

AMENDED IN ASSEMBLY APRIL 11, 2007

AMENDED IN ASSEMBLY MARCH 27, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1248

Introduced by Assembly Member Evans

February 23, 2007

An act to amend Section 6321 of the Business and Professions Code, to amend Sections 116.230, 116.320, 116.570, 411.21, ~~1502, 2031.210, 2031.270, and 2031.280~~ and 1502 of the Code of Civil Procedure, to amend Sections 2142 and 14310 of the Elections Code, to amend Sections 304 and 3204 of the Family Code, to amend Sections 53069.4, 68076, 68084.1, 68085.1, 68085.4, 68152, ~~68516~~, 68666, 70603, 70612, 70617, 70621, 70624, 70627, 70631, 70633, 70650, 70651, 70653, 70654, 70655, 70657, 70658, and 70677 of, and to add Sections 68500.2, 68506.5, 70613.5, 70615, 70657.5, and 70658.5 to, the Government Code, to amend Section 11488.5 of the Health and Safety Code, to amend Section 98.2 of the Labor Code, to amend ~~Section~~ *Sections 1214.1 and 12028.5* of the Penal Code, to amend Section 99582 of the Public Utilities Code, to amend ~~Section 40230~~ of *Sections 40230, 40307, 40508, 40509, 40509.5, 40512, 40512.6, 40515, 40521, 42006, and 42007* of, and to add *Section 40510.5* to, the Vehicle Code, and to amend Section 8102 of the Welfare and Institutions Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1248, as amended, Evans. Courts.

(1) Existing law requires the Administrative Office of the Courts to make monthly distributions from superior court filing fees to the law library fund in each county in specified amounts.

This bill would increase the amount of these monthly distributions for the Counties of Inyo, Mendocino, Plumas, and San Benito, as specified.

(2) Existing law allows a plaintiff to commence an action in small claims court by filing a claim under oath with the clerk of the small claims court in person or by mail.

This bill would, in addition, allow a plaintiff to commence an action in small claims court by filing a claim by fax or by electronic means.

(3) Existing law allows a party in a civil action to submit a written request to postpone a hearing date for good cause, and imposes a specified fee for filing this request after service has been made upon the defendant.

This bill would require such a request to state whether any previous request to postpone the hearing date was made by the requesting party and whether the court granted that request. The bill would impose a specified fee for filing this request before service has been made if the court granted a prior postponement to the party making the request.

(4) Existing law provides that if a complaint or other first paper is accompanied by payment by check in an amount less than the required fee, the clerk shall accept the paper for filing, but shall not issue a summons until the court receives full payment of the required fee. Existing law requires the clerk to issue a specified notice regarding the amount of the fee owed, including a notice that payment of a certain administrative charge and the remainder of the required filing fee shall be in cash, by cashier's check, or by other means specified by the court but not by traveler's check or personal check.

This bill would allow a person who files a complaint or other first paper and who pays by check in an amount less than the required fee to pay the remainder of the fee by personal check.

(5) Existing law establishes the Trial Court Trust Fund, the proceeds of which are apportioned for the purposes of funding trial court operations. Existing law, the Unclaimed Property Law, provides that certain property escheats to the state under specified circumstances. Existing law exempts certain property from these provisions.

This bill would, in addition, exempt from the Unclaimed Property Law any property in the official custody of a court if the property may

be transferred to the Trial Court Operations Fund under specified provisions of law.

~~(6) The Civil Discovery Act allows any party to a civil action to obtain discovery, as specified, by inspecting documents, tangible things, and land or other property in the possession of any other party to the action. Existing law requires the party to whom an inspection demand has been directed to respond separately to each item or category of item by any of certain responses, including a statement that the party will comply with the particular demand for inspection and any related activities.~~

~~This bill would require that this response state that the party will comply with the inspection demand by the date set for inspection pursuant to specified provisions of law relating to the time for inspection.~~

~~(7) Existing law allows the party demanding an inspection and the responding party to agree to extend the time for service of a response to a set of inspection demands, or to particular items or categories of items in a set, to a date beyond that provided in a specified provision of law setting the time for serving such a response.~~

~~This bill would, in addition, allow the parties to agree to extend the date for inspection set pursuant to the provisions of law relating to the time for inspection.~~

~~The bill would require the documents subject to an inspection demand to be produced on the date specified in the inspection demand pursuant to the provisions of law relating to the time for inspection, unless an objection has been made to that date. The bill would provide that, if the date for inspection has been extended pursuant to the above provisions of law relating to extensions, the documents shall be produced on the date agreed to pursuant to those provisions.~~

~~(8)~~

~~(6) Existing law provides that, if the county elections official refuses to register any qualified elector in the county, the elector may proceed by action in the superior court to compel his or her registration. Existing law allows a voter to seek a court order requiring his or her provisional ballot to be included in an official canvass.~~

~~This bill would prohibit a fee from being charged to a claimant by the clerk of the court for services rendered in connection with either of those actions.~~

~~(9)~~

~~(7) Existing law requires a court, as part of the court order granting permission to marry under specified provisions of law relating to the~~

marriage of minors, to require the parties to the prospective marriage of a minor to participate in premarital counseling if the court considers the counseling to be necessary. Existing law allows the court to impose a reasonable fee to cover the cost of any premarital counseling provided by the county.

This bill would allow the court, in addition, to impose a reasonable fee to cover the cost of this counseling provided by the court.

~~(10)~~

(8) Existing law establishes specified programs relating to the supervised visitation of children in connection with marital dissolution, marital separation, or child custody proceedings. Existing law requires the Judicial Council, on the first day of March of each year, to report to the Legislature on these programs, as specified.

This bill would require, instead, that the Judicial Council report to the Legislature on these programs on the first day of March of each even-numbered year.

~~(11)~~

(9) Existing law specifies fees for filing various court-related documents relating to certain claims, motions, appeals, requests, notices, stipulations and orders, certifications, oppositions, petitions, and appointments. Existing law also specifies fees for the preparation of certain copies and for a search of records or files conducted by a court employee.

This bill would make specified changes to the amounts of those fees and the documents to which they apply.

~~(12)~~

(10) Existing law provides that any money in a court bank account or in a court trust account in a county treasury that remains unclaimed for 3 years shall become the property of the superior court if, after published notice, the money is not claimed or no verified complaint is filed and served. Existing law provides that if a claim is filed and rejected, or no action is taken on it, the party who submitted the claim may file a verified complaint seeking to recover all, or a specified part, of the money.

This bill would provide that any portion of the unclaimed money not covered by the verified complaint shall become the property of the court if no other claim or verified complaint has been filed regarding it within a specified time. The bill would further provide that, if the party that submitted the claim does not file a verified complaint within 30 days after the date that the court mailed notice that the claim was rejected or

within 60 days after the claim was filed, the money shall become the property of the court.

(13)

(11) Existing law requires each superior court to deposit specified fees and fines, as soon as practicable after collection and on a regular basis, into a bank account established for this purpose by the Administrative Office of the Courts. Existing law requires each court, within a certain period of time, to provide the Administrative Office of the Courts with a report of the fees by categories.

This bill would make specified changes to the fees that are subject to these requirements and would allow the Administrative Office of the Courts and any court to agree on an extension of the time to provide the above report.

(14)

(12) Existing law requires that the amounts collected by each superior court under specified provisions of law be added to the monthly apportionment for that court from the Trial Court Trust Fund.

This bill would make specified changes to the fees subject to this requirement. The bill would make certain other changes to the calculation of amounts to be deposited in the Trial Court Trust Fund.

(13) *Existing law allows the Judicial Council to appoint and employ any officers, assistants, and other employees deemed necessary for the performance of its duties, and to take certain other actions relating to the administration of the courts.*

This bill would allow the council to offer financial services or benefit programs that a judge, justice, or judicial branch employee may choose to participate in on a voluntary basis.

The bill would require the council, after receiving comment from the courts, court employee organizations, and other interested groups, to adopt fiscally responsible travel reimbursement policies, procedures, and rates for the judicial branch that provide for appropriate accountability.

(14) *Existing law authorizes the Judicial Council to establish a tax-exempt public benefit nonprofit corporation, or other tax-exempt entity, qualified under federal and state law to receive grants or other financial support from private or public sources for specified purposes.*

This bill would allow the Administrative Office of the Courts to provide administrative support and oversight services to a tax-exempt public benefit nonprofit corporation or other tax-exempt entity established under the above provisions.

(15) Existing law provides that, in the trial of a capital case or other specified cases, an indigent defendant may make a request to the court for funds for investigators for the presentation of the defense. Existing law allows the Supreme Court to compensate counsel representing indigent defendants in automatic appeals arising out of a judgment of death, or for state postconviction proceedings in those cases, at a specified rate. Existing law also allows the Supreme Court to raise the guideline limitation on investigative and other expenses allowable for counsel to adequately investigate and present collateral claims to up to \$25,000 without an order to show cause.

This bill would eliminate that \$25,000 limit and would, instead, allow the Supreme Court to set a guideline limitation on the above expenses without an order to show cause.

(16) Under existing law, various fees charged for superior court filings and services are intended to be uniform statewide and to be the only allowable fees for those services and filings, except as specified. Existing law allows certain charges to be added to those fees, including various charges applicable in the County of San Bernardino and other specified counties.

This bill would add certain superior court fees to the fees in the County of San Bernardino to which a specified surcharge may be added.

(17) Existing law provides that, when an arresting officer attempts to take before a magistrate a person arrested for a misdemeanor or infraction for violating the provisions of law regulating vehicles, and the magistrate is not available, the arresting officer shall take the arrestee before one of 2 persons, who shall admit the arrestee to bail in accordance with a schedule fixed as specified.

This bill would require that the person before whom the arrestee is taken admit the arrestee to bail for the full amount set for the offense in the above schedule.

(18) Existing law provides that, whenever a person is arrested for any nonfelony violation of the provisions of law governing vehicles, or for a violation of a local ordinance relating to traffic offenses, and he or she is not immediately taken before a magistrate, the arresting officer shall prepare a written notice to appear in court or before a person authorized to receive a deposit of bail, as specified. Existing law provides that, prior to any of specified dates, the defendant may deposit bail with the magistrate or the person authorized to receive a deposit of bail.

Existing law requires the clerk of the court to collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to specified provisions of law, or who attends any other court-supervised program of traffic safety instruction. Existing law requires that the amount of the fee equal the total bail set forth for the eligible offense on the uniform countywide bail schedule.

This bill would provide, in addition, that, with respect to an arrestee, the clerk of the court may accept a payment and forfeiture of at least 25% of the total bail amount for each infraction violation prior to the above dates if specified circumstances exist, including the execution by the defendant of a written agreement to pay and forfeit the remainder of the required bail according to an installment schedule as agreed upon with the court. The bill would, with respect to a defendant who is ordered or permitted to attend traffic violator school, allow the clerk to accept from the defendant a payment of at least 25% of the fee required by the above provisions upon filing a written agreement by the defendant to pay the remainder of the fee according to an installment payment schedule of no more than 90 days as agreed upon with the court. The bill would require the Judicial Council to prescribe the forms of these agreements and would make other conforming changes.

(19) Existing law allows the imposition of a \$1 special assessment for every fine and forfeiture imposed and collected by any court that conducts a night session on all offenses involving a violation of the provisions of law regulating vehicles or any local ordinance adopted pursuant to those provisions, except as specified.

This bill would apply the above \$1 special assessment, instead, to every fine, forfeiture, and traffic violator school fee imposed and collected by a court that conducts a night or weekend session, except as specified.

~~(17)~~

(20) The bill would make other related and technical changes.

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 6321 of the Business and Professions
- 2 Code is amended to read:
- 3 6321. (a) On and after January 1, 2006, as described in Section
- 4 68085.1 of the Government Code, the Administrative Office of

1 the Courts shall make monthly distributions from superior court
 2 filing fees to the law library fund in each county in the amounts
 3 described in this section and Section 6322.1. From each first paper
 4 filing fee as provided under Section 70611, 70612, 70613, 70614,
 5 or 70670 of the Government Code, each first paper or petition
 6 filing fee in a probate matter as provided under Section 70650,
 7 70651, 70652, 70653, 70654, 70655, 70656, or 70658 of the
 8 Government Code, Section 103470 of the Health and Safety Code,
 9 or Section 7660 of the Probate Code, each filing fee for a small
 10 claim or limited civil case appeal as provided under Section
 11 116.760 of the Code of Civil Procedure or Section 70621 of the
 12 Government Code, and each vehicle forfeiture petition fee as
 13 provided under subdivision (e) of Section 14607.6 of the Vehicle
 14 Code, that is collected in each of the following counties, the amount
 15 indicated in this subdivision shall be paid to the law library fund
 16 in that county:

17	Jurisdiction	Amount
18	Alameda.....	\$31.00
19	Alpine.....	4.00
20	Amador.....	20.00
21	Butte.....	29.00
22	Calaveras.....	26.00
23	Colusa.....	17.00
24	Contra Costa.....	29.00
25	Del Norte.....	20.00
26	El Dorado.....	26.00
27	Fresno.....	31.00
28	Glenn.....	20.00
29	Humboldt.....	40.00
30	Imperial.....	20.00
31	Inyo.....	23.00
32	Kern.....	21.00
33	Kings.....	23.00
34	Lake.....	23.00
35	Lassen.....	25.00
36	Los Angeles.....	18.00
37	Madera.....	26.00
38	Marin.....	32.00
39	Mariposa.....	27.00
40		

1	Mendocino.....	29.00
2	Merced.....	23.00
3	Modoc.....	20.00
4	Mono.....	20.00
5	Monterey.....	25.00
6	Napa.....	20.00
7	Nevada.....	23.00
8	Orange.....	29.00
9	Placer.....	29.00
10	Plumas.....	23.00
11	Riverside.....	26.00
12	Sacramento.....	44.00
13	San Benito.....	23.00
14	San Bernardino.....	23.00
15	San Diego.....	35.00
16	San Francisco.....	36.00
17	San Joaquin.....	23.00
18	San Luis Obispo.....	31.00
19	San Mateo.....	32.50
20	Santa Barbara.....	35.00
21	Santa Clara.....	26.00
22	Santa Cruz.....	29.00
23	Shasta.....	20.00
24	Sierra.....	20.00
25	Siskiyou.....	26.00
26	Solano.....	26.00
27	Sonoma.....	29.00
28	Stanislaus.....	18.00
29	Sutter.....	7.00
30	Tehama.....	20.00
31	Trinity.....	20.00
32	Tulare.....	29.00
33	Tuolumne.....	20.00
34	Ventura.....	26.00
35	Yolo.....	29.00
36	Yuba.....	7.00

37
38 (b) If a board of supervisors in any county acted before January
39 1, 2006, to increase the law library fee in that county effective
40 January 1, 2006, the amount distributed to the law library fund in

1 that county under subdivision (a) shall be increased by the amount
2 that the board of supervisors acted to increase the fee, up to three
3 dollars (\$3). Notwithstanding subdivision (b) of Section 6322.1,
4 as it read on January 1, 2005, the maximum increase permitted
5 under this subdivision in Los Angeles County is three dollars (\$3),
6 rather than two dollars (\$2).

7 (c) The amounts of twenty-three dollars (\$23) for Inyo County,
8 twenty-nine dollars (\$29) for Mendocino County, twenty-three
9 dollars (\$23) for Plumas County, and twenty-three dollars (\$23)
10 for San Benito County listed in subdivision (a) shall apply to
11 distributions made under subdivision (a) beginning January 1,
12 2006.

13 SEC. 2. Section 116.230 of the Code of Civil Procedure is
14 amended to read:

15 116.230. (a) In a small claims case, the clerk of the court shall
16 charge and collect only those fees authorized under this chapter.

17 (b) If the party filing a claim has filed 12 or fewer small claims
18 in the state within the previous 12 months, the filing fee is the
19 following:

20 (1) Thirty dollars (\$30) if the amount of the demand is one
21 thousand five hundred dollars (\$1,500) or less.

22 (2) Fifty dollars (\$50) if the amount of the demand is more than
23 one thousand five hundred dollars (\$1,500) but less than or equal
24 to five thousand dollars (\$5,000).

25 (3) Seventy-five dollars (\$75) if the amount of the demand is
26 more than five thousand dollars (\$5,000).

27 (c) If the party has filed more than 12 other small claims in the
28 state within the previous 12 months, the filing fee is one hundred
29 dollars (\$100).

30 (d) (1) If, after having filed a claim and paid the required fee
31 under paragraph (1) of subdivision (b), a party files an amended
32 claim or amendment to a claim that raises the amount of the
33 demand so that the filing fee under paragraph (2) of subdivision
34 (b) would be charged, the filing fee for the amended claim or
35 amendment is twenty dollars (\$20).

36 (2) If, after having filed a claim and paid the required fee under
37 paragraph (2) of subdivision (b), a party files an amended claim
38 or amendment to a claim that raises the amount of the demand so
39 that the filing fee under paragraph (3) of subdivision (b) would be

1 charged, the filing fee for the amended claim or amendment is
2 twenty-five dollars (\$25).

3 (3) If, after having filed a claim and paid the required fee under
4 paragraph (1) of subdivision (b), a party files an amended claim
5 or amendment to a claim that raises the amount of the demand so
6 that the filing fee under paragraph (3) of subdivision (b) would be
7 charged, the filing fee for the amended claim or amendment is
8 forty-five dollars (\$45).

9 (4) The additional fees paid under this subdivision are due upon
10 filing. The court shall not reimburse a party if the party's claim is
11 amended to demand a lower amount that falls within the range for
12 a filing fee lower than that originally paid.

13 (e) Each party filing a claim shall file a declaration with the
14 claim stating whether that party has filed more than 12 other small
15 claims in the state within the last 12 months.

16 (f) The clerk of the court shall deposit fees collected under this
17 section into a bank account established for this purpose by the
18 Administrative Office of the Courts and maintained under rules
19 adopted by or trial court financial policies and procedures
20 authorized by the Judicial Council under subdivision (a) of Section
21 77206 of the Government Code. The deposits shall be made as
22 required under Section 68085.1 of the Government Code and trial
23 court financial policies and procedures authorized by the Judicial
24 Council.

25 (g) (1) The Administrative Office of the Courts shall distribute
26 six dollars (\$6) of each thirty-dollar (\$30) fee, eight dollars (\$8)
27 of each fifty-dollar (\$50) fee, ten dollars (\$10) of each
28 seventy-five-dollar (\$75) fee, and fourteen dollars (\$14) of each
29 one hundred-dollar (\$100) fee collected under subdivision (b) or
30 (c) to a special account in the county in which the court is located
31 to be used for the small claims advisory services described in
32 Section 116.940, or, if the small claims advisory services are
33 administered by the court, to the court. The Administrative Office
34 of the Courts shall also distribute two dollars (\$2) of each
35 seventy-five-dollar (\$75) fee collected under subdivision (b) to
36 the law library fund in the county in which the court is located.

37 (2) From the fees collected under subdivision (d), the
38 Administrative Office of the Courts shall distribute two dollars
39 (\$2) to the law library fund in the county in which the court is
40 located, and three dollars (\$3) to the small claims advisory services

1 described in Section 116.940, or, if the small claims advisory
2 services are administered by the court, to the court.

3 (3) Records of these moneys shall be available for inspection
4 by the public on request.

5 (4) Nothing in this section precludes the court or county from
6 contracting with a third party to provide small claims advisory
7 services as described in Section 116.940.

8 (h) The remainder of the fees collected under subdivisions (b),
9 (c), and (d) shall be transmitted monthly to the Controller for
10 deposit in the Trial Court Trust Fund.

11 (i) All money distributed under this section to be used for small
12 claims advisory services shall be used only for providing those
13 services as described in Section 116.940. Nothing in this section
14 shall preclude the county or the court from procuring other funding
15 to comply with the requirements of Section 116.940.

16 SEC. 3. Section 116.320 of the Code of Civil Procedure is
17 amended to read:

18 116.320. (a) A plaintiff may commence an action in the small
19 claims court by filing a claim under oath with the clerk of the small
20 claims court in person, by mail, by facsimile transmission as
21 authorized by Section 1010.5, or by electronic means as authorized
22 by Section 1010.6.

23 (b) The claim form shall be a simple nontechnical form approved
24 or adopted by the Judicial Council. The claim form shall set forth
25 a place for (1) the name and address of the defendant, if known;
26 (2) the amount and the basis of the claim; (3) that the plaintiff,
27 where possible, has demanded payment and, in applicable cases,
28 possession of the property; (4) that the defendant has failed or
29 refused to pay, and, where applicable, has refused to surrender the
30 property; and (5) that the plaintiff understands that the judgment
31 on his or her claim will be conclusive and without a right of appeal.

32 (c) The form or accompanying instructions shall include
33 information that the plaintiff (1) may not be represented by an
34 attorney, (2) has no right of appeal, and (3) may ask the court to
35 waive fees for filing and serving the claim on the ground that the
36 plaintiff is unable to pay them, using the forms approved by the
37 Judicial Council for that purpose.

38 SEC. 4. Section 116.570 of the Code of Civil Procedure is
39 amended to read:

1 116.570. (a) Any party may submit a written request to
2 postpone a hearing date for good cause.

3 (1) The written request may be made either by letter or on a
4 form adopted or approved by the Judicial Council.

5 (2) The request shall state whether any previous request to
6 postpone the hearing date was made by the requesting party and
7 whether the court granted that request.

8 (3) The request shall be filed at least 10 days before the hearing
9 date, unless the court determines that the requesting party has good
10 cause to file the request at a later date.

11 (4) On the date of making the written request, the requesting
12 party shall mail or personally deliver a copy to each of the other
13 parties to the action.

14 (5) (A) If the court finds that the interests of justice would be
15 served by postponing the hearing, the court shall postpone the
16 hearing, and shall notify all parties by mail of the new hearing
17 date, time, and place.

18 (B) On one occasion, upon the written request of a defendant
19 guarantor, the court shall postpone the hearing for at least 30 days,
20 and the court shall take this action without a hearing. This
21 subparagraph does not limit the discretion of the court to grant
22 additional postponements under subparagraph (A).

23 (6) The court shall provide a prompt response by mail to any
24 person making a written request for postponement of a hearing
25 date under this subdivision.

26 (b) If service of the claim and order upon the defendant is not
27 completed within the number of days before the hearing date
28 required by subdivision (b) of Section 116.340, and the defendant
29 has not personally appeared and has not requested a postponement,
30 the court shall postpone the hearing for at least 15 days. If a
31 postponement is ordered under this subdivision, the clerk shall
32 promptly notify all parties by mail of the new hearing date, time,
33 and place.

34 (c) This section does not limit the inherent power of the court
35 to order postponements of hearings in appropriate circumstances.

36 (d) A nonrefundable fee of ten dollars (\$10) shall be charged
37 and collected for the filing of a request for postponement and
38 rescheduling of a hearing date after timely service pursuant to
39 subdivision (b) of Section 116.340 has been made upon the
40 defendant.

1 (e) A nonrefundable fee of ten dollars (\$10) shall be charged
2 and collected for the filing of a request for postponement and
3 rescheduling of a hearing date before service has been made
4 pursuant to subdivision (b) of Section 116.340 or subdivision (b)
5 of Section 116.360 if the court granted a prior postponement to
6 the party making the request.

7 SEC. 5. Section 411.21 of the Code of Civil Procedure is
8 amended to read:

9 411.21. (a) If a complaint or other first paper is accompanied
10 by payment by check in an amount less than the required fee, the
11 clerk shall accept the paper for filing, but shall not issue a summons
12 until the court receives full payment of the required fee. The clerk
13 shall, by mail, notify the party tendering the check that (1) the
14 check was made out for an amount less than the required filing
15 fee, (2) the administrative charge specified in subdivision (g) has
16 been imposed to reimburse the court for the costs of processing
17 the partial payment and providing the notice specified in this
18 subdivision, and (3) the party has 20 days from the date of mailing
19 of the notice within which to pay the remainder of the required fee
20 and the administrative charge, except as provided in subdivision
21 (f). If the person who tendered the check is not a party to the action
22 or proposed action, but only is acting on behalf of a party, the clerk
23 shall notify not only the person who tendered the check, and also
24 the party or that party's attorney, if the party is represented. The
25 clerk's certificate as to the mailing of notice pursuant to this section
26 establishes a rebuttable presumption that the fees were not paid.
27 This presumption is a presumption affecting the burden of
28 producing evidence. This subdivision does not apply to an unlawful
29 detainer action.

30 (b) The clerk shall void the filing if the party who tendered a
31 check in an amount less than the required filing fee or on whose
32 behalf a check in an amount less than the required filing fee was
33 tendered has not paid the full amount of the fee and the
34 administrative charge by a means specified in subdivision (a)
35 within 20 days of the date on which the notice required by
36 subdivision (a) was mailed. Any filing voided by this section may
37 be disposed of immediately after the 20 days have elapsed without
38 preserving a copy in the court records notwithstanding Section
39 68152 of the Government Code.

1 (c) If a check for less than the required fee was tendered, the
2 remainder of the required fee and the administrative charge were
3 not paid within the period specified in subdivision (a), and a refund
4 of the partial payment has not been requested in a writing mailed
5 or presented by the party or person who tendered the check within
6 20 days from the date on which the remainder of the required fee
7 was due, the partial payment shall be remitted to the State Treasurer
8 to be deposited in the Trial Court Trust Fund, except for the amount
9 of the administrative charge described in subdivision (g), that shall
10 be deducted from the partial payment and shall be distributed as
11 described in subdivision (g) to the court which incurred the charge.
12 If the party or person who tendered the check for partial payment
13 requests a refund of the partial payment, in writing, within the time
14 specified in this subdivision, the clerk shall refund the amount of
15 the partial payment less the amount of the administrative charge
16 imposed by that court. All partial payments that the court received
17 before January 1, 2006, and that remain on deposit for filings that
18 the clerk voided pursuant to this section, once three years have
19 passed from the date that the filing was voided, shall be remitted
20 to the State Treasurer for deposit into the Trial Court Trust Fund.

21 (d) If an adverse party files a response to a complaint or other
22 first paper referred to in subdivision (a), together with a filing fee,
23 and the original filing is voided pursuant to subdivision (b), the
24 responsive filing is not required and shall be voided. The court
25 shall, by mail, provide notice to the parties that the initial paper
26 and the response have been voided. The responding party's filing
27 fee shall be refunded upon request, provided that the request for
28 a refund is made in writing within 20 days from the date on which
29 the notice was mailed. Upon receipt of the request, the court shall
30 reimburse the responding party's filing fee without imposing any
31 administrative charge. A refund under this subdivision is available
32 if the adverse party has filed only a responsive pleading, but not
33 if the party has also filed a cross-complaint or other first paper
34 seeking affirmative relief for which there is a filing fee.

35 (e) If an adverse party, or a person acting on behalf of the
36 adverse party, tenders a check for a required filing fee in an amount
37 less than the required fee, the procedures in subdivisions (a), (b),
38 and (c) shall apply.

39 (f) If any trial or other hearing is scheduled to be heard prior to
40 the expiration of the 20-day period provided for in subdivision (a),

1 the fee shall be paid prior to the trial or hearing. Failure of the
2 party to pay the fee prior to the trial or hearing date shall cause the
3 court to void the filing and proceed as if it had not been filed.

4 (g) The clerk shall impose an administrative charge for providing
5 notice that a check submitted for a filing fee is in an amount less
6 than the required fee and for all related administrative, clerical,
7 and other costs incurred under this section. The administrative
8 charge shall, in each instance, be either twenty-five dollars (\$25)
9 or a reasonable amount that does not exceed the actual cost incurred
10 by the court, as determined by the court. The notices provided by
11 the court under subdivision (a) shall state the specific amount of
12 the administrative charge that shall be paid to the court. Each
13 administrative charge collected shall be distributed to the court
14 that incurred the charge as described in Section 68085.1 of the
15 Government Code. When a partial payment is to be remitted to
16 the State Treasurer under subdivision (c), the court shall notify the
17 Administrative Office of the Courts of the amount of (1) the partial
18 payment collected, and (2) the administrative charge to be deducted
19 from the payment and to be distributed to the court.

20 SEC. 6. Section 1502 of the Code of Civil Procedure is
21 amended to read:

22 1502. (a) This chapter does not apply to any of the following:

23 (1) Any property in the official custody of a municipal utility
24 district.

25 (2) Any property in the official custody of a local agency if such
26 property may be transferred to the general fund of such agency
27 under the provisions of Sections 50050-50053 of the Government
28 Code.

29 (3) Any property in the official custody of a court if the property
30 may be transferred to the Trial Court Operations Fund under
31 Section 68084.1 of the Government Code.

32 (b) None of the provisions of this chapter applies to any type
33 of property received by the state under the provisions of Chapter
34 1 (commencing with Section 1300) to Chapter 6 (commencing
35 with Section 1440), inclusive, of this title.

36 ~~SEC. 7. Section 2031.210 of the Code of Civil Procedure is~~
37 ~~amended to read:~~

38 ~~2031.210. (a) The party to whom an inspection demand has~~
39 ~~been directed shall respond separately to each item or category of~~
40 ~~item by any of the following:~~

1 ~~(1) A statement that the party will comply with the particular~~
2 ~~demand for inspection by the date set for inspection pursuant to~~
3 ~~paragraph (2) of subdivision (c) of Section 2031.030 and any~~
4 ~~related activities.~~

5 ~~(2) A representation that the party lacks the ability to comply~~
6 ~~with the demand for inspection of a particular item or category of~~
7 ~~item.~~

8 ~~(3) An objection to the particular demand.~~

9 ~~(b) In the first paragraph of the response immediately below~~
10 ~~the title of the case, there shall appear the identity of the responding~~
11 ~~party, the set number, and the identity of the demanding party.~~

12 ~~(c) Each statement of compliance, each representation, and each~~
13 ~~objection in the response shall bear the same number and be in the~~
14 ~~same sequence as the corresponding item or category in the~~
15 ~~demand, but the text of that item or category need not be repeated.~~

16 ~~SEC. 8. Section 2031.270 of the Code of Civil Procedure is~~
17 ~~amended to read:~~

18 ~~2031.270. (a) The party demanding an inspection and the~~
19 ~~responding party may agree to extend the date for inspection or~~
20 ~~the time for service of a response to a set of inspection demands,~~
21 ~~or to particular items or categories of items in a set, to a date or~~
22 ~~dates beyond those provided in Sections 2031.030, 2031.210,~~
23 ~~2031.260, and 2031.280.~~

24 ~~(b) This agreement may be informal, but it shall be confirmed~~
25 ~~in a writing that specifies the extended date for inspection or~~
26 ~~service of a response.~~

27 ~~(c) Unless this agreement expressly states otherwise, it is~~
28 ~~effective to preserve to the responding party the right to respond~~
29 ~~to any item or category of item in the demand to which the~~
30 ~~agreement applies in any manner specified in Sections 2031.210,~~
31 ~~2031.220, 2031.230, 2031.240, and 2031.280.~~

32 ~~SEC. 9. Section 2031.280 of the Code of Civil Procedure is~~
33 ~~amended to read:~~

34 ~~2031.280. (a) Any documents produced in response to an~~
35 ~~inspection demand shall either be produced as they are kept in the~~
36 ~~usual course of business, or be organized and labeled to correspond~~
37 ~~with the categories in the demand.~~

38 ~~(b) The documents shall be produced on the date specified in~~
39 ~~the inspection demand pursuant to paragraph (2) of subdivision~~
40 ~~(c) of Section 2031.030, unless an objection has been made to that~~

1 date. If the date for inspection has been extended pursuant to
2 Section 2031.270, the documents shall be produced on the date
3 agreed to pursuant to that section.

4 (e) If necessary, the responding party at the reasonable expense
5 of the demanding party shall, through detection devices, translate
6 any data compilations included in the demand into reasonably
7 usable form.

8 ~~SEC. 10.~~

9 *SEC. 7.* Section 2142 of the Elections Code is amended to read:

10 2142. (a) If the county elections official refuses to register any
11 qualified elector in the county, the elector may proceed by action
12 in the superior court to compel his or her registration. In an action
13 under this section, as many persons may join as plaintiffs as have
14 causes of action.

15 (b) If the county elections official has not registered any
16 qualified elector who claims to have registered to vote through the
17 Department of Motor Vehicles or any other public agency
18 designated as a voter registration agency pursuant to the National
19 Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg), the elector
20 may proceed by action in the superior court to compel his or her
21 registration. In an action under this section, as many persons may
22 join as plaintiffs as have causes of action.

23 (c) No fee shall be charged by the clerk of the court for services
24 rendered in an action under this section.

25 ~~SEC. 11.~~

26 *SEC. 8.* Section 14310 of the Elections Code is amended to
27 read:

28 14310. (a) At all elections, a voter claiming to be properly
29 registered but whose qualification or entitlement to vote cannot
30 be immediately established upon examination of the index of
31 registration for the precinct or upon examination of the records on
32 file with the county elections official, shall be entitled to vote a
33 provisional ballot as follows:

34 (1) An election official shall advise the voter of the voter's right
35 to cast a provisional ballot.

36 (2) The voter shall be provided a provisional ballot, written
37 instructions regarding the process and procedures for casting the
38 provisional ballot, and a written affirmation regarding the voter's
39 registration and eligibility to vote. The written instructions shall
40 include the information set forth in subdivisions (c) and (d).

1 (3) The voter shall be required to execute, in the presence of an
2 elections official, the written affirmation stating that the voter is
3 eligible to vote and registered in the county where the voter desires
4 to vote.

5 (b) Once voted, the voter's ballot shall be sealed in a provisional
6 ballot envelope, and the ballot in its envelope shall be deposited
7 in the ballot box. All provisional ballots voted shall remain sealed
8 in their envelopes for return to the elections official in accordance
9 with the elections official's instructions. The provisional ballot
10 envelopes specified in this subdivision shall be a color different
11 than the color of, but printed substantially similar to, the envelopes
12 used for absentee ballots, and shall be completed in the same
13 manner as absentee envelopes.

14 (c) (1) During the official canvass, the elections official shall
15 examine the records with respect to all provisional ballots cast.
16 Using the procedures that apply to the comparison of signatures
17 on absentee ballots, the elections official shall compare the
18 signature on each provisional ballot envelope with the signature
19 on the voter's affidavit of registration. If the signatures do not
20 compare, the ballot shall be rejected. A variation of the signature
21 caused by the substitution of initials for the first or middle name,
22 or both, shall not invalidate the ballot.

23 (2) Provisional ballots shall not be included in any semiofficial
24 or official canvass, except upon: (A) the elections official's
25 establishing prior to the completion of the official canvass, from
26 the records in his or her office, the claimant's right to vote; or (B)
27 the order of a superior court in the county of the voter's residence.
28 A voter may seek the court order specified in this paragraph
29 regarding his or her own ballot at any time prior to completion of
30 the official canvass. Any judicial action or appeal shall have
31 priority over all other civil matters. No fee shall be charged to the
32 claimant by the clerk of the court for services rendered in an action
33 under this section.

34 (3) The provisional ballot of a voter who is otherwise entitled
35 to vote shall not be rejected because the voter did not cast his or
36 her ballot in the precinct to which he or she was assigned by the
37 elections official.

38 (A) If the ballot cast by the voter contains the same candidates
39 and measures on which the voter would have been entitled to vote

1 in his or her assigned precinct, the elections official shall count
2 the votes for the entire ballot.

3 (B) If the ballot cast by the voter contains candidates or
4 measures on which the voter would not have been entitled to vote
5 in his or her assigned precinct, the elections official shall count
6 only the votes for the candidates and measures on which the voter
7 was entitled to vote in his or her assigned precinct.

8 (d) The Secretary of State shall establish a free access system
9 that any voter who casts a provisional ballot may access to discover
10 whether the voter’s provisional ballot was counted and, if not, the
11 reason why it was not counted.

12 (e) The Secretary of State may adopt appropriate regulations
13 for purposes of ensuring the uniform application of this section.

14 (f) This section shall apply to any absent voter described by
15 Section 3015 who is unable to surrender his or her unvoted absent
16 voter’s ballot.

17 (g) Any existing supply of envelopes marked “special challenged
18 ballot” may be used until the supply is exhausted.

19 ~~SEC. 12.~~

20 *SEC. 9.* Section 304 of the Family Code is amended to read:

21 304. As part of the court order granting permission to marry
22 under Section 302 or 303, the court shall require the parties to the
23 prospective marriage of a minor to participate in premarital
24 counseling concerning social, economic, and personal
25 responsibilities incident to marriage, if the court considers the
26 counseling to be necessary. The parties shall not be required,
27 without their consent, to confer with counselors provided by
28 religious organizations of any denomination. In determining
29 whether to order the parties to participate in the premarital
30 counseling, the court shall consider, among other factors, the ability
31 of the parties to pay for the counseling. The court may impose a
32 reasonable fee to cover the cost of any premarital counseling
33 provided by the county or the court. The fees shall be used
34 exclusively to cover the cost of the counseling services authorized
35 by this section.

36 ~~SEC. 13.~~

37 *SEC. 10.* Section 3204 of the Family Code is amended to read:

38 3204. (a) The Judicial Council shall annually submit an
39 application to the federal Administration for Children and Families,
40 pursuant to Section 669B of the “1996 Federal Personal

1 Responsibility and Work Opportunity Recovery Act” (PRWORA),
2 for a grant to fund child custody and visitation programs pursuant
3 to this chapter.

4 The Judicial Council shall be charged with the administration
5 of the grant funds.

6 (b) (1) It is the intention of the Legislature that, effective
7 October 1, 2000, the grant funds described in subdivision (a) shall
8 be used to fund the following three types of programs: supervised
9 visitation and exchange services, education about protecting
10 children during family disruption, and group counseling for parents
11 and children, as set forth in this chapter. Contracts shall follow a
12 standard request for proposal procedure, that may include multiple
13 year funding. Requests for proposals shall meet all state and federal
14 requirements for receiving access and visitation grant funds.

15 (2) The grant funds shall be awarded with the intent of approving
16 as many requests for proposals as possible while assuring that each
17 approved proposal would provide beneficial services and satisfy
18 the overall goals of the program under this chapter. The Judicial
19 Council shall determine the final number and amount of grants.
20 Requests for proposals shall be evaluated based on the following
21 criteria:

22 (A) Availability of services to a broad population of parties.

23 (B) The ability to expand existing services.

24 (C) Coordination with other community services.

25 (D) The hours of service delivery.

26 (E) The number of counties or regions participating.

27 (F) Overall cost effectiveness.

28 (G) The purpose of the program to promote and encourage
29 healthy parent and child relationships between noncustodial parents
30 and their children, while ensuring the health, safety, and welfare
31 of the children.

32 (3) Special consideration for grant funds shall be given to
33 proposals that coordinate supervised visitation and exchange
34 services, education, and group counseling with existing court-based
35 programs and services.

36 (c) The family law division of the superior court in each county
37 shall approve sliding scale fees that are based on the ability to pay
38 for all parties, including low-income families, participating in a
39 supervised visitation and exchange, education, and group
40 counseling programs under this chapter.

1 (d) The Judicial Council shall, on March 1, 2002, and on the
2 first day of March of each subsequent even-numbered year, report
3 to the Legislature on the programs funded pursuant to this chapter
4 and whether and to what extent those programs are achieving the
5 goal of promoting and encouraging healthy parent and child
6 relationships between noncustodial or joint custodial parents and
7 their children while ensuring the health, safety, and welfare of
8 children, and the other goals described in this chapter.

9 ~~SEC. 14.~~

10 *SEC. 11.* Section 53069.4 of the Government Code is amended
11 to read:

12 53069.4. (a) (1) The legislative body of a local agency, as the
13 term “local agency” is defined in Section 54951, may by ordinance
14 make any violation of any ordinance enacted by the local agency
15 subject to an administrative fine or penalty. The local agency shall
16 set forth by ordinance the administrative procedures that shall
17 govern the imposition, enforcement, collection, and administrative
18 review by the local agency of those administrative fines or
19 penalties. Where the violation would otherwise be an infraction,
20 the administrative fine or penalty shall not exceed the maximum
21 fine or penalty amounts for infractions set forth in subdivision (b)
22 of Section 25132 and subdivision (b) of Section 36900.

23 (2) The administrative procedures set forth by ordinance adopted
24 by the local agency pursuant to paragraph (1) shall provide for a
25 reasonable period of time, as specified in the ordinance, for a
26 person responsible for a continuing violation to correct or otherwise
27 remedy the violation prior to the imposition of administrative fines
28 or penalties, when the violation pertains to building, plumbing,
29 electrical, or other similar structural or zoning issues, that do not
30 create an immediate danger to health or safety.

31 (b) (1) Notwithstanding the provisions of Section 1094.5 or
32 1094.6 of the Code of Civil Procedure, within 20 days after service
33 of the final administrative order or decision of the local agency is
34 made pursuant to an ordinance enacted in accordance with this
35 section regarding the imposition, enforcement or collection of the
36 administrative fines or penalties, a person contesting that final
37 administrative order or decision may seek review by filing an
38 appeal to be heard by the superior court, where the same shall be
39 heard de novo, except that the contents of the local agency’s file
40 in the case shall be received in evidence. A proceeding under this

1 subdivision is a limited civil case. A copy of the document or
2 instrument of the local agency providing notice of the violation
3 and imposition of the administrative fine or penalty shall be
4 admitted into evidence as prima facie evidence of the facts stated
5 therein. A copy of the notice of appeal shall be served in person
6 or by first-class mail upon the local agency by the contestant.

7 (2) The fee for filing the notice of appeal shall be as specified
8 in Section 70615. The court shall request that the local agency's
9 file on the case be forwarded to the court, to be received within
10 15 days of the request. The court shall retain the fee specified in
11 Section 70615 regardless of the outcome of the appeal. If the court
12 finds in favor of the contestant, the amount of the fee shall be
13 reimbursed to the contestant by the local agency. Any deposit of
14 the fine or penalty shall be refunded by the local agency in
15 accordance with the judgment of the court.

16 (3) The conduct of the appeal under this section is a subordinate
17 judicial duty that may be performed by traffic trial commissioners
18 and other subordinate judicial officials at the direction of the
19 presiding judge of the court.

20 (c) If no notice of appeal of the local agency's final
21 administrative order or decision is filed within the period set forth
22 in this section, the order or decision shall be deemed confirmed.

23 (d) If the fine or penalty has not been deposited and the decision
24 of the court is against the contestant, the local agency may proceed
25 to collect the penalty pursuant to the procedures set forth in its
26 ordinance.

27 ~~SEC. 15.~~

28 *SEC. 12.* Section 68076 of the Government Code is amended
29 to read:

30 68076. The seals of the superior courts shall:

31 (a) Be circular.

32 (b) Be not less than one and one-fourth inches in diameter.

33 (c) Have in the center any word, words, or design adopted by
34 the judges of the superior court.

35 (d) Have inscribed around the central words or design "Superior
36 Court of California, County of [____]," inserting the name of the
37 county.

38 The seal of any such court, which has been adopted before April
39 1, 1880 shall be the seal of such court until another is adopted.

1 ~~SEC. 16.~~

2 *SEC. 13.* Section 68084.1 of the Government Code is amended
3 to read:

4 68084.1. (a) Except as otherwise provided by law, any money,
5 excluding restitution to victims, that has been deposited with a
6 superior court, or that a superior court is holding in trust for the
7 lawful owner, in a court bank account or in a court trust account
8 in a county treasury, that remains unclaimed for three years shall
9 become the property of the superior court if, after published notice
10 pursuant to this section, the money is not claimed or no verified
11 complaint is filed and served.

12 (b) At any time after the expiration of the three-year period
13 specified in subdivision (a), the executive officer of the superior
14 court may cause a notice to be published once a week for two
15 successive weeks in a newspaper of general circulation published
16 in the county in which the court is located. The notice shall state
17 the amount of money, the fund in which it is held, and that it is
18 proposed that the money will become the property of the court on
19 a designated date not less than 45 days nor more than 60 days after
20 the first publication of the notice.

21 (c) Before or after publication, a party of interest may file a
22 claim with the court executive officer that shall include the
23 claimant's name, address, amount of claim, the grounds on which
24 the claim is founded, and any other information that may be
25 required by the court executive officer. The claim shall be filed
26 before the designated date on which unclaimed money becomes
27 the property of the court as provided under subdivision (b), and
28 the executive officer shall accept or reject that claim.

29 (d) If the superior court executive officer rejects the claim, or
30 takes no action on the claim within 30 days after it is filed, the
31 party that submitted the claim may file a verified complaint seeking
32 to recover all, or a specified part, of the money in the court in the
33 county in which the notice is published. The copy of the complaint
34 and summons shall be served on the court executive officer. The
35 court executive officer shall withhold the release of the portion of
36 unclaimed money for which a court action has been filed as
37 provided in this section until the court renders a decision or the
38 claim is settled. Any portion of the unclaimed money not covered
39 by the verified complaint shall become the property of the court
40 if no other claim or verified complaint has been filed regarding it

1 within the time specified in this section. If the party that submitted
2 the claim does not file a verified complaint within 30 days after
3 the date that the court mailed notice that the claim was rejected or
4 within 60 days after the claim was filed, the money shall become
5 the property of the court.

6 (e) Notwithstanding subdivisions (c) and (d), the court executive
7 officer may release the unclaimed money to the depositor of the
8 unclaimed money, or the depositor's heir, beneficiary, or duly
9 appointed representative, if the depositor or the depositor's heir,
10 beneficiary, or duly appointed representative claims the money
11 before the date that the money becomes the property of the superior
12 court, upon submitting proof satisfactory to the court executive
13 officer.

14 (f) If no claim is filed under subdivision (c) and the time for
15 filing claims has expired, the money shall become the property of
16 the court. If a claim or claims are filed with respect to a portion of
17 the money, but not the remainder of the money, and the time for
18 filing claims under subdivision (c) has expired, the remainder of
19 the money shall become the property of the court.

20 (g) Notwithstanding any other provision of this section, the
21 presiding judge may direct the transfer of any individual deposit
22 of twenty dollars (\$20) or less, or any amount if the name of the
23 original depositor is unknown, that remains unclaimed for one
24 year to the Trial Court Operations Fund without the need for
25 publication of notice.

26 (h) The court executive officer may delegate the responsibilities
27 provided in this section to appropriate superior court staff.

28 (i) When any money deposited and held under this section
29 becomes the property of a superior court, the presiding judge shall
30 transfer it to the Trial Court Operations Fund.

31 ~~SEC. 17.~~

32 *SEC. 14.* Section 68085.1 of the Government Code is amended
33 to read:

34 68085.1. (a) This section applies to all fees and fines that are
35 collected on or after January 1, 2006, under all of the following:

36 (1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150,
37 704.750, 708.160, 724.100, 1134, 1161.2, 1218, and 1993.2 of,
38 subdivision (g) of Section 411.20 and subdivisions (c) and (g) of
39 Section 411.21 of, and Chapter 5.5 (commencing with Section
40 116.110) of Title 1 of Part 1 of, the Code of Civil Procedure.

1 (2) Section 3112 of the Family Code.

2 (3) Section 31622 of the Food and Agricultural Code.

3 (4) Subdivision (d) of Section 6103.5, Sections 68086 and
4 68086.1, subdivision (d) of Section 68511.3, Sections 68926.1 and
5 69953.5, and Chapter 5.8 (commencing with Section 70600).

6 (5) Section 103470 of the Health and Safety Code.

7 (6) Subdivisions (b) and (c) of Section 166 and Section 1214.1
8 of the Penal Code.

9 (7) Sections 1835, 1851.5, 2343, 7660, and 13201 of the Probate
10 Code.

11 (8) Sections 14607.6 and 16373 of the Vehicle Code.

12 (9) Section 71386 of this code, Sections 304, 7851.5, and 9002
13 of the Family Code, and Section 1513.1 of the Probate Code, if
14 the reimbursement is for expenses incurred by the court.

15 (10) Section 3153 of the Family Code, if the amount is paid to
16 the court for the cost of counsel appointed by the court to represent
17 a child.

18 (b) On and after January 1, 2006, each superior court shall
19 deposit all fees and fines listed in subdivision (a), as soon as
20 practicable after collection and on a regular basis, into a bank
21 account established for this purpose by the Administrative Office
22 of the Courts. Upon direction of the Administrative Office of the
23 Courts, the county shall deposit civil assessments under Section
24 1214.1 of the Penal Code and any other money it collects under
25 the sections listed in subdivision (a) as soon as practicable after
26 collection and on a regular basis into the bank account established
27 for this purpose and specified by the Administrative Office of the
28 Courts. The deposits shall be made as required by rules adopted
29 by, and financial policies and procedures authorized by, the Judicial
30 Council under subdivision (a) of Section 77206. Within 15 days
31 after the end of the month in which the fees and fines are collected,
32 each court, and each county that collects any fines or fees under
33 subdivision (a), shall provide the Administrative Office of the
34 Courts with a report of the fees by categories as specified by the
35 Administrative Office of the Courts. The Administrative Office
36 of the Courts and any court may agree upon a time period greater
37 than 15 days, but in no case more than 30 days after the end of the
38 month in which the fees and fines are collected. The fees and fines
39 listed in subdivision (a) shall be distributed as provided in this
40 section.

1 (c) (1) Within 45 calendar days after the end of the month in
2 which the fees and fines listed in subdivision (a) are collected, the
3 Administrative Office of the Courts shall make the following
4 distributions:

5 (A) To the small claims advisory services, as described in
6 subdivision (f) of Section 116.230 of the Code of Civil Procedure.

7 (B) To dispute resolution programs, as described in subdivision
8 (b) of Section 68085.3 and subdivision (b) of Section 68085.4.

9 (C) To the county law library funds, as described in Sections
10 116.230 and 116.760 of the Code of Civil Procedure, subdivision
11 (b) of Section 68085.3, subdivision (b) of Section 68085.4, and
12 Section 70621 of this code, and Section 14607.6 of the Vehicle
13 Code.

14 (D) To the courthouse construction funds in the Counties of
15 Riverside, San Bernardino, and San Francisco, as described in
16 Sections 70622, 70624, and 70625.

17 (2) If any distribution under this subdivision is delinquent, the
18 Administrative Office of the Courts shall add a penalty to the
19 distribution as specified in subdivision (i).

20 (d) Within 45 calendar days after the end of the month in which
21 the fees and fines listed in subdivision (a) are collected, the
22 amounts remaining after the distributions in subdivision (c) shall
23 be transmitted to the State Treasury for deposit in the Trial Court
24 Trust Fund and other funds as required by law. This remittance
25 shall be accompanied by a remittance advice identifying the
26 collection month and the appropriate account in the Trial Court
27 Trust Fund or other fund to which it is to be deposited. Upon the
28 receipt of any delinquent payment required under this subdivision,
29 the Controller shall calculate a penalty as provided under
30 subdivision (i).

31 (e) From the money transmitted to the State Treasury under
32 subdivision (d), the Controller shall make deposits as follows:

33 (1) Into the State Court Facilities Construction Fund, the Judges'
34 Retirement Fund, and the Equal Access Fund, as described in
35 subdivision (c) of Section 68085.3 and subdivision (c) of Section
36 68085.4.

37 (2) Into the Health Statistics Special Fund, as described in
38 subdivision (b) of Section 70670 of this code and Section 103730
39 of the Health and Safety Code.

1 (3) Into the Family Law Trust Fund, as described in Section
2 70674.

3 (4) The remainder of the money shall be deposited into the Trial
4 Court Trust Fund.

5 (f) The amounts collected by each superior court under Section
6 116.232, subdivision (g) of Section 411.20, and subdivision (g) of
7 Section 411.21 of the Code of Civil Procedure, Sections 304, 3112,
8 3153, 7851.5, and 9002 of the Family Code, subdivision (d) of
9 Section 6103.5, subdivision (d) of Section 68511.3 and Sections
10 68926.1, 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386
11 of this code, and Sections 1513.1, 1835, 1851.5, and 2343 of the
12 Probate Code, shall be added to the monthly apportionment for
13 that court under subdivision (a) of Section 68085.

14 (g) If any of the fees provided in subdivision (a) are partially
15 waived by court order or otherwise reduced, and the fee is to be
16 divided between the Trial Court Trust Fund and any other fund or
17 account, the amount of the reduction shall be deducted from the
18 amount to be distributed to each fund in the same proportion as
19 the amount of each distribution bears to the total amount of the
20 fee. If the fee is paid by installment payments, the amount
21 distributed to each fund or account from each installment shall
22 bear the same proportion to the installment payment as the full
23 distribution to that fund or account does to the full fee. If a court
24 collects a fee that was incurred before January 1, 2006, under a
25 provision that was the predecessor to one of the paragraphs
26 contained in subdivision (a), the fee may be deposited as if it were
27 collected under the paragraph of subdivision (a) that corresponds
28 to the predecessor of that paragraph and distributed in prorated
29 amounts to each fund or account to which the fee in subdivision
30 (a) must be distributed.

31 (h) Except as provided in Sections 470.5 and 6322.1 of the
32 Business and Professions Code, and Sections 70622, 70624, and
33 70625 of this code, no agency may take action to change the
34 amounts allocated to any of the funds described in subdivision (c),
35 (d), or (e).

36 (i) The amount of the penalty on any delinquent payment under
37 subdivision (c) or (d) shall be calculated by multiplying the amount
38 of the delinquent payment at a daily rate equivalent to 1 ½ percent
39 per month for the number of days the payment is delinquent. The
40 penalty shall be paid from the Trial Court Trust Fund. Penalties

1 on delinquent payments under subdivision (d) shall be calculated
2 only on the amounts to be distributed to the Trial Court Trust Fund
3 and the State Court Facilities Construction Fund, and each penalty
4 shall be distributed proportionately to the funds to which the
5 delinquent payment was to be distributed.

6 (j) If a delinquent payment under subdivision (c) or (d) results
7 from a delinquency by a superior court under subdivision (b), the
8 court shall reimburse the Trial Court Trust Fund for the amount
9 of the penalty. Notwithstanding Section 77009, any penalty on a
10 delinquent payment that a court is required to reimburse pursuant
11 to this section shall be paid from the court operations fund for that
12 court. The penalty shall be paid by the court to the Trial Court
13 Trust Fund no later than 45 days after the end of the month in
14 which the penalty was calculated. If the penalty is not paid within
15 the specified time, the Administrative Office of the Courts may
16 reduce the amount of a subsequent monthly allocation to the court
17 by the amount of the penalty on the delinquent payment.

18 (k) If a delinquent payment under subdivision (c) or (d) results
19 from a delinquency by a county in transmitting fees and fines listed
20 in subdivision (a) to the bank account established for this purpose,
21 as described in subdivision (b), the county shall reimburse the Trial
22 Court Trust Fund for the amount of the penalty. The penalty shall
23 be paid by the county to the Trial Court Trust Fund no later than
24 45 days after the end of the month in which the penalty was
25 calculated.

26 ~~SEC. 18.~~

27 *SEC. 15.* Section 68085.4 of the Government Code is amended
28 to read:

29 68085.4. (a) Fees collected under Sections 70613, 70614,
30 70621, 70654, 70656, and 70658 of this code, Section 103470 of
31 the Health and Safety Code, and Section 7660 of the Probate Code,
32 shall be deposited in a bank account established by the
33 Administrative Office of the Courts for deposit of fees collected
34 by the courts.

35 (b) For each three hundred-dollar (\$300) fee and each one
36 hundred eighty-dollar (\$180) fee listed in subdivision (a), the
37 Administrative Office of the Courts shall distribute specified
38 amounts in each county as follows:

39 (1) To the county law library fund, the amount described in
40 Sections 6321 and 6322.1 of the Business and Professions Code.

1 (2) To the account to support dispute resolution programs, the
2 amount described in Section 470.5 of the Business and Professions
3 Code.

4 (c) The remainder of the fees in subdivision (a) shall be
5 transmitted monthly to the Treasurer for deposit. For each three
6 hundred-dollar (\$300) fee and each one hundred eighty-dollar
7 (\$180) fee listed in subdivision (a), the Controller shall make
8 deposits as follows:

9 (1) To the State Court Facilities Construction Fund, as provided
10 in Article 6 (commencing with Section 70371) of Chapter 5.7,
11 twenty-five dollars (\$25) if the fee is three hundred dollars (\$300),
12 and twenty dollars (\$20) if the fee is one hundred eighty dollars
13 (\$180).

14 (2) To the Judges' Retirement Fund, as established in Section
15 75100, two dollars and fifty cents (\$2.50).

16 (3) To the Trial Court Trust Fund for use as part of the Equal
17 Access Fund program administered by the Judicial Council, four
18 dollars and eighty cents (\$4.80).

19 (4) To the Trial Court Trust Fund, as provided in Section
20 68085.1, the remainder of the fee.

21 (d) If any of the fees listed in subdivision (a) are reduced or
22 partially waived, the amount of the reduction or partial waiver
23 shall be deducted from the amount to be distributed to each fund
24 or account in the same proportion as the amount of each
25 distribution bears to the total amount of the fee.

26 (e) As used in this section, "law library fund" includes a law
27 library account described in Section 6320 of the Business and
28 Professions Code.

29 ~~SEC. 19~~

30 *SEC. 16.* Section 68152 of the Government Code is amended
31 to read:

32 68152. The trial court clerk may destroy court records under
33 Section 68153 after notice of destruction and if there is no request
34 and order for transfer of the records, except the comprehensive
35 historical and sample superior court records preserved for research
36 under the California Rules of Court, when the following times
37 have expired after final disposition of the case in the categories
38 listed:

39 (a) Adoption: retain permanently.

40 (b) Change of name: retain permanently.

- 1 (c) Other civil actions and proceedings, as follows:
2 (1) Except as otherwise specified: 10 years.
3 (2) Where a party appears by a guardian ad litem: 10 years after
4 termination of the court's jurisdiction.
5 (3) Domestic violence: same period as duration of the restraining
6 or other orders and any renewals, then retain the restraining or
7 other orders as a judgment; 60 days after expiration of the
8 temporary protective or temporary restraining order.
9 (4) Eminent domain: retain permanently.
10 (5) Family law, except as otherwise specified: 30 years.
11 (6) Harassment: same period as duration of the injunction and
12 any renewals, then retain the injunction as a judgment; 60 days
13 after expiration of the temporary restraining order.
14 (7) Mental health (Lanterman Developmental Disabilities
15 Services Act and Lanterman-Petris-Short Act): 30 years.
16 (8) Paternity: retain permanently.
17 (9) Petition, except as otherwise specified: 10 years.
18 (10) Real property other than unlawful detainer: retain
19 permanently if the action affects title or an interest in real property.
20 (11) Small claims: 10 years.
21 (12) Unlawful detainer: one year if judgment is for possession
22 of the premises; 10 years if judgment is for money.
23 (d) Notwithstanding subdivision (c), any civil or small claims
24 case in the trial court:
25 (1) Involuntarily dismissed by the court for delay in prosecution
26 or failure to comply with state or local rules: one year.
27 (2) Voluntarily dismissed by a party without entry of judgment:
28 one year.
29 Notation of the dismissal shall be made on the civil index of
30 cases or on a separate dismissal index.
31 (e) Criminal.
32 (1) Capital felony (murder with special circumstances where
33 the prosecution seeks the death penalty): retain permanently. If
34 the charge is disposed of by acquittal or a sentence less than death,
35 the case shall be reclassified.
36 (2) Felony, except as otherwise specified: 75 years.
37 (3) Felony, except capital felony, with court records from the
38 initial complaint through the preliminary hearing or plea and for
39 which the case file does not include final sentencing or other final

- 1 disposition of the case because the case was bound over to the
2 superior court: five years.
- 3 (4) Misdemeanor, except as otherwise specified: five years.
- 4 (5) Misdemeanor alleging a violation of the Vehicle Code,
5 except as otherwise specified: three years.
- 6 (6) Misdemeanor alleging a violation of Section 23103, 23152,
7 or 23153 of the Vehicle Code: 10 years.
- 8 (7) Misdemeanor alleging a violation of Section 14601, 14601.1,
9 20002, 23104, or 23109 of the Vehicle Code: five years.
- 10 (8) Misdemeanor alleging a marijuana violation under
11 subdivision (b), (c), (d), or (e) of Section 11357 of the Health and
12 Safety Code, or subdivision (b) of Section 11360 of the Health
13 and Safety Code in accordance with the procedure set forth in
14 Section 11361.5 of the Health and Safety Code: records shall be
15 destroyed two years from the date of conviction or from the date
16 of arrest if no conviction.
- 17 (9) Misdemeanor, infraction, or civil action alleging a violation
18 of the regulation and licensing of dogs under Sections 30951 to
19 30956, inclusive, of the Food and Agricultural Code or violation
20 of any other local ordinance: three years.
- 21 (10) Misdemeanor action resulting in a requirement that the
22 defendant register as a sex offender pursuant to Section 290 of the
23 Penal Code: 75 years. This paragraph shall apply to records relating
24 to a person convicted on or after *September 20, 2006*, the effective
25 date of Senate Bill 1128 of the 2005–06 Regular Session.
- 26 (11) Infraction, except as otherwise specified: three years.
- 27 (12) Parking infractions, including alleged violations under the
28 stopping, standing, and parking provisions set forth in Chapter 9
29 (commencing with Section 22500) of Division 11 of the Vehicle
30 Code: two years.
- 31 (f) Habeas corpus: same period as period for retention of the
32 records in the underlying case category.
- 33 (g) Juvenile.
- 34 (1) Dependent (Section 300 of the Welfare and Institutions
35 Code): upon reaching age 28 or on written request shall be released
36 to the juvenile five years after jurisdiction over the person has
37 terminated under subdivision (a) of Section 826 of the Welfare
38 and Institutions Code. Sealed records shall be destroyed upon court
39 order five years after the records have been sealed pursuant to
40 subdivision (c) of Section 389 of the Welfare and Institutions Code.

1 (2) Ward (Section 601 of the Welfare and Institutions Code):
2 upon reaching age 21 or on written request shall be released to the
3 juvenile five years after jurisdiction over the person has terminated
4 under subdivision (a) of Section 826 of the Welfare and Institutions
5 Code. Sealed records shall be destroyed upon court order five years
6 after the records have been sealed under subdivision (d) of Section
7 781 of the Welfare and Institutions Code.

8 (3) Ward (Section 602 of the Welfare and Institutions Code):
9 upon reaching age 38 under subdivision (a) of Section 826 of the
10 Welfare and Institutions Code. Sealed records shall be destroyed
11 upon court order when the subject of the record reaches the age
12 of 38 under subdivision (d) of Section 781 of the Welfare and
13 Institutions Code.

14 (4) Traffic and some nontraffic misdemeanors and infractions
15 (Section 601 of the Welfare and Institutions Code): upon reaching
16 age 21 or five years after jurisdiction over the person has terminated
17 under subdivision (c) of Section 826 of the Welfare and Institutions
18 Code. May be microfilmed or photocopied.

19 (5) Marijuana misdemeanor under subdivision (e) of Section
20 11357 of the Health and Safety Code in accordance with procedures
21 specified in subdivision (a) of Section 11361.5 of the Health and
22 Safety Code: upon reaching age 18 the records shall be destroyed.

23 (h) Probate.

24 (1) Conservatorship: 10 years after decree of termination.

25 (2) Guardianship: 10 years after the age of 18.

26 (3) Probate, including probated wills, except as otherwise
27 specified: retain permanently.

28 (i) Court records of the appellate division of the superior court:
29 five years.

30 (j) Other records.

31 (1) Applications in forma pauperis: any time after the disposition
32 of the underlying case.

33 (2) Arrest warrant: same period as period for retention of the
34 records in the underlying case category.

35 (3) Bench warrant: same period as period for retention of the
36 records in the underlying case category.

37 (4) Bond: three years after exoneration and release.

38 (5) Coroner's inquest report: same period as period for retention
39 of the records in the underlying case category; if no case, then
40 permanent.

- 1 (6) Court orders not associated with an underlying case, such
2 as orders for destruction of court records for telephone taps, or to
3 destroy drugs, and other miscellaneous court orders: three years.
- 4 (7) Court reporter notes: 10 years after the notes have been taken
5 in criminal and juvenile proceedings and five years after the notes
6 have been taken in all other proceedings, except notes reporting
7 proceedings in capital felony cases (murder with special
8 circumstances where the prosecution seeks the death penalty and
9 the sentence is death), including notes reporting the preliminary
10 hearing, which shall be retained permanently, unless the Supreme
11 Court on request of the court clerk authorizes the destruction.
- 12 (8) Electronic recordings made as the official record of the oral
13 proceedings under the California Rules of Court: any time after
14 final disposition of the case in infraction and misdemeanor
15 proceedings, 10 years in all other criminal proceedings, and five
16 years in all other proceedings.
- 17 (9) Electronic recordings not made as the official record of the
18 oral proceedings under the California Rules of Court: any time
19 either before or after final disposition of the case.
- 20 (10) Index, except as otherwise specified: retain permanently.
- 21 (11) Index for cases alleging traffic violations: same period as
22 period for retention of the records in the underlying case category.
- 23 (12) Judgments within the jurisdiction of the superior court
24 other than in a limited civil case, misdemeanor case, or infraction
25 case: retain permanently.
- 26 (13) Judgments in misdemeanor cases, infraction cases, and
27 limited civil cases: same period as period for retention of the
28 records in the underlying case category.
- 29 (14) Minutes: same period as period for retention of the records
30 in the underlying case category.
- 31 (15) Naturalization index: retain permanently.
- 32 (16) Ninety-day evaluation (under Section 1203.03 of the Penal
33 Code): same period as period for retention of the records in the
34 underlying case category, or period for completion or termination
35 of probation, whichever is longer.
- 36 (17) Register of actions or docket: same period as period for
37 retention of the records in the underlying case category, but in no
38 event less than 10 years for civil and small claims cases.

1 (18) Search warrant: 10 years, except search warrants issued in
2 connection with a capital felony case defined in paragraph (7),
3 which shall be retained permanently.

4 (k) Retention of any of the court records under this section shall
5 be extended as follows:

6 (1) By order of the court on its own motion, or on application
7 of a party or any interested member of the public for good cause
8 shown and on those terms as are just. A fee shall not be charged
9 for making the application.

10 (2) Upon application and order for renewal of the judgment to
11 the extended time for enforcing the judgment.

12 *SEC. 17. Section 68500.2 is added to the Government Code,*
13 *to read:*

14 *68500.2. Notwithstanding any other provision of law, the*
15 *Judicial Council may offer financial services or benefit programs*
16 *that a judge, justice, or judicial branch employee may choose to*
17 *participate in on a voluntary basis. As used in this section, judicial*
18 *branch employee includes an employee of any entity described in*
19 *Article VI of the California Constitution.*

20 *SEC. 18. Section 68506.5 is added to the Government Code,*
21 *to read:*

22 *68506.5. The Judicial Council shall, after receiving comment*
23 *from the courts, court employee organizations, and other interested*
24 *groups, adopt fiscally responsible travel reimbursement policies,*
25 *procedures, and rates for the judicial branch that provide for*
26 *appropriate accountability.*

27 *SEC. 19. Section 68516 of the Government Code is amended*
28 *to read:*

29 *68516. (a) The Judicial Council is authorized to establish a*
30 *tax-exempt public benefit nonprofit corporation, or other*
31 *tax-exempt entity, qualified under federal and state law to raise*
32 *revenues and receive grants or other financial support from private*
33 *or public sources, for the purposes of undertaking or funding any*
34 *survey, study, publication, proceeding, or other activity authorized*
35 *by law to be undertaken by the Judicial Council.*

36 *(b) The Administrative Office of the Courts may provide*
37 *administrative support and oversight services to a tax-exempt*
38 *public benefit nonprofit corporation or other tax-exempt entity*
39 *established under this section.*

1 SEC. 20. Section 68666 of the Government Code is amended
2 to read:

3 68666. (a) The Supreme Court may compensate counsel
4 representing indigent defendants in automatic appeals arising out
5 of a judgment of death or for state postconviction proceedings in
6 those cases, at a rate of at least one hundred twenty-five dollars
7 (\$125) per allowable hour, as defined by the court's Payment
8 Guidelines for Appointed Counsel Representing Indigent Criminal
9 Appellants. However, nothing in this section is intended to prohibit
10 the hiring of counsel under a flat-fee arrangement.

11 (b) The Supreme Court may set a guideline limitation on
12 investigative and other expenses allowable for counsel to
13 adequately investigate and present collateral claims without an
14 order to show cause.

15 (c) It is the intent of the Legislature that payments to appointed
16 counsel be made within 60 days of submission of a billing.

17 SEC. 21. Section 70603 of the Government Code is amended
18 to read:

19 70603. (a) Except as provided in this section, the fees charged
20 for filings and services under this chapter are intended to be
21 uniform statewide and to be the only allowable fees for those
22 services and filings. The only charges that may be added to the
23 fees in this chapter are the following:

24 (1) In a complex case, the fee provided for in Section 70616
25 may be added to the first paper and first responsive paper filing
26 fees in Sections 70611, 70612, 70613, and 70614.

27 (2) In an unlawful detainer action subject to Section 1161.2 of
28 the Code of Civil Procedure, a charge of fifteen dollars (\$15) as
29 provided under that section may be added to the fee in Section
30 70613 for filing a first appearance by a plaintiff.

31 (3) In Riverside County, a surcharge as provided in Section
32 70622 may be added to the first paper and first responsive paper
33 filing fees in Sections 70611, 70612, 70613, 70614, 70650, 70651,
34 70652, 70653, 70655, and 70670.

35 (4) In San Bernardino County, a surcharge as provided in
36 Section 70624 may be added to the first paper and first responsive
37 paper filing fees in Sections 70611, 70612, 70613, 70614, 70650,
38 70651, 70652, 70653, 70655, and 70670. This paragraph applies
39 to fees collected under Sections 70611, 70612, 70613, 70614,

1 70650, 70651, 70652, 70653, 70655, and 70670, beginning January
2 1, 2006.

3 (5) In the City and County of San Francisco, a surcharge as
4 provided in Section 70625 may be added to the first paper and first
5 responsive paper filing fees in Sections 70611, 70612, 70613,
6 70614, 70650, 70651, 70652, 70653, 70655, and 70670.

7 (b) Notwithstanding paragraph (1) of subdivision (c) of Section
8 68085.3 and paragraph (1) of subdivision (c) of Section 68085.4,
9 when a charge for courthouse construction in the county or city
10 and county of San Francisco, Riverside, or San Bernardino is added
11 to the uniform filing fee as provided under paragraph (3), (4), or
12 (5) of subdivision (a), the amount distributed to the State Court
13 Facilities Construction Fund under Section 68085.3 or 68085.4
14 shall be reduced by an amount equal to the charge added under
15 paragraph (3), (4), or (5) of subdivision (a), up to the amount that
16 would otherwise be distributed to the State Court Facilities
17 Construction Fund. If the amount added under paragraph (3), (4),
18 or (5) of subdivision (a) is greater than the amount that would be
19 distributed to the State Court Facilities Construction Fund under
20 Section 68085.3 or 68085.4, no distribution shall be made to the
21 State Court Facilities Construction Fund, but the amount charged
22 to the party may be greater than the amount of the uniform fee
23 otherwise allowed, in order to collect the surcharge under paragraph
24 (3), (4), or (5) of subdivision (a).

25 (c) If a filing fee is reduced by fifteen dollars (\$15) under
26 subdivision (c) of Section 6322.1 of the Business and Professions
27 Code, and a courthouse construction surcharge is added to the
28 filing fee as provided under paragraph (3), (4), or (5) of subdivision
29 (a), the amount distributed to the State Court Facilities Construction
30 Fund under Section 68085.4 shall be reduced as provided in
31 subdivision (b). If the amount added under paragraph (3), (4), or
32 (5) of subdivision (a) is greater than the amount that would be
33 distributed to the State Court Facilities Construction Fund under
34 Section 68085.4, no distribution shall be made to the State Court
35 Facilities Construction Fund, but the amount charged to the party
36 may be greater than one hundred sixty-five dollars (\$165), in order
37 to collect the surcharge under paragraph (3), (4), or (5) of
38 subdivision (a).

39 SEC. 22. Section 70612 of the Government Code is amended
40 to read:

1 70612. (a) The uniform fee for filing the first paper in the
2 action or proceeding described in Section 70611 on behalf of any
3 defendant, intervenor, respondent, or adverse party, whether
4 separately or jointly, except for the purpose of making disclaimer,
5 is three hundred twenty dollars (\$320). The fee shall be distributed
6 as provided in Section 68085.3.

7 (b) As used in this section, the term “paper” does not include a
8 stipulation for the appointment of a temporary judge or of a court
9 investigator, or the report made by the court investigator.

10 SEC. 23. Section 70613.5 is added to the Government Code,
11 to read:

12 70613.5. (a) Notwithstanding Section 472 of the Code of Civil
13 Procedure, if a plaintiff or petitioner who previously was charged
14 the filing fee under subdivision (b) of Section 70613 files an
15 amended complaint or other initial pleading that increases the
16 amount demanded to an amount that exceeds ten thousand dollars
17 (\$10,000) but does not exceed twenty-five thousand dollars
18 (\$25,000), so that the higher filing fee under subdivision (a) of
19 Section 70613 would have been required if such a demand had
20 been made in the original pleading, a fee equal to the difference
21 between the fee for the original filing fee and the filing fee for the
22 new amount demanded shall be charged to make up the difference
23 between the filing fees. This fee shall be distributed to the Trial
24 Court Trust Fund.

25 (b) Notwithstanding Section 472 of the Code of Civil Procedure,
26 if a party who previously was charged the filing fee under
27 subdivision (b) of Section 70614 files a cross-complaint, amended
28 cross-complaint, or amendment to a cross-complaint demanding
29 an amount that exceeds ten thousand dollars (\$10,000) but does
30 not exceed twenty-five thousand dollars (\$25,000), a fee equal to
31 the difference between the fee for the original filing fee and the
32 filing fee under subdivision (a) of Section 70614 shall be charged
33 to make up the difference between the filing fees. This fee shall
34 be distributed to the Trial Court Trust Fund.

35 (c) The court shall not reimburse a party if the party’s complaint
36 or cross-complaint is amended to demand a lower amount that
37 falls within the range for a filing fee lower than that originally
38 paid.

39 SEC. 24. Section 70615 is added to the Government Code, to
40 read:

1 70615. The fee for filing any of the following appeals to the
2 superior court is twenty-five dollars (\$25):

3 (a) An appeal of a local agency's decision regarding an
4 administrative fine or penalty under Section 53069.4.

5 (b) An appeal under Section 40230 of the Vehicle Code of an
6 administrative agency's decision regarding a parking violation.

7 (c) An appeal under Section 99582 of the Public Utilities Code
8 of a hearing officer's determination regarding an administrative
9 penalty for fare evasion or a passenger conduct violation.

10 SEC. 25. Section 70617 of the Government Code is amended
11 to read:

12 70617. (a) Except as provided in subdivision (d), the uniform
13 fee for filing a motion, application, or any other paper requiring a
14 hearing subsequent to the first paper, is forty dollars (\$40). Papers
15 for which this fee shall be charged include the following:

16 (1) A motion listed in paragraphs (1) to (12), inclusive, of
17 subdivision (a) of Section 1005 of the Code of Civil Procedure.

18 (2) A motion or application to continue a trial date.

19 (3) An application for examination of a third person controlling
20 defendant's property under Section 491.110 or 491.150 of the
21 Code of Civil Procedure.

22 (4) Discovery motions under Title 4 (commencing with Section
23 2016.010) of Part 4 of the Code of Civil Procedure.

24 (5) A motion for a new trial of any civil action or special
25 proceeding.

26 (6) An application for an order for a judgment debtor
27 examination under Section 708.110 or 708.160 of the Code of
28 Civil Procedure.

29 (7) An application for an order of sale of a dwelling under
30 Section 704.750 of the Code of Civil Procedure.

31 (8) An ex parte application that requires a party to give notice
32 of the ex parte appearance to other parties.

33 (b) There shall be no fee under subdivision (a) or (c) for filing
34 any of the following:

35 (1) A motion, application, demurrer, request, notice, or
36 stipulation and order that is the first paper filed in an action and
37 on which a first paper filing fee is paid.

38 (2) An amended notice of motion.

39 (3) A civil case management statement.

40 (4) A request for trial de novo after judicial arbitration.

- 1 (5) A stipulation that does not require an order.
- 2 (6) A request for an order to prevent civil harassment.
- 3 (7) A request for an order to prevent domestic violence.
- 4 (8) A request for entry of default or default judgment.
- 5 (9) A paper requiring a hearing on a petition for emancipation
- 6 of a minor.
- 7 (10) A paper requiring a hearing on a petition for an order to
- 8 prevent abuse of an elder or dependent adult.
- 9 (11) A paper requiring a hearing on a petition for a writ of
- 10 review, mandate, or prohibition.
- 11 (12) A paper requiring a hearing on a petition for a decree of
- 12 change of name or gender.
- 13 (13) A paper requiring a hearing on a petition to approve the
- 14 compromise of a claim of a minor.
- 15 (c) The fee for filing the following papers not requiring a hearing
- 16 is twenty dollars (\$20):
- 17 (1) A request, application, or motion for, or a notice of, the
- 18 continuance of a hearing or case management conference. The fee
- 19 shall be charged no more than once for each continuance. The fee
- 20 shall not be charged if the continuance is required by the court.
- 21 (2) A stipulation and order.
- 22 (3) A request for an order authorizing service of summons by
- 23 posting or by publication under Section 415.45 or 415.50 of the
- 24 Code of Civil Procedure.
- 25 (d) The fee for filing a motion for summary judgment or
- 26 summary adjudication of issues is two hundred dollars (\$200).
- 27 (e) Regardless of whether each motion or matter is heard at a
- 28 single hearing or at separate hearings, the filing fees required by
- 29 subdivisions (a), (c), and (d) apply separately to each motion or
- 30 other paper filed. The Judicial Council may publish rules to give
- 31 uniform guidance to courts in applying fees under this section.
- 32 SEC. 26. Section 70621 of the Government Code is amended
- 33 to read:
- 34 70621. (a) (1) The fee for filing a notice of appeal to the
- 35 appellate division of the superior court in a limited civil case is
- 36 three hundred dollars (\$300), except as provided in subdivision
- 37 (b).
- 38 (2) The fee for filing a petition for a writ within the original
- 39 jurisdiction of the appellate division of the superior court is three
- 40 hundred dollars (\$300), except as provided in subdivision (b).

1 (b) If the amount demanded in the limited civil case, excluding
2 attorney's fees and costs, is ten thousand dollars (\$10,000) or less,
3 the fee for filing a petition for a writ or a notice of appeal to the
4 appellate division of the superior court is one hundred eighty
5 dollars (\$180).

6 (c) The fees provided for in this section shall be distributed as
7 provided in Section 68085.4.

8 (d) The Judicial Council may make rules governing the time
9 and method of payment of the fees in this section and providing
10 for excuse.

11 SEC. 27. Section 70624 of the Government Code is amended
12 to read:

13 70624. (a) In addition to the uniform filing fee authorized
14 pursuant to Section 70611, 70612, 70613, 70614, 70650, 70651,
15 70652, 70653, 70655, or 70670, after giving notice and holding a
16 public hearing on the proposal, the Board of Supervisors of San
17 Bernardino County may impose a surcharge not to exceed
18 thirty-five dollars (\$35) for the filing in superior court of (1) a
19 complaint, petition, or other first paper in a civil, family, or probate
20 action or special proceeding, and (2) a first paper on behalf of any
21 defendant, respondent, intervenor, or adverse party. The county
22 shall notify in writing the superior court and the Administrative
23 Office of the Courts of any change in a surcharge under this section.
24 If a surcharge under this section is imposed on a filing fee, the
25 distribution that would otherwise be made to the State Court
26 Facilities Construction Fund under subdivision (c) of Section
27 68085.3 or subdivision (c) of Section 68085.4 shall be reduced as
28 provided in Section 70603. This section shall apply to fees
29 collected under Sections 70611, 70612, 70613, 70614, 70650,
30 70651, 70652, 70653, 70655, and 70670, beginning January 1,
31 2006.

32 (b) The surcharge shall be in an amount determined to be
33 necessary by the board of supervisors to supplement the Courthouse
34 Construction Fund, to be deposited in that fund and used solely
35 for the purposes authorized for expenditures from that fund,
36 including, but not limited to, earthquake retrofitting, renovation,
37 and remodeling of all portions of the Central San Bernardino
38 Courthouse in need of retrofitting, renovation, or remodeling,
39 whether or not necessitated by the retrofitting work, including the
40 original courthouse built in 1926 and all subsequent additions

1 thereto. Expenditures made from the Courthouse Construction
2 Fund that are funded from the surcharge shall be made in order of
3 priority to ensure that all necessary earthquake retrofitting of the
4 Central San Bernardino Courthouse will be completed. Collection
5 of the surcharge authorized by this section shall terminate upon
6 repayment of the amortized costs incurred, or 30 years from the
7 sale of the bond, whichever occurs first. However, the surcharge
8 shall not apply in instances in which no filing fee is charged or the
9 filing fee is waived. If the amortized costs have been repaid, or 30
10 years have passed since the sale of the bond, the county shall notify
11 in writing the superior court and the Administrative Office of the
12 Courts.

13 SEC. 28. Section 70627 of the Government Code is amended
14 to read:

15 70627. The fees collected under this section shall be distributed
16 to the court in which they were collected.

17 (a) The clerk of the court shall charge fifty cents (\$0.50) per
18 page to cover the cost of preparing copies of any record,
19 proceeding, or paper on file in the clerk's office, except as provided
20 in subdivision (d).

21 (b) For comparing with the original on file in the office of the
22 clerk of any court, the copy of any paper, record, or proceeding
23 prepared by another and presented for the clerk's certificate, the
24 fee is one dollar (\$1) per page, in addition to the fee for the
25 certificate.

26 (c) The fee for a search of records or files conducted by a court
27 employee is five dollars (\$5) for each name, file, or other item of
28 information for which a search is requested. ~~This fee shall not be~~
29 ~~charged when a person requests one search for records of a case~~
30 ~~in which that person is a party, but if the party requests more than~~
31 ~~one search at a time, a five dollar (\$5) fee shall be charged for each~~
32 ~~search after the first search. The fee may be waived in appropriate~~
33 ~~circumstances. The Judicial Council may provide uniform guidance~~
34 ~~to courts on waiving the fee.~~

35 (d) For preparing color copies of any document, the clerk of the
36 court may charge a reasonable fee not to exceed costs.

37 SEC. 29. Section 70631 of the Government Code is amended
38 to read:

39 70631. In the absence of a statute authorizing or prohibiting a
40 fee by the superior court for a particular service or product, the

1 court may charge a reasonable fee not to exceed the costs of
2 providing the service or product, if the Judicial Council approves
3 the fee. The fee shall be distributed to the court in which it was
4 collected.

5 SEC. 30. Section 70633 of the Government Code is amended
6 to read:

7 70633. (a) No fee shall be charged by the clerk for service
8 rendered to the petitioner in any adoption proceeding except as
9 provided in Section 103730 of the Health and Safety Code, nor
10 shall any fees be charged for any service to the state or for any
11 proceeding brought pursuant to Section 7841 of the Family Code
12 to declare a minor free from parental custody or control. No fee
13 shall be charged by the clerk for services rendered in an action to
14 compel registration of a voter under Section 2142 of the Elections
15 Code or to compel counting of provisional ballots under Section
16 14310 of the Elections Code.

17 (b) No fee shall be charged by the clerk for services rendered
18 in any criminal action unless otherwise specifically authorized by
19 law, except that the clerk may charge a fee for making or certifying
20 to a copy of any filed paper, record, or proceeding in a criminal
21 action. If a criminal defendant has been granted a fee waiver or
22 the court finds that the defendant does not have the ability to pay
23 the fee, the court may reduce or waive the fee.

24 (c) Except as permitted in subdivision (b), no fee shall be
25 charged by the clerk for service to any municipality or county in
26 the state, to the state government, nor to the United States of
27 America or any of its officers acting in his or her official capacity.

28 SEC. 31. Section 70650 of the Government Code is amended
29 to read:

30 70650. (a) The uniform filing fee for the first petition for letters
31 of administration or letters testamentary, or the first petition for
32 special letters of administration with the powers of a general
33 personal representative pursuant to Section 8545 of the Probate
34 Code, or a first account of a trustee of a testamentary trust that is
35 subject to the continuing jurisdiction of the court pursuant to
36 Chapter 4 (commencing with Section 17300) of Part 5 of Division
37 9 of the Probate Code is, as follows:

38 (1) Three hundred twenty dollars (\$320) for estates or trusts
39 under two hundred fifty thousand dollars (\$250,000).

1 (2) Three hundred eighty-five dollars (\$385) for estates or trusts
2 of at least two hundred fifty thousand dollars (\$250,000) and less
3 than five hundred thousand dollars (\$500,000).

4 (3) Four hundred eighty-five dollars (\$485) for estates or trusts
5 of at least five hundred thousand dollars (\$500,000) and less than
6 seven hundred fifty thousand dollars (\$750,000).

7 (4) Six hundred thirty-five dollars (\$635) for estates or trusts
8 of at least seven hundred fifty thousand dollars (\$750,000) and
9 less than one million dollars (\$1,000,000).

10 (5) One thousand one hundred thirty-five dollars (\$1,135) for
11 estates or trusts of at least one million dollars (\$1,000,000) and
12 less than one million five hundred thousand dollars (\$1,500,000).

13 (6) Two thousand one hundred thirty-five dollars (\$2,135) for
14 estates or trusts of at least one million five hundred thousand
15 dollars (\$1,500,000) and less than two million dollars (\$2,000,000).

16 (7) Two thousand six hundred thirty-five dollars (\$2,635) for
17 estates or trusts of at least two million dollars (\$2,000,000) and
18 less than two million five hundred thousand dollars (\$2,500,000).

19 (8) Three thousand six hundred thirty-five dollars (\$3,635) for
20 estates or trusts of at least two million five hundred thousand
21 dollars (\$2,500,000) and less than three million five hundred
22 thousand dollars (\$3,500,000).

23 (9) Three thousand six hundred thirty-five dollars (\$3,635) plus
24 0.2 percent of the amount over three million five hundred thousand
25 dollars (\$3,500,000) for estates or trusts of three million five
26 hundred thousand dollars (\$3,500,000) or more.

27 (b) The full uniform filing fee for a petition for letters in a
28 decedent's estate or the first account of a trustee under subdivision
29 (a) shall be determined based on the final appraised value of the
30 estate without reference to encumbrances or other obligations on
31 estate property, or the value of the trust shown in the first account,
32 and is payable as follows:

33 (1) The petitioner for letters under subdivision (a) shall pay the
34 sum of three hundred twenty dollars (\$320) at the time of filing
35 the petition.

36 (2) In a decedent's estate under subdivision (a), the balance of
37 the uniform filing fee, if any, shall be paid by the general personal
38 representative of the estate no later than the date the general
39 personal representative files its final account or report and petition
40 for settlement or for final distribution, under rules adopted by the

1 Judicial Council, without regard to whether the representative was
2 appointed by the court on a petition under subdivision (a) or a
3 petition under subdivision (d).

4 (3) The full uniform filing fee for a trust under subdivision (a)
5 shall be paid when the first account is filed.

6 (c) The uniform filing fee for the first objections to the probate
7 of any will or codicil under Section 8250 of the Probate Code, or
8 the first petition for revocation of probate of any will or codicil
9 under Section 8270 of the Probate Code, is three hundred twenty
10 dollars (\$320). The uniform filing fee for the first petition for
11 special letters of administration without the powers of a general
12 personal representative is the fee provided in Section 70657.5.
13 Where objections to the probate of a will or codicil or a petition
14 for revocation of probate of a will or codicil are filed together with
15 a petition for appointment of a personal representative described
16 in subdivision (d) filed by the same person, only the fee provided
17 in subdivision (d) shall be charged to that person.

18 (d) A fee of three hundred twenty dollars (\$320) shall also be
19 charged for filing each subsequent petition or objections of a type
20 described in subdivision (a) in the same proceeding by a person
21 other than the original petitioner or contestant. The same fee as
22 provided in subdivision (c) shall be charged for filing each
23 subsequent petition or objections of a type described in that
24 subdivision in the same proceeding by a person other than the
25 original petitioner or contestant.

26 (e) Notwithstanding Section 70658.5, if a petition for special
27 letters of administration without the powers of a general personal
28 representative is filed together with a petition for appointment of
29 an administrator with general powers under subdivision (a) or
30 subdivision (d) by the same person, the person filing the petitions
31 shall be charged the applicable filing fees for both petitions.

32 (f) The first three hundred twenty dollars (\$320) of the filing
33 fee charged under this section shall be distributed as provided in
34 Section 68085.3. The remainder shall be distributed to the Trial
35 Court Trust Fund.

36 SEC. 32. Section 70651 of the Government Code is amended
37 to read:

38 70651. (a) The uniform filing fee for objections or any other
39 paper in opposition to a petition or account described in subdivision
40 (a) of Section 70650, other than a petition described in subdivision

1 (d) of Section 70650, is three hundred twenty dollars (\$320). If
2 objections or any other paper in opposition are filed together with
3 a petition described in subdivision (d) of Section 70650 by the
4 same person, only the fee provided in subdivision (d) of Section
5 70650 shall be charged to that person.

6 (b) The uniform filing fee charged under this section shall be
7 distributed as provided in Section 68085.3.

8 SEC. 33. Section 70653 of the Government Code is amended
9 to read:

10 70653. (a) The uniform filing fee for a petition for appointment
11 of a conservator, a guardian of the estate, or a guardian of the
12 person and estate, pursuant to Division 4 (commencing with
13 Section 1400) of the Probate Code, is three hundred twenty dollars
14 (\$320).

15 (b) Except as provided in subdivision (f), the uniform filing fee
16 for objections or any other paper in opposition to a petition under
17 subdivision (a) or (d) is three hundred twenty dollars (\$320).

18 (c) If a competing petition for appointment of a guardian or
19 conservator subject to the fee under subdivision (a) is filed together
20 with opposition to the petition of another by the same person, the
21 person filing the competing petition and opposition shall be charged
22 a filing fee only for the competing petition.

23 (d) Notwithstanding Section 70658.5, if a petition for
24 appointment of a temporary guardian or conservator is filed
25 together with a petition for appointment of a guardian or
26 conservator under subdivision (a), or a competing petition under
27 subdivision (c) by the same person, the person filing the petitions
28 shall be charged the applicable filing fees for both petitions.

29 (e) The uniform filing fee charged under this section shall be
30 distributed as provided in Section 68085.3.

31 (f) No fee under this section shall be charged for objections or
32 any other paper in opposition filed by or on behalf of the proposed
33 conservatee, or the minor or a parent of the minor who is the
34 subject of a guardianship proceeding.

35 SEC. 34. Section 70654 of the Government Code is amended
36 to read:

37 70654. (a) The uniform filing fee for a petition for appointment
38 of a guardian of the person only, is one hundred eighty dollars
39 (\$180).

1 (b) Except as provided in subdivision (e), the uniform filing fee
2 for objections or any other paper in opposition to a petition under
3 subdivision (a) is one hundred eighty dollars (\$180).

4 (c) If a competing petition for appointment of a guardian subject
5 to the fee under subdivision (a) is filed together with opposition
6 to the petition of another by the same person, the person filing the
7 competing petition and opposition shall be charged a filing fee
8 only for the competing petition.

9 (d) Notwithstanding Section 70658.5, if a petition for
10 appointment of a temporary guardian is filed together with a
11 petition for appointment of a guardian under subdivision (a), or a
12 competing petition under subdivision (c) by the same person, the
13 person filing the petitions shall be charged the applicable filing
14 fees for both petitions.

15 (e) No fee under this section shall be charged for objections or
16 any other paper in opposition filed by or on behalf of the minor or
17 a parent of the minor who is the subject of the proceeding.

18 (f) The uniform filing fee charged under this section shall be
19 distributed as provided in Section 68085.4.

20 (g) No other fees shall be charged for filing a paper under this
21 section in addition to the uniform filing fee provided for in this
22 section.

23 SEC. 35. Section 70655 of the Government Code is amended
24 to read:

25 70655. (a) The uniform filing fee for a petition that commences
26 any of the proceedings under the Probate Code listed in subdivision
27 (c) is three hundred twenty dollars (\$320).

28 (b) The uniform filing fee for objections or any other paper filed
29 in opposition to a petition under subdivision (a) is three hundred
30 twenty dollars (\$320).

31 (c) This section applies to petitions or opposition concerning
32 the following proceedings:

33 (1) A petition for compromise of a minor's claim pursuant to
34 Section 3600 of the Probate Code.

35 (2) A petition to determine succession to real property pursuant
36 to Section 13151 of the Probate Code.

37 (3) A spousal or domestic partnership property petition pursuant
38 to Section 13650 of the Probate Code, except as provided in Section
39 13652 of the Probate Code.

1 (4) A petition to establish the fact of death to determine title to
2 real property under Section 200 of the Probate Code.

3 (5) A petition for an order concerning a particular transaction
4 pursuant to Section 3100 of the Probate Code.

5 (6) A petition concerning capacity determination and health
6 care decision for adult without conservator pursuant to Section
7 3200 of the Probate Code.

8 (7) A petition concerning an advance health care directive
9 pursuant to Section 4766 of the Probate Code.

10 (8) A petition concerning a power of attorney pursuant to Section
11 4541 of the Probate Code.

12 (9) A petition for approval, compromise, or settlement of claims
13 against a deceased settlor, or for allocation of amounts due between
14 trusts, pursuant to Section 19020 of the Probate Code.

15 (10) Any other petition that commences a proceeding under the
16 Probate Code not otherwise provided for in this article.

17 (d) The uniform filing fee charged under this section shall be
18 distributed as provided in Section 68085.3.

19 SEC. 36. Section 70657 of the Government Code is amended
20 to read:

21 70657. (a) Except as provided in subdivision (c), the uniform
22 fee for filing a motion or other paper requiring a hearing subsequent
23 to the first paper in a proceeding under the Probate Code, other
24 than a petition or application or opposition described in Sections
25 70657.5 and 70658, is forty dollars (\$40). This fee shall be charged
26 for the following papers:

- 27 (1) Papers listed in subdivision (a) of Section 70617.
- 28 (2) Applications for ex parte relief, whether or not notice of the
29 application to any person is required, except an ex parte petition
30 for discharge of a personal representative, conservator, or guardian
31 upon completion of a court-ordered distribution or transfer, for
32 which no fee shall be charged.

33 (b) There shall be no fee under subdivision (a) for filing any of
34 the papers listed under subdivision (b) of Section 70617.

35 (c) The summary judgment fee provided in subdivision (d) of
36 Section 70617 shall apply to summary judgment motions in
37 proceedings under the Probate Code.

38 (d) Regardless of whether each motion or matter is heard at a
39 single hearing or at separate hearings, the filing fees required by
40 subdivisions (a) and (c) apply separately to each motion or other

1 paper filed. The Judicial Council may publish rules to give uniform
2 guidance to courts in applying fees under this section.

3 SEC. 37. Section 70657.5 is added to the Government Code,
4 to read:

5 70657.5. (a) The uniform fee for filing the following petitions
6 or applications, and objections or other opposition, is forty dollars
7 (\$40):

8 (1) Petitions or applications, or opposition, concerning the
9 internal affairs of a trust that are not subject to the filing fees
10 provided in Section 70650, 70651, or 70652.

11 (2) Petitions or applications, or objections, filed subsequent to
12 issuance of temporary letters of conservatorship or guardianship
13 or letters of conservatorship or guardianship that are not subject
14 to the filing fee provided in subdivision (a) of Section 70658.

15 (3) Petitions or applications, or objections, filed subsequent to
16 issuance of special letters of administration or letters testamentary
17 or of administration in decedent's estate proceedings that are not
18 subject to the filing fee provided in subdivision (a) of Section
19 70658.

20 (4) The first or subsequent petition for special letters of
21 administration without the powers of a general personal
22 representative.

23 (5) The first or subsequent petition for temporary letters of
24 conservatorship or guardianship.

25 (b) No fee is payable under this section for any of the following:

26 (1) A petition or opposition filed subsequent to issuance of
27 letters of temporary guardianship or letters of guardianship in a
28 guardianship described in Section 70654.

29 (2) A petition filed by a personal representative of a decedent's
30 estate commenced on or after August 18, 2003, that is described
31 or referred to in subdivision (d) of Section 70658.

32 (3) A disclaimer of an interest in a decedent's estate.

33 SEC. 38. Section 70658 of the Government Code is amended
34 to read:

35 70658. (a) Except as provided in subdivisions (c) and (d), the
36 uniform fee for filing a petition or application, or objections or
37 any other paper in opposition to a petition or application listed in
38 this subdivision, filed after issuance of letters testamentary, letters
39 of administration, letters of special administration to a personal
40 representative of a decedent's estate, or letters of guardianship or

1 conservatorship, or letters of temporary guardianship or
2 conservatorship to a guardian or conservator, is one hundred eighty
3 dollars (\$180). This section shall apply to the following petitions
4 or applications, or opposition:

5 (1) Petition or application for or opposition to an order directing,
6 authorizing, approving, or confirming the sale, lease, encumbrance,
7 grant of an option, purchase, conveyance, or exchange of property.

8 (2) Petition or application for or opposition to an order settling
9 an account of a fiduciary.

10 (3) Petition or application for or opposition to an order
11 authorizing, instructing, or directing a fiduciary, or approving or
12 confirming the acts of a fiduciary.

13 (4) Petition or application for or opposition to an order fixing,
14 authorizing, allowing, or directing payment of compensation or
15 expenses of an attorney.

16 (5) Petition or application for or opposition to an order fixing,
17 authorizing, allowing, or directing payment of compensation or
18 expenses of a fiduciary.

19 (6) Petition or application for or opposition to an order
20 surcharging or removing a fiduciary.

21 (7) Petition or application for or opposition to an order
22 transferring or authorizing the transfer of the property of an estate
23 to a fiduciary in another jurisdiction.

24 (8) Petition or application for or opposition to an order allowing
25 a fiduciary's request to resign.

26 (9) Petition or application for or opposition to an order
27 adjudicating the merits of a claim made under Part 19 (commencing
28 with Section 850) of Division 2 of the Probate Code.

29 (10) Petition or application for or opposition to an order granting
30 permission to fix the residence of a ward or conservatee at a place
31 not within this state.

32 (11) Petition or application for or opposition to an order
33 directing, authorizing, approving, or modifying payments for
34 support, maintenance, or education of a ward or conservatee or
35 for a person entitled to support, maintenance, or education from a
36 ward or conservatee.

37 (12) Petition or application for or opposition to an order granting
38 or denying a request under Section 2423, concerning payment of
39 surplus income to the relatives of a conservatee, or Section 2580,
40 concerning substituted judgment, of the Probate Code.

1 (13) Petition or application for or opposition to an order affecting
2 the legal capacity of a conservatee pursuant to Chapter 4
3 (commencing with Section 1870) of Part 3 of Division 4 of the
4 Probate Code.

5 (14) Petition or application for or opposition to an order
6 adjudicating the merits of a claim under Article 5 (commencing
7 with Section 2500) of Chapter 6 of Part 4 of Division 4 of the
8 Probate Code.

9 (b) The uniform fee in subdivision (a) shall be distributed as
10 provided in Section 68085.4. No other fee shall be charged for
11 filing a paper under this section in addition to the uniform filing
12 fee provided for in this section.

13 (c) The fee provided in this section shall not be charged for
14 filing any of the following papers:

15 (1) A petition or application, or opposition, in a guardianship
16 proceeding under Section 70654.

17 (2) A disclaimer of an interest in a decedent's estate.

18 (d) The fee provided in this section shall not be charged to a
19 personal representative of a decedent's estate in a proceeding
20 commenced on or after August 18, 2003, for any petition or
21 application filed in the proceeding by the personal representative
22 concerning any of the following actions:

23 (1) Allowance of the personal representative's compensation.

24 (2) Allowance of the compensation for the attorney for the
25 personal representative.

26 (3) Settlement of accounts.

27 (4) Preliminary and final distributions and discharge.

28 (5) Sale of property of the estate to the personal representative
29 or to the attorney for the personal representative.

30 (6) Exchange of property of the estate for property of the
31 personal representative or property of the attorney for the personal
32 representative.

33 (7) Grant of an option to purchase property of the estate to the
34 personal representative or to the attorney for the personal
35 representative.

36 (8) Allowance, payment, or compromise of a claim of the
37 personal representative, or the attorney for the personal
38 representative, against the estate.

1 (9) Compromise or settlement of a claim, action, or proceeding
2 by the estate against the personal representative or the attorney for
3 the personal representative.

4 (10) Extension, renewal, or modification of the terms of a debt
5 or other obligation of the personal representative or the attorney
6 for the personal representative owing to or in favor of the decedent
7 or the estate.

8 (11) Sale, exchange, or grant of an option to purchase real
9 property.

10 (12) Borrowing money with the loan secured by an encumbrance
11 on real property.

12 SEC. 39. Section 70658.5 is added to the Government Code,
13 to read:

14 70658.5. If a petition or application, or opposition to a petition
15 or application, described in Sections 70650 to 70656, inclusive,
16 or Sections 70657.5 to 70658, inclusive, is filed combining requests
17 for relief or opposition to relief that could have been stated in
18 separate petitions or applications, or objections or other opposition,
19 only one filing fee shall be charged under this article. If a filing
20 combines petitions, applications, or objections, or other opposition
21 to a petition or application, that would be subject to different filing
22 fees under this article, the higher of the applicable filing fees shall
23 be charged.

24 SEC. 40. Section 70677 of the Government Code is amended
25 to read:

26 70677. (a) The uniform fee for filing any motion, application,
27 order to show cause, or any other paper requiring a hearing
28 subsequent to the first paper is forty dollars (\$40). Papers for which
29 this fee shall be charged include the following:

- 30 (1) Papers listed in subdivision (a) of Section 70617.
- 31 (2) An order to show cause or notice of motion seeking
32 temporary prejudgment or postjudgment orders, including, but not
33 limited to, orders to establish, modify, or enforce child, spousal,
34 or partner support, custody and visitation of children, division and
35 control of property, attorney’s fees, and bifurcation of issues.

36 (b) There shall be no fee under subdivision (a) of this section
37 for filing any of the following:

- 38 (1) A motion, motion to quash proceeding, application, or
39 demurrer that is the first paper filed in an action and on which a
40 first paper filing fee is paid.

1 (2) An amended notice of motion or amended order to show
2 cause.

3 (3) A statement to register foreign support under Section 4951
4 of the Family Code.

5 (4) An application to determine the judgment after entry of
6 default.

7 (5) A request for an order to prevent domestic violence.

8 (6) A paper requiring a hearing on a petition for writ of review,
9 mandate, or prohibition that is the first paper filed in an action and
10 on which a first paper filing fee has been paid.

11 (7) A stipulation that does not require an order.

12 (c) The uniform fee for filing the following papers not requiring
13 a hearing is twenty dollars (\$20):

14 (1) A request, application, or motion for the continuance of a
15 hearing or case management conference.

16 (2) A stipulation and order.

17 (d) Regardless of whether each motion or matter is heard at a
18 single hearing or at separate hearings, the filing fees required under
19 paragraph (1) of subdivision (a) and under subdivision (c) apply
20 separately to each motion or other paper filed. If an order to show
21 cause or notice of motion is filed as specified in paragraph (2) of
22 subdivision (a) combining requests for relief or opposition to relief
23 on more than one issue, only one filing fee shall be charged under
24 this section. The Judicial Council may publish rules to give uniform
25 guidance to courts in applying fees under this section.

26 SEC. 41. Section 11488.5 of the Health and Safety Code is
27 amended to read:

28 11488.5. (a) (1) Any person claiming an interest in the
29 property seized pursuant to Section 11488 may, unless for good
30 cause shown the court extends the time for filing, at any time within
31 30 days from the date of the first publication of the notice of
32 seizure, if that person was not personally served or served by mail,
33 or within 30 days after receipt of actual notice, file with the
34 superior court of the county in which the defendant has been
35 charged with the underlying or related criminal offense or in which
36 the property was seized or, if there was no seizure, in which the
37 property is located, a claim, verified in accordance with Section
38 446 of the Code of Civil Procedure, stating his or her interest in
39 the property. An endorsed copy of the claim shall be served by the
40 claimant on the Attorney General or district attorney, as

1 appropriate, within 30 days of the filing of the claim. The Judicial
2 Council shall develop and approve official forms for the verified
3 claim that is to be filed pursuant to this section. The official forms
4 shall be drafted in nontechnical language, in English and in
5 Spanish, and shall be made available through the office of the clerk
6 of the appropriate court.

7 (2) Any person who claims that the property was assigned to
8 him or to her prior to the seizure or notification of pending
9 forfeiture of the property under this chapter, whichever occurs
10 first, shall file a claim with the court and prosecuting agency
11 pursuant to Section 11488.5 declaring an interest in that property
12 and that interest shall be adjudicated at the forfeiture hearing. The
13 property shall remain under control of the law enforcement or
14 prosecutorial agency until the adjudication of the forfeiture hearing.
15 Seized property shall be protected and its value shall be preserved
16 pending the outcome of the forfeiture proceedings.

17 (3) The clerk of the court shall not charge or collect a fee for
18 the filing of a claim in any case in which the value of the
19 respondent property as specified in the notice is five thousand
20 dollars (\$5,000) or less. If the value of the property as specified
21 in the notice is more than five thousand dollars (\$5,000), the clerk
22 of the court shall charge the filing fee specified in Section 70611
23 of the Government Code.

24 (4) The claim of a law enforcement agency to property seized
25 pursuant to Section 11488 or subject to forfeiture shall have priority
26 over a claim to the seized or forfeitable property made by the
27 Franchise Tax Board in a notice to withhold issued pursuant to
28 Section 18817 or 26132 of the Revenue and Taxation Code.

29 (b) (1) If at the end of the time set forth in subdivision (a) there
30 is no claim on file, the court, upon motion, shall declare the
31 property seized or subject to forfeiture pursuant to subdivisions
32 (a) to (g), inclusive, of Section 11470 forfeited to the state. In
33 moving for a default judgment pursuant to this subdivision, the
34 state or local governmental entity shall be required to establish a
35 prima facie case in support of its petition for forfeiture.

36 (2) The court shall order the forfeited property to be distributed
37 as set forth in Section 11489.

38 (c) (1) If a verified claim is filed, the forfeiture proceeding shall
39 be set for hearing on a day not less than 30 days therefrom, and
40 the proceeding shall have priority over other civil cases. Notice of

1 the hearing shall be given in the same manner as provided in
2 Section 11488.4. Such a verified claim or a claim filed pursuant
3 to subdivision (j) of Section 11488.4 shall not be admissible in the
4 proceedings regarding the underlying or related criminal offense
5 set forth in subdivision (a) of Section 11488.

6 (2) The hearing shall be by jury, unless waived by consent of
7 all parties.

8 (3) The provisions of the Code of Civil Procedure shall apply
9 to proceedings under this chapter unless otherwise inconsistent
10 with the provisions or procedures set forth in this chapter. However,
11 in proceedings under this chapter, there shall be no joinder of
12 actions, coordination of actions, except for forfeiture proceedings,
13 or cross-complaints, and the issues shall be limited strictly to the
14 questions related to this chapter.

15 (d) (1) At the hearing, the state or local governmental entity
16 shall have the burden of establishing, pursuant to subdivision (i)
17 of Section 11488.4, that the owner of any interest in the seized
18 property consented to the use of the property with knowledge that
19 it would be or was used for a purpose for which forfeiture is
20 permitted, in accordance with the burden of proof set forth in
21 subdivision (i) of Section 11488.4.

22 (2) No interest in the seized property shall be affected by a
23 forfeiture decree under this section unless the state or local
24 governmental entity has proven that the owner of that interest
25 consented to the use of the property with knowledge that it would
26 be or was used for the purpose charged. Forfeiture shall be ordered
27 when, at the hearing, the state or local governmental entity has
28 shown that the assets in question are subject to forfeiture pursuant
29 to Section 11470, in accordance with the burden of proof set forth
30 in subdivision (i) of Section 11488.4.

31 (e) The forfeiture hearing shall be continued upon motion of
32 the prosecution or the defendant until after a verdict of guilty on
33 any criminal charges specified in this chapter and pending against
34 the defendant have been decided. The forfeiture hearing shall be
35 conducted in accordance with Sections 190 to 222.5, inclusive,
36 Sections 224 to 234, inclusive, Section 237, and Sections 607 to
37 630, inclusive, of the Code of Civil Procedure if a trial by jury,
38 and by Sections 631 to 636, inclusive, of the Code of Civil
39 Procedure if by the court. Unless the court or jury finds that the
40 seized property was used for a purpose for which forfeiture is

1 permitted, the court shall order the seized property released to the
 2 person it determines is entitled thereto.

3 If the court or jury finds that the seized property was used for a
 4 purpose for which forfeiture is permitted, but does not find that a
 5 person claiming an interest therein, to which the court has
 6 determined he or she is entitled, had actual knowledge that the
 7 seized property would be or was used for a purpose for which
 8 forfeiture is permitted and consented to that use, the court shall
 9 order the seized property released to the claimant.

10 (f) All seized property which was the subject of a contested
 11 forfeiture hearing and which was not released by the court to a
 12 claimant shall be declared by the court to be forfeited to the state,
 13 provided the burden of proof required pursuant to subdivision (i)
 14 of Section 11488.4 has been met. The court shall order the forfeited
 15 property to be distributed as set forth in Section 11489.

16 (g) All seized property which was the subject of the forfeiture
 17 hearing and which was not forfeited shall remain subject to any
 18 order to withhold issued with respect to the property by the
 19 Franchise Tax Board.

20 SEC. 42. Section 98.2 of the Labor Code is amended to read:

21 98.2. (a) Within 10 days after service of notice of an order,
 22 decision, or award the parties may seek review by filing an appeal
 23 to the superior court, where the appeal shall be heard de novo. The
 24 court shall charge the first paper filing fee under Section 70611 of
 25 the Government Code to the party seeking review. The fee shall
 26 be distributed as provided in Section 68085.3 of the Government
 27 Code. A copy of the appeal request shall be served upon the Labor
 28 Commissioner by the appellant. For purposes of computing the
 29 10-day period after service, Section 1013 of the Code of Civil
 30 Procedure is applicable.

31 (b) Whenever an employer files an appeal pursuant to this
 32 section, the employer shall post an undertaking with the reviewing
 33 court in the amount of the order, decision, or award. The
 34 undertaking shall consist of an appeal bond issued by a licensed
 35 surety or a cash deposit with the court in the amount of the order,
 36 decision, or award. The employer shall provide written notification
 37 to the other parties and the Labor Commissioner of the posting of
 38 the undertaking. The undertaking shall be on the condition that, if
 39 any judgment is entered in favor of the employee, the employer
 40 shall pay the amount owed pursuant to the judgment, and if the

1 appeal is withdrawn or dismissed without entry of judgment, the
2 employer shall pay the amount owed pursuant to the order,
3 decision, or award of the Labor Commissioner unless the parties
4 have executed a settlement agreement for payment of some other
5 amount, in which case the employer shall pay the amount that the
6 employer is obligated to pay under the terms of the settlement
7 agreement. If the employer fails to pay the amount owed within
8 10 days of entry of the judgment, dismissal, or withdrawal of the
9 appeal, or the execution of a settlement agreement, a portion of
10 the undertaking equal to the amount owed, or the entire undertaking
11 if the amount owed exceeds the undertaking, is forfeited to the
12 employee.

13 (c) If the party seeking review by filing an appeal to the superior
14 court is unsuccessful in the appeal, the court shall determine the
15 costs and reasonable attorney's fees incurred by the other parties
16 to the appeal, and assess that amount as a cost upon the party filing
17 the appeal. An employee is successful if the court awards an
18 amount greater than zero.

19 (d) If no notice of appeal of the order, decision, or award is filed
20 within the period set forth in subdivision (a), the order, decision,
21 or award shall, in the absence of fraud, be deemed the final order.

22 (e) The Labor Commissioner shall file, within 10 days of the
23 order becoming final pursuant to subdivision (d), a certified copy
24 of the final order with the clerk of the superior court of the
25 appropriate county unless a settlement has been reached by the
26 parties and approved by the Labor Commissioner. Judgment shall
27 be entered immediately by the court clerk in conformity therewith.
28 The judgment so entered has the same force and effect as, and is
29 subject to all of the provisions of law relating to, a judgment in a
30 civil action, and may be enforced in the same manner as any other
31 judgment of the court in which it is entered. Enforcement of the
32 judgment shall receive court priority.

33 (f) (1) In order to ensure that judgments are satisfied, the Labor
34 Commissioner may serve upon the judgment debtor, personally
35 or by first-class mail at the last known address of the judgment
36 debtor listed with the division, a form similar to, and requiring the
37 reporting of the same information as, the form approved or adopted
38 by the Judicial Council for purposes of subdivision (a) of Section
39 116.830 of the Code of Civil Procedure to assist in identifying the
40 nature and location of any assets of the judgment debtor.

1 (2) The judgment debtor shall complete the form and cause it
2 to be delivered to the division at the address listed on the form
3 within 35 days after the form has been served on the judgment
4 debtor, unless the judgment has been satisfied. In case of willful
5 failure by the judgment debtor to comply with this subdivision,
6 the division or the judgment creditor may request the court to apply
7 the sanctions provided in Section 708.170 of the Code of Civil
8 Procedure.

9 (g) Notwithstanding subdivision (e), the Labor Commissioner
10 may stay execution of any judgment entered upon an order,
11 decision, or award that has become final upon good cause appearing
12 therefor and may impose the terms and conditions of the stay of
13 execution. A certified copy of the stay of execution shall be filed
14 with the clerk entering the judgment.

15 (h) When a judgment is satisfied in fact, other than by execution,
16 the Labor Commissioner may, upon the motion of either party or
17 on its own motion, order entry of satisfaction of judgment. The
18 clerk of the court shall enter a satisfaction of judgment upon the
19 filing of a certified copy of the order.

20 (i) The Labor Commissioner shall make every reasonable effort
21 to ensure that judgments are satisfied, including taking all
22 appropriate legal action and requiring the employer to deposit a
23 bond as provided in Section 240.

24 (j) The judgment creditor, or the Labor Commissioner as
25 assignee of the judgment creditor, is entitled to court costs and
26 reasonable attorney's fees for enforcing the judgment that is
27 rendered pursuant to this section.

28 *SEC. 43. Section 1214.1 of the Penal Code is amended to read:*

29 1214.1. (a) In addition to any other penalty in infraction,
30 misdemeanor, or felony cases, the court may impose a civil
31 assessment of up to three hundred dollars (\$300) against any
32 defendant who fails, after notice and without good cause, to appear
33 in court for any proceeding authorized by law or who fails to pay
34 all or any portion of a fine ordered by the court *or to pay an*
35 *installment of bail as agreed to under Section 40510.5 of the*
36 *Vehicle Code*. This assessment shall be deposited in the Trial Court
37 Trust Fund, as provided in Section 68085.1 of the Government
38 Code.

39 (b) The assessment shall not become effective until at least 10
40 calendar days after the court mails a warning notice to the

1 defendant by first-class mail to the address shown on the notice
2 to appear or to the defendant's last known address. If the defendant
3 appears within the time specified in the notice and shows good
4 cause for the failure to appear or for the failure to pay a fine *or*
5 *installment of bail*, the court shall vacate the assessment.

6 (c) If a civil assessment is imposed under this section, no bench
7 warrant or warrant of arrest shall be issued with respect to the
8 failure to appear at the proceeding for which the assessment is
9 imposed or the failure to pay the fine *or installment of bail*. An
10 outstanding, unserved bench warrant or warrant of arrest for a
11 failure to appear or for a failure to pay a fine *or installment of bail*
12 shall be recalled prior to the subsequent imposition of a civil
13 assessment.

14 (d) The assessment imposed under subdivision (a) shall be
15 subject to the due process requirements governing defense and
16 collection of civil money judgments generally.

17 (e) Each court and county shall maintain the collection program
18 that was in effect on July 1, 2005, unless otherwise agreed to by
19 the court and county. If a court and a county do not agree on a plan
20 for the collection of civil assessments imposed pursuant to this
21 section, or any other collections under Section 1463.010, after the
22 implementation of Sections 68085.6 and 68085.7 of the
23 Government Code, the court or the county may request arbitration
24 by a third party mutually agreed upon by the Administrative
25 Director of the Courts and the California State Association of
26 Counties.

27 ~~SEC. 43.~~

28 *SEC. 44.* Section 12028.5 of the Penal Code is amended to
29 read:

30 12028.5. (a) As used in this section, the following definitions
31 shall apply:

32 (1) "Abuse" means any of the following:

33 (A) Intentionally or recklessly to cause or attempt to cause
34 bodily injury.

35 (B) Sexual assault.

36 (C) To place a person in reasonable apprehension of imminent
37 serious bodily injury to that person or to another.

38 (D) To molest, attack, strike, stalk, destroy personal property,
39 or violate the terms of a domestic violence protective order issued

1 pursuant to Part 4 (commencing with Section 6300) of Division
2 10 of the Family Code.

3 (2) “Domestic violence” means abuse perpetrated against any
4 of the following persons:

5 (A) A spouse or former spouse.

6 (B) A cohabitant or former cohabitant, as defined in Section
7 6209 of the Family Code.

8 (C) A person with whom the respondent is having or has had a
9 dating or engagement relationship.

10 (D) A person with whom the respondent has had a child, where
11 the presumption applies that the male parent is the father of the
12 child of the female parent under the Uniform Parentage Act (Part
13 3 (commencing with Section 7600) of Division 12 of the Family
14 Code).

15 (E) A child of a party or a child who is the subject of an action
16 under the Uniform Parentage Act, where the presumption applies
17 that the male parent is the father of the child to be protected.

18 (F) Any other person related by consanguinity or affinity within
19 the second degree.

20 (3) “Deadly weapon” means any weapon, the possession or
21 concealed carrying of which is prohibited by Section 12020.

22 (b) A sheriff, undersheriff, deputy sheriff, marshal, deputy
23 marshal, or police officer of a city, as defined in subdivision (a)
24 of Section 830.1, a peace officer of the Department of the
25 California Highway Patrol, as defined in subdivision (a) of Section
26 830.2, a member of the University of California Police Department,
27 as defined in subdivision (b) of Section 830.2, an officer listed in
28 Section 830.6 while acting in the course and scope of his or her
29 employment as a peace officer, a member of a California State
30 University Police Department, as defined in subdivision (c) of
31 Section 830.2, a peace officer of the Department of Parks and
32 Recreation, as defined in subdivision (f) of Section 830.2, a peace
33 officer, as defined in subdivision (d) of Section 830.31, a peace
34 officer, as defined in subdivisions (a) and (b) of Section 830.32,
35 and a peace officer, as defined in Section 830.5, who is at the scene
36 of a domestic violence incident involving a threat to human life
37 or a physical assault, shall take temporary custody of any firearm
38 or other deadly weapon in plain sight or discovered pursuant to a
39 consensual or other lawful search as necessary for the protection
40 of the peace officer or other persons present. Upon taking custody

1 of a firearm or other deadly weapon, the officer shall give the
2 owner or person who possessed the firearm a receipt. The receipt
3 shall describe the firearm or other deadly weapon and list any
4 identification or serial number on the firearm. The receipt shall
5 indicate where the firearm or other deadly weapon can be
6 recovered, the time limit for recovery as required by this section,
7 and the date after which the owner or possessor can recover the
8 firearm or other deadly weapon. No firearm or other deadly weapon
9 shall be held less than 48 hours. Except as provided in subdivision
10 (f), if a firearm or other deadly weapon is not retained for use as
11 evidence related to criminal charges brought as a result of the
12 domestic violence incident or is not retained because it was illegally
13 possessed, the firearm or other deadly weapon shall be made
14 available to the owner or person who was in lawful possession 48
15 hours after the seizure or as soon thereafter as possible, but no
16 later than five business days after the owner or person who was in
17 lawful possession demonstrates compliance with Section 12021.3.
18 In any civil action or proceeding for the return of firearms or
19 ammunition or other deadly weapon seized by any state or local
20 law enforcement agency and not returned within five business days
21 following the initial seizure, except as provided in subdivision (d),
22 the court shall allow reasonable attorney's fees to the prevailing
23 party.

24 (c) Any peace officer, as defined in subdivisions (a) and (b) of
25 Section 830.32, who takes custody of a firearm or deadly weapon
26 pursuant to this section shall deliver the firearm within 24 hours
27 to the city police department or county sheriff's office in the
28 jurisdiction where the college or school is located.

29 (d) Any firearm or other deadly weapon that has been taken into
30 custody that has been stolen shall be restored to the lawful owner,
31 as soon as its use for evidence has been served, upon his or her
32 identification of the firearm or other deadly weapon and proof of
33 ownership, and after the law enforcement agency has complied
34 with Section 12021.3.

35 (e) Any firearm or other deadly weapon taken into custody and
36 held by a police, university police, or sheriff's department or by
37 a marshal's office, by a peace officer of the Department of the
38 California Highway Patrol, as defined in subdivision (a) of Section
39 830.2, by a peace officer of the Department of Parks and
40 Recreation, as defined in subdivision (f) of Section 830.2, by a

1 peace officer, as defined in subdivision (d) of Section 830.31, or
2 by a peace officer, as defined in Section 830.5, for longer than 12
3 months and not recovered by the owner or person who has lawful
4 possession at the time it was taken into custody, shall be considered
5 a nuisance and sold or destroyed as provided in subdivision (c) of
6 Section 12028. Firearms or other deadly weapons not recovered
7 within 12 months due to an extended hearing process as provided
8 in subdivision (j), are not subject to destruction until the court
9 issues a decision, and then only if the court does not order the
10 return of the firearm or other deadly weapon to the owner.

11 (f) In those cases in which a law enforcement agency has
12 reasonable cause to believe that the return of a firearm or other
13 deadly weapon would be likely to result in endangering the victim
14 or the person reporting the assault or threat, the agency shall advise
15 the owner of the firearm or other deadly weapon, and within 60
16 days of the date of seizure, initiate a petition in superior court to
17 determine if the firearm or other deadly weapon should be returned.
18 The law enforcement agency may make an ex parte application
19 stating good cause for an order extending the time to file a petition.
20 Including any extension of time granted in response to an ex parte
21 request, a petition must be filed within 90 days of the date of
22 seizure of the firearm or other deadly weapon.

23 (g) The law enforcement agency shall inform the owner or
24 person who had lawful possession of the firearm or other deadly
25 weapon, at that person's last known address by registered mail,
26 return receipt requested, that he or she has 30 days from the date
27 of receipt of the notice to respond to the court clerk to confirm his
28 or her desire for a hearing, and that the failure to respond shall
29 result in a default order forfeiting the confiscated firearm or other
30 deadly weapon. For the purposes of this subdivision, the person's
31 last known address shall be presumed to be the address provided
32 to the law enforcement officer by that person at the time of the
33 family violence incident. In the event the person whose firearm or
34 other deadly weapon was seized does not reside at the last address
35 provided to the agency, the agency shall make a diligent, good
36 faith effort to learn the whereabouts of the person and to comply
37 with these notification requirements.

38 (h) If the person requests a hearing, the court clerk shall set a
39 hearing no later than 30 days from receipt of that request. If the
40 request for a hearing is the first responsive paper as described in

1 Section 70612 of the Government Code, the court clerk shall charge
2 the fee prescribed in that section. The court clerk shall notify the
3 person, the law enforcement agency involved, and the district
4 attorney of the date, time, and place of the hearing. Unless it is
5 shown by a preponderance of the evidence that the return of the
6 firearm or other deadly weapon would result in endangering the
7 victim or the person reporting the assault or threat, the court shall
8 order the return of the firearm or other deadly weapon and shall
9 award reasonable attorney's fees to the prevailing party.

10 (i) If the person does not request a hearing or does not otherwise
11 respond within 30 days of the receipt of the notice, the law
12 enforcement agency may file a petition for an order of default and
13 may dispose of the firearm or other deadly weapon as provided in
14 Section 12028.

15 (j) If, at the hearing, the court does not order the return of the
16 firearm or other deadly weapon to the owner or person who had
17 lawful possession, that person may petition the court for a second
18 hearing within 12 months from the date of the initial hearing. If
19 there is a petition for a second hearing, unless it is shown by clear
20 and convincing evidence that the return of the firearm or other
21 deadly weapon would result in endangering the victim or the person
22 reporting the assault or threat, the court shall order the return of
23 the firearm or other deadly weapon and shall award reasonable
24 attorney's fees to the prevailing party. If the owner or person who
25 had lawful possession does not petition the court within this
26 12-month period for a second hearing or is unsuccessful at the
27 second hearing in gaining return of the firearm or other deadly
28 weapon, the firearm or other deadly weapon may be disposed of
29 as provided in Section 12028.

30 (k) The law enforcement agency, or the individual law
31 enforcement officer, shall not be liable for any act in the good faith
32 exercise of this section.

33 ~~SEC. 44.~~

34 *SEC. 45.* Section 99582 of the Public Utilities Code is amended
35 to read:

36 99582. (a) Within 30 calendar days after the mailing or
37 personal delivery of the decision described in subdivision (c) of
38 Section 99581, the person may seek review by filing an appeal to
39 be heard by the superior court where the same shall be heard de
40 novo, except that the contents of the processing agency's file in

1 the case shall be received in evidence. A copy of the notice of fare
2 evasion or passenger conduct violation shall be admitted into
3 evidence as prima facie evidence of the facts stated therein
4 establishing a rebuttable presumption affecting the burden of
5 producing evidence. A copy of the notice of appeal shall be served
6 in person or by first-class mail upon the processing agency by the
7 person filing the appeal. For purposes of computing the
8 30-calendar-day period, Section 1013 of the Code of Civil
9 Procedure shall be applicable. A proceeding under this subdivision
10 is a limited civil case.

11 (b) Notwithstanding any other provision of law, the fee for filing
12 the notice of appeal shall be as provided in Section 70615 of the
13 Government Code. The court shall request that the processing
14 agency's file on the case be forwarded to the court, to be received
15 within 15 calendar days of the request. The court shall notify the
16 appellant of the appearance date by mail or personal delivery. The
17 court shall retain the fee regardless of the outcome of the appeal.
18 If the court finds in favor of the appellant, the amount of the filing
19 fee shall be reimbursed to the appellant by the processing agency.
20 Any deposit of fare evasion or passenger conduct penalty shall be
21 refunded by the processing agency in accordance with the judgment
22 of the court.

23 (c) The conduct of the appeal under this section is a subordinate
24 judicial duty that may be performed by a commissioner and other
25 subordinate judicial officers at the direction of the presiding judge
26 of the court.

27 (d) If a notice of appeal of the processing agency's decision
28 described in subdivision (c) of Section 99581 is not filed within
29 the period set forth in subdivision (a), that decision shall be deemed
30 final.

31 ~~SEC. 45.~~

32 *SEC. 46.* Section 40230 of the Vehicle Code is amended to
33 read:

34 40230. (a) Within 30 calendar days after the mailing or
35 personal delivery of the final decision described in subdivision (b)
36 of Section 40215, the contestant may seek review by filing an
37 appeal to be heard by the superior court where the same shall be
38 heard de novo, except that the contents of the processing agency's
39 file in the case shall be received in evidence. A copy of the notice
40 of parking violation or, if the citation was issued electronically, a

1 true and correct abstract containing the information set forth in the
2 notice of parking violation shall be admitted into evidence as prima
3 facie evidence of the facts stated therein. A copy of the notice of
4 appeal shall be served in person or by first-class mail upon the
5 processing agency by the contestant. For purposes of computing
6 the 30-calendar-day period, Section 1013 of the Code of Civil
7 Procedure shall be applicable. A proceeding under this subdivision
8 is a limited civil case.

9 (b) The fee for filing the notice of appeal is as provided in
10 Section 70615 of the Government Code. The court shall request
11 that the processing agency's file on the case be forwarded to the
12 court, to be received within 15 calendar days of the request. The
13 court shall notify the contestant of the appearance date by mail or
14 personal delivery. The court shall retain the fee under Section
15 70615 of the Government Code regardless of the outcome of the
16 appeal. If the court finds in favor of the contestant, the amount of
17 the fee shall be reimbursed to the contestant by the processing
18 agency. Any deposit of parking penalty shall be refunded by the
19 processing agency in accordance with the judgment of the court.

20 (c) The conduct of the appeal under this section is a subordinate
21 judicial duty that may be performed by traffic trial commissioners
22 and other subordinate judicial officials at the direction of the
23 presiding judge of the court.

24 (d) If no notice of appeal of the processing agency's decision
25 is filed within the period set forth in subdivision (a), the decision
26 shall be deemed final.

27 (e) If the parking penalty has not been deposited and the decision
28 is against the contestant, the processing agency shall, after the
29 decision becomes final, proceed to collect the penalty pursuant to
30 Section 40220.

31 *SEC. 47. Section 40307 of the Vehicle Code is amended to*
32 *read:*

33 40307. (a) When an arresting officer attempts to take a person
34 arrested for a misdemeanor or infraction of this code before a
35 magistrate and the magistrate or person authorized to act for him
36 or her is not available, the arresting officer shall take the person
37 arrested, without unnecessary delay, before *one of the following:*

38 (a)

39 (1) The clerk of the magistrate, who shall admit ~~him~~ *the person*
40 ~~to bail in accordance with~~ *for the full amount set for the offense*

1 in a schedule fixed as provided in Section 1269b of the Penal Code;
 2 or.

3 (b)

4 (2) The officer in charge of the most accessible county or city
 5 jail or other place of detention within the county, who shall admit
 6 ~~him~~ *the person* to bail ~~in accordance with~~ *for the full amount set*
 7 *for the offense* in a schedule fixed as provided in Section 1269b
 8 of the Penal Code or may, in lieu of bail, release the person on his
 9 or her written promise to appear as provided in subdivisions (a)
 10 ~~through~~ to (f), *inclusive*, of Section 853.6 of the Penal Code.

11 ~~Whenever~~

12 (b) *Whenever* a person is taken into custody pursuant to
 13 subdivision (a) of Section 40302 and is arrested for a misdemeanor
 14 or infraction of this code pertaining to the operation of a motor
 15 vehicle, the officer in charge of the most accessible county or city
 16 jail or other place of detention within the county may detain the
 17 person arrested for a reasonable period of time, not to exceed two
 18 hours, in order to verify his or her identity.

19 SEC. 48. Section 40508 of the Vehicle Code is amended to
 20 read:

21 40508. (a) A person willfully violating his or her written
 22 promise to appear or a lawfully granted continuance of his or her
 23 promise to appear in court or before a person authorized to receive
 24 a deposit of bail is guilty of a misdemeanor regardless of the
 25 disposition of the charge upon which he or she was originally
 26 arrested.

27 (b) A person willfully failing to pay *bail in installments as*
 28 *agreed to under Section 40510.5* or a lawfully imposed fine for a
 29 violation of a provision of this code or a local ordinance adopted
 30 pursuant to this code within the time authorized by the court and
 31 without lawful excuse having been presented to the court on or
 32 before the date the *bail or* fine is due is guilty of a misdemeanor
 33 regardless of the full payment of the *bail or* fine after that time.

34 (c) A person willfully failing to comply with a condition of a
 35 court order for a violation of this code, other than for failure to
 36 appear or failure to pay a fine, is guilty of a misdemeanor,
 37 regardless of his or her subsequent compliance with the order.

38 (d) If a person convicted of an infraction fails to pay *bail in*
 39 *installments as agreed to under Section 40510.5*, or a fine or an
 40 installment thereof, within the time authorized by the court, the

1 court may, except as otherwise provided in this subdivision,
2 impound the person's driver's license and order the person not to
3 drive for a period not to exceed 30 days. Before returning the
4 license to the person, the court shall endorse on the reverse side
5 of the license that the person was ordered not to drive, the period
6 for which that order was made, and the name of the court making
7 the order. If a defendant with a class C or M driver's license
8 satisfies the court that impounding his or her driver's license and
9 ordering the defendant not to drive will affect his or her livelihood,
10 the court shall order that the person limit his or her driving for a
11 period not to exceed 30 days to driving that is essential in the
12 court's determination to the person's employment, including the
13 person's driving to and from his or her place of employment if
14 other means of transportation are not reasonably available. The
15 court shall provide for the endorsement of the limitation on the
16 person's license. The impounding of the license and ordering the
17 person not to drive or the order limiting the person's driving does
18 not constitute a suspension of the license, but a violation of the
19 order constitutes contempt of court.

20 *SEC. 49. Section 40509 of the Vehicle Code is amended to*
21 *read:*

22 40509. (a) Except as required under subdivision (c) of Section
23 40509.5, if any person has violated a written promise to appear or
24 a lawfully granted continuance of his or her promise to appear in
25 court or before the person authorized to receive a deposit of bail,
26 or violated an order to appear in court, including, but not limited
27 to, a written notice to appear issued in accordance with Section
28 40518, the magistrate or clerk of the court may give notice of the
29 failure to appear to the department for any violation of this code,
30 or any violation that can be heard by a juvenile traffic hearing
31 referee pursuant to Section 256 of the Welfare and Institutions
32 Code, or any violation of any other statute relating to the safe
33 operation of a vehicle, except violations not required to be reported
34 pursuant to paragraphs (1), (2), (3), (6), and (7) of subdivision (b)
35 of Section 1803. If thereafter the case in which the promise was
36 given is adjudicated or the person who has violated the court order
37 appears in court or otherwise satisfies the order of the court, the
38 magistrate or clerk of the court hearing the case shall sign and file
39 with the department a certificate to that effect.

1 (b) If any person has willfully failed to pay a lawfully imposed
2 fine within the time authorized by the court or to pay a fine
3 pursuant to subdivision (a) of Section 42003, the magistrate or
4 clerk of the court may give notice of the fact to the department for
5 any violation, except violations not required to be reported pursuant
6 to paragraphs (1), (2), (3), (6), and (7) of subdivision (b) of Section
7 1803. If thereafter the fine is fully paid, the magistrate or clerk of
8 the court shall issue and file with the department a certificate
9 showing that the fine has been paid.

10 (c) (1) Notwithstanding subdivisions (a) and (b), the court may
11 notify the department of the total amount of bail, fines,
12 assessments, and fees authorized or required by this code, including
13 Section 40508.5, which are unpaid by any person.

14 (2) Once a court has established the amount of ~~a fine and any~~
15 *bail, fines, assessments, and fees*, and notified the department, the
16 court shall not further enhance or modify that amount.

17 (3) This subdivision applies only to violations of this code that
18 do not require a mandatory court appearance, are not contested by
19 the defendant, and do not require proof of correction certified by
20 the court.

21 (d) With respect to a violation of this code, this section is
22 applicable to any court which has not elected to be subject to the
23 notice requirements of subdivision (b) of Section 40509.5.

24 (e) Any violation subject to Section 40001, which is the
25 responsibility of the owner of the vehicle, shall not be reported
26 under this section.

27 *SEC. 50. Section 40509.5 of the Vehicle Code is amended to*
28 *read:*

29 40509.5. (a) Except as required under subdivision (c), if, with
30 respect to an offense described in subdivision (e), any person has
31 violated his or her written promise to appear or a lawfully granted
32 continuance of his or her promise to appear in court or before the
33 person authorized to receive a deposit of bail, or violated an order
34 to appear in court, including, but not limited to, a written notice
35 to appear issued in accordance with Section 40518, the magistrate
36 or clerk of the court may give notice of the failure to appear to the
37 department for any violation of this code, any violation that can
38 be heard by a juvenile traffic hearing referee pursuant to Section
39 256 of the Welfare and Institutions Code, or any violation of any
40 other statute relating to the safe operation of a vehicle, except

1 violations not required to be reported pursuant to paragraphs (1),
2 (2), (3), (6), and (7) of subdivision (b) of Section 1803. If thereafter
3 the case in which the promise was given is adjudicated or the
4 person who has violated the court order appears in court and
5 satisfies the order of the court, the magistrate or clerk of the court
6 hearing the case shall sign and file with the department a certificate
7 to that effect.

8 (b) If, with respect to an offense described in subdivision (e),
9 any person has willfully failed to pay a lawfully imposed fine, *or*
10 *bail in installments as agreed to under Section 40510.5*, within
11 the time authorized by the court or to pay a fine pursuant to
12 subdivision (a) of Section 42003, the magistrate or clerk of the
13 court may give notice of the fact to the department for any
14 violation, except violations not required to be reported pursuant
15 to paragraphs (1), (2), (3), (6), and (7) of subdivision (b) of Section
16 1803. If thereafter the fine *or bail* is fully paid, the magistrate or
17 clerk of the court shall issue and file with the department a
18 certificate showing that the fine *or bail* has been paid.

19 (c) If any person charged with a violation of Section 23152 or
20 23153, or Section 191.5 of the Penal Code, or paragraph (3) of
21 subdivision (c) of Section 192 of that code has violated a lawfully
22 granted continuance of his or her promise to appear in court or is
23 released from custody on his or her own recognizance and fails to
24 appear in court or before the person authorized to receive a deposit
25 of bail, or violated an order to appear in court, the magistrate or
26 clerk of the court shall give notice to the department of the failure
27 to appear. If thereafter the case in which the notice was given is
28 adjudicated or the person who has violated the court order appears
29 in court or otherwise satisfies the order of the court, the magistrate
30 or clerk of the court hearing the case shall prepare and forward to
31 the department a certificate to that effect.

32 (d) Except as required under subdivision (c), the court shall mail
33 a courtesy warning notice to the defendant by first-class mail at
34 the address shown on the notice to appear, at least 10 days before
35 sending a notice to the department under this section.

36 (e) If the court notifies the department of a failure to appear or
37 pay a fine *or bail* pursuant to subdivision (a) or (b), no arrest
38 warrant shall be issued for an alleged violation of subdivision (a)
39 or (b) of Section 40508, unless one of the following criteria is met:

40 (1) The alleged underlying offense is a misdemeanor or felony.

1 (2) The alleged underlying offense is a violation of any provision
2 of Division 12 (commencing with Section 24000), Division 13
3 (commencing with Section 29000), or Division 15 (commencing
4 with Section 35000), required to be reported pursuant to Section
5 1803.

6 (3) The driver's record does not show that the defendant has a
7 valid California driver's license.

8 (4) The driver's record shows an unresolved charge that the
9 defendant is in violation of his or her written promise to appear
10 for one or more other alleged violations of the law.

11 (f) Except as required under subdivision (c), in addition to the
12 proceedings described in this section, the court may elect to notify
13 the department pursuant to subdivision (c) of Section 40509.

14 (g) This section is applicable to courts which have elected to
15 provide notice pursuant to subdivision (b). The method of
16 commencing or terminating an election to proceed under this
17 section shall be prescribed by the department.

18 (h) Any violation subject to Section 40001, which is the
19 responsibility of the owner of the vehicle, shall not be reported
20 under this section.

21 *SEC. 51. Section 40510.5 is added to the Vehicle Code, to*
22 *read:*

23 *40510.5. (a) The clerk of the court may accept a payment and*
24 *forfeiture of at least 25 percent of the total bail amount for each*
25 *infraction violation of this code prior to the date on which the*
26 *defendant promised to appear, or prior to the expiration of any*
27 *lawful continuance of that date, or upon receipt of information*
28 *that an action has been filed and prior to the scheduled court date,*
29 *if all of the following circumstances exist:*

30 *(1) The defendant is charged with a nonparking infraction*
31 *violation of this code or an infraction violation of an ordinance*
32 *adopted pursuant to this code.*

33 *(2) The defendant submits proof of correction, when proof of*
34 *correction is required to be certified by the court for a correctable*
35 *offense.*

36 *(3) The offense does not require an appearance in court.*

37 *(4) The defendant signs a written agreement to pay and forfeit*
38 *the remainder of the required bail according to an installment*
39 *schedule as agreed upon with the court. The Judicial Council shall*

1 *prescribe the form of the agreement for payment and forfeiture of*
2 *bail in installments for infraction violations.*

3 *(b) When a clerk accepts an agreement for payment and*
4 *forfeiture of bail in installments, the clerk shall continue the*
5 *appearance date of the defendant to the date to complete payment*
6 *and forfeiture of bail in the agreement.*

7 *(c) Except for subdivisions (b) and (c) of Section 1269b and*
8 *Section 1305.1, the provisions of Chapter 1 (commencing with*
9 *Section 1268) of Title 10 of Part 2 of the Penal Code do not apply*
10 *to an agreement to pay and forfeit bail in installments under this*
11 *section.*

12 *(d) For the purposes of reporting violations of this code to the*
13 *department under Section 1803, the date that the defendant signs*
14 *an agreement to pay and forfeit bail in installments shall be*
15 *reported as the date of conviction.*

16 *(e) When the defendant fails to make an installment payment*
17 *according to an agreement under subdivision (a) above, the court*
18 *may charge a failure to appear or pay under Section 40508 and*
19 *impose a civil assessment as provided in Section 1214.1 of the*
20 *Penal Code or issue an arrest warrant for a failure to appear.*

21 *(f) Payment of a bail amount under this section is forfeited when*
22 *collected and shall be distributed by the court in the same manner*
23 *as other fines, penalties, and forfeitures collected for infractions.*

24 *(g) A clerk shall collect a fee of up to thirty-five dollars (\$35)*
25 *to cover the cost of processing an installment payment of bail*
26 *under this section.*

27 *SEC. 52. Section 40512 of the Vehicle Code is amended to*
28 *read:*

29 40512. (a) (1) Except as specified in paragraph (2) and
30 subdivision (b), if at the time the case is called for arraignment
31 before the magistrate the defendant does not appear, either in
32 person or by counsel, the magistrate may declare the bail forfeited
33 and may, in his or her discretion, order that no further proceedings
34 be had in the case, unless the defendant has been charged with a
35 violation of Section 23111 or 23112, or subdivision (a) of Section
36 23113, and he or she has been previously convicted of the same
37 offense, except if the magistrate finds that undue hardship will be
38 imposed upon the defendant by requiring him or her to appear, the
39 magistrate may declare the bail forfeited and order that no further
40 proceedings shall be had in the case.

1 (2) If the defendant has posted surety bail and the magistrate
2 has ordered the bail forfeited and that no further proceedings shall
3 be had in the case, the bail retains the right to obtain relief from
4 the forfeiture as provided in Section 1305 of the Penal Code if the
5 amount of the bond, money, or property deposited exceeds seven
6 hundred dollars (\$700).

7 (b) (1) *If, at the time the case is called for a compliance*
8 *appearance before the magistrate, the defendant has entered into*
9 *a bail installment agreement pursuant to Section 40510.5 but has*
10 *not made an installment payment as agreed and does not appear,*
11 *either in person or by counsel, the court may continue the*
12 *arraignment to a date beyond the last agreed upon installment*
13 *payment, issue a warrant of arrest, or impose a civil assessment*
14 *as provided in Section 1214.1 of the Penal Code for the failure to*
15 *appear.*

16 (2) *If, at the time the case is called for a compliance appearance*
17 *before the magistrate, the defendant has paid all required bail*
18 *funds and the defendant does not appear, either in person or by*
19 *counsel, the court may order that no further proceedings shall be*
20 *had in the case, unless the defendant has been charged with a*
21 *violation of Section 23111 or 23112, or subdivision (a) of Section*
22 *23113, and he or she has been previously convicted of the same*
23 *offense, except that if the magistrate finds that undue hardship*
24 *will be imposed upon the defendant by requiring him or her to*
25 *appear, the magistrate may order that no further proceedings shall*
26 *be had in the case.*

27 ~~(b)~~

28 (c) Upon the making of the order that no further proceedings
29 shall be had, all sums deposited as bail shall be paid into the city
30 or county treasury, as the case may be.

31 ~~(e)~~

32 (d) If a guaranteed traffic arrest bail bond certificate has been
33 filed, the clerk of the court shall bill the issuer for the amount of
34 bail fixed by the uniform countywide schedule of bail required
35 under subdivision (c) of Section 1269b of the Penal Code.

36 ~~(d)~~

37 (e) Upon presentation by a court of the bill for a fine or bail
38 assessed against an individual covered by a guaranteed traffic
39 arrest bail bond certificate, the issuer shall pay to the court the

1 amount of the fine or forfeited bail that is within the maximum
2 amount guaranteed by the terms of the certificate.

3 (e)

4 (f) The court shall return the guaranteed traffic arrest bail bond
5 certificate to the issuer upon receipt of payment in accordance with
6 subdivision (d).

7 *SEC. 53. Section 40512.6 of the Vehicle Code is amended to*
8 *read:*

9 40512.6. If a defendant who elects to attend a traffic violator
10 school in accordance with Section 42005 *and has paid the full*
11 *traffic violator school fee under Section 42007* fails to submit proof
12 of completion within the time ordered by the court or any extension
13 thereof, the court may, following notice to the defendant, order
14 that the fee paid by the defendant be converted to bail and declare
15 the bail forfeited. The bail forfeiture under this section shall be
16 distributed as provided by Section 42007. Upon forfeiture of the
17 bail, the court may order that no further proceedings shall be had
18 in the case.

19 *SEC. 54. Section 40515 of the Vehicle Code is amended to*
20 *read:*

21 40515. (a) When a person signs a written promise to appear
22 or is granted a continuance of his *or her* promise to appear at the
23 time and place specified in the written promise to appear or the
24 continuance thereof, and has not posted *full bail or has failed to*
25 *pay an installment of bail as agreed to under Section 40510.5*, the
26 magistrate may issue and have delivered for execution a warrant
27 for his *or her* arrest within 20 days after his *or her* failure to appear
28 before the magistrate *or pay an installment of bail as agreed*, or
29 if the person promises to appear before an officer authorized to
30 accept bail other than a magistrate and fails to do so on or before
31 the date on which he *or she* promised to appear, then, within 20
32 days after the delivery of the written promise to appear by the
33 officer to a magistrate having jurisdiction over the offense.

34 (b) When the person violates his *or her* promise to appear before
35 an officer authorized to receive bail other than a magistrate, the
36 officer shall immediately deliver to a magistrate having jurisdiction
37 over the offense charged the written promise to appear and the
38 complaint, if any, filed by the arresting officer.

39 *SEC. 55. Section 40521 of the Vehicle Code is amended to*
40 *read:*

1 40521. (a) Except when personal appearance is required by
2 the bail schedule established under Section 1269b of the Penal
3 Code, a person to whom a notice to appear has been issued under
4 Section 40500, who intends to forfeit bail and to pay any
5 assessment may forward by United States mail the *full* amount
6 fixed as bail, together with the appropriate amount of any
7 assessment, to the person authorized to receive a deposit of bail.
8 The amounts may be paid in the form of a personal check which
9 meets the criteria established pursuant to subdivision (c) of Section
10 40510, or a bank cashier's check or a money order. Bail and any
11 assessment shall be paid not later than the day of appearance set
12 forth in the notice to appear or prior to the expiration of any lawful
13 continuance of that date.

14 (b) Bail forwarded by mail is effective only when the funds are
15 actually received.

16 (c) *Paragraph (1) of subdivision (a) of Section 40512 is*
17 *applicable to bail paid pursuant to this section. Upon the making*
18 *of the order pursuant to Section 40512 that no further proceedings*
19 *be had, the amount paid as bail shall be paid into the city or county*
20 *treasury, as the case may be, and the assessment shall be*
21 *transmitted to the State Treasury in the manner provided in Section*
22 *1464 of the Penal Code.*

23 *SEC. 56. Section 42006 of the Vehicle Code is amended to*
24 *read:*

25 42006. (a) Except as provided in subdivision (c), there may
26 be levied a special assessment in an amount equal to one dollar
27 (\$1) for every fine ~~and~~, forfeiture, *and traffic violator school fee*
28 imposed and collected by any court ~~which~~ *that* conducts a night
29 *or weekend* session of the court, on all offenses involving a
30 violation of a section of this code or any local ordinance adopted
31 pursuant to this code, except offenses relating to parking.

32 (b) When a person makes a deposit of bail for an offense to
33 which this section applies, in a case in which the person is required
34 to appear in a court ~~which~~ *that* conducts a night *or weekend* session,
35 the person making the deposit shall also deposit a sufficient amount
36 to include the assessment prescribed in this section for forfeited
37 bail. If bail is forfeited, the amount of the assessment shall be
38 transmitted by the clerk of the court to the county treasury for
39 disposition as prescribed by subdivision (d).

1 (c) If a court conducts *night or weekend* sessions at two or more
2 locations, the court may do either of the following:

3 (1) Levy assessments only on those persons who are required
4 to appear at the location where *night or weekend* sessions are held.

5 (2) Levy assessments on persons who have the option to appear
6 at a location where *night or weekend* court sessions are held and
7 that location is within 25 miles of the location of the court where
8 the person is otherwise required to appear, ~~if the court prepares~~
9 ~~and submits a report to the Legislative Analyst on or before~~
10 ~~February 1, 1986, which itemizes the additional costs of the night~~
11 ~~court session or sessions for the calendar years of 1983, 1984, and~~
12 ~~1985, and the revenues received from the assessment levied under~~
13 ~~subdivision (a) in those calendar years.~~

14 (d) After a determination by the court of the amount of the
15 assessment due, the clerk of the court shall collect the amount and
16 transmit it to the county treasury to be deposited in the night court
17 session fund, and the money in the fund shall be expended by the
18 county for maintaining courts in the county ~~which~~ *that* have *night*
19 *or weekend* sessions for traffic offenses.

20 (e) In any case where a person convicted of any offense to which
21 this section applies is imprisoned until the fine is satisfied, the
22 ~~judge court~~ shall waive the penalty assessment.

23 *SEC. 57. Section 42007 of the Vehicle Code is amended to*
24 *read:*

25 42007. (a) (1) The clerk of the court shall collect a fee from
26 every person who is ordered or permitted to attend a traffic violator
27 school pursuant to Section 42005 or who attends any other
28 court-supervised program of traffic safety instruction. The fee shall
29 be in an amount equal to the total bail set forth for the eligible
30 offense on the uniform countywide bail schedule. As used in this
31 subdivision, “total bail” means the amount established pursuant
32 to Section 1269b of the Penal Code in accordance with the Uniform
33 Statewide Bail Schedule adopted by the Judicial Council, including
34 all assessments, surcharges, and penalty amounts. Where multiple
35 offenses are charged in a single notice to appear, the “total bail”
36 is the amount applicable for the greater of the qualifying offenses.
37 However, the court may determine a lesser fee under this
38 subdivision upon a showing that the defendant is unable to pay
39 the full amount.

1 The fee shall not include the cost, or any part thereof, of traffic
2 safety instruction offered by the school or other program.

3 (2) *The clerk may accept from a defendant who is ordered or*
4 *permitted to attend traffic violator school a payment of at least 25*
5 *percent of the fee required by paragraph (1) upon filing a written*
6 *agreement by the defendant to pay the remainder of the fee*
7 *according to an installment payment schedule of no more than 90*
8 *days as agreed upon with the court. The Judicial Council shall*
9 *prescribe the form of the agreement for payment of the fee in*
10 *installments. When the defendant signs the Judicial Council form*
11 *for payment of the fee in installments, the court shall continue the*
12 *case to the date in the agreement to complete payment of the fee*
13 *and submit the certificate of completion of traffic violator school*
14 *to the court. The clerk shall collect a fee of up to thirty-five dollars*
15 *(\$35) to cover the cost of processing an installment payment of*
16 *the traffic violator school fee under this paragraph.*

17 (3) *When a defendant fails to make an installment payment of*
18 *the fee according to an installment agreement, the court may*
19 *convert the fee to bail, declare it forfeited, and report the forfeiture*
20 *as a conviction under Section 1803. The court may also charge a*
21 *failure to pay under Section 40508 and impose a civil assessment*
22 *as provided in Section 1214.1 of the Penal Code or issue an arrest*
23 *warrant for a failure to pay.*

24 (b) Revenues derived from the fee collected under this section
25 shall be deposited in accordance with Section 68084 of the
26 Government Code in the general fund of the county and, as may
27 be applicable, distributed as follows:

28 (1) In any county in which a fund is established pursuant to
29 Section 76100 or 76101 of the Government Code, the sum of one
30 dollar (\$1) for each fund so established shall be deposited with the
31 county treasurer and placed in that fund.

32 (2) In any county that has established a Maddy Emergency
33 Medical Services Fund pursuant to Section 1797.98a of the Health
34 and Safety Code, an amount equal to the sum of each two dollars
35 (\$2) for every seven dollars (\$7) that would have been collected
36 pursuant to Section 76000 of the Government Code shall be
37 deposited in that fund. Nothing in the act that added this paragraph
38 shall be interpreted in a manner that would result in either of the
39 following:

1 (A) The utilization of penalty assessment funds that had been
2 set aside, on or before January 1, 2000, to finance debt service on
3 a capital facility that existed before January 1, 2000.

4 (B) The reduction of the availability of penalty assessment
5 revenues that had been pledged, on or before January 1, 2000, as
6 a means of financing a facility which was approved by a county
7 board of supervisors, but on January 1, 2000, is not under
8 construction.

9 (3) The amount of the fee that is attributable to Section 70372
10 of the Government Code shall be transferred pursuant to
11 subdivision (f) of that section.

12 (c) For fees resulting from city arrests, an amount equal to the
13 amount of base fines that would have been deposited in the treasury
14 of the appropriate city pursuant to paragraph (3) of subdivision
15 (b) of Section 1463.001 of the Penal Code shall be deposited in
16 the treasury of the appropriate city.

17 (d) As used in this section, “court-supervised program” includes,
18 but is not limited to, any program of traffic safety instruction the
19 successful completion of which is accepted by the court in lieu of
20 adjudicating a violation of this code.

21 (e) The clerk of the court, in a county that offers traffic school
22 shall include in any courtesy notice mailed to a defendant for an
23 offense that qualifies for traffic school attendance the following
24 statement:

25 NOTICE: If you are eligible and decide not to attend traffic
26 school your automobile insurance may be adversely affected.

27 ~~SEC. 46.~~

28 SEC. 58. Section 8102 of the Welfare and Institutions Code is
29 amended to read:

30 8102. (a) Whenever a person, who has been detained or
31 apprehended for examination of his or her mental condition or
32 who is a person described in Section 8100 or 8103, is found to
33 own, have in his or her possession or under his or her control, any
34 firearm whatsoever, or any other deadly weapon, the firearm or
35 other deadly weapon shall be confiscated by any law enforcement
36 agency or peace officer, who shall retain custody of the firearm
37 or other deadly weapon.

38 “Deadly weapon,” as used in this section, has the meaning
39 prescribed by Section 8100.

1 (b) Upon confiscation of any firearm or other deadly weapon
2 from a person who has been detained or apprehended for
3 examination of his or her mental condition, the peace officer or
4 law enforcement agency shall notify the person of the procedure
5 for the return of any firearm or other deadly weapon which has
6 been confiscated.

7 Where the person is released, the professional person in charge
8 of the facility, or his or her designee, shall notify the person of the
9 procedure for the return of any firearm or other deadly weapon
10 which may have been confiscated.

11 Health facility personnel shall notify the confiscating law
12 enforcement agency upon release of the detained person, and shall
13 make a notation to the effect that the facility provided the required
14 notice to the person regarding the procedure to obtain return of
15 any confiscated firearm.

16 (c) Upon the release of a person as described in subdivision (b),
17 the confiscating law enforcement agency shall have 30 days to
18 initiate a petition in the superior court for a hearing to determine
19 whether the return of a firearm or other deadly weapon would be
20 likely to result in endangering the person or others, and to send a
21 notice advising the person of his or her right to a hearing on this
22 issue. The law enforcement agency may make an ex parte
23 application stating good cause for an order extending the time to
24 file a petition. Including any extension of time granted in response
25 to an ex parte request, a petition must be filed within 60 days of
26 the release of the person from a health facility.

27 (d) If the law enforcement agency does not initiate proceedings
28 within the 30-day period, or the period of time authorized by the
29 court in an ex parte order issued pursuant to subdivision (c), it
30 shall make the weapon available for return.

31 (e) The law enforcement agency shall inform the person that he
32 or she has 30 days to respond to the court clerk to confirm his or
33 her desire for a hearing, and that the failure to respond will result
34 in a default order forfeiting the confiscated firearm or weapon. For
35 the purpose of this subdivision, the person's last known address
36 shall be the address provided to the law enforcement officer by
37 the person at the time of the person's detention or apprehension.

38 (f) If the person responds and requests a hearing, the court clerk
39 shall set a hearing, no later than 30 days from receipt of the request.
40 The court clerk shall notify the person and the district attorney of

1 the date, time, and place of the hearing. If the request for a hearing
2 is the first responsive paper as described in Section 70612 of the
3 Government Code, the court clerk shall charge the fee prescribed
4 in that section.

5 (g) If the person does not respond within 30 days of the notice,
6 the law enforcement agency may file a petition for order of default.

O