

AMENDED IN ASSEMBLY MARCH 22, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 159

**Introduced by Assembly Member Jones
(Principal coauthors: Assembly Members Benoit and Carter)
(Coauthors: Assembly Members *Levine Garcia, Levine, and Lieber*)**

January 18, 2007

An act to add Sections 69110, 69614.2, and 69615 to the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 159, as amended, Jones. Courts: judgeships.

Existing law specifies the number of judges for the superior court of each county and for each division of each district of the court of appeal.

This bill would authorize 50 additional judges, upon appropriation by the Legislature in the 2007–08 fiscal year, to be allocated to the various county superior courts, pursuant to uniform criteria approved by the Judicial Council. The bill would authorize an unspecified number of additional appellate judges, upon appropriation by the Legislature in the 2007–08 fiscal year.

This bill would ~~declare the intent of the Legislature and authorize an unspecified number of~~ *no more than 162* subordinate judicial officer positions in eligible superior courts, as determined by the Judicial Council, to be converted to judgeships, according to specified criteria and upon appropriation by the Legislature. The bill would define the term “subordinate judicial officer” for purposes of those provisions and would further declare the Legislature’s intent to restore an appropriate balance between subordinate judicial officers and judges in enacting those provisions.

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 69110 is added to the Government Code,
2 to read:
3 69110. Upon appropriation by the Legislature in the 2007–08
4 fiscal year, there shall be ____ additional appellate judges.
5 SEC. 2. Section 69614.2 is added to the Government Code, to
6 read:
7 69614.2. Upon appropriation by the Legislature in the 2007–08
8 fiscal year, there shall be 50 additional judges allocated to the
9 various county superior courts, pursuant to the uniform criteria
10 described in subdivision (b) of Section 69614, as updated and
11 approved by the Judicial Council on _____ *February 23, 2007*.
12 SEC. 3. Section 69615 is added to the Government Code, to
13 read:
14 69615. (a) It is the intent of the Legislature in enacting this
15 section to restore an appropriate balance between subordinate
16 judicial officers and judges in the trial courts by providing for the
17 conversion, as needed, of subordinate judicial officer positions to
18 judgeships in courts that assign subordinate judicial officers to act
19 as temporary judges. The Legislature finds that these positions
20 must be converted to judgeships in order to ensure that critical
21 case types, including family, probate, and juvenile law matters can
22 be heard by judges.
23 (b) (1) Upon appropriation by the Legislature, no more than
24 _____ 162 subordinate judicial officer positions in eligible superior
25 courts, as determined by the Judicial Council pursuant to uniform
26 criteria for determining the need for converting existing subordinate
27 judicial officer positions to superior court judgeships, shall be
28 converted to judgeships as set forth in paragraph (2).
29 (2) A subordinate judicial officer position shall be converted to
30 a judicial position when a vacancy occurs in any subordinate
31 judicial officer position in an eligible superior court and the Judicial
32 Council files notice of the vacancy with the Secretary of State.
33 (3) The provisions of Section 12011.5 of the Government Code
34 shall apply to any appointment to a superior court judgeship
35 converted from a subordinate judicial officer position.

1 (c) For purposes of this section, “subordinate judicial officer”
2 means an officer appointed under the authority of Section 22 of
3 Article VI of the California Constitution. This section shall not
4 apply to a subordinate judicial officer established by Section 4251
5 of the Family Code.

6 (d) It is the intent of the Legislature that no subordinate judicial
7 officer shall involuntarily lose his or her position solely due to
8 operation of this section. This section does not change the
9 employment relationship between subordinate judicial officers and
10 the trial courts established by law.

11 (e) This section does not limit the authority of the Governor to
12 appoint a person to fill a vacancy pursuant to subdivision (c) of
13 Section 16 of Article VI of the California Constitution.

14 (f) This section does not entitle a court to an increase in funding.

15 (g) The operation of this section shall neither increase nor
16 decrease the number of judicial and subordinate judicial officer
17 positions and court support positions for which a county is
18 responsible by law.