

**ASSEMBLY BILL**

**No. 1435**

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**Introduced by Assembly Member Evans**

February 22, 2005

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An act to amend Section 76100 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1435, as introduced, Evans. Courthouse Construction Fund.

Existing law authorizes the board of supervisors of any county to establish in the county treasury a Courthouse Construction Fund into which penalties collected by the counties on fines for criminal offenses are deposited for the purpose of assisting the county in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system.

This bill would authorize moneys in the Courthouse Construction Fund to also be used for the purpose of assisting the county in the acquisition, rehabilitation, construction, and financing of court facilities.

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

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

- 1 SECTION 1. Section 76100 of the Government Code is
- 2 amended to read:
- 3 76100. (a) Except as provided in Article 3 (commencing with
- 4 Section 76200), for the purpose of assisting any county in the
- 5 acquisition, rehabilitation, construction, and financing of

1 courtrooms ~~or of~~, a courtroom building or buildings containing  
 2 facilities necessary or incidental to the operation of the justice  
 3 system, *or court facilities*, the board of supervisors may establish  
 4 in the county treasury a Courthouse Construction Fund into  
 5 which shall be deposited the amounts specified in the resolutions  
 6 adopted by the board of supervisors in accordance with this  
 7 chapter. The moneys of the Courthouse Construction Fund shall  
 8 be payable only for the purposes set forth in subdivision (b) and  
 9 at the time necessary therefor, subject to the requirements set  
 10 forth in Chapter 5.7 (commencing with Section 70301).

11 (b) In conjunction with the acquisition, rehabilitation,  
 12 construction, or financing of court buildings referred to in  
 13 subdivision (a), the county may use the moneys of the  
 14 Courthouse Construction Fund for either of the following:

15 (1) To rehabilitate existing courtrooms ~~or~~, an existing  
 16 courtroom building or buildings, *or court facilities*, for other uses  
 17 if a new courtroom ~~or~~, a courtroom building or buildings, *or*  
 18 *court facilities* are acquired, constructed, or financed.

19 (2) To acquire, rehabilitate, construct, or finance excess  
 20 courtrooms ~~or~~, an excess courtroom building or buildings, *or*  
 21 *excess court facilities*, if that excess is anticipated to be needed at  
 22 a later time.

23 (c) Any excess courtroom ~~or~~, excess courtroom building or  
 24 buildings, *or excess court facilities*, that are acquired,  
 25 rehabilitated, constructed, or financed pursuant to subdivision (b)  
 26 may be leased or rented for uses other than the operation of the  
 27 justice system until the excess courtrooms ~~or~~, excess courtroom  
 28 building or buildings, *or excess court facilities*, are needed for  
 29 the operation of the justice system. Any amount received as lease  
 30 or rental payments pursuant to this subdivision shall be deposited  
 31 in the Courthouse Construction Fund.

32 (d) The fund moneys shall be held by the county treasurer  
 33 separate from any funds subject to transfer or division pursuant  
 34 to Section 1463 of the Penal Code.