents' siblings.

26 (4) The natural and adoptive children of the proposed  
27 conservatee's siblings.

28 (c) If the petition is filed by a person other than the proposed  
29 conservatee, the petition shall state whether or not the petitioner  
30 is a creditor or debtor, or the agent of a creditor or debtor, of the  
31 proposed conservatee.

32 (d) If the proposed conservatee is a patient in or on leave of  
33 absence from a state institution under the jurisdiction of the State  
34 Department of Mental Health or the State Department of  
35 Developmental Services and that fact is known to the petitioner,  
36 the petition shall state that fact and name the institution.

37 (e) The petition shall state, so far as is known to the petitioner,  
38 whether or not the proposed conservatee is receiving or is entitled  
39 to receive benefits from the Veterans Administration and the



1 estimated amount of the monthly benefit payable by the Veterans  
2 Administration for the proposed conservatee.

3 (f) The petition may include an application for any order or  
4 orders authorized under this division, including, but not limited to,  
5 orders under Chapter 4 (commencing with Section 1870).

6 (g) The petition may include a further statement that the  
7 proposed conservatee is not willing to attend the hearing on the  
8 petition, does not wish to contest the establishment of the  
9 conservatorship, and does not object to the proposed conservator  
10 or prefer that another person act as conservator.

11 (h) In the case of an allegedly developmentally disabled adult,  
12 the petition shall set forth the following:

13 (1) The nature and degree of the alleged disability, the specific  
14 duties and powers requested by or for the limited conservator, and  
15 the limitations of civil and legal rights requested to be included in  
16 the court's order of appointment.

17 (2) Whether or not the proposed limited conservatee is or is  
18 alleged to be developmentally disabled.

19 Reports submitted pursuant to Section 416.8 of the Health and  
20 Safety Code meet the requirements of this section, and  
21 conservatorships filed pursuant to Article 7.5 (commencing with  
22 Section 416) of Part 1 of Division 1 of the Health and Safety Code  
23 are exempt from providing the supplemental information required  
24 by this section, so long as the guidelines adopted by the State  
25 Department of Developmental Services for regional centers  
26 require the same information that is required pursuant to this  
27 section.

28 SEC. 578. Section 1826 of the Probate Code is amended to  
29 read:

30 1826. Regardless of whether the proposed conservatee  
31 attends the hearing, the court investigator shall do all of the  
32 following:

33 (a) Interview the proposed conservatee personally.

34 (b) Inform the proposed conservatee of the contents of the  
35 citation, of the nature, purpose, and effect of the proceeding, and  
36 of the right of the proposed conservatee to oppose the proceeding,  
37 to attend the hearing, to have the matter of the establishment of the  
38 conservatorship tried by jury, to be represented by legal counsel if  
39 the proposed conservatee so chooses, and to have legal counsel  
40 appointed by the court if unable to retain legal counsel.



1 (c) Determine whether it appears that the proposed conservatee  
2 is unable to attend the hearing and, if able to attend, whether the  
3 proposed conservatee is willing to attend the hearing.

4 (d) Review the allegations of the petition as to why the  
5 appointment of the conservator is required and, in making his or  
6 her determination, do the following:

7 (1) Refer to the supplemental information form submitted by  
8 the petitioner and consider the facts set forth in the form that  
9 address each of the categories specified in paragraphs (1) to (5),  
10 inclusive, of subdivision (a) of Section 1821.

11 (2) Consider, to the extent practicable, whether he or she  
12 believes the proposed conservatee suffers from any of the mental  
13 function deficits listed in subdivision (a) of Section 811 that  
14 significantly impairs the proposed conservatee's ability to  
15 understand and appreciate the consequences of his or her actions  
16 in connection with any of the functions described in subdivision  
17 (a) or (b) of Section 1801 and identify the observations that  
18 support that belief.

19 (e) Determine whether the proposed conservatee wishes to  
20 contest the establishment of the conservatorship.

21 (f) Determine whether the proposed conservatee objects to the  
22 proposed conservator or prefers another person to act as  
23 conservator.

24 (g) Determine whether the proposed conservatee wishes to be  
25 represented by legal counsel and, if so, whether the proposed  
26 conservatee has retained legal counsel and, if not, the name of an  
27 attorney the proposed conservatee wishes to retain.

28 (h) Determine whether the proposed conservatee is capable of  
29 completing an affidavit of voter registration.

30 (i) If the proposed conservatee has not retained legal counsel,  
31 determine whether the proposed conservatee desires the court to  
32 appoint legal counsel.

33 (j) Determine whether the appointment of legal counsel would  
34 be helpful to the resolution of the matter or is necessary to protect  
35 the interests of the proposed conservatee in any case where the  
36 proposed conservatee does not plan to retain legal counsel and has  
37 not requested the appointment of legal counsel by the court.

38 (k) Report to the court in writing, at least five days before the  
39 hearing, concerning all of the foregoing, including the proposed



1 conservatee's express communications concerning both of the  
2 following:

3 (1) Representation by legal counsel.

4 (2) Whether the proposed conservatee is not willing to attend  
5 the hearing, does not wish to contest the establishment of the  
6 conservatorship, and does not object to the proposed conservator  
7 or prefer that another person act as conservator.

8 (l) Mail, at least five days before the hearing, a copy of the  
9 report referred to in subdivision (k) to all of the following:

10 (1) The attorney, if any, for the petitioner.

11 (2) The attorney, if any, for the proposed conservatee.

12 (3) Any other persons as the court orders.

13 (m) The court investigator has discretion to release the report  
14 required by this section to the public conservator, interested public  
15 agencies, and the long-term care ombudsman.

16 (n) The report required by this section is confidential and shall  
17 be made available only to parties, persons given notice of the  
18 petition who have requested this report or who have appeared in  
19 the proceedings, their attorneys, and the court. The court has  
20 discretion at any other time to release the report, if it would serve  
21 the interests of the conservatee. The clerk of the court shall provide  
22 for the limitation of the report exclusively to persons entitled to its  
23 receipt.

24 (o) This section does not apply to a proposed conservatee who  
25 has personally executed the petition for conservatorship, or one  
26 who has nominated his or her own conservator, if he or she attends  
27 the hearing.

28 (p) If the court investigator has performed an investigation  
29 within the preceding six months and furnished a report thereon to  
30 the court, the court may order, upon good cause shown, that  
31 another investigation is not necessary or that a more limited  
32 investigation may be performed.

33 SEC. 579. Section 1827.5 of the Probate Code is amended to  
34 read:

35 1827.5. (a) In the case of any proceeding to establish a  
36 limited conservatorship for a person with developmental  
37 disabilities, within 30 days after the filing of a petition for limited  
38 conservatorship, a proposed limited conservatee, with his or her  
39 consent, shall be assessed at a regional center as provided in  
40 Chapter 5 (commencing with Section 4620) of Division 4.5 of the



1 Welfare and Institutions Code. The regional center shall submit a  
2 written report of its findings and recommendations to the court.

3 (b) In the case of any proceeding to establish a general  
4 conservatorship for a person with developmental disabilities, the  
5 regional center, with the consent of the proposed conservatee, may  
6 prepare an assessment as provided in Chapter 5 (commencing with  
7 Section 4620) of Division 4.5 of the Welfare and Institutions Code.  
8 If an assessment is prepared, the regional center shall submit its  
9 findings and recommendations to the court.

10 (c) A report prepared under subdivision (a) or (b) shall include  
11 a description of the specific areas, nature, and degree of disability  
12 of the proposed conservatee or proposed limited conservatee. The  
13 findings and recommendations of the regional center are not  
14 binding upon the court.

15 In a proceeding where the petitioner is a provider of board and  
16 care, treatment, habilitation, or other services to persons with  
17 developmental disabilities or a spouse or employee of a provider,  
18 is not the natural parent of the proposed conservatee or proposed  
19 limited conservatee, and is not a public entity, the regional center  
20 shall include a recommendation in its report concerning the  
21 suitability of the petitioners to meet the needs of the proposed  
22 conservatee or proposed limited conservatee.

23 (d) At least five days before the hearing on the petition, the  
24 regional center shall mail a copy of the report referred to in  
25 subdivision (a) to all of the following:

- 26 (1) The proposed limited conservatee.
- 27 (2) The attorney, if any, for the proposed limited conservatee.
- 28 (3) If the petitioner is not the proposed limited conservatee, the  
29 attorney for the petitioner or the petitioner if the petitioner does not  
30 have an attorney.
- 31 (4) Such other persons as the court orders.

32 (e) The report referred to in subdivisions (a) and (b) shall be  
33 confidential and shall be made available only to parties listed in  
34 subdivision (d) unless the court, in its discretion, determines that  
35 the release of the report would serve the interests of the  
36 conservatee who is developmentally disabled. The clerk of the  
37 court shall make provision for limiting disclosure of the report  
38 exclusively to persons entitled thereto under this section.

39 SEC. 580. Section 1851 of the Probate Code is amended to  
40 read:



1 1851. (a) When court review is required, the court  
2 investigator shall visit the conservatee. The court investigator shall  
3 inform the conservatee personally that the conservatee is under a  
4 conservatorship and shall give the name of the conservator to the  
5 conservatee. The court investigator shall determine whether the  
6 conservatee wishes to petition the court for termination of the  
7 conservatorship, whether the conservatee is still in need of the  
8 conservatorship, whether the present conservator is acting in the  
9 best interests of the conservatee, and whether the conservatee is  
10 capable of completing an affidavit of voter registration. If the court  
11 has made an order under Chapter 4 (commencing with Section  
12 1870), the court investigator shall determine whether the present  
13 condition of the conservatee is such that the terms of the order  
14 should be modified or the order revoked.

15 (b) The findings of the court investigator, including the facts  
16 upon which the findings are based, shall be certified in writing to  
17 the court not less than 15 days prior to the date of review. A copy  
18 of the report shall be mailed to the conservator and to the attorneys  
19 of record for the conservator and conservatee at the same time it  
20 is certified to the court.

21 (c) In the case of a limited conservatee, the court investigator  
22 shall make a recommendation regarding the continuation or  
23 termination of the limited conservatorship.

24 (d) The court investigator may personally visit the conservator  
25 and other persons as may be necessary to determine whether the  
26 present conservator is acting in the best interests of the  
27 conservatee.

28 (e) The report required by this section shall be confidential and  
29 shall be made available only to parties, persons given notice of the  
30 petition who have requested the report or who have appeared in the  
31 proceeding, their attorneys, and the court. The court shall have  
32 discretion at any other time to release the report if it would serve  
33 the interests of the conservatee. The clerk of the court shall make  
34 provision for limiting disclosure of the report exclusively to  
35 persons entitled thereto under this section.

36 SEC. 581. Section 15688 of the Probate Code is amended to  
37 read:

38 15688. Notwithstanding any other provision of this article  
39 and the terms of the trust, a public guardian who is appointed as



1 a trustee of a trust pursuant to Section 15660.5 shall be paid from  
2 the trust property for all of the following:

3 (a) Reasonable expenses incurred in the administration of the  
4 trust.

5 (b) Compensation for services of the public guardian and the  
6 attorney of the public guardian, and for the filing and processing  
7 services of the clerk of the court in the amount the court determines  
8 is just and reasonable.

9 (c) An annual bond fee in the amount of twenty-five dollars  
10 (\$25) plus one-fourth of 1 percent of the amount of the trust assets  
11 greater than ten thousand dollars (\$10,000). The amount charged  
12 shall be deposited in the county treasury.

13 SEC. 583. Section 14591.5 of the Public Resources Code is  
14 amended to read:

15 14591.5. After the time for judicial review under Section  
16 11523 of the Government Code has expired, the department may  
17 apply to the small claims court or superior court, depending on the  
18 jurisdictional amount and any other remedy sought, in the county  
19 where the penalties, restitution, or other remedy was imposed by  
20 the department, for a judgment to collect any unpaid civil penalties  
21 or restitution or to enforce any other remedy provided by this  
22 division. The application, which shall include a certified copy of  
23 the final agency order or decision, shall constitute a sufficient  
24 showing to warrant the issuance of the judgment. The court clerk  
25 shall enter the judgment immediately in conformity with the  
26 application. The judgment so entered shall have the same force and  
27 effect as, and shall be subject to all the provisions of law relating  
28 to, a judgment in a civil action, and may be enforced in the same  
29 manner as any other judgment of the court. The court shall make  
30 enforcement of the judgment a priority.

31 SEC. 584. Section 5411.5 of the Public Utilities Code is  
32 amended to read:

33 5411.5. Whenever a peace officer arrests a person for a  
34 violation of Section 5411 involving the operation of a  
35 charter-party carrier of passengers without a valid certificate or  
36 permit at a public airport, within 100 feet of a public airport, or  
37 within two miles of the international border between the United  
38 States and Mexico, the peace officer may impound and retain  
39 possession of the vehicle used in violation of Section 5411.



1 If the vehicle is seized from a person who is not the owner of the  
2 vehicle, the impounding authority shall immediately give notice  
3 to the owner by first-class mail.

4 The vehicle shall immediately be returned to the owner without  
5 cost to the owner if the infraction or violation is not prosecuted or  
6 is dismissed, the owner is found not guilty of the offense, or it is  
7 determined that the vehicle was used in violation of Section 5411  
8 without the knowledge and consent of the owner. Otherwise, the  
9 vehicle shall be returned to the owner upon payment of any fine  
10 ordered by the court. After the expiration of six weeks from the  
11 final disposition of the criminal case, the impounding authority  
12 may deal with the vehicle as lost or abandoned property under  
13 Section 1411 of the Penal Code.

14 At any time, a person may make a motion in superior court, for  
15 the immediate return of the vehicle on the ground that there was  
16 no probable cause to seize it or that there is some other good cause,  
17 as determined by the court, for the return of the vehicle. A  
18 proceeding under this section is a limited civil case.

19 No peace officer, however, shall impound any vehicle owned or  
20 operated by a nonprofit organization exempt from taxation  
21 pursuant to Section 501(c)(3) of the Internal Revenue Code which  
22 serves youth or senior citizens and provides transportation  
23 incidental to its programs or services.

24 SEC. 585. Section 19707 of the Revenue and Taxation Code  
25 is amended to read:

26 19707. The place of trial for the offenses enumerated in this  
27 chapter shall be in the county of residence or principal place of  
28 business of the defendant or defendants at the time of commission  
29 of the offense. However, if the defendant or defendants had no  
30 residence or principal place of business in this state at the time of  
31 commission of the offense, the trial shall be held in the County of  
32 Sacramento.

33 In a criminal case charging a defendant or defendants with  
34 committing an offense enumerated in this chapter, the place of trial  
35 may be as set forth in this section, or as provided for in Section  
36 1462.2 or Chapter 1 (commencing with Section 777) of Title 3 of  
37 Part 2 of the Penal Code.

38 SEC. 586. Section 5419 of the Streets and Highways Code is  
39 amended to read:



1 5419. Upon the entry of judgment or dismissal of the action  
2 the clerk of the court shall forthwith mail to the street  
3 superintendent of the city having jurisdiction over the proceeding  
4 in which the assessment was levied, a certified copy of the  
5 judgment or other evidence sufficient to advise the street  
6 superintendent of the judgment of the court in the action.

7 SEC. 587. Section 6619 of the Streets and Highways Code is  
8 amended to read:

9 6619. A written notice of the pendency of any action for  
10 recovery on a bond shall be filed with the treasurer. After the filing  
11 of such notice the treasurer shall not receive any money on account  
12 of the bond and shall have no authority to cancel the entries on the  
13 bond in the register or give a discharge of the bond without the  
14 written consent of the owner thereof until judgment has been  
15 rendered in the action or until it has been dismissed.

16 Upon the entry of judgment or dismissal of the action the clerk  
17 of the court shall forthwith mail to the treasurer a certified copy of  
18 the judgment or other evidence sufficient to advise the treasurer of  
19 the judgment of the court in the action.

20 SEC. 588. Section 6621 of the Streets and Highways Code is  
21 amended to read:

22 6621. Whenever a bond is foreclosed pursuant to this chapter,  
23 the decree of foreclosure shall direct the clerk of the court to  
24 deliver the bond sued upon to the treasurer of the city which issued  
25 said bond together with a memorandum setting forth the title and  
26 number of the action and the fact that the bond has been foreclosed.

27 SEC. 589. Section 6622 of the Streets and Highways Code is  
28 amended to read:

29 6622. The treasurer shall cancel the bond upon the records and  
30 deliver to the clerk of the court a receipt substantially in the  
31 following form:

32  
33 “Certificate of Cancellation of Street Improvement Bond Series  
34 (designating it), in the City (or County) of (naming it).

35  
36 \$ \_\_\_\_\_/100 No. \_\_\_\_\_

37  
38 I, \_\_\_\_\_, Treasurer of the City (or County) of \_\_\_\_\_ do hereby  
39 certify that I have received the above bond from the clerk of the  
40 Superior Court of \_\_\_\_\_ (naming county) in that certain foreclosure



1 action entitled \_\_\_\_\_ vs. \_\_\_\_\_ No. \_\_\_\_\_, Superior Court of \_\_\_\_\_  
2 County; and I have this day canceled said bond on my records,  
3 pursuant to the order of the court made in said case.

4

5 Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

6

\_\_\_\_\_  
Treasurer of the City (or County) of \_\_\_\_\_

7

By \_\_\_\_\_

8

Deputy”

9

10

11 SEC. 590. Section 6623 of the Streets and Highways Code is  
12 amended to read:

13 6623. The clerk of the court shall enter the judgment or decree  
14 of foreclosure in the action upon the delivery of the certificate of  
15 cancellation.

16 SEC. 591. Section 8266 of the Streets and Highways Code is  
17 amended to read:

18 8266. The proceeding is instituted by filing with the clerk of  
19 the court a complaint setting forth:

- 20 (a) The name of the district.
- 21 (b) Its exterior boundaries.
- 22 (c) The date of its organization.
- 23 (d) A prayer that the district be judged legally formed under  
24 this part.

25 SEC. 592. Section 1815 of the Unemployment Insurance  
26 Code is amended to read:

27 1815. If any employing unit is delinquent in the payment of  
28 any contributions, penalties or interest provided for in this  
29 division, the director may, not later than 10 years after the payment  
30 became delinquent or within 10 years after the last entry of a  
31 judgment under this article or within 10 years after the last  
32 recording or filing of a notice of state tax lien under Section 7171  
33 of the Government Code, file in the office of the Clerk of the  
34 Superior Court of Sacramento County, or with the clerk of the  
35 superior court of the county in which the employer has its principal  
36 place of business, a certificate specifying the amount of the  
37 contributions, interest and penalty due and the name and last  
38 known address of the employer liable therefor. The certificate shall  
39 also contain a statement that the director has complied with all the  
40 provisions of this division in relation to the computation and levy



1 of the contributions, interest and penalty, and a request that  
2 judgment be entered against the employer in the amount set forth  
3 in the certificate. The clerk immediately upon the filing of the  
4 certificate shall enter a judgment for the State of California against  
5 the employer in the amount set forth in the certificate. Such  
6 judgment may be filed by the clerk in a looseleaf book entitled  
7 “Unemployment Contributions Judgments.”

8 SEC. 593. Section 9805 of the Vehicle Code is amended to  
9 read:

10 9805. (a) The department may file in the office of the Clerk  
11 of the Superior Court of Sacramento County, or any other county,  
12 a certificate specifying the amount of any fee, tax, penalty, and  
13 collection cost due, the name and last known address of the  
14 individual, company, or corporation liable for the amount due, and  
15 the fact that the department has complied with all the provisions  
16 of this division in the computation of the amount due, and a request  
17 that judgment be entered against the individual, company, or  
18 corporation in the amount of the fee, tax, penalty, and collection  
19 cost set forth in the certificate if the fee, tax, penalty, or collection  
20 cost constitutes either of the following:

21 (1) A lien under this division on the vehicle on which it is due  
22 is not paid when due, and there is evidence that the vehicle has been  
23 operated in violation of this code or any regulations adopted  
24 pursuant to this code.

25 (2) A lessee liability as provided in Section 10879 of the  
26 Revenue and Taxation Code.

27 (b) Prior to the filing of the certificate, the department shall, by  
28 mail, notify the individual, company, or corporation of the amount  
29 which is due and of the opportunity for a hearing as provided in this  
30 subdivision. At the request of the individual, company, or  
31 corporation, the department shall conduct a hearing pursuant to  
32 Section 9801, at which it shall be determined whether the claimed  
33 fee, tax, penalty, or collection cost in the amount claimed by the  
34 department is due and constitutes a lien on the vehicle, and whether  
35 the individual, company, or corporation is liable therefor.

36 (c) If no hearing is requested within 15 days after mailing the  
37 notice required by subdivision (b), the certificate required by  
38 subdivision (b) may be filed.

39 SEC. 594. Section 9806 of the Vehicle Code is amended to  
40 read:



1 9806. The clerk of the court, immediately upon the filing of  
2 the certificate specified in Section 9805, shall enter a judgment for  
3 the people of the State of California against the individual,  
4 company, or corporation in the amount of any fee, tax, penalty, and  
5 collection cost set forth in the certificate. The clerk may file the  
6 judgment in a looseleaf book entitled “Department of Motor  
7 Vehicles Registration Judgments.”

8 SEC. 595. Section 9872.1 of the Vehicle Code is amended to  
9 read:

10 9872.1. (a) No person shall knowingly buy, sell, offer for  
11 sale, receive, or have in his or her possession any vessel, or  
12 component part thereof, from which the hull identification number  
13 has been removed, defaced, altered, or destroyed, unless the vessel  
14 or component part has attached thereto a hull identification  
15 number assigned or approved by the department in lieu of the  
16 manufacturer’s number.

17 (b) Whenever a vessel, or component part thereof, from which  
18 the hull identification number has been removed, defaced, altered,  
19 or destroyed, and which does not have attached thereto an assigned  
20 or approved number as described in subdivision (a), comes into the  
21 custody of a peace officer, the seized vessel or component part is  
22 subject, in accordance with the procedures specified in this  
23 section, to impoundment and to such disposition as may be  
24 provided by order of a court having jurisdiction. This subdivision  
25 does not apply with respect to a seized vessel or component part  
26 used as evidence in any criminal action or proceeding.

27 (c) Whenever a vessel or component part described in  
28 subdivision (a) comes into the custody of a peace officer, any  
29 person from whom the property was seized, and all claimants to  
30 the property whose interest or title is on registration records in the  
31 department, shall be notified within five days, excluding  
32 Saturdays, Sundays, and holidays, after the seizure, of the date,  
33 time, and place of the hearing required in subdivision (e). The  
34 notice shall contain the information specified in subdivision (d).

35 (d) Whenever a peace officer seizes a vessel or component part  
36 as provided in subdivision (b), any person from whom the property  
37 was seized shall be provided a notice of impoundment of the vessel  
38 or component part which shall serve as a receipt and contain the  
39 following information:



1 (1) Name and address of person from whom the property was  
2 seized.

3 (2) A statement that the vessel or component part seized has  
4 been impounded for investigation of a violation of this section and  
5 that the property will be released upon a determination that the hull  
6 identification number has not been removed, defaced, altered, or  
7 destroyed, or upon the presentation of satisfactory evidence of  
8 ownership of the vessel or component part, provided that no other  
9 person claims an interest in the property; otherwise, a hearing  
10 regarding the disposition of the vessel or component part shall take  
11 place in the proper court.

12 (3) A statement that any person from whom the property was  
13 seized, and all claimants to the property whose interest or title is  
14 on registration records in the department, will receive written  
15 notification of the date, time, and place of the hearing within five  
16 days, excluding Saturdays, Sundays, and holidays, after the  
17 seizure.

18 (4) Name and address of the law enforcement agency where  
19 evidence of ownership of the vessel or component part may be  
20 presented.

21 (5) A statement of the contents of this section.

22 (e) A hearing on the disposition of the property shall be held by  
23 the superior court within 60 days after the seizure. The hearing  
24 shall be before the court without a jury. A proceeding under this  
25 section is a limited civil case.

26 (1) If the evidence reveals either that the hull identification  
27 number has not been removed, altered, or destroyed or that the hull  
28 identification number has been removed, altered, or destroyed but  
29 satisfactory evidence of ownership has been presented to the  
30 seizing agency or court, the property shall be released to the person  
31 entitled thereto.

32 (2) If the evidence reveals that the hull identification number  
33 has been removed, altered, or destroyed, and satisfactory evidence  
34 of ownership has not been presented, the property shall be  
35 destroyed, sold, or otherwise disposed of as provided by court  
36 order.

37 (3) At the hearing, the seizing agency shall have the burden of  
38 establishing that the hull identification number has been removed,  
39 defaced, altered, or destroyed and that no satisfactory evidence of  
40 ownership has been presented.



1 (f) Nothing in this section precludes the return of a seized  
2 vessel or component part to the owner by the seizing agency  
3 following presentation of satisfactory evidence of ownership and,  
4 if determined necessary, upon the assignment of an identification  
5 number to the vessel or component part by the department.

6 SEC. 596. Section 10751 of the Vehicle Code is amended to  
7 read:

8 10751. (a) No person shall knowingly buy, sell, offer for sale,  
9 receive, or have in his or her possession, any vehicle, or component  
10 part thereof, from which any serial or identification number,  
11 including, but not limited to, any number used for registration  
12 purposes, that is affixed by the manufacturer to the vehicle or  
13 component part, in whatever manner deemed proper by the  
14 manufacturer, has been removed, defaced, altered, or destroyed,  
15 unless the vehicle or component part has attached thereto an  
16 identification number assigned or approved by the department in  
17 lieu of the manufacturer's number.

18 (b) Whenever a vehicle described in subdivision (a), including  
19 a vehicle assembled with any component part which is in violation  
20 of subdivision (a), comes into the custody of a peace officer, it shall  
21 be destroyed, sold, or otherwise disposed of under the conditions  
22 as provided in an order by the court having jurisdiction. No court  
23 order providing for disposition shall be issued unless the person  
24 from whom the property was seized, and all claimants to the  
25 property whose interest or title is on registration records in the  
26 Department of Motor Vehicles, are provided a postseizure hearing  
27 by the court having jurisdiction within 90 days after the seizure.  
28 This subdivision shall not apply with respect to a seized vehicle or  
29 component part used as evidence in any criminal action or  
30 proceeding. Nothing in this section shall, however, preclude the  
31 return of a seized vehicle or a component part to the owner by the  
32 seizing agency following presentation of satisfactory evidence of  
33 ownership and, if determined necessary, upon the assignment of  
34 an identification number to the vehicle or component part by the  
35 department.

36 (c) Whenever a vehicle described in subdivision (a) comes into  
37 the custody of a peace officer, the person from whom the property  
38 was seized, and all claimants to the property whose interest or title  
39 is on registration records in the Department of Motor Vehicles,  
40 shall be notified within five days, excluding Saturdays, Sundays,



1 and holidays, after the seizure, of the date, time, and place of the  
2 hearing required in subdivision (b). The notice shall contain the  
3 information specified in subdivision (d).

4 (d) Whenever a peace officer seizes a vehicle described in  
5 subdivision (a), the person from whom the property was seized  
6 shall be provided a notice of impoundment of the vehicle which  
7 shall serve as a receipt and contain the following information:

8 (1) Name and address of person from whom the property was  
9 seized.

10 (2) A statement that the vehicle seized has been impounded for  
11 investigation of a violation of Section 10751 of the California  
12 Vehicle Code and that the property will be released upon a  
13 determination that the serial or identification number has not been  
14 removed, defaced, altered, or destroyed, or upon the presentation  
15 of satisfactory evidence of ownership of the vehicle or a  
16 component part, if no other person claims an interest in the  
17 property; otherwise, a hearing regarding the disposition of the  
18 vehicle shall take place in the proper court.

19 (3) A statement that the person from whom the property was  
20 seized, and all claimants to the property whose interest or title is  
21 on registration records in the Department of Motor Vehicles, will  
22 receive written notification of the date, time, and place of the  
23 hearing within five days, excluding Saturdays, Sundays, and  
24 holidays, after the seizure.

25 (4) Name and address of the law enforcement agency where  
26 evidence of ownership of the vehicle or component part may be  
27 presented.

28 (5) A statement of the contents of Section 10751 of the Vehicle  
29 Code.

30 (e) A hearing on the disposition of the property shall be held by  
31 the superior court within 90 days after the seizure. The hearing  
32 shall be before the court without a jury. A proceeding under this  
33 section is a limited civil case.

34 (1) If the evidence reveals either that the serial or identification  
35 number has not been removed, defaced, altered, or destroyed or  
36 that the number has been removed, defaced, altered, or destroyed  
37 but satisfactory evidence of ownership has been presented to the  
38 seizing agency or court, the property shall be released to the person  
39 entitled thereto. Nothing in this section precludes the return of the  
40 vehicle or a component part to a good faith purchaser following



1 presentation of satisfactory evidence of ownership thereof upon  
2 the assignment of an identification number to the vehicle or  
3 component part by the department.

4 (2) If the evidence reveals that the identification number has  
5 been removed, defaced, altered, or destroyed, and satisfactory  
6 evidence of ownership has not been presented, the vehicle shall be  
7 destroyed, sold, or otherwise disposed of as provided by court  
8 order.

9 (3) At the hearing, the seizing agency has the burden of  
10 establishing that the serial or identification number has been  
11 removed, defaced, altered, or destroyed and that no satisfactory  
12 evidence of ownership has been presented.

13 (f) This section does not apply to a scrap metal processor  
14 engaged primarily in the acquisition, processing, and shipment of  
15 ferrous and nonferrous scrap, and who receives dismantled  
16 vehicles from licensed dismantlers, licensed junk collectors, or  
17 licensed junk dealers as scrap metal for the purpose of recycling  
18 the dismantled vehicles for their metallic content, the end product  
19 of which is the production of material for recycling and remelting  
20 purposes for steel mills, foundries, smelters, and refiners.

21 SEC. 597. Section 11102.1 of the Vehicle Code is amended to  
22 read:

23 11102.1. If a deposit is given instead of the bond required by  
24 Section 11102:

25 (a) The director may order the deposit returned at the expiration  
26 of three years from the date a driving school licensee has ceased  
27 to do business, or three years from the date a licensee has ceased  
28 to be licensed, if the director is satisfied that there are no  
29 outstanding claims against the deposit. A judge of a superior court  
30 may order the return of the deposit prior to the expiration of three  
31 years upon evidence satisfactory to the judge that there are no  
32 outstanding claims against the deposit.

33 (b) If either the director, department, or state is a defendant in  
34 any action instituted to recover all or any part of the deposit, or any  
35 action is instituted by the director, department, or state to  
36 determine those entitled to any part of the deposit, the director,  
37 department, or state shall be paid reasonable attorney fees and  
38 costs from the deposit. Costs shall include those administrative  
39 costs incurred in processing claims against the deposit.



1 SEC. 598. Section 11203 of the Vehicle Code is amended to  
2 read:

3 11203. In lieu of the bond otherwise required by paragraph (3)  
4 of subdivision (a) of Section 11202, the applicant may make a  
5 deposit pursuant to Article 7 (commencing with Section 995.710)  
6 of Chapter 2 of Title 14 of Part 2 of the Code of Civil Procedure.  
7 The director may order the deposit returned at the expiration of  
8 three years from the date a traffic violator school licensee has  
9 ceased to do business, or three years from the date a licensee has  
10 ceased to be licensed, if the director is satisfied that there are no  
11 outstanding claims against the deposit. A superior court may, upon  
12 petition, order the return of the deposit prior to the expiration of  
13 three years upon evidence satisfactory to the court that there are no  
14 outstanding claims against the deposit. If either the director,  
15 department, or state is a defendant in any civil action instituted to  
16 recover all or any part of the deposit, or any civil action is instituted  
17 by the director, department, or state to determine those entitled to  
18 any part of the deposit, the director, department, or state shall be  
19 paid reasonable attorney fees and costs from the deposit. Costs  
20 shall include those administrative costs incurred in processing  
21 claims against the licensee recoverable from the deposit.

22 SEC. 599. Section 11301.5 of the Vehicle Code is amended to  
23 read:

24 11301.5. If a deposit is given instead of the bond required by  
25 Section 11301:

26 (a) The Director of Motor Vehicles may order the refund of the  
27 deposit three years from the date a vehicle verifier has ceased to  
28 be licensed, if the director is satisfied that there are no outstanding  
29 claims against the deposit. A judge of a superior court may order  
30 the return of the deposit prior to the expiration of three years from  
31 the date a vehicle verifier has ceased to be licensed if there is  
32 evidence satisfactory to the court that there are no outstanding  
33 claims against the deposit.

34 (b) If the director, department, or state is a defendant in any  
35 action instituted to recover all or any part of the deposit, or any  
36 action is instituted by the director, department, or state to  
37 determine those entitled to any part of the deposit, the director,  
38 department, or state shall be paid reasonable attorney fees and  
39 costs from the deposit. Costs shall include those administrative  
40 costs incurred in processing claims against the deposit.



1 SEC. 600. Section 11710.2 of the Vehicle Code is amended to  
2 read:

3 11710.2. If a deposit is given instead of the bond required by  
4 Section 11710 both of the following apply:

5 (a) The director may order the deposit returned at the expiration  
6 of three years from the date an applicant for a dealer's license who  
7 has operated a business of selling vehicles under a temporary  
8 permit has ceased to do business, or three years from the date a  
9 licensee has ceased to be licensed, if the director is satisfied that  
10 there are no outstanding claims against the deposit. A judge of a  
11 superior court may order the return of the deposit prior to the  
12 expiration of three years upon evidence satisfactory to the judge  
13 that there are no outstanding claims against the deposit.

14 (b) If either the director, department, or state is a defendant in  
15 any action instituted to recover all or any part of the deposit, or any  
16 action is instituted by the director, department, or state to  
17 determine those entitled to any part of the deposit, the director,  
18 department, or state shall be paid reasonable attorney fees and  
19 costs from the deposit. Costs shall include those administrative  
20 costs incurred in processing claims against the deposit.

21 SEC. 601. Section 27362 of the Vehicle Code is amended to  
22 read:

23 27362. (a) No manufacturer, wholesaler, or retailer shall sell,  
24 offer for sale, or install in any motor vehicle any child passenger  
25 restraint system not conforming to all applicable federal motor  
26 vehicle safety standards on the date of sale or installation.  
27 Responsibility for compliance with this section shall rest with the  
28 individual selling, offering for sale, or installing the system. Every  
29 person who violates this section is guilty of a misdemeanor and  
30 shall be punished as follows:

31 (1) Upon a first conviction, by a fine not exceeding four  
32 hundred dollars (\$400) or by imprisonment in the county jail for  
33 a period of not more than 90 days, or both.

34 (2) Upon a second or subsequent conviction, by a fine not  
35 exceeding one thousand dollars (\$1,000) or by imprisonment in  
36 the county jail for a period of not more than 180 days, or both.

37 (b) The fines collected for a violation of this section shall be  
38 allocated as follows:

39 (1) Sixty percent to county health departments where the  
40 violation occurred, to be used for a child passenger restraint



1 low-cost purchase or loaner program which shall include, but not  
2 be limited to, education on the proper installation and use of a child  
3 passenger restraint system. The county health department shall  
4 designate a coordinator to facilitate the creation of a special  
5 account and to develop a relationship with the superior court to  
6 facilitate the transfer of funds to the program. The county may  
7 contract for the implementation of the program. Prior to obtaining  
8 possession of a child passenger restraint system pursuant to this  
9 section, a person shall receive information relating to the  
10 importance of utilizing that system.

11 As the proceeds from fines become available, county health  
12 departments shall prepare and maintain a listing of all child  
13 passenger restraint low-cost purchase or loaner programs in their  
14 counties, including a semiannual verification that all programs  
15 listed are in existence. Each county shall forward the listing to the  
16 Office of Traffic Safety in the Business, Transportation and  
17 Housing Agency and the courts, birthing centers, community child  
18 health and disability prevention programs, and county hospitals in  
19 that county, who shall make the listing available to the public. The  
20 Office of Traffic Safety shall maintain a listing of all of the  
21 programs in the state.

22 (2) Twenty-five percent to the county for the administration of  
23 the program.

24 (3) Fifteen percent to the city, to be deposited in its general fund  
25 except that, if the violation occurred in an unincorporated area, this  
26 amount shall be allocated to the county for purposes of paragraph  
27 (1).

28 SEC. 602. Section 40256 of the Vehicle Code is amended to  
29 read:

30 40256. (a) Within 20 days after the mailing of the final  
31 decision described in subdivision (b) of Section 40255, the  
32 contestant may seek review by filing an appeal to the superior  
33 court, where the same shall be heard de novo, except that the  
34 contents of the processing agency's file in the case on appeal shall  
35 be received in evidence. A copy of the notice of toll evasion  
36 violation shall be admitted into evidence as prima facie evidence  
37 of the facts stated therein. A copy of the notice of appeal shall be  
38 served in person or by first-class mail upon the processing agency  
39 by the contestant. For purposes of computing the 20-day period,



1 Section 1013 of the Code of Civil Procedure shall be applicable.

2 A proceeding under this subdivision is a limited civil case.

3 (b) Notwithstanding Section 72055 of the Government Code,  
4 the fee for filing the notice of appeal shall be twenty-five dollars  
5 (\$25). If the appellant prevails, this fee, together with any deposit  
6 of toll evasion penalty, shall be promptly refunded by the  
7 processing agency in accordance with the judgment of the court.

8 (c) The conduct of the hearing on appeal under this section is  
9 a subordinate judicial duty which may be performed by  
10 commissioners and other subordinate judicial officials at the  
11 direction of the presiding judge of the court.

12 (d) If no notice of appeal of the processing agency's decision  
13 is filed within the period set forth in subdivision (a), the decision  
14 shall be deemed final.

15 (e) If the toll evasion penalty has not been deposited and the  
16 decision is adverse to the contestant, the processing agency may,  
17 promptly after the decision becomes final, proceed to collect the  
18 penalty under Section 40267.

19 SEC. 603. Section 40502 of the Vehicle Code is amended to  
20 read:

21 40502. The place specified in the notice to appear shall be any  
22 of the following:

23 (a) Before a magistrate within the county in which the offense  
24 charged is alleged to have been committed and who has  
25 jurisdiction of the offense and is nearest or most accessible with  
26 reference to the place where the arrest is made.

27 (b) Upon demand of the person arrested, before a judge or other  
28 magistrate having jurisdiction of the offense at the county seat of  
29 the county in which the offense is alleged to have been committed.  
30 This subdivision applies only if the person arrested resides, or the  
31 person's principal place of employment is located, closer to the  
32 county seat than to the court or other magistrate nearest or most  
33 accessible to the place where the arrest is made.

34 (c) Before a person authorized to receive a deposit of bail.

35 The clerk and deputy clerks of the superior court are persons  
36 authorized to receive bail in accordance with a schedule of bail  
37 approved by the judges of that court.

38 (d) Before the juvenile court, a juvenile court referee, or a  
39 juvenile traffic hearing officer within the county in which the  
40 offense charged is alleged to have been committed, if the person



1 arrested appears to be under the age of 18 years. The juvenile court  
2 shall by order designate the proper person before whom the  
3 appearance is to be made.

4 In a county that has implemented the provisions of Section  
5 603.5 of the Welfare and Institutions Code, if the offense alleged  
6 to have been committed by a minor is classified as an infraction  
7 under this code, or is a violation of a local ordinance involving the  
8 driving, parking, or operation of a motor vehicle, the citation shall  
9 be issued as provided in subdivision (a), (b), or (c); provided,  
10 however, that if the citation combines an infraction and a  
11 misdemeanor, the place specified shall be as provided in  
12 subdivision (d).

13 If the place specified in the notice to appear is within a county  
14 where a department of the superior court is to hold a night session  
15 within a period of not more than 10 days after the arrest, the notice  
16 to appear shall contain, in addition to the above, a statement  
17 notifying the person arrested that the person may appear before  
18 such a night session of the court.

19 SEC. 604. Section 40506.5 of the Vehicle Code is amended to  
20 read:

21 40506.5. Prior to the date upon which the defendant promised  
22 to appear and without depositing bail, the defendant may request  
23 a continuance of the written promise to appear. A judge of the  
24 superior court may authorize the clerk to grant the continuance.

25 SEC. 604.5. Section 40508.6 of the Vehicle Code is amended  
26 to read:

27 40508.6. The superior court in any county may establish  
28 administrative assessments, not to exceed ten dollars (\$10), for  
29 clerical and administrative costs incurred for the following  
30 activities:

31 (a) An assessment for the cost of recording and maintaining a  
32 record of the defendant's prior convictions for violations of this  
33 code. The assessment shall be payable at the time of payment of  
34 a fine or when bail is forfeited for any subsequent violations of this  
35 code other than parking, pedestrian, or bicycle violations.

36 (b) An assessment for all defendants whose driver's license or  
37 automobile registration is attached or restricted pursuant to  
38 Section 40509 or 40509.5, to cover the cost of notifying the  
39 Department of Motor Vehicles of the attachment or restriction.



1 SEC. 605. Section 42003 of the Vehicle Code is amended to  
2 read:

3 42003. (a) A judgment that a person convicted of an  
4 infraction be punished by a fine may also provide for the payment  
5 to be made within a specified time or in specified installments. A  
6 judgment granting a defendant time to pay the fine shall order that  
7 if the defendant fails to pay the fine or any installment thereof on  
8 the date that it is due, he or she shall appear in court on that date  
9 for further proceedings. Willful violation of the order is punishable  
10 as contempt.

11 (b) A judgment that a person convicted of any other violation  
12 of this code be punished by a fine may also order, adjudge, and  
13 decree that the person be imprisoned until the fine is satisfied. In  
14 all of these cases, the judgment shall specify the extent of the  
15 imprisonment which shall not exceed one day for every thirty  
16 dollars (\$30) of the fine, nor extend in this case beyond the term  
17 for which the defendant might be sentenced to imprisonment for  
18 the offense of which he or she was convicted.

19 (c) In any case when a person appears before a traffic referee  
20 or judge of the superior court for adjudication of a violation of this  
21 code, the court, upon request of the defendant, shall consider the  
22 defendant's ability to pay. Consideration of a defendant's ability  
23 to pay may include his or her future earning capacity. A defendant  
24 shall bear the burden of demonstrating lack of his or her ability to  
25 pay. Express findings by the court as to the factors bearing on the  
26 amount of the fine shall not be required. The reasonable cost of  
27 these services and of probation shall not exceed the amount  
28 determined to be the actual average cost thereof. The court shall  
29 order the defendant to appear before a county officer designated  
30 by the court to make an inquiry into the ability of the defendant to  
31 pay all or a portion of those costs or the court or traffic referee may  
32 make this determination at a hearing. At that hearing, the  
33 defendant shall be entitled to have, but shall not be limited to, the  
34 opportunity to be heard in person, to present witnesses and other  
35 documentary evidence, to confront and cross-examine adverse  
36 witnesses, to disclosure of the evidence against him or her, and to  
37 a written statement of the findings of the court or the county  
38 officer. If the court determines that the defendant has the ability to  
39 pay all or part of the costs, the court shall set the amount to be  
40 reimbursed and order the defendant to pay that sum to the county



1 in the manner in which the court believes reasonable and  
2 compatible with the defendant’s financial ability; or, with the  
3 consent of a defendant who is placed on probation, the court shall  
4 order the probation officer to set the amount of payment, which  
5 shall not exceed the maximum amount set by the court, and the  
6 manner in which the payment shall be made to the county. In  
7 making a determination of whether a defendant has the ability to  
8 pay, the court shall take into account the amount of any fine  
9 imposed upon the defendant and any amount the defendant has  
10 been ordered to pay in restitution.

11 The court may hold additional hearings during the probationary  
12 period. If practicable, the court or the probation officer shall order  
13 payments to be made on a monthly basis. Execution may be issued  
14 on the order in the same manner as a judgment in a civil action. The  
15 order to pay all or part of the costs shall not be enforced by  
16 contempt.

17 A payment schedule for reimbursement of the costs of  
18 presentence investigation based on income shall be developed by  
19 the probation department of each county and approved by the  
20 presiding judge of the superior court.

21 (d) The term “ability to pay” means the overall capability of  
22 the defendant to reimburse the costs, or a portion of the costs, of  
23 conducting the presentence investigation, preparing the  
24 presentence report, and probation, and includes, but is not limited  
25 to, all of the following regarding the defendant:

26 (1) Present financial position.

27 (2) Reasonably discernible future financial position. In no  
28 event shall the court consider a period of more than six months  
29 from the date of the hearing for purposes of determining  
30 reasonably discernible future financial position.

31 (3) Likelihood that the defendant will be able to obtain  
32 employment within the six-month period from the date of the  
33 hearing.

34 (4) Any other factors that may bear upon the defendant’s  
35 financial capability to reimburse the county for the costs.

36 (e) At any time during the pendency of the judgment rendered  
37 according to the terms of this section, a defendant against whom  
38 a judgment has been rendered may petition the rendering court to  
39 modify or vacate its previous judgment on the grounds of a change  
40 of circumstances with regard to the defendant’s ability to pay the



1 judgment. The court shall advise the defendant of this right at the  
2 time of rendering of the judgment.

3 SEC. 606. Section 42008 of the Vehicle Code is amended to  
4 read:

5 42008. (a) Any county may operate an amnesty program for  
6 delinquent fines and bail imposed for an infraction or  
7 misdemeanor violation of the Vehicle Code, except parking  
8 violations of the Vehicle Code and violations of Section 23103,  
9 23104, 23152, or 23153. The program shall be implemented by the  
10 courts in accordance with Judicial Council guidelines, and shall  
11 apply to infraction or misdemeanor violations of the Vehicle Code,  
12 except parking violations, upon which a fine or bail was delinquent  
13 on or before April 1, 1991.

14 (b) Under the amnesty program, any person owing a fine or bail  
15 due on or before April 1, 1991, that was imposed for an infraction  
16 or misdemeanor violation of the Vehicle Code, except violations  
17 of Section 23103, 23104, 23152, or 23153 or parking violations,  
18 may pay to the superior court the amount scheduled by the court,  
19 which shall be either (1) 70 percent of the total fine or bail or (2)  
20 the amount of one hundred dollars (\$100) for an infraction or five  
21 hundred dollars (\$500) for a misdemeanor. This amount shall be  
22 accepted by the court in full satisfaction of the delinquent fine or  
23 bail.

24 (c) No criminal action shall be brought against any person for  
25 a delinquent fine or bail paid under this amnesty program and no  
26 other additional penalties shall be assessed for the late payment of  
27 the fine or bail made under the amnesty program.

28 (d) Notwithstanding Section 1463 of the Penal Code, the total  
29 amount of funds collected by the courts pursuant to the amnesty  
30 program created by this section shall be deposited in the county  
31 treasury.

32 SEC. 607. Section 42008.5 of the Vehicle Code is amended to  
33 read:

34 42008.5. (a) A county may establish a one-time amnesty  
35 program for fines and bail that have been delinquent for not less  
36 than six months as of the date upon which the program commences  
37 and were imposed for an infraction or misdemeanor violation of  
38 this code, except parking violations of this code and violations of  
39 Section 23103, 23104, 23152, or 23153.



1 (b) Any person owing a fine or bail that is eligible for amnesty  
2 under the program may pay to the superior or juvenile court the  
3 amount scheduled by the court, which shall be accepted by the  
4 court in full satisfaction of the delinquent fine or bail and shall be  
5 either of the following:

6 (1) Seventy percent of the total fine or bail.

7 (2) The amount of one hundred dollars (\$100) for an infraction  
8 or five hundred dollars (\$500) for a misdemeanor.

9 (c) The amnesty program shall be implemented by the courts  
10 of the county on a one-time basis and conducted in accordance  
11 with Judicial Council guidelines for a period of not less than 120  
12 days. The program shall operate not longer than six months from  
13 the date the court initiates the program.

14 (d) No criminal action shall be brought against any person for  
15 a delinquent fine or bail paid under the amnesty program and no  
16 other additional penalties, except as provided in Section 1214.1 of  
17 the Penal Code, shall be assessed for the late payment of the fine  
18 or bail made under the amnesty program.

19 (e) Notwithstanding Section 1463 of the Penal Code, the total  
20 amount of funds collected by the courts pursuant to the amnesty  
21 program shall be deposited in the county treasury until 150 percent  
22 of the cost of operating the program, excluding capital  
23 expenditures, have been so deposited. Thereafter, 37 percent of the  
24 amount of the delinquent fines and bail deposited in the county  
25 treasury shall be distributed by the county pursuant to Section  
26 1464 of the Penal Code, 26 percent of the amount deposited shall  
27 be distributed by the county pursuant to Article 2 (commencing  
28 with Section 76100) of Chapter 12 of Title 8 of the Government  
29 Code, and the remaining 37 percent of the amount deposited shall  
30 be retained by the county.

31 (f) The deposit of fines and bails in the county treasury as  
32 described in subdivision (e) is limited to the amnesty program  
33 described in this section, and it is the intent of the Legislature that  
34 it shall not be considered a precedent with respect to affecting  
35 programs that receive funding pursuant to Section 1463 of the  
36 Penal Code.

37 (g) Each county participating in the program shall file, not later  
38 than six months after the termination of the program, a written  
39 report with the Assembly Committee on Judiciary and the Senate  
40 Committee on Judiciary. The report shall summarize the amount



1 of money collected, operating costs of the program, distribution of  
2 funds collected, and when possible, how the funds were expended.

3 SEC. 608. Section 42203 of the Vehicle Code is amended to  
4 read:

5 42203. Notwithstanding Section 42201 or 42201.5, 50  
6 percent of all fines and forfeitures collected in a superior court  
7 upon conviction or upon the forfeiture of bail for violations of any  
8 provisions of the Vehicle Code, or of any local ordinance or  
9 resolution, relating to stopping, standing, or parking a vehicle, that  
10 have occurred upon the premises of facilities physically located in  
11 such county, but which are owned by another county, which other  
12 county furnishes law enforcement personnel for the premises,  
13 shall be transmitted pursuant to this section to the county which  
14 owns the facilities upon which the violations occurred. The court  
15 receiving such moneys shall, once each month, transmit such  
16 moneys received in the preceding month to the county treasurer of  
17 the county in which the court is located. Once each month in which  
18 the county treasurer receives such moneys, the county treasurer  
19 shall transmit to the county which owns such facilities an amount  
20 equal to 50 percent thereof. The county owning such facilities  
21 shall, upon receipt of such moneys from the superior court of the  
22 county in which the facilities are physically located, deposit such  
23 moneys in its county treasury for use solely in meeting traffic  
24 control and law enforcement expenses on the premises upon which  
25 the violations occurred.

26 This section shall not apply when the county in which such  
27 facilities are located performs all law enforcement functions with  
28 respect to such facilities.

29 SEC. 609. Section 246 of the Welfare and Institutions Code  
30 is amended to read:

31 246. The presiding judge of the superior court shall annually,  
32 in the month of January, designate one or more judges of the court  
33 to hear all cases under this chapter during the ensuing year, and  
34 shall, from time to time, designate such additional judges as may  
35 be necessary for the prompt disposition of the judicial business  
36 before the juvenile court.

37 In all counties where more than one judge is designated as a  
38 judge of the juvenile court, the presiding judge of the superior  
39 court shall also designate one such judge as presiding judge of the  
40 juvenile court.



1 SEC. 610. Section 255 of the Welfare and Institutions Code  
2 is amended to read:

3 255. The court may appoint as subordinate judicial officers  
4 one or more persons of suitable experience, who may be a  
5 probation officer or assistant or deputy probation officers, to serve  
6 as juvenile hearing officers on a full-time or part-time basis. A  
7 hearing officer shall serve at the pleasure of the court, and unless  
8 the court makes an order terminating the appointment of a hearing  
9 officer, the hearing officer shall continue to serve until the  
10 appointment of his or her successor. The court shall determine  
11 whether any compensation shall be paid to hearing officers, not  
12 otherwise employed by a public agency or holding another public  
13 office, and shall establish the amounts and rates thereof. An  
14 appointment of a probation officer, assistant probation officer, or  
15 deputy probation officer as a juvenile hearing officer may be made  
16 only with the consent of the probation officer. A juvenile court  
17 shall be known as the Informal Juvenile and Traffic Court when a  
18 hearing officer appointed pursuant to this section hears a case  
19 specified in Section 256.

20 SEC. 611. Section 270 of the Welfare and Institutions Code is  
21 amended to read:

22 270. Except as provided in Section 69906.5 of the  
23 Government Code, there shall be in each county the offices of  
24 probation officer, assistant probation officer, and deputy probation  
25 officer. A probation officer shall be appointed in every county.

26 Probation officers in any county shall be nominated by the  
27 juvenile justice commission or regional juvenile justice  
28 commission of such county in such manner as the judge of the  
29 juvenile court in that county shall direct, and shall then be  
30 appointed by such judge.

31 The probation officer may appoint as many deputies or assistant  
32 probation officers as the probation officer desires; but such  
33 deputies or assistant probation officers shall not have authority to  
34 act until their appointments have been approved by a majority vote  
35 of the members of the juvenile justice commission, and by the  
36 judge of the juvenile court. The term of office of each such deputy  
37 or assistant probation officer shall expire with the term of the  
38 probation officer who appointed the deputy or assistant probation  
39 officer, but the probation officer, with the written approval of the  
40 majority of the members of the juvenile justice commission and of



1 the judge of the juvenile court, may, in the probation officer's  
2 discretion, revoke and terminate any such appointment at any  
3 time.

4 Probation officers may at any time be removed by the judge of  
5 the juvenile court for good cause shown; and the judge of the  
6 juvenile court may in the judge's discretion at any time remove any  
7 such probation officer with the written approval of a majority of  
8 the members of the juvenile justice commission.

9 SEC. 612. Section 601.4 of the Welfare and Institutions Code  
10 is amended to read:

11 601.4. (a) The juvenile court judge may be assigned to sit as  
12 a superior court judge to hear any complaint alleging that a parent,  
13 guardian, or other person having control or charge of a minor has  
14 violated Section 48293 of the Education Code. The jurisdiction of  
15 the juvenile court granted by this section shall not be exclusive and  
16 the charge may be prosecuted instead in a superior court. However,  
17 upon motion, that action shall be transferred to the juvenile court.

18 (b) Notwithstanding Section 737 of the Penal Code, a violation  
19 of Section 48293 of the Education Code may be prosecuted  
20 pursuant to subdivision (a), by written complaint filed in the same  
21 manner as an infraction may be prosecuted. The juvenile court  
22 judge, sitting as a superior court judge, may coordinate the action  
23 involving the minor with any action involving the parent,  
24 guardian, or other person having control or charge of the minor.  
25 Both matters may be heard and decided at the same time unless the  
26 parent, guardian, other person having control or charge of the  
27 minor, or any member of the press or public objects to a closed  
28 hearing of the proceedings charging violation of Section 48293 of  
29 the Education Code.

30 SEC. 613. Section 656 of the Welfare and Institutions Code  
31 is amended to read:

32 656. A petition to commence proceedings in the juvenile  
33 court to declare a minor a ward of the court shall be verified and  
34 shall contain all of the following:

35 (a) The name of the court to which it is addressed.

36 (b) The title of the proceeding.

37 (c) The code section and subdivision under which the  
38 proceedings are instituted.

39 (d) The name, age, and address, if any, of the minor upon whose  
40 behalf the petition is brought.



1 (e) The names and residence addresses, if known to the  
2 petitioner, of both of the parents and any guardian of the minor. If  
3 there is no parent or guardian residing within the state, or if his or  
4 her place of residence is not known to the petitioner, the petition  
5 shall also contain the name and residence address, if known, of any  
6 adult relative residing within the county, or, if there are none, the  
7 adult relative residing nearest to the location of the court.

8 (f) A concise statement of facts, separately stated, to support  
9 the conclusion that the minor upon whose behalf the petition is  
10 being brought is a person within the definition of each of the  
11 sections and subdivisions under which the proceedings are being  
12 instituted.

13 (g) The fact that the minor upon whose behalf the petition is  
14 brought is detained in custody or is not detained in custody, and if  
15 he or she is detained in custody, the date and the precise time the  
16 minor was taken into custody.

17 (h) A notice to the father, mother, spouse, or other person liable  
18 for support of the minor child, that: (1) Section 903 may make that  
19 person, the estate of that person, and the estate of the minor child,  
20 liable for the cost of the care, support, and maintenance of the  
21 minor child in any county institution or any other place in which  
22 the child is placed, detained, or committed pursuant to an order of  
23 the juvenile court; (2) Section 903.1 may make that person, the  
24 estate of that person, and the estate of the minor child, liable for  
25 the cost to the county of legal services rendered to the minor by a  
26 private attorney or a public defender appointed pursuant to the  
27 order of the juvenile court; (3) Section 903.2 may make that  
28 person, the estate of that person, and the estate of the minor child,  
29 liable for the cost to the county of the probation supervision of the  
30 minor child by the probation officer pursuant to the order of the  
31 juvenile court; and (4) the liabilities established by these sections  
32 are joint and several.

33 (i) In a proceeding alleging that the minor comes within  
34 Section 601, notice to the parent, guardian, or other person having  
35 control or charge of the minor that failure to comply with the  
36 compulsory school attendance laws is an infraction, which may be  
37 charged and prosecuted before the juvenile court judge sitting as  
38 a superior court judge. In those cases, the petition shall also include  
39 notice that the parent, guardian, or other person having control or  
40 charge of the minor has the right to a hearing on the infraction



1 before a judge different than the judge who has heard or is to hear  
2 the proceeding pursuant to Section 601. The notice shall explain  
3 the provisions of Section 170.6 of the Code of Civil Procedure.

4 (j) If a proceeding is pending against a minor child for a  
5 violation of Section 594.2, 640.5, 640.6, or 640.7 of the Penal  
6 Code, a notice to the parent or legal guardian of the minor that if  
7 the minor is found to have violated either or both of these  
8 provisions that (1) any community service which may be required  
9 of the minor may be performed in the presence, and under the  
10 direct supervision, of the parent or legal guardian pursuant to  
11 either or both of these provisions, and (2) if the minor is personally  
12 unable to pay any fine levied for the violation of either or both of  
13 these provisions, that the parent or legal guardian of the minor  
14 shall be liable for payment of the fine pursuant to those sections.

15 (k) A notice to the parent or guardian of the minor that if the  
16 minor is ordered to make restitution to the victim pursuant to  
17 Section 729.6, as operative on or before August 2, 1995, Section  
18 731.1, as operative on or before August 2, 1995, or Section 730.6,  
19 or to pay fines or penalty assessments, the parent or guardian may  
20 be liable for the payment of restitution, fines, or penalty  
21 assessments.

22 SEC. 614. Section 661 of the Welfare and Institutions Code  
23 is amended to read:

24 661. In addition to the notice provided in Sections 658 and  
25 659, the juvenile court may issue its citation directing any parent,  
26 guardian, or foster parent of the person concerning whom a  
27 petition has been filed to appear at the time and place set for any  
28 hearing or financial evaluation under the provisions of this  
29 chapter, including a hearing under the provisions of Section 257,  
30 and directing any person having custody or control of the minor  
31 concerning whom the petition has been filed to bring the minor  
32 with him or her. The notice shall in addition state that a parent,  
33 guardian, or foster parent may be required to participate in a  
34 counseling or education program with the minor concerning  
35 whom the petition has been filed. If the proceeding is one alleging  
36 that the minor comes within the provisions of Section 601, the  
37 notice shall in addition contain notice to the parent, guardian, or  
38 other person having control or charge of the minor that failure to  
39 comply with the compulsory school attendance laws is an  
40 infraction, which may be charged and prosecuted before the



1 juvenile court judge sitting as a superior court judge. In those  
2 cases, the notice shall also include notice that the parent, guardian,  
3 or other person having control or charge of the minor has the right  
4 to a hearing on the infraction before a judge different than the  
5 judge who has heard or is to hear the proceeding pursuant to  
6 Section 601. The notice shall explain the provisions of Section  
7 170.6 of the Code of Civil Procedure. Personal service of the  
8 citation shall be made at least 24 hours before the time stated  
9 therein for the appearance.

10 SEC. 615. Section 742.16 of the Welfare and Institutions  
11 Code is amended to read:

12 742.16. (a) If a minor is found to be a person described in  
13 Section 602 by reason of the commission of an act prohibited by  
14 Section 594, 594.3, 594.4, 640.5, 640.6 or 640.7 of the Penal  
15 Code, and the court does not remove the minor from the physical  
16 custody of the parent or guardian, the court as a condition of  
17 probation, except in any case in which the court makes a finding  
18 and states on the record its reasons why that condition would be  
19 inappropriate, shall require the minor to wash, paint, repair, or  
20 replace the property defaced, damaged, or destroyed by the minor  
21 or otherwise pay restitution to the probation officer of the county  
22 for disbursement to the owner or possessor of the property or both.  
23 In any case in which the minor is not granted probation or in which  
24 the minor's cleanup, repair, or replacement of the property will not  
25 return the property to its condition before it was defaced, damaged,  
26 or destroyed, the court shall make a finding of the amount of  
27 restitution that would be required to fully compensate the owner  
28 and possessor of the property for their damages. The court shall  
29 order the minor or the minor's estate to pay that restitution to the  
30 probation officer of the county for disbursement to the owner or  
31 possessor of the property or both, to the extent the court determines  
32 that the minor or the minor's estate have the ability to do so, except  
33 in any case in which the court makes a finding and states on the  
34 record its reasons why full restitution would be inappropriate. If  
35 full restitution is found to be inappropriate, the court shall require  
36 the minor to perform specified community service, except in any  
37 case in which the court makes a finding and states on the record its  
38 reasons why that condition would be inappropriate.

39 (b) If a minor is found to be a person described in Section 602  
40 by reason of the commission of an act prohibited by Section 594,



1 594.3, 594.4, 640.5, 640.6, or 640.7 of the Penal Code, and the  
2 graffiti or other material inscribed by the minor has been removed,  
3 or the property defaced by the minor has been repaired or replaced  
4 by a public entity that has elected, pursuant to Section 742.14, to  
5 have the probation officer of the county recoup its costs through  
6 proceedings in accordance with this section and has made cost  
7 findings in accordance with subdivisions (c) or (d) of Section  
8 742.14, the court shall determine the total cost incurred by the  
9 public entity for said removal, repair, or replacement, using, if  
10 applicable, the cost findings most recently adopted by the public  
11 entity pursuant to subdivision (c) or (d) of Section 742.14. The  
12 court shall order the minor or the minor's estate to pay those costs  
13 to the probation officer of the county to the extent the court  
14 determines that the minor or the minor's estate have the ability to  
15 do so.

16 (c) If the minor is found to be a person described in Section 602  
17 by reason of the commission of an act prohibited by Section 594,  
18 594.3, 594.4, 640.5, 640.6, or 640.7 of the Penal Code and the  
19 minor was identified or apprehended by the law enforcement  
20 agency of a city or county that has elected, pursuant to Section  
21 742.14, to have the probation officer of the county recoup its costs  
22 through proceedings in accordance with this section, the court  
23 shall determine the cost of identifying or apprehending the minor,  
24 or both, using, if applicable, the cost findings adopted by the city  
25 or county pursuant to subdivision (b) of Section 742.14. The court  
26 shall order the minor or the minor's estate to pay those costs to the  
27 probation officer of the county to the extent the court determines  
28 that the minor or the minor's estate have the ability to do so.

29 (d) If the court determines that the minor or the minor's estate  
30 is unable to pay in full the costs and damages determined pursuant  
31 to subdivisions (a), (b), and (c), and if the minor's parent or parents  
32 have been cited into court pursuant to Section 742.18, the court  
33 shall hold a hearing to determine the liability of the minor's parent  
34 or parents pursuant to Section 1714.1 of the Civil Code for those  
35 costs and damages. Except when the court makes a finding setting  
36 forth unusual circumstances in which parental liability would not  
37 serve the interests of justice, the court shall order the minor's  
38 parent or parents to pay those costs and damages to the probation  
39 officer of the county to the extent the court determines that the  
40 parent or parents have the ability to pay, if the minor was in the



1 custody or control of the parent or parents at the time he or she  
2 committed the act that forms the basis for the finding that the minor  
3 is a person described in Section 602. In evaluating the parent's or  
4 parents' ability to pay, the court shall take into consideration the  
5 family income, the necessary obligations of the family, and the  
6 number of persons dependent upon this income.

7 (e) The hearing described in subdivision (d) may be held  
8 immediately following the disposition hearing or at a later date, at  
9 the option of the court.

10 (f) If the amount of costs and damages sought to be recovered  
11 in the hearing pursuant to subdivision (d) is five thousand dollars  
12 (\$5,000) or less, the parent or parents may not be represented by  
13 counsel and the probation officer of the county shall be represented  
14 by his or her nonattorney designee. The court shall conduct such  
15 a hearing in accordance with Sections 116.510 and 116.520 of the  
16 Code of Civil Procedure. Notwithstanding the foregoing, if the  
17 court determines that a parent cannot properly present his or her  
18 defense, the court may, in its discretion, allow another individual  
19 to assist that parent. In addition, a husband or wife may appear and  
20 participate in the hearing on behalf of his or her spouse if the  
21 representative's spouse has given his or her consent and the court  
22 determines that the interest of justice would be served thereby.

23 (g) If the amount of costs and damages sought to be recovered  
24 in the hearing pursuant to subdivision (d) exceeds five thousand  
25 dollars (\$5,000), the parent or parents may be represented by  
26 counsel of his or her or their own choosing, and the probation  
27 officer of the county shall be represented by the district attorney  
28 or an attorney or nonattorney designee of the probation officer.  
29 The parent or parents shall not be entitled to court-appointed  
30 counsel or to counsel compensated at public expense.

31 (h) At the hearing conducted pursuant to subdivision (d), there  
32 shall be a presumption affecting the burden of proof that the  
33 findings of the court made pursuant to subdivisions (a), (b), and (c)  
34 represent the actual damages and costs attributable to the act of the  
35 minor that forms the basis of the finding that the minor is a person  
36 described in Section 602.

37 (i) If the parent or parents, after having been cited to appear  
38 pursuant to Section 742.18, fail to appear as ordered, the court  
39 shall order the parent or parents to pay the full amount of the costs



1 and damages determined by the court pursuant to subdivisions (a),  
2 (b), and (c).

3 (j) Execution may be issued on an order issued by the court  
4 pursuant to this section in the same manner as on a judgment in a  
5 civil action, including any balance unpaid at the termination of the  
6 court's jurisdiction over the minor.

7 (k) At any time prior to the satisfaction of a judgment entered  
8 pursuant to this section, a person against whom the judgment was  
9 entered may petition the rendering court to modify or vacate the  
10 judgment on the showing of a change in circumstances relating to  
11 his or her ability to pay the judgment.

12 (l) For purposes of a hearing conducted pursuant to subdivision  
13 (d), the judge of the juvenile court shall have the jurisdiction of a  
14 judge of the superior court in a limited civil case, and where the  
15 amount of the demand is five thousand dollars (\$5,000) or less, the  
16 judge of the juvenile court shall have the powers of a judge  
17 presiding over the small claims court.

18 (m) Nothing in this section shall be construed to limit the  
19 authority of a juvenile court to provide conditions of probation.

20 (n) The options available to the court pursuant to subdivisions  
21 (a), (b), (c), (d), and (k), to order payment by the minor and his or  
22 her parent or parents of less than the full costs described in  
23 subdivisions (a), (b), and (c), on grounds of financial inability or  
24 for reasons of justice, shall not be available to a superior court in  
25 an ordinary civil proceeding pursuant to subdivision (b) of Section  
26 1714.1 of the Civil Code, except that in any proceeding pursuant  
27 to either subdivision (b) of Section 1714.1 of the Civil Code or this  
28 section, the maximum amount that a parent or a minor may be  
29 ordered to pay shall not exceed twenty thousand dollars (\$20,000)  
30 for each tort of the minor.

31 SEC. 616. Section 872 of the Welfare and Institutions Code  
32 is amended to read:

33 872. Where there is no juvenile hall in the county of residence  
34 of minors, or when the juvenile hall becomes unfit or unsafe for  
35 detention of minors, the presiding or sole juvenile court judge may,  
36 with the recommendation of the probation officer of the sending  
37 county and the consent of the probation officer of the receiving  
38 county, by written order filed with the clerk of the court, designate  
39 the juvenile hall of any county in the state for the detention of an  
40 individual minor for a period not to exceed 60 days. The court may,



1 at any time, modify or vacate the order and shall require notice of  
2 the transfer to be given to the parent or guardian. The county of  
3 residence of a minor so transferred shall reimburse the receiving  
4 county for costs and liability as agreed upon by the two counties  
5 in connection with the order.

6 As used in this section, the terms “unfit” and “unsafe” shall  
7 include a condition in which a juvenile hall is considered by the  
8 juvenile court judge, the probation officer of that county, or the  
9 Board of Corrections to be too crowded for the proper and safe  
10 detention of minors.

11 SEC. 617. Section 1737 of the Welfare and Institutions Code  
12 is amended to read:

13 1737. When a person has been committed to the custody of the  
14 authority, if it is deemed warranted by a diagnostic study and  
15 recommendation approved by the director, the judge who ordered  
16 the commitment or, if the judge is not available, the presiding  
17 judge of the court, within 120 days of the date of commitment on  
18 his or her own motion, or the court, at any time thereafter upon  
19 recommendation of the director, may recall the commitment  
20 previously ordered and resentence the person as if he or she had not  
21 previously been sentenced. The time served while in custody of the  
22 authority shall be credited toward the term of any person  
23 resentenced pursuant to this section.

24 As used in this section, “time served while in custody of the  
25 authority” means the period of time during which the person was  
26 physically confined in a state institution by order of the Youth  
27 Authority or the Youthful Offender Parole Board.

28 SEC. 618. Section 5205 of the Welfare and Institutions Code  
29 is amended to read:

30 5205. The petition shall be in substantially the following  
31 form:

32



In the Superior Court of the State of California  
for the County of \_\_\_\_\_

\_\_\_\_\_  
The People of the State of California  
Concerning \_\_\_\_\_ and  
\_\_\_\_\_

No. \_\_\_\_\_  
Petition for  
Evaluation

Respondents

\_\_\_\_\_, residing at \_\_\_\_\_ (tel. \_\_\_\_\_), being duly sworn, alleges: That there is now in the county, in the City or Town of \_\_\_\_\_, a person named \_\_\_\_\_, who resides at \_\_\_\_\_, and who is, as a result of mental disorder:

- (1) A danger to others.
- (2) A danger to himself.
- (3) Gravely disabled as defined in subdivision (h) of Section 5008 of the Welfare and Institutions Code (Strike out all inapplicable classifications).

That the person is \_\_\_\_\_ years of age; that \_\_\_\_\_ the person is \_\_\_\_\_(sex); and that \_\_\_\_\_ the person is \_\_\_\_\_ (single, married, widowed, or divorced); and that \_\_\_\_\_ occupation is \_\_\_\_\_.

That the facts upon which the allegations of the petition are based are as follows: That \_\_\_\_\_ the person, at \_\_\_\_\_ in the county, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_

That petitioner’s interest in the case is \_\_\_\_\_

That the person responsible for the care, support, and maintenance of the person, and their relationship to the person are, so far as known to the petitioner, as follows: (Give names, addresses, and relationship of persons named as respondents)

Wherefore, petitioner prays that evaluation be made to determine the condition of \_\_\_\_\_, alleged, as a result of mental disorder, to be a danger to others, or to himself, or to be gravely disabled.

\_\_\_\_\_  
Petitioner



1 Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_ 20\_\_.

2 \_\_\_\_\_, Clerk of the Court

3 By \_\_\_\_\_ Deputy

4

5

6 SEC. 619. Section 6251 of the Welfare and Institutions Code

7 is amended to read:

8 6251. Wherever, on the basis of a petition, provision is made

9 in this code for issuing and delivering an order for examination and

10 detention directing that a person be apprehended and taken before

11 a judge of a superior court for a hearing and examination on an

12 allegation of being a person subject to judicial commitment, the

13 petition shall be in substantially the following form:

14

15 In the Superior Court of the State of California

16 For the County of \_\_\_\_

17

The People	}		Petition
For the Best Interest and Protection of			
_____			
as a _____			
and Concerning			
_____ and			
_____			
Respondents			
_____			

27 \_\_\_\_\_, residing at \_\_\_\_\_ (tel. \_\_\_\_\_), being duly sworn deposes and

28 says: That there is now in the county in the City or Town of \_\_\_\_\_

29 a person named \_\_\_\_\_, who resides at \_\_\_\_\_, and who is believed to be

30 a \_\_\_\_\_. That the person is \_\_\_\_ years of age; that \_\_\_\_ the person is \_\_\_\_

31 (sex) and that \_\_\_\_ the person is \_\_\_\_ (single, married, widowed, or divorced);

32 and that \_\_\_\_ occupation is \_\_\_\_\_.

33 That the facts because of which petitioner believes that the person is a

34 \_\_\_\_ are as follows: That \_\_\_\_ the person, at \_\_\_\_\_ in the county, on

35 the \_\_\_\_ day of \_\_\_\_\_, 20\_\_,

36 \_\_\_\_\_

37 That petitioner's interest in and case is \_\_\_\_\_

38 \_\_\_\_\_



1 That petitioner believes that said person is \_\_\_\_\_ as defined in Section  
2 \_\_\_\_\_.

3 That the persons responsible for the care, support, and maintenance of the  
4 \_\_\_\_\_, and their relationship to the person are, so far as known to the  
5 petitioner, as follows:

6 (Give names, addresses, and relationship of persons named as respondents)

7 Wherefore, petitioner prays that examination be made to determine the state  
8 of the mental health of \_\_\_\_\_, alleged to be \_\_\_\_\_, and that such measures be  
9 taken for the best interest and protection of said \_\_\_\_\_, in respect to the per-  
10 son’s supervision, care and treatment, as may be necessary and provided by  
11 law.

12 \_\_\_\_\_  
13 \_\_\_\_\_ Petitioner

14 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

15 \_\_\_\_\_, Clerk of the Court

16 By \_\_\_\_\_ Deputy

17

18 SEC. 620. Section 6776 of the Welfare and Institutions Code  
19 is amended to read:

20 6776. In each county where the office of counselor in mental  
21 health has been created under the provisions of this chapter, the  
22 judge of the superior court may appoint two such counselors. In  
23 Los Angeles County, the number, compensation, and benefits of  
24 counselors in mental health are governed by the Trial Court  
25 Employment Protection and Governance Act (Chapter 7  
26 (commencing with Section 71600) of Title 8 of the Government  
27 Code).

28 SEC. 621. Section 14172 of the Welfare and Institutions Code  
29 is amended to read:

30 14172. (a) Except as provided in subdivision (b), if any  
31 amount is due and payable and unpaid as the result of an  
32 overpayment to a provider of health care services, durable medical  
33 equipment, or incontinence supplies identified through an audit or  
34 examination conducted by or on behalf of the director, and the  
35 findings of the audit or examination are completed and no appeal  
36 is taken or the director has issued a final decision on the appeal  
37 pursuant to Section 14171, and 90 days has elapsed from the  
38 completion of that audit or examination or issuance of that final  
39 decision on appeal, the director may, not later than three years after  
40 the payment became due and owing, file in the office of the Clerk



1 of the Superior Court of Sacramento County, and with the clerk of  
2 the superior court of the county in which the provider has its  
3 principal place of business, a certificate containing the following:

- 4 (1) Interest, as prescribed by Section 14171.  
5 (2) A statement that the director has complied with this article  
6 prior to the filing of the certificate.  
7 (3) A request that judgment be entered against the provider in  
8 the amount set forth in the certificate.

9 The clerk immediately upon the filing of the certificate shall  
10 enter a judgment for the State of California against the provider in  
11 the amount set forth in the certificate. The judgment may be filed  
12 by the clerk in a looseleaf book entitled “Health Care  
13 Overpayment Recovery Judgments.”

14 (b) If the provider seeks judicial review of the final decision of  
15 the director pursuant to subdivision (k) of Section 14171 and  
16 notice of that action is properly served on the director within 90  
17 days of the issuance of the final decision of the director, the  
18 director shall not file any certificate as provided in subdivision (a).

19 If the provider does not seek judicial review of the final decision  
20 of the director pursuant to subdivision (k) of Section 14171 and  
21 does not properly serve notice within 90 days from the date of the  
22 final decision of the director, the director may file the certificate  
23 provided in subdivision (a). If the provider seeks judicial review  
24 of the final decision of the director more than 90 days from the date  
25 of the decision in accordance with subdivision (k) of Section  
26 14171, the director shall within 10 days after receiving notice of  
27 that action release any lien imposed pursuant to this article and any  
28 judgment entered is for all purposes null and void.

29 SEC. 622. If a right, privilege, duty, authority, or status,  
30 including, but not limited to, a qualification for office, salary  
31 range, or employment benefit, is based on a provision of law  
32 repealed by this act, and if a statute, order, rule of court,  
33 memorandum of understanding, or other legally effective  
34 instrument provides that the right, duty, authority, or status  
35 continues for a period beyond the effective date of the repeal, that  
36 provision of law continues in effect for that purpose,  
37 notwithstanding its repeal by this act.

38 SEC. 623. Nothing in this act is intended to change the extent  
39 to which official reporter services or electronic reporting may be  
40 used in the courts.



1 SEC. 624. Sections 41, 42, 43, 44, and 45 of this act shall  
2 become operative on January 1, 2004.

3 SEC. 625. Any section of any act enacted by the Legislature  
4 during the 2002 calendar year, other than a section of Assembly  
5 Bill No. 3034, that takes effect on or before January 1, 2003, and  
6 that amends, amends and renumbers, amends and repeals, adds,  
7 repeals and adds, or repeals a section that is amended, amended  
8 and renumbered, amended and repealed, added, repealed and  
9 added, or repealed by this act, shall prevail over this act, whether  
10 that act is chaptered before or after this act.

11 \_\_\_\_\_

12 CORRECTIONS

13 **Text — Pages 151, 152, 183, 184.**

14 \_\_\_\_\_

15

